

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Request for the Installation)
of Active Warning Devices at the CSX)
Transportation Grade Crossing on Newmans) Case No. 05-616-RR-STP
Cardington Road/Twp 123 (228-707N),)
Pleasant Township, Marion County.)

FINDING AND ORDER

The Commission finds:

- (1) Pursuant to Section 4905.04, Revised Code, the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.
- (2) Pursuant to Section 4907.471, Revised Code, the Commission is responsible for evaluating public grade crossings to determine the need for installing active warning devices and apportioning the cost thereof.
- (3) The Commission is responsible for the administration and implementation of the State Grade Crossing Protection Fund established to help defray a portion of the public's share of the cost of upgrading warning devices at Ohio's highway-railroad grade crossings.
- (4) Pursuant to Rule 4901-30, Ohio Administrative Code (O.A.C.), any two or more parties may enter into a written or oral stipulation concerning the issues presented in such proceeding.
- (5) On May 10, 2005, the Commission staff ("Staff") filed a subsidy stipulation (stipulation), which it had entered into with the CSX Transportation (CSXT, railroad), and Pleasant Township (Township), pursuant to Rule 4901-1-30, O.A.C. The stipulation states that the parties desire to participate in the installation of active warning devices at the CSXT grade crossing on Newmans Cardington Road/Twp 123 (228-707N), Pleasant Township, Marion County. Pursuant to the stipulation, the Commission (75 percent) and the Township (25 percent) will reimburse the railroad for 90 percent of the total cost of the project. CSXT will pay ten percent of the total cost, plus on-going maintenance.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business
Technician LOIS Date Processed JUN 1 2005

- (6) Staff has recommended that the Commission approve this stipulation and that CSXT file site plans and cost estimates within 90 days. Staff also has recommended that CSXT complete the projects within one year.
- (7) Upon review of the stipulation filed by the parties, the Commission finds that the terms and conditions therein insure the timely protection of the public at the subject crossings and provide a reasonable basis for apportioning costs thereof. Therefore, the stipulation entered into among the parties should be approved and, accordingly, the cost of the projects should be allocated as set forth therein.
- (8) CSXT should submit to the Staff by August 23, 2005, site plans and cost estimates for the project. Within seven days thereafter, CSXT should file a letter in this docket advising that the site plans and cost estimates have been submitted to the Commission. Following submission and approval of the site plans and cost estimates, unless otherwise directed, CSXT is hereby authorized to acquire project materials and to commence work as detailed in the letter of construction authorization. Further, CSXT should complete this project on or before May 25, 2006. The Commission will issue no further construction authorization in this matter.
- (9) In order to expedite the activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending a final inspection by the Staff. However, the railroad should notify the Staff 30 days before the projected date of completion. At the time the Staff makes its final inspection of the devices and finds that the installation is completed and has been put in service, the Staff should file a memorandum in this docket directing the Commission Docketing Division to close this case of record.
- (10) With the intention of promoting increased public safety during the pendency of these projects, the Commission urges the appropriate local government agencies to make an immediate assessment of interim physical improvements which would enhance driver awareness at the project crossing. The Commission may provide assistance in funding improvements such as rumble strips, illumination, signs, or other safety enhancements at the project location. Applications for such funding should be made to the Commission's Transportation

Department, Railroad Division, which shall review all proposals. In the event the department finds the improvements appropriate, the department director is hereby authorized to execute a contract with the local government agency, and obligate up to \$3,000 from the State Grade Crossing Safety Fund for such improvements. However, the local government agency should not initiate any improvements until a contract has been executed.

It is, therefore,

ORDERED, That the subsidy stipulation is adopted and approved. It is, further,

ORDERED, That, by August 23, 2005, CSXT submit to the Commission's Railroad Division site plans and cost estimates for these projects. It is, further,

ORDERED, That, by August 30, 2005, CSXT file a letter in this docket advising that it has submitted plans and cost estimates to the Commission. It is, further,

ORDERED, That, following approval of the site plans and cost estimates, CSXT proceed with and complete the projects on or before May 25, 2006. It is, further,

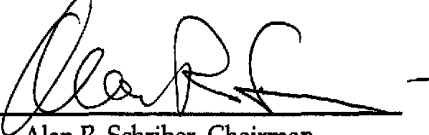
ORDERED, That CSXT follow the detailed instructions as outlined in the letter of construction authorization. It is, further,

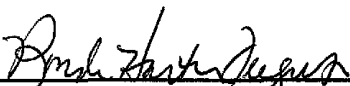
ORDERED, That CSXT notify the Commission 30 days before the projected date of completion. It is, further,

ORDERED, That, at the time the Staff makes its final inspection and finds that the installation is completed and has been put in service, Staff will file a memorandum in this docket directing the Docketing Division to close this case of record. It is, further,

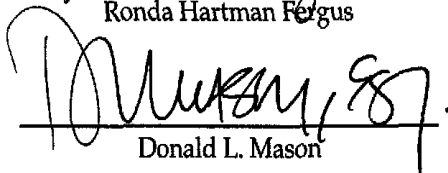
ORDERED, That a copy of this Finding and Order be served upon CSXT and it's counsel, the Pleasant Township Trustees, Marion County Commissioners, and all interested persons of record.

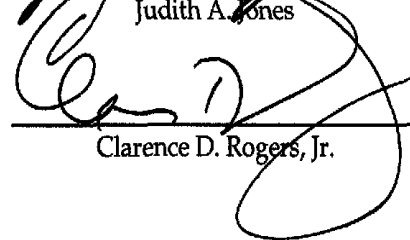
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Ronda Hartman Fergus


Judith A. Jones

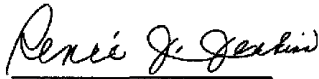

Donald L. Mason


Clarence D. Rogers, Jr.

KKS/vrm

Entered in the Journal

JUN 01 2005



Renee J. Jenkins
Secretary