

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of the)
Wheeling & Lake Erie Railway to Install) Case No. 07-950-RR-FED
Grade Crossing Warning Devices in Lorain)
County.)

ENTRY

The Commission finds:

- (1) On August 24, 2007, the Commission's railroad staff filed a memorandum stating that The Ohio Rail Development Commission (ORDC) authorized funding for the Wheeling & Lake Erie Railway (W&LE) to install an active grade crossing warning devices in Lorain County, Huntington Township, at Baker Road, DOT# 002-027R.
- (2) Staff recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for the project.
- (3) W&LE shall submit to the Commission and ORDC by December 12, 2007, site plans and cost estimates for the projects. Within seven days thereafter, W&LE shall file a letter in this docket advising that the site plans and costs estimates have been submitted to the Commission and ORDC. Following submission and approval of the site plans and cost estimates by ORDC, and, unless otherwise directed, W&LE is hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. W&LE shall notify staff at least five working days before the date work is scheduled to begin at the project site so that arrangements can be made for inspection. In addition, W&LE shall notify staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plans and estimates and secure approval before the work is performed. The Commission will issue no further construction authorization. Further, the construction of active warning devices at the grade crossing should be completed by September 12, 2008.
- (4) In order to expedite the activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending final inspection by staff. However, W&LE
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should notify staff and ORDC 30 days before the projected date of completion. At the time the Commission or ORDC staff makes its final inspection of the devices and if it finds that the identified installation is completed and the warning devices have been put in service, staff should file a memorandum in this docket indicating that the installation is completed and the warning devices have been put in service.

- (5) With the intention of promoting increased public safety during the pendency of the project, the Commission urges the appropriate local government agencies to make an immediate assessment of interim physical improvements, which would enhance driver awareness at the 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, Rail 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 \$5,000 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 W&LE submit to the Commission and ORDC site plans and cost estimates for the project by December 12, 2007. It is, further,

ORDERED, That, by December 19, 2007, W&LE file a letter in this docket advising that it has submitted site plans and cost estimates to the Commission and ORDC. It is, further,

ORDERED, That, following approval of site plans and cost estimates by ORDC, W&LE proceed with and complete the project by September 12, 2008. It is, further,

ORDERED, That W&LE follow the detailed instructions as outlined in the ORDC letter of construction authorization. It is, further,

ORDERED, That W&LE notify staff at least five working days before the date work is scheduled to begin at the project site so that arrangements can be made for inspection. It is, further,

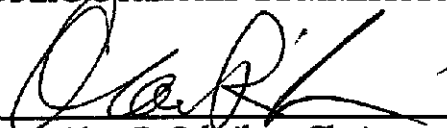
ORDERED, That W&LE notify staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plans and estimates and secure approval before the work is performed. It is, further,

ORDERED, That W&LE notify the Commission and ORDC 30 days before the projected date of completion. It is, further,

ORDERED, That, at the time staff or ORDC makes its final inspection and if it finds that the installation at the grade crossing is completed and the warning devices have been put in service, staff will file a memorandum in this docket indicating that the installation is completed and the warning devices have been put in service. It is, further,


ORDERED, That copies of this entry be served upon the W&LE and its counsel, Huntington Township Trustees, ORDC, and all interested persons of record.

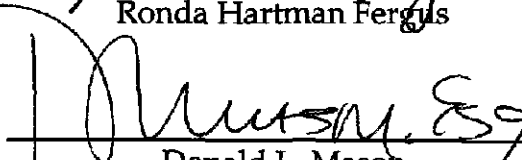
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella


Ronda Hartman Fergus



Valerie A. Lemmie


Donald L. Mason

JML:ct

Entered in the Journal

SEP 12 2007


Renee J. Jenkins
Secretary