

## BEFORE

## THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of )  
 Wheeling and Lake Erie Railway to Install ) Case No. 08-880-RR-FED  
 Active Grade Crossing Warning Devices in )  
 Stark and Summit Counties. )

ENTRY

The Commission finds:

- (1) On July 14, 2008, the Commission's railroad staff filed a memorandum stating that The Ohio Rail Development Commission (ORDC) has authorized funding for the Wheeling and Lake Erie Railway (W&LE) to install active warning devices at grade crossings in Stark County, near east Canton, SR 44/Ravenna Ave. (DOT# 474-523N) and in Summit County, City of Akron, (DOT# 002-169G).
- (2) Staff recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for the projects.
- (3) W&LE shall submit to the Commission and ORDC by October 28, 2008, 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, 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 site of each project 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 crossings should be completed by July 31, 2009.

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- (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 should notify staff and ORDC 30 days before the projected dates of completion. At the time the Commission or ORDC staff makes its final inspections of the devices and if it finds that the identified installations are completed and the warning devices have been put in service, staff should file a memorandum in this docket indicating that the installations are completed and the warning devices have been put in service.
- (5) With the intention of promoting increased public safety during the pendency of the projects, the Commission urges the appropriate local government agencies to make immediate assessments of interim physical improvements, which would enhance driver awareness at the crossings. The Commission may provide assistance in funding improvements such as rumble strips, illumination, signs, or other safety enhancements at the sites of the projects. 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 agencies, and obligate up to \$5,000 from the State Grade Crossing Safety Fund for such improvements at each crossing. However, the local government agencies should not initiate any improvements until contracts have been executed.

It is, therefore,

ORDERED, That W&LE submit to the Commission and ORDC site plans and cost estimates for the project by October 28, 2008. It is, further,

ORDERED, That, by November 4, 2008, 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 July 31, 2009. 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 sites of the projects so that arrangements can be made for inspections. It is, further,

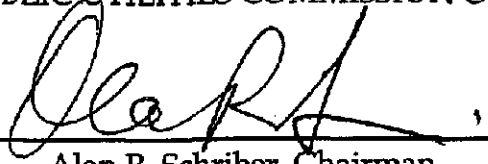
ORDERED, That W&LE notify staff of any changes in the scope of work, cost overruns, materials, etc. which are not in the approved plans and estimates and secure approval before the work is performed. It is, further,

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

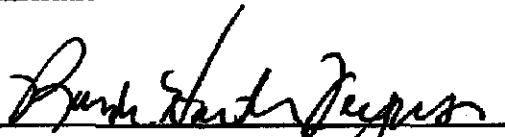
ORDERED, That, at the time staff or ORDC makes its final inspections and if it finds that the installations at the grade crossings are completed and the warning devices have been put in service, staff will file a memorandum in this docket indicating that the installations are completed and the warning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

ORDERED, That copies of this entry be served upon W&LE and its counsel, the Ohio Department of Transportation: District 4, the City of Akron, ORDC, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
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Alan R. Schriber, Chairman

  
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Paul A. Centolella

  
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Ronda Hartman Fergus

  
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Valerie A. Lemmie

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Cheryl L. Roberto

KKS/vrm

Entered in the Journal

**JUL 31 2008**

  
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Renee J. Jenkins  
Secretary