

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of the )  
Columbus & Ohio River Railroad to Install ) Case No. 09-867-RR-FED  
Active Grade Crossing Warning Devices in )  
Tuscarawas County. )

ENTRY

The attorney examiner finds:

- (1) By entry of October 7, 2009, the Commission ordered, in part, the Columbus & Ohio River Railroad (CUOH) to install, by October 7, 2010, flashing lights and roadway gates at the County Road 37/Pleasant Valley Road grade crossing (510-745W), located in Union Township, Tuscarawas County.
- (2) On September 23, 2010, CUOH filed a request for a 60-day extension of time to complete the project.
- (3) On September 29, 2010, staff filed a memo recommending that CUOH be granted a 30-day extension of time.
- (4) By entry of September 19, 1996, in *In the Matter of the Implementation of the 1996 Federal Crossing Protection Program*, Case No. 96-676-RR-FED (Entry September 19, 1996), the Commission authorized the attorney examiner assigned to the case to grant extensions for up to 30 days and indicated that any request for an extension in excess of 30 days would be considered and decided by the Commission.
- (5) By entry of October 1, 2010, the attorney examiner granted a 30-day extension of the deadline until November 6, 2010. The entry also directed that CUOH have a stop and flag order in place for all train movements at the crossing until the completion of the project.
- (6) On October 6, 2010, CUOH filed a request to reconsider the stop and flag order. CUOH indicated that the crossing is in a location, such that, there are inclines in both directions, and it contends that it would only be able to stop and restart a train at this location with extreme difficulty. In addition, CUOH stated that the amount of time involve in stopping and starting a train at this location will likely block the road

crossings in Dennison and Uhrichsville for extended periods because the trains often have 105 cars per train and that this will cause problems with vehicular traffic flow in these cities. CUOH also notes that it runs two trains each day and, that, because some of the trains run at night, there will be additional safety hazards in getting on and off the locomotive and walking along the right of way.

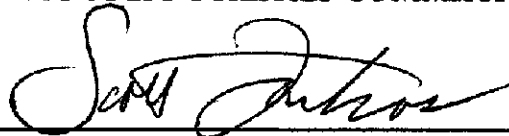
- (7) On October 7, 2010, staff filed a response to CUOH's request. Staff indicated that, prior to the October 1, 2010 entry, the crossing was passively warned with crossbucks only. Staff noted that the crossing is still warned with crossbucks and advance warning signs. Staff recommended that the Commission rescind the stop and flag order for the crossing, while still holding CUOH to an in-service deadline of November 6, 2010.
- (8) Upon review of the circumstances surrounding CUOH's request, the attorney examiner will grant CUOH's request to not stop and flag train movements at this crossing until the completion of the project ordered for November 6, 2010.

It is, therefore,

ORDERED, That CUOH's request to not stop and flag train movements at this crossing until the completion of the project is granted. It is, further,

ORDERED, That copies of this entry be served upon CUOH, ORDC, Ohio Central System, Tuscarawas County Engineer, American Electric Power, and any other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

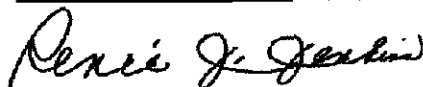


By: Scott Farkas  
Attorney Examiner

/SC ~~FED~~

Entered in the Journal

OCT 07 2010



Renee J. Jenkins  
Secretary