

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of the)
Chicago, Ft. Wayne & Eastern Railway to) Case No. 10-2309-RR-FED
Install Active Grade Crossing Warning)
Devices in Van Wert County.)

ENTRY

The attorney examiner finds:

- (1) By entry of October 22, 2010, the Commission ordered the Chicago, Ft. Wayne & Eastern Railway (CFE) to install mast-mounted flashing lights and roadway gates at the Shannon Street/State Route 118 grade crossing, (523-451Y), located in the city of Van Wert, Van Wert County, on or before October 22, 2011. This project was ordered in conjunction with a road widening project of the Ohio Department of Transportation (ODOT) and, rather than relocate the existing flashing lights, new devices were recommended, including roadway gates.
- (2) On October 13, 2011, CFE filed a request for an extension of time, until March 23, 2012, to complete the project. According to CFE, finalization of ODOT's roadway plans was delayed and the Ohio Rail Development Commission (ORDC) did not issue construction authorization for the project until August 29, 2011. In addition, CFE stated that, because the vendor selection process typically takes six to seven months, this necessitated the extension request until March 23, 2012. On October 14, 2011, staff filed a memorandum recommending that CFE's extension request be granted.
- (3) By entry of October 19, 2011, CFE was granted a 30-day extension of time in order for the Commission to consider the request. On November 9, 2011, the Commission found that CFE's extension request, until March 23, 2012, was reasonable and was granted.
- (4) On February 17, 2012, CFE filed a request for an extension of time until April 23, 2012, to complete the project. CFE stated it had been working exhaustively to complete the project ahead of the previously-issued completion date, but found that supply issues made the current completion date of

March 23, 2012, unattainable. On February 21, 2012, staff filed a memorandum recommending that the extension request until April 23, 2012, be granted.

- (5) On February 28, 2012, CFE filed supplemental information regarding the reasons for its request for the extension. On March 7, 2012, CFE filed a notice that the project is scheduled to commence construction on March 21, 2012, that completion is anticipated on April 4, 2012, at which time, all work efforts required by CFE will be complete.
- (6) The attorney examiner finds good cause to grant the requested extension. Accordingly, the deadline for completion of the project should be extended to April 23, 2012. Staff should monitor the work at this crossing.

It is, therefore,

ORDERED, That CFE be granted an extension of time until April 23, 2012, to complete the project. It is, further,

ORDERED, That copies of this entry be served upon CFE, ORDC, Van Wert Engineer, Ohio Department of Transportation District 1, AEP, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Scott Farkas
Attorney Examiner

GF/sc

Entered in the Journal **MAR 20 2012**



Barcy F. McNeal
Secretary