

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION OF
THE WHEELING & LAKE ERIE RAILWAY
COMPANY TO INSTALL ACTIVE GRADE
CROSSING WARNING DEVICES IN WAYNE
COUNTY.

CASE NO. 15-1570-RR-FED

ENTRY

Entered in the Journal on August 5, 2016

{¶ 1} On October 7, 2015, the Commission issued a Finding and Order approving the installation by the Wheeling & Lake Erie Railway Company (WE) of mast-mounted flashing lights and roadway gates at four grade crossings within Wayne County, including the Wenger Road/County Road 97 grade crossing (DOT#473166K), near Dalton. The Commission ordered completion of the project by July 7, 2016.

{¶ 2} On July 1, 2016, WE filed a letter requesting an additional 30 days to complete the Wenger Road/County Road 97 grade crossing project. WE explained that the installation of foundations and conduit was complete, but it was waiting on Ohio Edison Company (OE) to set remaining poles in place so that WE could work toward completion of the project.

{¶ 3} Staff filed a memorandum on July 7, 2016, recommending that the extension request be granted.

{¶ 4} Pursuant to the Commission's September 19, 1996 Entry in *In re 1996 Federal Crossing Protection Program*, Case No. 96-676-RR-FED, the Commission authorized the attorney examiner assigned to the case to grant extensions for up to 30 days.

{¶ 5} In a July 11, 2016, Entry, the attorney examiner granted WE's request and extended the completion date for the project to August 7, 2016.

{¶ 6} On August 3, 2016, WE filed a request to extend the project deadline for 30 more days. WE explains that it is still waiting on OE to set remaining poles in place and that, during the week of August 2, 2016, OE expects to begin its work. WE anticipates that the project will be completed by August 22, 2016.

{¶ 7} Staff filed a memorandum on August 4, 2016, stating that WE has kept Staff informed of progress during the project. Staff finds the request well made and recommends that the extension request be granted.

{¶ 8} Upon review of WE's request and Staff's recommendation, the attorney examiner finds that a 30-day extension of time should be granted to allow WE to complete the project. Therefore, WE's request for a 30-day extension of time is granted, with the project to be completed no later than September 7, 2016. WE should expedite work on this project and follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at this crossing. Further, Staff should monitor work at the project to ensure completion within the newly ordered timeframe.

{¶ 9} WE should notify Staff, the Ohio Rail Development Commission (ORDC), and the Wayne County Engineer upon completion of the project. At the time the Commission or ORDC makes its final inspection and finds that the installation is completed, Staff should file a memorandum in this docket indicating that the project is completed.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That WE's request for additional time to complete the project at Wenger Road/County Road 97 (DOT#473166K), no later than September 7, 2016, is granted in accordance with Paragraph 8. It is, further,

{¶ 12} ORDERED, That WE notify Staff, ORDC, and the Wayne County Engineer upon the completion of the project. It is, further,

{¶ 13} ORDERED, That when Staff or ORDC makes its final inspection and finds that the project is completed, Staff file a memorandum in this docket indicating that the project is completed. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon WE, ORDC, Wayne County Engineer, Ohio Edison Company, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn
Attorney Examiner

SEF/sc

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in

Case No(s). 15-1570-RR-FED

Summary: Attorney Examiner Entry addressing WE's request for additional time to complete project and granting an extension no later than 9/7/2016 in accordance with Paragraph 8. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio