

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
FOR THE CHICAGO FT. WAYNE AND
EASTERN RAILROAD CORRIDOR PROJECT IN
VAN WERT, OHIO.

CASE NO. 16-1221-RR-FED

ENTRY

Entered in the Journal on June 27, 2017

{¶ 1} Pursuant to R.C. 4905.04, the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.

{¶ 2} Pursuant to R.C. 4907.471, the Commission is responsible for evaluating public grade crossings to determine the need for installing active warning devices and apportioning the cost thereof.

{¶ 3} R.C. 4907.471 also provides that the Commission is responsible for the administration and implementation of the State Grade Crossing Protection Fund, established to help defray a portion of the public's share of the cost of upgrading warning devices at Ohio's highway-railroad grade crossings.

{¶ 4} On June 15, 2016, the Commission issued a Finding and Order approving the Chicago Ft. Wayne and Eastern Railroad (CFE) corridor project in Van Wert, Ohio. The project includes closure of five crossings, with warning device improvements at four crossings, surface improvements at nine crossings, warning device modifications at three crossings, and traffic signal preemption at one crossing. The Commission ordered completion of the project by June 15, 2017.

{¶ 5} On June 15, 2017, CFE filed a request to extend the project deadline by six months. CFE explains that circuitry plans were completed and bids received by November 8, 2016. However, construction design concerns arose, and the Ohio Rail

Development Commission (ORDC) worked with CFE and the signal contractor to revise the plans. Given the scope of the revised work, including procurement time and complexity of installation, CFE contends that the work cannot be completed by June 15, 2017, and requests a six-month time extension.

{¶ 6} Staff filed a memo on June 19, 2017, in which it notes that ORDC approved the final construction plans on June 14, 2017, and that ORDC supports CFE's request. Staff recommends that the Commission approve CFE's request.

{¶ 7} 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.

{¶ 8} Upon review of CFE's request and Staff's recommendations, the attorney examiner finds that a 30-day extension of time should be granted to allow CFE more time to complete the project, and to allow the Commission additional time to consider CFE's request for a six-month deadline extension. Unless otherwise authorized, CFE should complete the project by July 14, 2017.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That CFE be granted a 30-day extension of time to finish the project, and to allow the Commission additional time to consider extending the project completion date to December 15, 2017. It is, further,

{¶ 11} ORDERED, That, unless otherwise authorized, CFE complete the project by July 14, 2017. It is, further,

{¶ 12} 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,

{¶ 13} ORDERED, That a copy of this Entry be served upon ORDC, Genessee & Wyoming, Patrick Engineering, American Electric Power, the city of Van Wert, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn
Attorney Examiner

JRJ/sc

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in

Case No(s). 16-1221-RR-FED

Summary: Attorney Examiner Entry granting CFE a 30-day extension of time to finish the project in accordance with Paragraph 9. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio