

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REQUEST OF
NORFOLK SOUTHERN RAILWAY COMPANY
TO MODIFY THE WARNING DEVICES AT
THE EARL ROAD/CR 348 GRADE CROSSING
(503145C) IN STARK COUNTY.

CASE No. 18-333-RR-RCP

ENTRY

Entered in the Journal on March 9, 2018

{¶ 1} Pursuant to R.C. 4905.04, the Commission has jurisdiction to regulate railroads and to promulgate and enforce orders relating to the protection, welfare, and safety of railroad employees and the traveling public.

{¶ 2} The Commission's regulatory powers regarding railroads are enumerated in R.C. Chapter 4907. R.C. 4907.52 provides that when a railroad and a street or highway cross at grade, if, in the opinion of the Commission, public safety requires protection, the Commission may make an order requiring a railroad to install such devices as will properly protect the crossing. Under the same statute, the Commission may also make any other order regulating automobile traffic over such a crossing.

{¶ 3} Norfolk Southern Railway Company (NSRC) is a railroad as defined by R.C. 4907.02 and, therefore, is subject to the Commission's regulatory jurisdiction.

{¶ 4} On February 26, 2018, NSRC filed a request to modify the warning devices at the Earl Road/CR 348 grade crossing (DOT #503145C) in Stark County, Ohio. Currently, the crossing is protected by one flasher located in the northeast quadrant of the crossing. NSRC represents that the subject crossing is situated on an industrial line that is not currently in-service, with the rail cut on both sides of the roadway. Since no trains can access the crossing, NSRC requests the Commission's consent to remove the flasher and, in its stead, place a standard crossbuck with yield signs. Alternatively, NSRC states that it would have no objection to Stark County paving over the tracks. NSRC also

indicates that the crossing is presently interconnected with the adjacent RJ Corman crossing (DOT #142547K). Therefore, if modification is approved, the interconnect would need to be removed.

{¶ 5} NSRC expects that the project could be completed within three months from the date of the Commission order authorizing any modification. Additionally, NSRC states that, in the event that the industrial line would return to service, NSRC would advise of the same and restore the crossing to its current condition.

{¶ 6} The attorney examiner finds that Staff should file a report of investigation regarding NSRC's request by April 6, 2018.

{¶ 7} Further, to provide the opportunity for comment on NSRC's request, the attorney examiner finds that interested parties shall have until the close of business on April 6, 2018, to file comments to the docket.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That Staff file a report of investigation no later than April 6, 2018. It is, further,

{¶ 10} ORDERED, That interested parties shall file comments no later than April 6, 2018. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Patricia Schabo

By: Patricia A. Schabo
Attorney Examiner

JRJ/sc

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Case No(s). 18-0333-RR-RCP

Summary: Attorney Examiner Entry directing Staff to file a report of investigation no later than 04/06/2018 and interested parties shall file comments no later than 04/06/2018 electronically filed by Sandra Coffey on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission of Ohio