

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION  
OF CSX TRANSPORTATION TO INSTALL  
ACTIVE WARNING DEVICES AT TWO  
GRADE CROSSINGS IN MORROW  
COUNTY.

CASE NO. 18-52-RR-FED

## ENTRY

Entered in the Journal on October 24, 2018

### I. SUMMARY

{¶ 1} The Commission grants additional time, until January 31, 2019, for CSX Transportation to install active warning devices at two grade crossings in Morrow County, subject to the Commission's ongoing jurisdiction and oversight.

### II. DISCUSSION

{¶ 2} R.C. 4905.04 provides that the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.

{¶ 3} R.C. 4907.471 provides that the Commission shall survey all grade crossings and establish a priority list to determine which grade crossings are in need of additional protective devices.

{¶ 4} R.C. 4907.476 provides that where the Ohio Department of Transportation (ODOT) enters into contracts and agreements for grade crossing protective device projects, the Commission shall work with and through the department. Federal funding for such projects is provided through the Ohio Rail Development Commission (ORDC), which is an independent agency of the state within ODOT, established in accordance with R.C. 4981.02.

{¶ 5} CSX Transportation (CSX) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.

{¶ 6} On January 31, 2018, the Commission issued a Finding and Order approving CSX to install lights and gates at the Campbell Road/Township Road 75 (DOT#518329W)

and Newcomer Road/Township Road 136 (DOT#518323F) grade crossings in Morrow County. The Commission ordered completion of the projects by October 31, 2018.

{¶ 7} On September 4, 2018, CSX filed a request for an additional 90 days to complete the projects. CSX explained that its work crew availability is limited while it completes positive train control (PTC) projects.

{¶ 8} On September 25, 2018, Staff filed a memorandum stating that, while the Ohio Rail Development Commission (ORDC) does not oppose the extension request, ORDC notes that these are safety projects. Staff recommends that the Commission grant CSX's request to extend the completion date for 90 days. Staff emphasizes, however, its preference that the grade crossing projects be completed by January 31, 2019, and that no additional time extensions because of PTC will be considered unless firm and reasonable construction deadlines are provided.

{¶ 9} Upon review of CSX's request and Staff's recommendation, the Commission finds that CSX's request for additional time, is warranted and will be granted, until January 31, 2019. CSX should expedite work on the projects and follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at these crossings. Further, Staff should monitor work at the projects to ensure completion within the newly ordered timeframe.

{¶ 10} CSX should notify Staff, ORDC, Morrow County Engineer, Gilead Township Trustees, and Ohio Edison Company (OEC), upon completion of the projects. At the time Staff or ORDC makes its final inspection and finds that the installations are completed, Staff should file a memorandum in this docket indicating that the projects are completed.

### III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That CSX's request for additional time to complete the projects be granted in accordance with Paragraph 9. It is, further,

{¶ 13} ORDERED, That CSX complete the projects no later than January 31, 2019. It is, further,

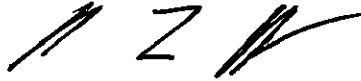
{¶ 14} ORDERED, That CSX follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at the crossings. It is, further,

{¶ 15} ORDERED, That CSX notify Staff, ORDC, Morrow County Engineer, Gilead Township Trustees, and OEC upon the completion of the projects. It is, further,

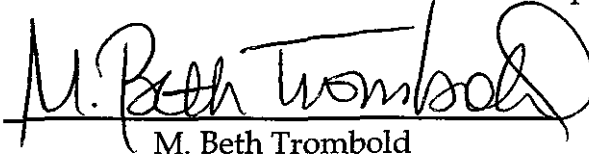
{¶ 16} ORDERED, That when Staff or ORDC makes its final inspection and finds that the projects are completed, Staff file a memorandum in this docket indicating that the projects are completed. It is, further,

{¶ 17} ORDERED, That a copy of this Entry be served upon ORDC, CSX, Morrow County Engineer, Gilead Township Trustees, OEC, and any other interested person of record.

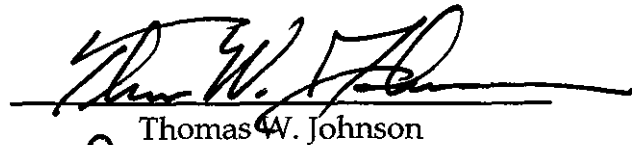
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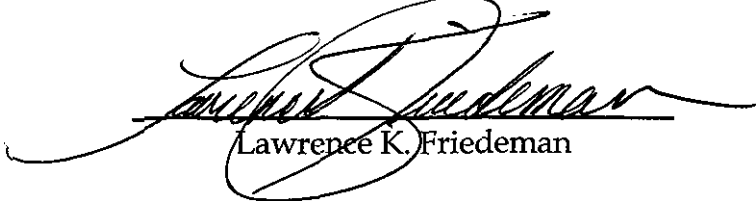
Asim Z. Haque, Chairman



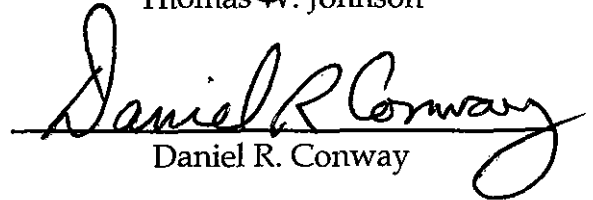
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman



Daniel R. Conway

JML/hac

Entered in the Journal

**OCT 24 2018**Barcy F. McNeal  
Secretary