

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF CSX TRANSPORTATION TO UPGRADE
ACTIVE WARNING DEVICES IN THE
VILLAGE OF VAN BUREN, IN HANCOCK
COUNTY.

CASE NO. 17-2415-RR-FED

ENTRY

Entered in the Journal on November 28, 2018

I. SUMMARY

{¶ 1} The Commission grants additional time, until January 3, 2019, for CSX Transportation to install active warning devices at the Main Street/State Route 613 grade crossing in Hancock 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 3, 2018, the Commission issued a Finding and Order approving CSX to upgrade to flashing lights and gates at the Main Street/State Route 613 (DOT#513680R) grade crossing in the village of Van Buren, in Hancock County. The Commission ordered completion of the project by October 3, 2018.

{¶ 7} On September 4, 2018, CSX filed a request for an additional 90 days to complete the project. 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 this is a safety project. 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 project be completed by January 3, 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 3, 2019. CSX should expedite work on the 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.

{¶ 10} CSX should notify Staff, ORDC, mayor of the village of Van Buren, and AEP-Ohio (AEP), upon completion of the project. 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 project is completed.

III. ORDER

{¶ 11} It is, therefore,

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

{¶ 13} ORDERED, That CSX complete the project no later than January 3, 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 crossing. It is, further,

{¶ 15} ORDERED, That CSX notify Staff, ORDC, mayor of the village of Van Buren, and AEP upon the completion of the project. It is, further,

{¶ 16} 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,

[¶ 17] ORDERED, That a copy of this Entry be served upon ORDC, CSX, mayor of the village of Van Buren, AEP, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

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Asim Z. Haque, Chairman

M. Beth Trombold
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Thomas W. Johnson
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NOV 28 2018

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Secretary