

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE AUTHORIZATION
OF CSX TRANSPORTATION TO INSTALL
ACTIVE WARNING DEVICES IN MILTON
TOWNSHIP, IN WOOD COUNTY.**

CASE NO. 18-595-RR-FED

ENTRY

Entered in the Journal on February 27, 2019

I. SUMMARY

{¶ 1} The Commission grants additional time, until April 9, 2019, for CSX Transportation to install active warning devices in Milton Township, in Wood 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 May 9, 2018, the Commission issued a Finding and Order approving CSX's installation of flashing lights at the Milton Road/Township Road 40 grade crossing

(DOT#155774D) in Milton Township, in Wood County. The Commission ordered completion of the project by February 9, 2019.

{¶ 7} On January 18, 2019, CSX filed a request for an additional 90 days to complete the project. CSX explained that it is working to catch up on all projects that were delayed in 2018 while work crews were involved with positive train control (PTC) projects.

{¶ 8} On February 8, 2019, Staff filed a memorandum responding to CSX's request. Staff notes that construction for the project began February 5, 2019, and is scheduled to be completed by mid-March 2019. Staff adds that, while ORDC does not oppose the extension request, ORDC has observed that funding is scheduled to expire soon on this project. Accordingly, given the federal funding deadline, Staff recommends that the Commission grant a 60-day extension to complete the project.

{¶ 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 April 9, 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, Milton Township Trustees, and Tricounty Rural Electric Cooperative (TREC) 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 April 9, 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, Milton Township Trustees, ORDC, and TREC upon the completion of the project. It is, further,

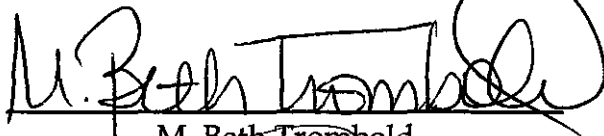
{¶ 16} ORDERED, That when Staff or ORDC makes its final inspection and finds that the project is completed, Staff file a memorandum in this docket indicating that the project is completed. It is, further,

{¶ 17} ORDERED, That a copy of this Entry be served upon CSX, ORDC, Milton Township Trustees, TREC, and any other interested person of record.

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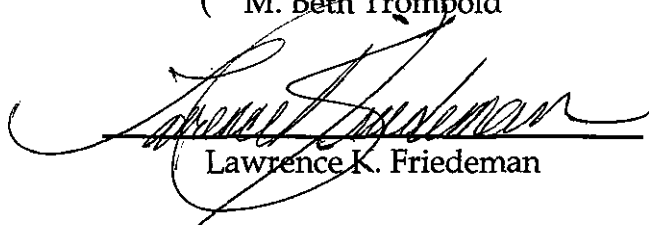
Asim Z. Haque, Chairman



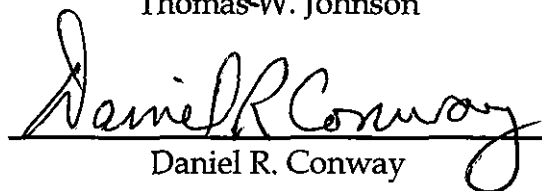
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman



Daniel R. Conway

JML/hac

Entered in the Journal

FEB 27 2019



Tanowa M. Troupe
Secretary