

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 MARION
COUNTY.

CASE No. 17-2491-RR-FED

ENTRY

Entered in the Journal on March 27, 2019

I. SUMMARY

{¶ 1} The Commission grants additional time, until May 19, 2019, for CSX Transportation to install active warning devices at two grade crossings in the city of Marion, Marion 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 Inc. 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's installation of active warning devices at two grade crossings in the city of Marion,

Marion County. The grade crossings are at Center Street/State Route 95 (DOT#518415T) and Kenton Avenue/State Route 309 (DOT#261540P). The Commission ordered completion of the projects by October 3, 2018.

{¶ 7} On September 4, 2018, CSX filed a request for 90 more days to finish 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 recommended that the Commission grant CSX's request to extend the completion date for 90 days.

{¶ 9} On October 24, 2018, the Commission granted until January 3, 2019, for CSX to complete the projects.

{¶ 10} CSX filed a second request for 90 more days on December 3, 2018. CSX again indicated issues with limited crew availability while PTC compliance is being completed.

{¶ 11} Staff filed a memorandum on December 21, 2018, in response to CSX's request for more time. Staff recommended that the Commission grant a 45-day extension, as the projects have already had one 90-day time extension.

{¶ 12} In a January 9, 2019 Entry, the Commission granted until February 19, 2019, for the projects to be completed.

{¶ 13} On January 18, 2019, CSX filed another request for additional time. CSX states that it is working diligently to catch up on all projects that were delayed by PTC. CSX adds that the anticipated start date for the Center Street/State Route 95 (DOT#518415T) and Kenton Avenue/State Route 309 (DOT#261540P) projects is April 19, 2019, following the completion of projects in Van Buren, Ohio, and Edison, Ohio.

{¶ 14} Staff filed a memorandum on February 22, 2019, stating that CSX has provided a comprehensive construction schedule for all open projects and expects to start the Center Street/State Route 95 (DOT#518415T) and Kenton Avenue/State Route 309 (DOT#261540P) projects in May 2019. Staff adds that ORDC does not oppose an extension, but notes that this is a safety project. Staff recommends that the Commission grant CSX's request.

{¶ 15} 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 for 90 days, until May 19, 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.

{¶ 16} CSX should notify Staff, ORDC, Director of Public Works for the city of Marion, 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

{¶ 17} It is, therefore,

{¶ 18} ORDERED, That CSX's request for additional time to complete the projects be granted in accordance with Paragraph 15. It is, further,

{¶ 19} ORDERED, That CSX complete the projects no later than May 19, 2019. It is, further,

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

{¶ 21} ORDERED, That CSX notify Staff, ORDC, Director of Public Works for the city of Marion, and OEC upon the completion of the projects. It is, further,

{¶ 22} 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,

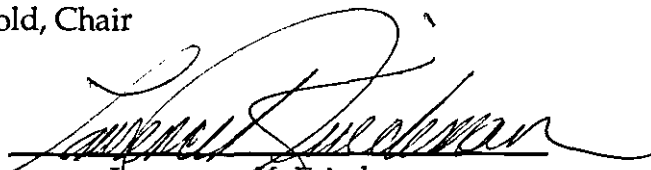
{¶ 23} ORDERED, That a copy of this Entry be served upon ORDC, Director of Public Works for the city of Marion, OEC, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

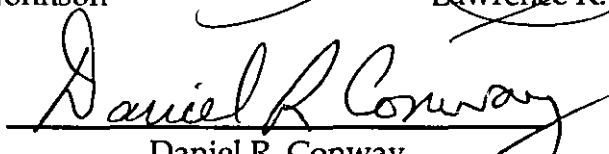
M. Beth Trombold, Chair



Thomas W. Johnson



Lawrence K. Friedeman

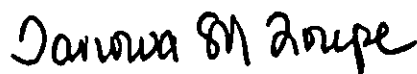


Daniel R. Conway

JML/hac

Entered in the Journal

MAR 27 2019



Tanowa M. Troupe
Secretary