

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR THE  
INSTALLATION OF ACTIVE WARNING  
DEVICES AT THE INDIANA & OHIO  
RAILROAD GRADE CROSSING AT  
MORROW ROSSBURG ROAD/COUNTY  
ROAD 27 IN WARREN COUNTY.

CASE NO. 18-267-RR-STP

## ENTRY

Entered in the Journal on April 10, 2019

### I. SUMMARY

{¶ 1} The Commission grants additional time, until June 14, 2019, for Indiana & Ohio Railroad to install active warning devices at the Morrow Rossburg Road/County Road 27 grade crossing in Warren 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 is responsible for evaluating public grade crossings to determine the need for installing active warning devices and apportioning the cost thereof.

{¶ 4} R.C. 4907.471 also provides that the Commission is responsible for the administration and implementation of the State Grade Crossing Protection Fund, established to help defray a portion of the public's share of the cost of upgrading warning devices at Ohio's highway-railroad grade crossings.

{¶ 5} Pursuant to Ohio Adm.Code 4901-1-30, any two or more parties may enter into a written stipulation concerning issues of fact.

{¶ 6} Indiana & Ohio Railroad (IORY) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.

{¶ 7} On March 14, 2018, the Commission issued a Finding and Order approving IORY's installation of active warning devices at the Morrow Rossburg Road/County Road 27 grade crossing (DOT#151316B) in Warren County. The Commission ordered project completion by March 14, 2019.

{¶ 8} On March 7, 2019, IORY filed a request for additional time to complete the project. IORY explains that the project has been delayed because of a transition period while IORY changed to a different general engineering consultant. IORY adds that the transition is now finished, and the new consultant is working on finalizing the bidding and getting construction under way.

{¶ 9} On March 15, 2019, Staff filed a memorandum, stating that while the Ohio Rail Development Commission (ORDC) supports the request, ORDC notes that this is a safety project. Staff also supports the extension but feels that 180 days is excessive. Staff recommends a 90 day extension of time, until June 14, 2019.

{¶ 10} Upon review of IORY's request and Staff's recommendation, the Commission finds that IORY's request for additional time is warranted and should be granted, until June 14, 2019. IORY 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.

{¶ 11} IORY should notify Staff, ORDC, Warren County Engineer, and Duke Energy Ohio, Inc. (Duke) upon completion of the project. At the time Staff 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

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That IORY's request for additional time to complete the project be granted in accordance with Paragraph 10. It is, further,

{¶ 14} ORDERED, That IORY complete the project no later than June 14, 2019. It is, further,

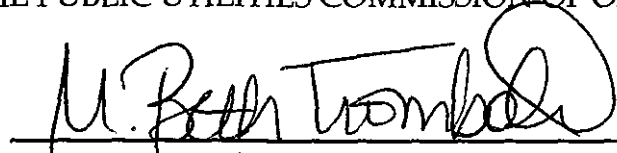
{¶ 15} ORDERED, That IORY follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at the crossing. It is, further,

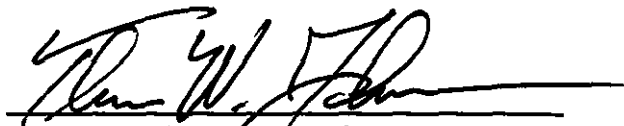
{¶ 16} ORDERED, That IORY notify Staff, ORDC, Warren County Engineer, and Duke upon the completion of the project. It is, further,


{¶ 17} ORDERED, That when Staff or ORDC make 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,

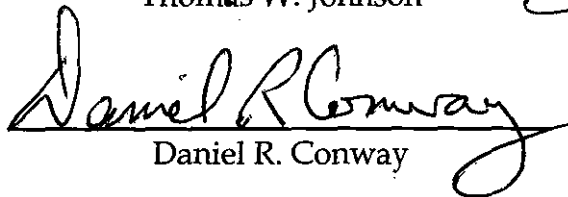
{¶ 18} ORDERED, That a copy of this Entry be served upon IORY, ORDC, Warren County Engineer, Duke, and any other interested person of record.

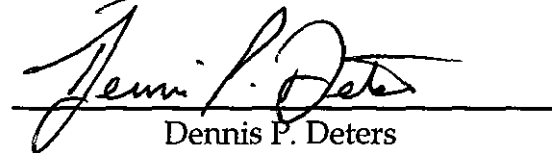
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
M. Beth Trombold, Chair

  
Thomas W. Johnson

  
Lawrence K. Friedeman

  
Daniel R. Conway

  
Dennis P. Deters

JML/hac

Entered in the Journal

APR 10 2019



Tanowa M. Troupe  
Secretary