

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF CSX TRANSPORTATION TO UPGRADE
ACTIVE WARNING DEVICES AT EIGHT
GRADE CROSSINGS IN THE CITY OF
MARION, MARION COUNTY.

CASE NO. 18-292-RR-FED

ENTRY

Entered in the Journal on May 1, 2019

I. SUMMARY

{¶ 1} The Commission places in abeyance, pending the city of Marion's approval of a project redesign, the completion date for CSX Transportation to upgrade active warning devices at the Main Street/State Route 4, Prospect Street N., N. State Street, and Oak Street grade crossings.

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 April 4, 2018, the Commission issued a Finding and Order approving CSX's upgrade of active warning devices at the following grade crossings in the city of Marion, Marion County: Main Street/State Route 4 (DOT#518421W and DOT#262079Y), Prospect Street S. (DOT#518419V), Prospect Street N. (DOT#262080T), N. State Street (DOT#518422D and DOT#262076D), and Oak Street (DOT#518417G and DOT#262083N).

{¶ 7} On March 25, 2019, CSX filed a request for six more months to complete the project. CSX explained that, in November 2018, ORDC and CSX determined that a project redesign was necessary, because of CSX's narrow right of way through the city and current regulations regarding placement of warning devices. The redesign involves the narrowing of Huber Street, which runs parallel to the tracks and is partially located on CSX property in some locations. Further, the grade crossings at Prospect Street N. (DOT#262080T), State Route 4/Main Street (DOT#262079Y), N. State Street (DOT#262076D), and Oak Street (DOT#262083N) are affected by the redesign. Plans were sent to the city of Marion on March 22, 2019, for review; upon city approval and completion of the redesign, CSX asserts that it will complete the project.

{¶ 8} Staff filed a memorandum on April 3, 2019, stating that ORDC has confirmed that the redesign cannot move forward without Marion's approval. Staff notes that it is unclear how long the city will take to review the redesign and authorize CSX to move forward. Staff recommends that the Commission place the project in abeyance, encourage Marion to proceed with review and acceptance of the redesign, and require CSX to begin its portion of the work within 60 days of Marion's approval of the redesign.

{¶ 9} Upon review of CSX's request and Staff's recommendation, the Commission finds reasonable Staff's proposal to place the project completion date in abeyance pending city approval of the project redesign. Accordingly, the project shall be placed in abeyance. Upon approval of the project redesign by the city of Marion, CSX shall as soon as possible file notice of the approval in the docket, and within 60 days of the approval begin its work on the project.

III. ORDER

{¶ 10} It is, therefore,

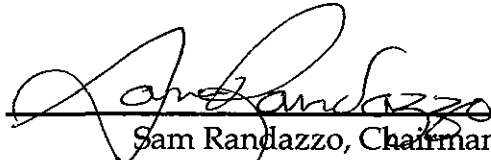
{¶ 11} ORDERED, That Staff's request to place the project completion date in abeyance be granted. It is, further,

{¶ 12} ORDERED, That CSX shall as soon as possible file notice in the docket of approval of the project redesign by the city of Marion. It is, further,

{¶ 13} ORDERED, That within 60 days of the project redesign approval by the city of Marion, CSX begins its work on the project, and follows all standard railroad crossing safety protocol to ensure the protection of the traveling public at the crossings. It is, further,

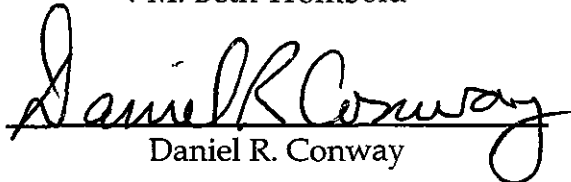
{¶ 14} ORDERED, That a copy of this Entry be served upon ORDC, CSX, Director of Public Works for the city of Marion, Ohio Edison Company, and any other interested person of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Sam Randazzo, Chairman


M. Beth Trombold

Lawrence K. Friedeman


Daniel R. Conway


Dennis P. Deters

JML/hac

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MAY 01 2019



Tanowa M. Troupe
Secretary