

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF CSX TRANSPORTATION TO INSTALL
ACTIVE WARNING DEVICES AT A GRADE
CROSSING IN ALLEN COUNTY.

CASE NO. 18-1614-RR-FED

ENTRY

Entered in the Journal on January 15, 2020

I. SUMMARY

{¶ 1} The Commission denies the request of CSX Transportation for additional time to install lights and gates at the C.R. 270/Dixie Highway grade crossing in Allen 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 November 28, 2018, the Commission issued a Finding and Order approving installation by CSX of active warning devices at the County Road 270/Dixie

Highway grade crossing (DOT#155673S) in Allen County. The Commission ordered completion of the project by November 28, 2019.

{¶ 7} On November 25, 2019, CSX filed a request for additional time to finish the project. CSX explained that the remaining material for 12 insulated joints was not delivered until the week of November 18, 2019; this delay in delivery, in addition to the Thanksgiving holiday, had delayed the project's completion. CSX stated that it is actively working to complete the project and anticipated that the crossing would be in-service the week of December 20, 2019. CSX requested an additional 30 days, until December 28, 2019, to complete the project.

{¶ 8} On December 5, 2019, Staff filed a memorandum recommending that the Commission grant the 30-day request for completion of the project.

{¶ 9} On December 16, 2019, the attorney examiner granted CSX's request, extending the completion date for the project to December 28, 2019.

{¶ 10} On December 19, 2019, CSX filed another request for 30 additional days. CSX explains that the remaining material for the project has been delivered and installed, but because of the holidays, its signal construction group cannot return on-site to complete the project until the week of January 6, 2020.

{¶ 11} On December 31, 2019, Staff filed a memorandum in response to CSX's December 19, 2019 request. Staff states that it was hopeful that CSX would complete the project within the initial 30-day extension. Staff contends that CSX has not shown good cause for the Commission to grant another 30 days for project completion. Staff recommends that the Commission deny CSX's request.

{¶ 12} Upon review of CSX's request and Staff's recommendation, the Commission does not find that good cause exists for granting CSX's request. Accordingly, CSX's request should be denied.

{¶ 13} CSX should notify ORDC, Staff, Allen County Engineer, AEP-Ohio, and Sunoco Logistics 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

{¶ 14} It is, therefore,

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

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

{¶ 17} ORDERED, That CSX notify Staff, ORDC, Allen County Engineer, AEP- Ohio, and Sunoco Logistics upon the completion of the project. It is, further,

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

{¶ 19} ORDERED, That a copy of this Entry be served upon CSX, ORDC, Allen County Engineer, AEP-Ohio, Sunoco Logistics, and any other interested person of record.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

JML/kck

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Summary: Entry that the Commission denies the request of CSX Transportation for additional time to install lights and gates at the C.R. 270/Dixie Highway grade crossing in Allen County, subject to the Commission's ongoing jurisdiction and oversight electronically filed by Docketing Staff on behalf of Docketing