

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COLUMBUS &  
OHIO RIVER RAILROAD FOR  
INSTALLATION OF ACTIVE WARNING  
DEVICES IN OXFORD TOWNSHIP,  
COSHOCOTON COUNTY.

CASE NO. 20-1657-RR-FED

## ENTRY

Entered in the Journal on November 3, 2021

### I. SUMMARY

{¶ 1} The Commission approves the request of Columbus & Ohio River Railroad for additional time, until March 2, 2022, to install flashing lights and gates at the T.R. 255 grade crossing in Oxford Township, Coshocoton County, by September 2, 2021, 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} Columbus & Ohio River Railroad (CUOH) 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 December 2, 2020, the Commission issued a Finding and Order directing CUOH to install flashing lights and gates at the T.R. 255 grade crossing in Oxford Township, Coshocton County, by September 2, 2021.

{¶ 7} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies must implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. In response, in a March 25, 2020 Entry, the Commission ordered that, because of the declaration of emergency, completion deadlines for all grade crossing improvement projects were suspended for the duration of the emergency, or until otherwise ordered by the Commission. See *In re the Proper Procedures and Process for the Commission's Operations and Proceedings During the Declared State of Emergency and Related Matters*, Case No. 20-591-AU-UNC, Entry (Mar. 25, 2020) at 2 (*Emergency Order*).

{¶ 8} On July 28, 2021, the Commission terminated the emergency order.

{¶ 9} On August 30, 2021, CUOH filed a request for six more months, until March 2, 2022, to complete the project. CUOH states that there have been unexpected delays associated with the AEP-Ohio required easement that is part of the project.

{¶ 10} On September 14, 2021, Staff filed a memorandum stating that it has discussed the issue with ORDC and that ORDC supports the extension request. In addition, Staff has determined that CUOH is working to complete the project. Staff recommends that the extension request be approved, with the project to be finished by March 2, 2022.

{¶ 11} Given the request presented by CUOH and Staff's recommendation, the Commission finds the request for additional time, until March 2, 2022, should be granted. CUOH should continue 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 continue to monitor work at the project.

{¶ 12} CUOH should notify Staff, ORDC, Oxford Township Trustees, and Frontier Power Company (Frontier) 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

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That CUOH's request for additional time to complete the project, until March 2, 2022, be granted. It is, further,

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

{¶ 16} ORDERED, That CUOH notify Staff, ORDC, Oxford Township Trustees, and Frontier, upon completion of the project. It is, further,

{¶ 17} 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,

{¶ 18} ORDERED, That a copy of this Entry be served upon be served upon CUOH, ORDC, Oxford Township Trustees, Frontier, and any other interested person of record.

COMMISSIONERS:

*Approving:*

Jenifer French, Chair

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

JML/hac

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**11/3/2021 2:01:40 PM**

**in**

**Case No(s). 20-1657-RR-FED**

Summary: Entry approving the request of Columbus & Ohio River Railroad for additional time, until March 2, 2022, to install flashing lights and gates at the T.R. 255 grade crossing in Oxford Township, Coshocton County, by September 2, 2021, subject to the Commission's ongoing jurisdiction and oversight. electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio