

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Request for the Downgrade)
of the Warning Devices at the Wheeling &)
Lake Erie Railway Company Grade Crossing) Case No. 04-1784-RR-RCP
at State Route 39/Church Street, Village of)
Sherrodsville, Carroll County.)

ENTRY

The attorney examiner finds:

- (1) On November 23, 2004, Wheeling & Lake Erie Railway Company (W&LE) filed a request for a downgrade of the warning devices at the grade crossing at State Route 39/Church Street, located in Sherrodsville, Ohio. In its request, W&LE stated that this grade crossing was protected in 1945 with cantilevers and overhead warning lights. W&LE explained that, since that time, over-height vehicles have struck and knocked down the north cantilever entirely and the south cantilever has been struck and the overhead lamps and support structure damaged. W&LE also notes that, as replacement devices, mast mounted flashers have been placed on the north side of the crossing and flashing lights have been installed on the mast on the south side of the crossing. W&LE requests that it be permitted to downgrade the crossing protective devices from cantilever mounted flashing light assemblies to standard flashing light assemblies.
- (2) On December 20, 2004, Commission staff filed a memo summarizing its findings of its investigation of the downgrade request. Staff noted that the existing foundation and assembly in the northeast quadrant meets the current minimum placement standards but the existing foundation and assembly in the southwest quadrant does not meet the minimum placement standards. Staff recommended that the Commission grant W&LE's request to downgrade the cantilever assembly to standard flasher assembly on the existing foundation and grant a variance from current minimum placement standards for the assembly on the existing southwest quadrant foundation.

- (3) The attorney examiner finds that, in order for the public to have an opportunity to comment on the downgrade request, a local hearing should be scheduled. Accordingly, a hearing on this matter should be held on February 22, 2005, at 6:30 p.m. in the Office of the Mayor, Citizens Bank Building, 15 South Sherrod, Sherrodsville, Ohio 44675.
- (4) The Secretary of the Commission should cause publication of the following legal notice in a newspaper of general circulation in Carroll County, Ohio once, not less than seven days prior to the scheduled hearing:

LEGAL NOTICE

The Public Utilities Commission of Ohio (PUCO) has scheduled a hearing on a request by Wheeling & Lake Erie Railway Company to downgrade the crossing protection at the grade crossing located at State Route 39/Church Street, in Sherrodsville, Ohio, Case No. 04-1784-RR-RCP. The hearing will be held on February 22, 2005, at 6:30 p.m., in the Office of the Mayor, Citizens Bank Building, 15 South Sherrod, Sherrodsville, Ohio 44675. Further information may be obtained by contacting the PUCO at 180 East Broad Street, Columbus, Ohio 43215-3793, the PUCO website at <http://www.PUCO.ohio.gov> or the PUCO's hotline at 1-800-686-7826.

It is, therefore,

ORDERED, That a hearing be held in this case as set forth in Finding (3). It is, further,

ORDERED, That the Secretary of the Commission cause publication of the legal notice in accordance with Finding (4). It is, further,


ORDERED, That a copy of this entry be served on the mayor and council of Sherrodsville, Wheeling & Lake Erie Railway Company and its counsel; the Ohio Petroleum Marketers Association; the Ohio Trucking Association; National Tank Truck Carriers, Inc.; Carroll County Commission, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: Scott Farkas
Attorney Examiner

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Entered in the Journal



Renee J. Jenkins
Secretary

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