

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Installation of Active)
Warning Devices by the Wheeling & Lake)
Erie Railway Company at the Eastwood and) Case No. 97-260-RR-STP
Newton Avenue Grade Crossings in the City)
of Tallmadge, Summit County, Ohio.)

ENTRY

The attorney examiner finds:

- (1) By its entry issued May 1, 1997, the Commission adopted the stipulation and recommendation submitted by the parties for the installation of active warning devices at the Eastwood Ave. (DOT-AAR No. 472-650H) and Newton Ave. (DOT-AAR No. 472-649N) highway/railroad grade crossings (project) in the City of Tallmadge, Summit County, Ohio, by the Wheeling & Lake Erie Railway Company (W&LE or railroad).
- (2) On August 26, 1997, the Commission's staff filed a report of staff's review of the railroad's project site plans and cost estimates. Staff recommends that the plans and estimates be approved with the conditions that the central instrument location be moved to the northeast quadrant if sufficient right-of-away exists, or alternatively to the northwest quadrant, of the Eastwood Ave. crossing; and that the central instrument location be moved to the southeast quadrant of the Newton Ave. crossing. Accordingly, the site plans and cost estimates are approved as revised above, and W&LE should proceed with the project installation. The railroad should notify staff upon completion of the installation so that staff may perform a final inspection.
- (3) Section 4905.54, Revised Code, requires every public utility or railroad, and every officer of a public utility or railroad, to comply with every order, direction and requirement of the Commission. That section further provides that any public utility or railroad which fails to comply with any order, direction or requirement of the Commission, shall forfeit to the state not more than \$1,000.00 for each such failure, with each day's continuance of the violation being considered a separate offense. While this Commission expects W&LE to comply with this entry in a timely manner, the railroad is

advised that any failure to so comply may result in the assessment of such forfeiture penalties by the Commission.

It is, therefore,

ORDERED, That the project site plans and costs estimates are approved as set forth above. It is, further,

ORDERED, That the railroad complete the project installation as quickly as possible, but in any event not later than nine months from the issuance of this entry. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Richard M. Bulgrin
Attorney Examiner

geb

DM

Entered in the Journal

OCT 09 1997

A True Copy



Gary E. Vigorito
Secretary