

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of)
Wheeling & Lake Erie Railway to Install) Case No. 10-1393-RR-FED
Active Grade Crossing Warning Devices in)
Portage County.)

ENTRY

The Commission finds:

- (1) On September 17, 2010, the Commission's railroad staff filed a memorandum stating that the Ohio Rail Development Commission (ORDC) had secured funding for Wheeling & Lake Erie Railway (W&LE) to install mast-mounted flashing lights and roadway gates at the Etter Road/Township Road 9 (472-642R) grade crossing in Suffield Township, Portage County.
- (2) Staff recommended authorization for preliminary engineering within 90 days and a construction deadline of one year for the project.
- (3) Upon review, W&LE shall submit to the Commission and ORDC by December 28, 2010, site plans and cost estimates for the project. Within seven days thereafter, W&LE shall file a notice in this docket advising that the site plans and cost estimates have been submitted to the Commission and ORDC. Following submission and approval of the site plans and cost estimates by ORDC, and, unless otherwise directed, W&LE is hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. W&LE shall notify staff at least five working days before the date work is scheduled to begin at the project so that arrangements can be made for an inspection. In addition, W&LE shall timely notify staff of any changes in the scope of work, cost overruns, materials, etc., which are

not in the approved plans and estimates and secure approval before the work is performed.

- (4) Within 120 days of the issuance of this entry, W&LE shall file in the docket notice that it has initiated discussions with Ohio Edison Company (OE) to ensure that electric service will be available to enable the grade crossing improvements to be constructed and placed in service within the deadline specified by the Commission. Such filing shall identify the steps W&LE has taken with OE, the government entity, and the local highway authority to have electric service available during the construction and cut-in phases of the project. W&LE shall serve a copy of the notice upon OE. To ensure that the deadline is met, W&LE shall timely inform the Commission, in writing, of any issues regarding the availability of electric service.
- (5) The Commission will issue no further construction authorization. Further, the grade crossing improvements should be completed by September 29, 2011.
- (6) In order to expedite the activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending final inspection by staff. However, W&LE should notify staff and ORDC 30 days before the projected date of completion. At the time the Commission or ORDC staff makes its final inspection of the devices and if it finds that the identified installation is completed and the warning devices have been put in service, staff should file a memorandum in this docket indicating that the installation is completed and the warning devices have been put in service.
- (7) With the intention of promoting increased public safety during the pendency of the project, the Commission urges the appropriate local government agency to make an immediate assessment of interim physical improvements, which would enhance driver awareness at the crossing. The Commission may provide assistance in funding improvements such as rumble strips, illumination, signs, or other safety enhancements for the project.

Applications for such funding should be made to the Commission's Transportation Department, Rail Division, which shall review all proposals. In the event the department finds the improvements appropriate, the department director is hereby authorized to execute a contract with the local government agency, and obligate up to \$5,000 from the State Grade Crossing Safety Fund for such improvements at the project location. However, the local government agency should not initiate any improvements until a contract has been executed.

It is, therefore,

ORDERED, That W&LE submit to the Commission and ORDC site plans and cost estimates for the project by December 28, 2010. It is, further,

ORDERED, That, by January 4, 2011, W&LE file a notice in this docket advising that it has submitted site plans and cost estimates to the Commission and ORDC. It is, further,

ORDERED, That, by January 27, 2011, W&LE file a notice that it has initiated with OE the process to ensure that electric service will be available at the involved grade crossing as set forth in finding 4. It is, further,

ORDERED, That W&LE follow the detailed instructions as outlined in the ORDC letter of construction authorization and proceed with and complete the project by September 29, 2011. It is, further,

ORDERED, That W&LE notify staff at least five working days before the date work is scheduled to begin at the site of the project so that arrangements can be made for inspections. It is, further,

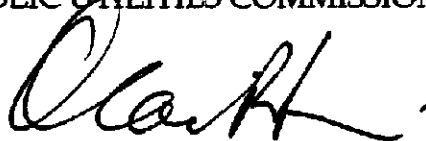
ORDERED, That W&LE timely notify staff of any changes in the scope of work, cost overruns, materials, etc. which are not in the approved plans and estimate, and shall secure approval before the work is performed. It is, further,

ORDERED, That W&LE notify the Commission and ORDC 30 days before the projected date of completion. It is, further,

ORDERED, That, at the time staff or ORDC makes its final inspection and if it finds that the installation at the grade crossing is completed and the warning devices have been put in service, staff will file a memorandum in this docket indicating that the installation is completed and the warning devices have been put in service. It is, further,

ORDERED, That copies of this entry be served upon W&LE, ORDC, Suffield Township Trustees, OE, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

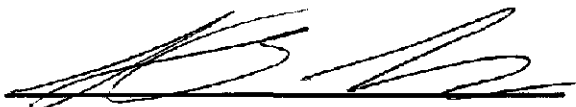


Alan R. Schriber, Chairman



Paul A. Centolella

Valerie A. Lemmie



Steven D. Lesser

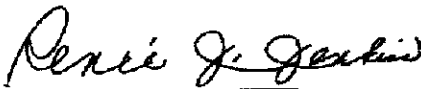


Cheryl L. Roberto

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Entered in the Journal

SEP 29 2010



Renee J. Jenkins
Secretary