

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of the)
Wheeling & Lake Erie Railway to Install) Case No. 10-2920-RR-FED
Flashing Lights and Roadway Gates in)
Stark and Portage Counties.)

ENTRY

The Commission finds:

- (1) On December 6, 2010, the Commission staff filed a memorandum stating that the Ohio Rail Development Commission (ORDC) had authorized funding for Wheeling & Lake Erie Railway (W&LE) to install mast-mounted flashing lights and roadway gates at the grade crossings located at Canal Street (474-321R), located in the village of Navarre, Stark County; and at Spell Road/Township Road 142 (472-673P), located in the Franklin Township, Portage County.
- (2) Staff recommended authorization for preliminary engineering within 90 days and a completion within one year.
- (3) Upon review, W&LE shall submit to the Commission and ORDC by March 15, 2011, site plans and cost estimates for the projects. 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 projects so that arrangements can be made for inspections. 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 projects. 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 improvement projects should be completed by December 15, 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 inspections 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 inspections of the devices and if it finds that the identified installations are completed and the warning devices have been put in service, staff should file a memorandum in this docket indicating that the installations are completed and the warning devices have been put in service.
- (7) With the intention of promoting increased public safety during the pendency of the projects, the Commission urges the appropriate local government agency to make an immediate assessment of interim physical improvements, which would enhance driver awareness at the crossings. The Commission may provide assistance in funding improvements such as rumble strips, illumination, signs, or other safety enhancements for the projects. 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 locations. 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 projects by March 15, 2011. It is, further,

ORDERED, That, by March 22, 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 April 14, 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 crossings 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 projects by December 15, 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 sites of the projects 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 estimates, 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 inspections and if it finds that the installations at the grade crossings are completed and the warning devices have been put in service, staff will file a memorandum in this docket indicating that the installations are 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, OE, Franklin Township Trustees, Navarre village administrator, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



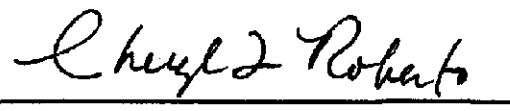
Paul A. Centolella



Valerie A. Lemmie



Steven D. Lesser

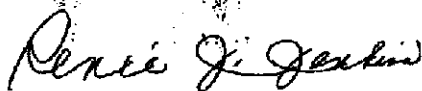


Cheryl L. Roberto

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Entered in the Journal

DEC 15 2010



Renee J. Jenkins

Renee J. Jenkins
Secretary