

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of)
Wheeling & Lake Erie Railway to Install)
Active Grade Crossing Warning Devices)
in Lorain County.)
Case No. 14-277-RR-FED

FINDING AND ORDER

The Commission finds:

- (1) On February 20, 2014, Staff filed a memorandum stating that the Ohio Rail Development Commission (ORDC) has authorized funding for the Wheeling & Lake Erie Railway (WLE) to install mast-mounted flashing lights and roadway gates at the following location:

Lorain County, Pitts Road/County Road 64, near
Wellington, Ohio, DOT #473-592T

Staff recommends that because the plan and estimate for the project have been submitted and approved, the Commission establish a completion deadline of nine months for WLE to complete the project. The project will be paid for with federal funds and is actual cost.

- (2) Upon review, WLE is hereby authorized to acquire project materials and to commence construction as detailed in the letter of construction authorization. WLE 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 any inspection. In addition, WLE shall timely notify Staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plan in order to estimate and secure approval before the work is performed.
- (3) Within 30 days of the issuance of this Finding and Order, WLE shall file a notice that it has initiated discussions with Lorain-Medina Rural Electric Cooperative (Lorain-Medina) or any other applicable utility, 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 WLE has taken with Lorain-Medina, or any other electric utility, and the local highway authority to have electric service available during the construction and cut-in phases of the project. WLE shall serve a copy of the notice upon Lorain-Medina, or any other applicable utility. To ensure that the deadline is met, Lorain-Medina shall timely inform the Commission in writing of any issues regarding the availability of electric service.

- (4) The Commission will issue no further construction authorization. Further, the grade crossing improvement project should be completed by December 12, 2014.
- (5) It is expected that all work necessary for Federal Highway Administration acceptance of the warning devices will be completed by the in-service due date and that the railroad will be responsible for this work. This work includes, but is not limited to, any ancillary work to make the warning devices function as designed and visible to the roadway user, and Manual of Uniform Traffic Control Devices compliance, including minor roadway work if necessary.
- (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, WLE should notify Staff and ORDC 30 days before the projected date of completion. At the time Staff or ORDC makes its final inspection of the devices and 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 complete and that 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, by April 11, 2104, WLE shall file a notice that it has initiated with Lorain-Medina, or any applicable utility, the process to ensure that electric service will be available at the involved grade crossing as set forth in finding (3). It is, further,

ORDERED, That WLE follow the detailed instructions as outlined in the ORDC letter of construction authorization and proceed with and complete the project by December 12, 2014. It is, further,

ORDERED, That WLE notify Staff at least five working days before the date work is scheduled to begin at the project site so that arrangements can be made for any inspection. It is, further,

ORDERED, That WLE timely notify Staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plan and estimate, and shall secure approval before the work is performed. It is, further,

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

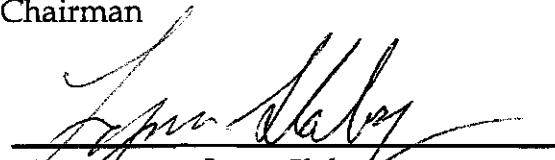
ORDERED, That, at the time Staff or ORDC makes its final inspection and finds that the installation at the grade crossing is completed and the warning devices have been put in service, Staff will file a memorandum in this docket indicating that the installation is completed and the warning devices have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

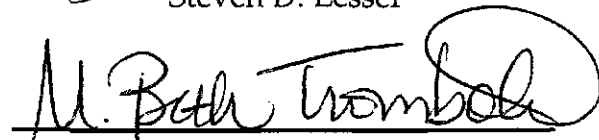
ORDERED, That copies of this Finding and Order be served upon WLE, ORDC, Lorain-Medina, Lorain County Engineer, and any other interested person of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser


Lynn Slaby

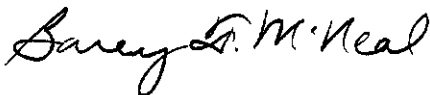

M. Beth Trombold


Asim Z. Haque

JML/sc

Entered in the Journal

MAR 12 2014



Barcy F. McNeal
Secretary