

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Request for the )  
Installation of New LED Lights at Five ) Case No. 14-333-RR-RCP  
Ann Arbor Railroad Crossings in )  
Toledo, Ohio. )

FINDING AND ORDER

The Commission finds:

- (1) Pursuant to R.C. 4905.04, the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.
- (2) Pursuant to R.C. 4907.471, the Commission is responsible for evaluating public grade crossings to determine the need for installing active warning devices and apportioning the cost thereof.
- (3) R.C. 4907.471 also provides that the Commission is responsible for the administration and implementation of the State Grade Crossing Protection Fund established to help defray a portion of the public's share of the cost of upgrading warning devices at Ohio's highway-railroad grade crossings.
- (4) Pursuant to Ohio Adm.Code 4901-1-30, any two or more parties may enter into a written stipulation concerning issues of fact.
- (5) On February 27, 2014, Staff filed a subsidy stipulation (stipulation), which it had entered into with the Ann Arbor Railroad (AAR). The stipulation states that the parties have entered into an agreement to upgrade from eight inch incandescent lights to twelve inch LED lights at five AAR crossings in Toledo, Ohio, specifically, at Erie Street (DOT# 473-894V), Albany Street (DOT# 473-907U), Summit Street (DOT# 509-126T), Erie Street (DOT# 509-124E), and Chase Street (DOT# 510-101U). Under the stipulation, the costs for the project shall be apportioned between the Commission

and the railroad, whereby the Commission is responsible for \$5,000 of the cost per crossing, and the railroad is responsible for any cost exceeding \$5,000 per crossing.

- (6) Staff recommends that the Commission approve the stipulation and that the Commission direct AAR to complete the project within one year after the Commission's approval of the stipulation.
- (7) Upon review of the stipulation, the Commission finds that the terms and conditions therein insure the timely protection of the public at the crossings and provide a reasonable basis for apportioning costs thereof. Therefore, the stipulation should be approved, the costs of the project should be allocated as set forth therein, and the railroad should complete the project on or before March 26, 2015. The Commission will issue no further construction authorization in this matter.
- (8) In order to expedite the activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending the final inspection by Staff. However, AAR should notify Staff 30 days before the projected date of completion. At the time Staff makes its final inspection of the devices and finds that the project is completed, Staff should file a memorandum in this docket indicating that the installations are complete and the LED lights have been put in service.

It is, therefore,

ORDERED, That the stipulation be adopted and approved. It is, further,

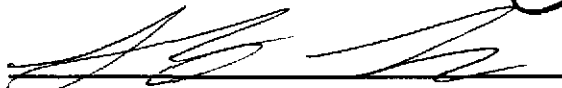
ORDERED, That the railroad proceed with and complete the project on or before March 26, 2015. It is, further,

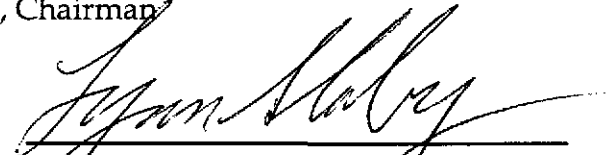
ORDERED, That, at the time Staff makes its final inspection and finds that the LED lights have been put in service, Staff files a memorandum in this docket indicating that the installations are complete and the LED lights have been put in service. It is, further,

ORDERED, That a copy of this Finding and Order be served upon the Ann Arbor Railroad and all interested persons 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 26 2014**



Barcy F. McNeal  
Secretary