

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF THE WHEELING & LAKE ERIE RAILWAY
COMPANY TO INSTALL ACTIVE GRADE
CROSSING WARNING DEVICES IN MEDINA
COUNTY.

CASE NO. 15-842-RR-FED

ENTRY

Entered in the Journal on July 28, 2016

{¶ 1} On May 20, 2015, the Commission issued a Finding and Order approving the installation by the Wheeling & Lake Erie Railway Company (WE) of active grade crossing warning devices at Pawnee Road (DOT#473568S), in Medina County, Ohio. The Commission ordered completion of the project by May 20, 2016.

{¶ 2} By previous Entries, the Commission approved WE's requests for additional time for the project. Most recently, the project deadline was extended to July 20, 2016.

{¶ 3} On July 19, 2016, WE filed a letter requesting an additional 30 days to complete the project. WE explains that its contractor is working on wiring the equipment house, which will be tested prior to delivery to the site by August 3, 2016. Completion of the project is expected by August 9, 2016. WE adds that conduit, foundations, and power service are already in place at the site.

{¶ 4} Staff filed a memorandum on July 22, 2016, recommending that WE's request be granted. Staff states that when it reviewed the project plans and estimates filed by WE on August 25, 2015, Staff had some concerns which required changes to the project design. As a result, formal construction authorization was not granted until January 22, 2016, causing delays in delivery of material for the project.

{¶ 5} Pursuant to the Commission's September 19, 1996 Entry in *In re 1996 Federal Crossing Protection Program*, Case No. 96-676-RR-FED, the Commission authorized the attorney examiner assigned to the case to grant extensions for up to 30 days.

{¶ 6} Upon review of WE's request and Staff's recommendation, the attorney examiner finds that a 30-day extension of time should be granted to allow WE to complete the project. Therefore, WE's request for an extension of time is granted, with the project to be completed no later than August 20, 2016. WE should expedite work on this project and follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at this crossing. Further, Staff should monitor work at the project to ensure completion within the newly ordered timeframe. WE is reminded that in *In re CSX Transportation*, Case No. 00-2303-RR-STP, Finding and Order (February 21, 2001) at 1, the Commission directed that a request for an extension of time up to 30 days to complete a railroad crossing improvement project must be filed in Docketing at least five working days in advance of the scheduled deadline. In this case, WE filed its request one day prior to the scheduled deadline, which does not comport with the directive of the Commission.

{¶ 7} WE should notify Staff, the Ohio Rail Development Commission (ORDC), and the Medina County Commissioners upon completion of the project. At the time the Commission or ORDC makes its final inspection and finds that the installation is completed, Staff should file a memorandum in this docket indicating that the project is completed.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That WE's request for additional time to complete the project is granted in accordance with paragraph 6. It is, further,

{¶ 10} ORDERED, WE complete the project no later than August 20, 2016. It is, further,

{¶ 11} ORDERED, That WE notify Staff, ORDC, and the Medina County Commissioners upon the completion of the project. It is, further,

{¶ 12} ORDERED, That when Staff or ORDC makes its final inspection and finds that the project is completed, Staff file a memorandum in this docket indicating that the project is completed. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon WE, ORDC, Medina County Commissioners, Lorain Medina Rural Electric Cooperative, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn
Attorney Examiner

JRJ/sc

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7/28/2016 3:22:24 PM

in

Case No(s). 15-0842-RR-STP

Summary: Attorney Examiner Entry granting WE's request for additional time to complete the project no later than 08/20/2016, directing WE to notify Staff, ORDC, and the Medina County Commissioners upon the completion of the project, and directing Staff to file a memorandum in this docket indicating that the project has been completed once Staff or ORDC makes its final inspection and finds that the project was completed. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio