

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF OHI-RAIL CORP. TO INSTALL ACTIVE
GRADE CROSSING WARNING DEVICES IN
CARROLL COUNTY, VILLAGE OF MINERVA.

CASE NO. 15-1715-RR-FED

ENTRY

Entered in the Journal on August 26, 2016

I. SUMMARY

{¶ 1} The Commission approves the request of OHI-Rail Corp. to extend to October 21, 2016, the installation of mast-mounted flashing lights and roadway gates at the S. Market Street/State Route 183 grade crossing (DOT#503439M), located in the village of Minerva, Carroll County, subject to the Commission's ongoing jurisdiction and oversight.

II. DISCUSSION

A. *Applicable Law*

{¶ 2} R.C. 4905.04 provides that the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.

{¶ 3} R.C. 4907.471 provides that the Commission shall survey all grade crossings and establish a priority list to determine which grade crossings are in need of additional protective devices.

{¶ 4} R.C. 4907.476 provides that where the Ohio Department of Transportation (ODOT) enters into contracts and agreements for grade crossing protective device projects, the Commission shall work with and through the department. Federal funding for such projects is provided through the Ohio Rail Development Commission (ORDC), which is an independent agency of the state within ODOT, established in accordance with R.C. 4981.02.

{¶ 5} OHI-Rail Corp. (OHIC) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.

B. Procedural Background and Other Details

{¶ 6} On November 4, 2015, the Commission issued a Finding and Order approving the installation by OHI-Rail Corp. (OHIC) of mast-mounted flashing lights and roadway gates at the S. Market Street/State Route 183 grade crossing (DOT#503439M), in the village of Minerva, Carroll County. The Commission ordered completion of the project by August 4, 2016.

{¶ 7} On July 8, 2016, OHIC filed a letter requesting additional time to complete the project. OHIC explained that, to ensure that the new warning devices operate reliably, it is correcting drainage problems south of Market Street and is also installing new ties and track. In conjunction with the S. Market Street project, OHIC adds, it will rehabilitate the nearby Main Street grade crossing, and has petitioned for permanent closure of the adjacent Plain Street crossing. Given the preceding factors, and with the Plain Street petition still pending, OHIC concludes that it is necessary to extend the project completion date to October 21, 2016.

{¶ 8} Staff filed a memorandum on July 12, 2016, concerning the extension request. Staff states that it has met with OHIC officials throughout the project and discussed the issues at length. Staff concluded that there is good reason for the request and recommends approval.

{¶ 9} On July 26, 2016, the attorney examiner issued a 30-day extension of time to allow OHIC time to complete the project, and to allow the Commission additional time to consider OHIC's request. Accordingly, the time for completing the project was extended to September 6, 2016.

{¶ 10} Upon review, the Commission finds OHIC's request for an extension of the completion date to be reasonable and should be granted. Therefore, the completion date for the S. Market Street/State Route 183 project should be extended from September 6, 2016, to October 21, 2016.

III. ORDER

{¶ 11} It is, therefore,

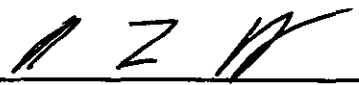
{¶ 12} ORDERED, That OHIC be granted an extension of time to October 21, 2016, to finish the project. It is, further,


{¶ 13} ORDERED, That, unless otherwise authorized, OHIC complete the project by October 21, 2016. It is, further,

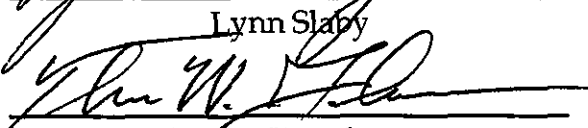
{¶ 14} ORDERED, That when Staff or ORDC makes its final inspection and finds that the project is completed, Staff file a memorandum in this docket indicating that the project is completed. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon OHIC, ORDC, the village Administrator of Minerva, American Electric Power, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Asim Z. Haque, Chairman


Lynn Slaby


Thomas W. Johnson

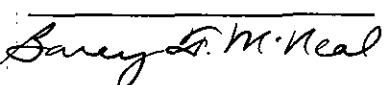

M. Beth Trombold


M. Howard Petricoff

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AUG 26 2016


Barcy F. McNeal
Secretary