

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF NORFOLK SOUTHERN RAILWAY AND
THE COLUMBUS & OHIO RIVER RAILROAD
TO INSTALL ACTIVE GRADE CROSSING
WARNING DEVICES IN OTTAWA AND
HARRISON COUNTIES.

CASE NO. 16-790-RR-FED

ENTRY

Entered in the Journal on February 10, 2017

{¶ 1} On September 30, 2015, the Commission issued a Finding and Order approving, in part, the installation by the Columbus & Ohio River Railroad (CUOH) of mast-mounted flashing lights and roadway gates at the New Rumley Road/ County Road 50 grade crossing (DOT#510-729M), in Rumley Township, Harrison County. The Commission ordered completion of the project by February 10, 2017.

{¶ 2} On November 1, 2016, CUOH filed a letter requesting that the project be held in abeyance. CUOH states that a power line extension is needed to supply electricity for the gates and lights at the crossing, but there is a dispute between the owner of property adjacent to the project and American Electric Power (AEP), regarding AEP's easement to cross the property with electric facilities. CUOH asserts that, because of the dispute, AEP has been unable to provide electric power to the crossing, thus hindering completion of the project.

{¶ 3} On January 30, 2017, the attorney examiner issued an Entry directing AEP to file a status report by February 6, 2017, summarizing remaining issues that might delay AEP in providing power to the project.

{¶ 4} AEP filed its status report on February 8, 2017. AEP indicates that it has exchanged legal documents necessary to complete the transaction with the property owner,

and that the primary unresolved issue concerns the price for the easement. AEP proposes that it file another status report in 90 days while it pursues resolution of the matter.

{¶ 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} The attorney examiner finds that a 30-day extension of time should be granted for CUOH to complete the project, and to provide the Commission additional time to consider CUOH's request. Unless otherwise authorized, CUOH should complete the project by March 10, 2017.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That CUOH be granted a 30-day extension of time to complete the project. It is, further,

{¶ 9} ORDERED, That, unless otherwise authorized, CUOH complete the project by March 10, 2017. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon the Ohio Rail Development Commission, GWRR-Ohio Valley Region Railroads, Administrator for the village of Scio, Harrison County Engineer, AEP, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn
Attorney Examiner

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in

Case No(s). 16-0790-RR-FED

Summary: Attorney Examiner Entry granting CUOH a 30-day extension of time to complete project by 03/10/2017. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio