

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REQUEST
BY NORFOLK SOUTHERN RAILWAY
COMPANY TO RELOCATE AND/OR MODIFY
CERTAIN GRADE CROSSING WARNING
DEVICES IN CANTON, STARK COUNTY.

CASE No. 16-1592-RR-RCP

ENTRY

Entered in the Journal on March 27, 2017

{¶ 1} 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.

{¶ 2} R.C. 4907.52 provides that when a railroad and street or highway cross at grade, it is the opinion of the Commission that public safety requires protection, the Commission may make an order requiring the railroad to install such devices as, in the opinion of the Commission, will properly protect such crossing.

{¶ 3} Norfolk Southern Railway Company (NS) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.

{¶ 4} On July 19, 2016, NS filed a request to remove the running track at eleven grade crossings along NS's Fort Wayne line in Canton, Ohio, and move the warning devices from the running track closer to the remaining mainline tracks. In addition, NS requested to modify warning devices at seven crossings along the Fort Wayne line.

{¶ 5} On October 13, 2016, the attorney examiner issued an Entry directing that, by November 10, 2016, interested parties file comments and Staff file a report of investigation regarding NS's request. The attorney examiner noted in the Entry that the Commission has no authority over the removal of railroad tracks.

{¶ 6} On November 9, 2016, NS filed a letter requesting additional time to resolve engineering concerns identified during a November 7, 2016 field review with Staff.

{¶ 7} Staff filed a memo on November 10, 2016, stating that it conducted an initial assessment of the crossings and identified some engineering issues. Staff added that it met on-site with NS and representatives of the Ohio Rail Development Commission (ORDC), and is working with the city of Canton (Canton) to make crossing and roadway changes. Staff requested an additional 90 days to file its report.

{¶ 8} In a December 21, 2016 Entry, the attorney examiner granted Staff's request, requiring that interested parties file comments and Staff file its report by February 10, 2017.

{¶ 9} Staff filed a memo on March 13, 2017. Staff states that, following the November 7, 2016 meeting, Canton proposed that some of the track identified by NS not be removed, and that a quiet zone be established. According to Staff, NS and the city are working on several issues concerning the quiet zone, but Staff is not part of such discussions. Staff adds that, in December 2016, it informed Canton that comments should be filed in the docket regarding any concerns, but to date the city has not done so. Staff notes that NS has already requested additional time so that NS and the city can determine the best course of action. Staff states that it expects to meet with NS during the week of March 20 to learn additional details and requests that the deadline for the Staff report be extended another 60 days.

{¶ 10} The attorney examiner finds reasonable Staff's request for more time. Accordingly, no later than May 26, 2017, interested parties shall file comments and Staff shall file its report of investigation regarding NS's request.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That by May 26, 2017, interested parties file comments and Staff file its report of investigation. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon NS, the mayor and the city engineer of Canton, ORDC, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn
Attorney Examiner

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/27/2017 3:22:34 PM

in

Case No(s). 16-1592-RR-RCP

Summary: Attorney Examiner Entry directing interested parties to file comments by 05/26/2017 and Staff to file its report of investigation by 05/26/2017. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio