

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR THE
INSTALLATION OF ACTIVE WARNING
DEVICES AT THE COLUMBUS & OHIO
RIVER RAIL ROAD COMPANY GRADE
CROSSING AT CHURCH STREET IN UTICA,
LICKING COUNTY.

CASE NO. 16-540-RR-STP

ENTRY

Entered in the Journal on April 10, 2017

{¶ 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 April 14, 2016, the Commission issued a Finding and Order approving installation by The Columbus & Ohio River Rail Road Company (CUOH) of active warning devices at the Church Street grade crossing (DOT#152045B) in the village of Utica, Licking County. The Commission ordered completion of the project by April 14, 2017.

{¶ 6} On March 22, 2017, CUOH filed a letter requesting an additional 90 days to complete the project. CUOH explains that, in February 2017, it forwarded circuit plans to the Commission. CUOH has since determined that the Church Street circuits are incompatible with circuits at three other crossings that have active warning devices. Consequently, CUOH must order material for circuit upgrades at the other crossings. CUOH concludes that additional time is needed to receive and install necessary materials before starting work on the Church Street project.

{¶ 7} Staff filed a memorandum on March 31, 2017, concerning CUOH's request. Staff observes that, under terms of the stipulation, final construction authorization would not be given until Staff received a complete set of plans and estimates. Staff adds that it received the complete plans on January 28, 2017 and final estimates on March 15, 2017; construction authorization was officially granted on March 24, 2017. Because of the project delays involving plans and estimates, Staff supports CUOH's request for a 90-day extension.

{¶ 8} 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.

{¶ 9} Upon review of CUOH's request and Staff's recommendation, the attorney examiner finds that a 30-day extension of time should be granted to allow CUOH time to complete the project, and to allow the Commission additional time to consider CUOH's request to finish the project no later than July 14, 2017. Unless otherwise authorized, CUOH should complete the project by May 15, 2017.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That CUOH be granted a 30-day extension of time to finish the project, and to allow the Commission additional time to consider the request to extend the project completion date to July 15, 2017. It is, further,

{¶ 12} ORDERED, That, unless otherwise authorized, CUOH complete the project by May 15, 2017. It is, further,

{¶ 13} 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,

{¶ 14} ORDERED, That a copy of this Entry be served upon CUOH, Ohio Rail Development Commission, village of Utica, Ohio Power Company, 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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in

Case No(s). 16-0540-RR-STP

Summary: Attorney Examiner Entry granting 30-day extension to finish project and after the final inspection, Staff shall file a memorandum in this docket indicating that the project is completed. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio