

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR  
UPGRADES AT THE WHEELING & LAKE  
ERIE RAILWAY GRADE CROSSINGS IN  
HOPEDALE, HARRISON COUNTY, AND  
CRESTON, JEFFERSON COUNTY.

CASE NO. 16-523-RR-STP

### ENTRY

Entered in the Journal on May 17, 2017

#### I. SUMMARY

{¶ 1} The Commission approves the request of the Wheeling & Lake Erie Railway to extend to October 11, 2017, the completion date for the upgrade of the Hedge Avenue/Township Road 31 grade crossing in Creston, Jefferson County.

#### 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 is responsible for evaluating public grade crossings to determine the need for installing active warning devices and apportioning the cost thereof.

{¶ 4} R.C. 4907.472 provides that the Commission is responsible for the administration and implementation of the Grade Crossing Protection Fund, which was established for the purpose of paying the public share of the cost of reducing hazards at public highway-railway grade crossings.

{¶ 5} Pursuant to Ohio Adm.Code 4901-1-30, any two or more parties may enter into a written stipulation concerning issues of fact.

{¶ 6} The Wheeling & Lake Erie Railway (WE) is a railroad as defined in R.C. 4907.02 and is subject to the jurisdiction of the Commission under R.C. 4905.04.

***B. Procedural Background and Other Details***

{¶ 7} On April 14, 2016, the Commission issued a Finding and Order approving, in part, WE's upgrade of active warning devices at the Hedge Avenue/Township Road 31 grade crossing (DOT#472914B) in Creston, Jefferson County. The Commission ordered completion of the project by April 14, 2017.

{¶ 8} On April 12, 2017, WE filed a request for an additional 180 days to complete the project. WE explained that, because of the installation of a new siding track, construction and configurations have taken much longer than expected. WE added that it is determining the cost for the project, after which WE will order material and begin installation.

{¶ 9} Staff filed a memo on April 24, 2017, concerning WE's request. Staff explains that on July 22, 2016, and December 14, 2016, WE filed plans and estimates for the project with the Commission's Rail Division. Staff adds that, because WE designed the project in-house rather than using an outside contractor, there were delays in preparing plans and estimates. Staff notes that plans and estimates were approved, and construction authorization was granted, on March 16, 2017. Staff supports the request for a 180-day extension to finish the project, in light of the delays concerning plans and estimates.

{¶ 10} Upon review of WE's request and Staff's recommendation, the Commission finds that a 180-day extension of time should be granted to allow completion of the

project. Therefore, WE's request for additional time is granted, with the project to be completed no later than October 11, 2017. 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.

{¶ 11} WE should notify Staff, the Ohio Rail Development Commission (ORDC), and the Fiscal Officer of Wayne Township 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.

### III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That WE's request for additional time to complete the project is granted in accordance with Paragraph 10. It is, further,

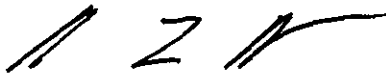
{¶ 14} ORDERED, WE complete the project no later than October 11, 2017. It is, further,

{¶ 15} ORDERED, That WE notify Staff, ORDC, and the Fiscal Officer of Wayne Township upon the completion of the project. It is, further,

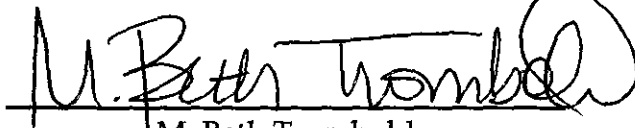
{¶ 16} ORDERED, That when Staff or ORDC makes its final inspection and finds that the project is completed, Staff file a memorandum in this docket indicating that the project is completed. It is, further,

[¶ 17] ORDERED, That a copy of this Entry be served upon WE, Ohio Power Company, Fiscal Officer of Wayne Township, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



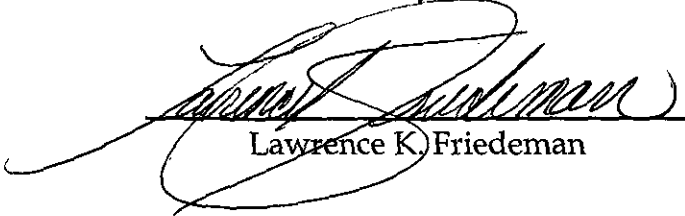
Asim Z. Hague, Chairman



M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman

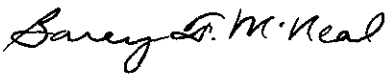


Daniel R. Conway

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MAY 17 2017



Barcy F. McNeal  
Secretary