

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 19, 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, in part, the installation of a new light and gate system near Hopedale, Harrison County, at Main Street/County Road 5 (DOT 472918D). The Commission ordered Wheeling & Lake Erie Railway (WE) to complete the project by April 14, 2017.

{¶ 6} 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.

{¶ 7} Staff filed a memo on April 24, 2017, and May 19, 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.

{¶ 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 WE's request and Staff's recommendation, the attorney examiner finds that a 30-day extension of time should be granted to allow WE time to complete the project, and to allow the Commission additional time to consider WE's request. Unless otherwise authorized, WE should complete the project by June 14, 2017.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That WE 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 October 14, 2017. It is, further,

{¶ 12} ORDERED, That, unless otherwise authorized, WE complete the project by June 14, 2017. It is, further,

{¶ 13} ORDERED, That, when Staff or the Ohio Rail Development Commission 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 WE, Ohio Power Company, Fiscal Officer of Wayne Township, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Scott E. Farkas

By: Scott E. Farkas
Attorney Examiner

SJP/dah

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in

Case No(s). 16-0523-RR-STP

Summary: Attorney Examiner Entry ordering WE 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 October 14, 2017; that, unless otherwise authorized, WE complete the project by June 14, 2017; and that, when Staff or the Ohio Rail Development Commission makes its final inspection and finds that the project is completed, Staff file a memorandum in this docket indicating that the project is completed. Entry electronically filed by Debra Hight on behalf of Scott E. Farkas, Attorney Examiner.