

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF NORFOLK SOUTHERN RAILWAY TO
INSTALL ACTIVE GRADE CROSSING
WARNING DEVICES AND TRAFFIC
PREEMPTION IN THE CITY OF FREMONT,
SANDUSKY COUNTY.

CASE NO. 16-787-RR-FED

FINDING AND ORDER

Entered in the Journal on July 5, 2017

I. SUMMARY

{¶ 1} The Commission places in abeyance the completion date for installation of traffic signal preemption at the State Street grade crossing in the city of Fremont, Sandusky County, subject to the Commission's ongoing jurisdiction and oversight.

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 shall survey all grade crossings and establish a priority list to determine which grade crossings are in need of additional protective devices.

{¶ 4} R.C. 4907.476 provides that where the Ohio Department of Transportation (ODOT) enters into contracts and agreements for grade crossing protective device projects, the Commission shall work with and through the department. Federal funding for such projects is provided through the Ohio Rail Development Commission (ORDC), which is an independent agency of the state within ODOT, established in accordance with R.C. 4981.02.

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

B. Procedural Background and Other Details

{¶ 6} In a May 18, 2016, Finding and Order, the Commission authorized NS to install new mast-mounted and cantilevered flashing lights with roadway gates at the State Street grade crossing (DOT#473711A) in the city of Fremont, Sandusky County (Fremont). The project also included preemption with traffic lights at the intersection of State Street and North Front Street. The Commission ordered completion of the project by May 18, 2017.

{¶ 7} On May 4, 2017, NS filed a request to place the project completion date in abeyance. NS explains that the flashing lights and roadway gates were placed into service on December 19, 2016, but Fremont continues to work with ORDC regarding the design of the traffic signal preemption. Upon completion of the design, NS states, Fremont will install tie-in to the rail circuitry, and NS can perform final testing. NS proposes that the project be held in abeyance, and within 120 days of Fremont notifying NS that traffic signal preemption has been installed, NS will perform final testing.

{¶ 8} Staff filed a memo on June 8, 2017, in response to NS's request. Staff states that ORDC supports the abeyance request. Staff recommends that the request be granted, and that Fremont notify the Commission and NS upon installation of the traffic signal preemption. Staff also recommends that, within 120 days of Fremont notifying NS that traffic signal preemption is operative, NS should complete remaining work on the project and conduct final testing.

{¶ 9} Upon review of NS's request and Staff's recommendation, the Commission finds that the project completion date should be placed in abeyance. Further, Fremont should be required to notify the Commission and NS upon installation of the traffic signal preemption. Finally, within 120 days of NS receiving notification from Fremont, NS should complete remaining work on the project and conduct final testing.

III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That NS's request to place the project completion date in abeyance be granted. It is, further,

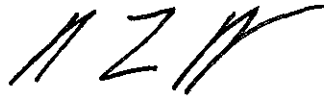
{¶ 12} ORDERED, That Fremont shall notify the Commission and NS upon installation of traffic signal preemption. It is, further,

{¶ 13} ORDERED, That, within 120 days of receiving notice from Fremont that traffic signal preemption has been installed, NS must complete remaining work on the project and perform final testing. It is, further,

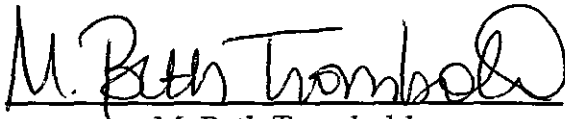
{¶ 14} ORDERED, That at the time Staff or ORDC makes its final inspection and finds that the project is completed, Staff will file a memorandum in this docket indicating that the project is completed. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon ORDC, Fremont city Engineer, American Electric Power, and any other interested person of record.

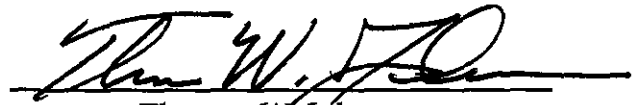
THE PUBLIC UTILITIES COMMISSION OF OHIO



Asim Z. Haque, Chairman



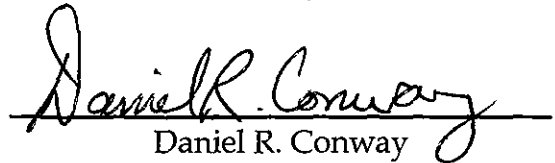
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman

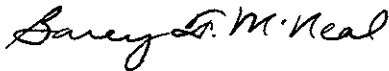


Daniel R. Conway

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JUL - 5 2017



Barcy F. McNeal
Secretary