

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR THE
INSTALLATION OF ACTIVE WARNING
DEVICES AT THE WHEELING & LAKE ERIE
RAILWAY COMPANY GRADE CROSSING AT
TRUX STREET/STATE ROUTE 603 IN
PLYMOUTH, OHIO.

CASE NO. 16-1281-RR-STP

ENTRY

Entered in the Journal on July 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 July 6, 2016, the Commission issued a Finding and Order approving the installation of active warning devices at the Wheeling & Lake Erie Railway Company (WE) grade crossing at Trux Street/State Route 603 in Plymouth, Ohio. The Commission ordered completion of the project by July 6, 2017.

{¶ 6} On July 6, 2017, WE filed a request to extend the project deadline. WE explains that it has completed a survey of the crossing, but has encountered delays for materials needed for the project. WE expects to receive the necessary materials next month and seeks an additional 60 days to complete the project.

{¶ 7} Staff filed a memo on July 6, 2017, recommending that WE's request for additional time should be approved.

{¶ 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 recommendations, the attorney examiner finds that a 30-day extension of time should be granted to allow WE more time to complete the project, and to allow the Commission additional time to consider WE's request for a deadline extension of 60 days. Unless otherwise authorized, WE should complete the project by August 6, 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 extending the project completion date to September 6, 2017. It is, further,

{¶ 12} ORDERED, That, unless otherwise authorized, WE complete the project by August 6, 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 ORDC, WE, Plymouth Municipal Electric, the village of Plymouth, and any other interested person 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). 16-1281-RR-STP

Summary: Attorney Examiner Entry granting WE a 30-day extension of time to finish project by 08/06/2017 and allowing the Commission additional time to consider extending the project completion date to 09/06/2017. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio