

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REQUEST  
OF NORFOLK SOUTHERN RAILWAY  
TO RELOCATE THE EXISTING WARNING  
DEVICES AT THE WILKINS ROAD/COUNTY  
ROAD 108 GRADE CROSSING IN LUCAS  
COUNTY.

CASE No. 17-1210-RR-FED

FINDING AND ORDER

Entered in the Journal on July 12, 2017

I. SUMMARY

{¶ 1} The Commission authorizes Norfolk Southern Railway to relocate the existing warning devices at the Wilkins Road/County Road 108 grade crossing in Lucas 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 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} On May 8, 2017, NS filed a request to relocate the existing warning devices at the Wilkins Road/County Road 108 (DOT#509474W) grade crossing in Lucas County. NS explains that, presently, the grade crossing consists of double mainline tracks. Within its right-of-way, NS plans to add a lead track, i.e. a track from which other tracks branch off within a short distance. To ensure compliance with the Manual of Uniform Traffic Control Devices, NS requests Commission authorization to relocate the signal masts in the northeast and northwest quadrants 15 feet to the north. NS states that Lucas County officials have agreed to NS's proposal. NS adds that it will absorb costs associated with the relocation and expects to complete the project within approximately three months of Commission authorization.

{¶ 7} On June 20, 2017, as revised on June 26, 2017, Staff filed a report concerning NS's request. Staff recommends that the Commission grant NS's request, and that the project be completed within three months of Commission authorization.

{¶ 8} Upon review of NS's request and Staff's recommendation, the Commission finds that the request should be approved, and that NS should complete the work no later than October 12, 2017.

**III. ORDER**

{¶ 9} It is, therefore,

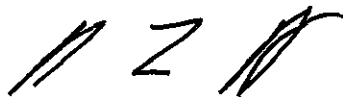
{¶ 10} ORDERED, That NS's request to relocate the relocate signal masts in the northeast and northwest quadrants at the Wilkins Road/County Road 108 grade crossing (DOT#509474W) be approved. It is, further,

{¶ 11} ORDERED, That NS complete the work by October 12, 2017. It is, further,

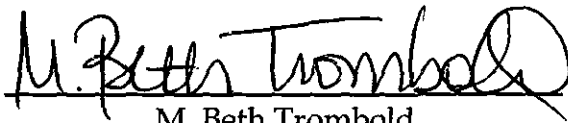
{¶ 12} ORDERED, That, at the time Staff or ORDC makes its final inspection and finds that the relocation of warning devices is complete and the warning devices have been put in service, Staff will file a memorandum in this docket indicating that the relocation is complete and the warning devices have been put in service. It is, further,

{¶ 13} ORDERED, That a copy of this Finding and Order be served upon ORDC, NS Public Projects Engineer, NS Director of Grade Crossing Safety, Lucas County Engineer, counsel for NS, and any other interested person of record.

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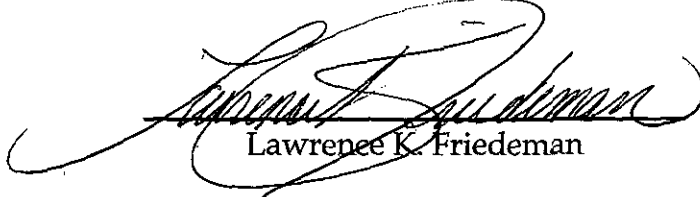
Asim Z. Haque, Chairman



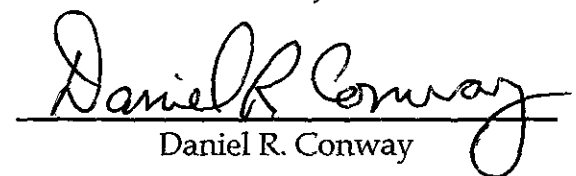
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman



Daniel R. Conway

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JUL 12 2017



Barcy F. McNeal  
Secretary