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 26, 2017

I. SUMMARY

{¶ 1} The Commission approves the request of the Wheeling & Lake Erie Railway Company to extend to September 6, 2017, the completion date for the installation of active warning devices at Trux Street/State Route 603 in Plymouth, Ohio.

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 July 6, 2016, the Commission issued a Finding and Order approving the installation of active warning devices at the WE grade crossing at Trux Street/State Route 603 in Plymouth, Ohio. The Commission ordered completion of the project by July 6, 2017.

{¶ 8} 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 in August 2017 and seeks an additional 60 days to complete the project.

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

{¶ 10} 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.

{¶ 11} On July 10, 2017, the attorney examiner issued an Entry extending the project deadline to August 6, 2017, to allow WE time to complete the project and the Commission time to consider WE's request.

{¶ 12} Upon review of WE's request and Staff's recommendation, the Commission finds that WE's request for a 60-day extension of time is warranted. Therefore, having

previously extended the completion date 30 days, an additional 30-day extension should be granted. Accordingly, the project should be completed no later than September 6, 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.

{¶ 13} WE should notify Staff, the Ohio Rail Development Commission (ORDC), and the village of Plymouth 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

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That WE's request for additional time to complete the project is granted in accordance with Paragraph 12. It is, further,

{¶ 16} ORDERED, WE complete the project no later than September 6, 2017. It is, further,

{¶ 17} ORDERED, That WE follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at this crossing. It is, further,

{¶ 18} ORDERED, That WE notify Staff, ORDC, and the village of Plymouth upon the completion of the project. It is, further,

{¶ 19} 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,

{¶ 20} 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

Asim Z. Haque, Chairman

M. Beth Trombold

Thomas W. Johnson

Lawrence K. Friedeman

Daniel R. Conway

JML/sc

Entered in the Journal
JUL 26 2017

Barcy F. McNeal
Secretary