

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF A REQUEST FOR THE
INSTALLATION OF ACTIVE WARNING
DEVICES AT THE CSX TRANSPORTATION
CROSSING IN LIVERPOOL TOWNSHIP, IN
MEDINA COUNTY.**

CASE NO. 17-2468-RR-STP

ENTRY

Entered in the Journal on January 3, 2019

I. SUMMARY

{¶ 1} The Commission grants additional time, until April 3, 2019, for CSX Transportation to install active warning devices at Hartneck Road in Liverpool Township, in Medina County, subject to the Commission's ongoing jurisdiction and oversight.

II. DISCUSSION

{¶ 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. 4907.471 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.

{¶ 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} CSX Transportation (CSX) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.

{¶ 7} On January 3, 2018, the Commission issued a Finding and Order approving installation by CSX of active warning devices at the Hartneck Road/County Road 114 grade crossing (DOT#141915U) in Liverpool Township, in Medina County. The Commission ordered completion of the project by January 3, 2019.

{¶ 8} On December 3, 2018, CSX filed a request for additional time to finish the project. CSX explains that its work crew availability is limited while it completes positive train control projects. CSX requests an additional 90 days, until April 3, 2019, to finish the grade crossing project.

{¶ 9} On December 18, 2017, Staff filed a memorandum recommending that the Commission grant the 90-day request for completion of the project by April 3, 2019. Staff adds that no further time extensions will be considered unless firm construction deadlines are provided.

{¶ 10} Upon review of CSX's request and Staff's recommendation, the Commission finds that CSX's request for additional time is warranted and will be granted, until April 3, 2019. CSX should expedite work on the 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.

{¶ 11} CSX should notify Staff, Liverpool Township, and the Ohio Edison Company (OEC) upon completion of the project. At the time Staff makes its final inspection and finds that the installations are completed, Staff should file a memorandum in this docket indicating that the project is completed.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That CSX's request for additional time to complete the project be granted in accordance with Paragraph 10. It is, further,

{¶ 14} ORDERED, That CSX complete the project no later than April 3, 2019. It is, further,

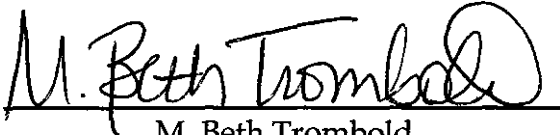
{¶ 15} ORDERED, That CSX follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at the crossing. It is, further,

{¶ 16} ORDERED, That CSX notify Staff, Liverpool Township, and OEC upon the completion of the project. It is, further,

THE PUBLIC UTILITIES COMMISSION OF OHIO



Asim Z. Haque, Chairman



M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman



Daniel R. Conway

JML/hac

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JAN - 3 2019



Tanowa M. Troupe
Secretary