

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR AN  
UPGRADE AT THE WHEELING & LAKE  
ERIE RAILROAD CROSSING AT GARVER  
ROAD/TR 177 IN CHATHAM TOWNSHIP,  
IN MEDINA COUNTY.

CASE NO. 17-2133-RR-STP

## ENTRY

Entered in the Journal on January 9, 2019

### I. SUMMARY

{¶ 1} The Commission grants additional time, until March 21, 2019, for the Wheeling & Lake Erie Railroad to install lights and gates at the Garver Road/Township Road 177 grade crossing in Chatham 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} Wheeling & Lake Erie Railroad (WLE) 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 November 21, 2017, the Commission issued a Finding and Order approving WLE's upgrade of warning devices at the Garver Road/Township Road 177 grade crossing (DOT#002056B) in Chatham Township, in Medina County. The Commission ordered completion of the project by November 21, 2018.

{¶ 8} On December 11, 2018, WLE filed a request for an additional 120 days to complete the project. WLE explains that it finished installation of lights and gates on November 5, 2018, but weather conditions in early December 2018 hindered completion of the surface portion of the project. WLE adds that it expects to put the project first on its list "when weather allows us to perform this work properly."

{¶ 9} On December 17, 2018, Staff filed a memorandum recommending that the Commission grant the 120-day request for completion of the project by March 21, 2019. Staff adds that it is satisfied that the lights and gates are in service and that WLE needs better weather for paving the surface. Staff adds that no further time extensions will be considered unless firm construction deadlines are provided.

{¶ 10} Upon review of WLE's request and Staff's recommendation, the Commission finds that WLE's request for additional time is warranted and will be granted, until March 21, 2019. WLE 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.

{¶ 11} WLE should notify Staff, Chatham Township, and the Lorain Medina Rural Electric Cooperative (LMREC) 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 WLE's request for additional time to complete the project be granted in accordance with Paragraph 10. It is, further,

{¶ 14} ORDERED, That WLE complete the project no later than March 21, 2019. It is, further,

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

{¶ 16} ORDERED, That WLE notify Staff, Chatham Township, and LMREC upon the completion of the project. It is, further,

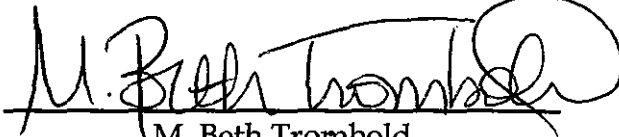
{¶ 17} ORDERED, That when Staff makes its final inspection and finds that the project is completed, Staff file a memorandum in this docket indicating that the project is completed. It is, further,

{¶ 18} ORDERED, That a copy of this Entry be served upon WLE, Chatham Township, LMREC, and any other interested person of record.

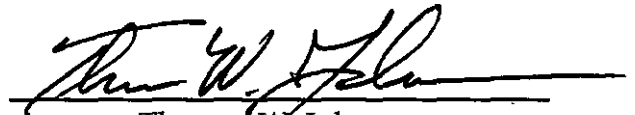
THE PUBLIC UTILITIES COMMISSION OF OHIO



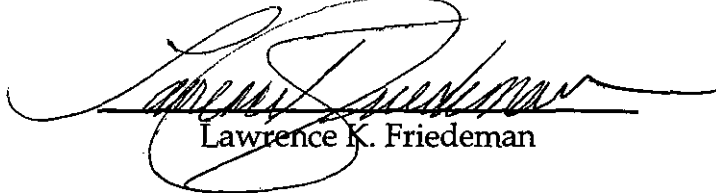
Asim Z. Haque, Chairman



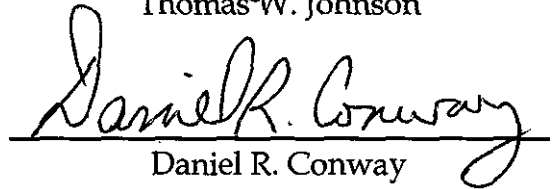
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman



Daniel R. Conway

JML/hac

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JAN - 9 2019



Tanowa M. Troupe  
Secretary