

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR A
DOWNGRADE OF THE CHICAGO FT.
WAYNE & EASTERN RAILROAD
CROSSING IN THE VILLAGE OF MIDDLE
POINT, VAN WERT COUNTY.

CASE NO. 19-1090-RR-RCP

ENTRY

Entered in the Journal on May 28, 2019

{¶ 1} 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.

{¶ 2} R.C. 4907.52 provides that when a railroad and street or highway cross at grade, if, in the opinion of the Commission, public safety requires protection, the Commission may make an order requiring the railroad to install such devices as, in the opinion of the Commission, will properly protect such crossing.

{¶ 3} Chicago Ft. Wayne & Eastern Railroad (CFER) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.

{¶ 4} On May 13, 2019, CFER filed a letter requesting a downgrade of the Main Street grade crossing (DOT#532757C) in the village of Middle Point, Van Wert County. CFER explains that it wants to remove the bells at this crossing because a garbage truck hit and damaged the crossing case. According to CFER, the Main Street crossing is one of three crossings that are tied together through circuitry. In addition to the bells, the crossing is protected by crossbucks and stop signs; CFER reports a “minimal car count per day” at the crossing and only four trains daily. CFER notes that an Ohio Rail Development Commission representative has visited the location to conduct a site visit and discuss matters concerning a downgrade. Upon receiving Commission approval,

CFER asserts that it will pay for removal of the bells and make necessary adjustments to the two adjacent crossings.

{¶ 5} The attorney examiner finds that Staff should file a report of investigation regarding CFER's request by July 31, 2019.

{¶ 6} Further, in order that any interested parties have the opportunity to file comments on CFER's request, the attorney examiner finds that interested parties have until the close of business on July 31, 2019, to file comments in the docket.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That Staff file a report of investigation no later than July 31, 2019. It is, further,

{¶ 9} ORDERED, That interested parties shall file comments no later than July 31, 2019. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon Genessee & Wyoming Inc., CFER, Mayor of the village of Middle Point, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn
Attorney Examiner

JRJ/hac

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Case No(s). 19-1090-RR-RCP

Summary: Attorney Examiner Entry scheduling deadlines for filing of Staff report and comments electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission