

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF WHEELING & LAKE ERIE RAILROAD
FOR UPGRADE OF ACTIVE WARNING
DEVICES IN THE CITY OF SOLON,
CUYAHOGA COUNTY.

CASE NO. 19-650-RR-FED

ENTRY

Entered in the Journal on June 19, 2019

I. SUMMARY

{¶ 1} The Commission dismisses the request of Wheeling & Lake Erie Railroad to upgrade active warning devices at the Camp Industrial Road grade crossing in the city of Solon, Cuyahoga County.

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 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} Wheeling & Lake Erie Railroad (WE) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.

{¶ 6} On March 18, 2019, Staff filed a memorandum stating that the ORDC has authorized funding for WE to upgrade the active warning devices at the Camp Industrial Road grade crossing (DOT#482704N) in the city of Solon, Cuyahoga County.

{¶ 7} On March 20, 2019, Staff filed a motion to dismiss the request for upgrade. According to Staff, ORDC has learned that the only party using this crossing is closing his business in May 2019. After that time, there will be no rail traffic at that location. Staff concludes that there is no reason to proceed with the request for upgrade and asks that the case be dismissed.

{¶ 8} The Commission finds that Staff's request is reasonable and that the request for upgrade should be dismissed.

III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the request for an upgrade of active warning devices at the Camp Industrial Road grade crossing (DOT#482704N) be dismissed. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon ORDC, WE, Engineer for the city of Solon, and any other interested person of record.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

JML/hac

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/19/2019 3:42:18 PM

in

Case No(s). 19-0650-RR-FED

Summary: Entry that the Commission dismisses the request of Wheeling & Lake Erie Railroad to upgrade active warning devices at the Camp Industrial Road grade crossing in the city of Solon, Cuyahoga County.
electronically filed by Docketing Staff on behalf of Docketing