

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE PROPER
PROCEDURES AND PROCESS FOR THE
COMMISSION'S OPERATIONS AND
PROCEEDINGS DURING THE DECLARED
STATE OF EMERGENCY AND RELATED
MATTER.

CASE NO. 20-591-AU-UNC

ENTRY

Entered in the Journal on March 25, 2020

I. SUMMARY

{¶ 1} Due to the declaration of a state of emergency, the Commission directs that the completion deadlines for all grade crossing improvement projects should be suspended for the duration of the emergency or as otherwise ordered by the Commission.

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. Further, 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.

{¶ 3} 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

{¶ 4} Pursuant to R.C. 4907.476, the Commission regularly identifies grade crossings in need of additional protective devices. The Commission thereafter issues orders authorizing railroads to acquire project materials and to commence construction to install or upgrade warning devices. In these directives, the Commission establishes specific completion deadlines for the projects.

{¶ 5} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at coronavirus.ohio.gov/.

{¶ 6} Pursuant to R.C. 3703.13, the Ohio Director of the Department of Health has the authority to issue orders and has supervisory authority over “all matters relating to the preservation of life and the health of the people” and the “ultimate authority in matters of quarantine and isolation.” On March 12, 2020, the Director of the Department of Health issued an Order indicating that “all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible.”

{¶ 7} While the Commission recognizes the importance of completing these safety projects, we acknowledge the impact this emergency will have on various workforces, including those tasked with upgrading grade crossings. Accordingly, the Commission finds the completion deadlines of all pending grade crossing projects should be suspended for the duration of the emergency or as otherwise ordered by the Commission.

III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the completion deadline for all pending grade crossing projects be suspended for the duration of the emergency or as otherwise ordered by the Commission. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon ORDC, Ohio Railroad Association, the Transportation list-serve, the Railroad list-serve, and all interested persons of record in this case.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

M. Beth Trombold

Daniel R. Conway

NJW/hac

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Case No(s). 20-0591-AU-UNC

Summary: Entry directing that the completion deadlines for all grade crossing improvement projects should be suspended for the duration of the emergency. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio