

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF COLUMBUS & OHIO RIVER RAILROAD
TO INSTALL ACTIVE WARNING DEVICES
AT A GRADE CROSSING IN SALEM
TOWNSHIP, TUSCARAWAS COUNTY.

CASE NO. 22-239-RR-FED

ENTRY

Entered in the Journal on November 30, 2022

I. SUMMARY

{¶ 1} The Commission approves the request of Columbus & Ohio River Railroad for additional time, until July 6, 2023, to install flashing lights and gates at the Fillmans Bottom Road grade crossing in Salem Township, Tuscarawas 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 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} Columbus & Ohio River Railroad (CUOH) 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 23, 2022, Staff filed a memorandum stating that the ORDC has authorized funding for CUOH to install gates and flashing lights at the Fillmans Bottom Road grade crossing (DOT#510668Y) in Salem Township, Tuscarawas County.

{¶ 7} On April 6, 2022, in a Finding and Order, the Commission ordered completion of the project by January 6, 2023.

{¶ 8} On October 7, 2022, CUOH requested until July 6, 2023, to complete the project. CUOH stated that its supplier has indicated that equipment needed to complete the project will not be available by the current deadline of January 6, 2023.

{¶ 9} Staff filed a memorandum on November 1, 2022, stating that it has discussed the matter with ORDC and that ORDC supports the extension request. Staff adds that CUOH has kept Staff apprised of the supply issue and that CUOH is working to complete the project. Staff recommends approval of the extension request.

{¶ 10} Given the request presented by CUOH and Staff's recommendation, the Commission finds that the request for additional time, until July 6, 2023, should be granted. CUOH should continue 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 continue to monitor work at the project.

{¶ 11} CUOH should notify Staff, ORDC, Alfred Benesch & Company, Salem Township Trustees, Tuscarawas County Engineer, and AEP-Ohio upon completion of the project. At the time Staff or ORDC makes its final inspection and finds that the project is completed, Staff should file a memorandum in this docket indicating that the installations are completed.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That CUOH's request for additional time to complete the project, until July 6, 2023, be granted. It is, further,

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

{¶ 15} ORDERED, That CUOH notify Staff, ORDC, Alfred Benesch & Company, Salem Township Trustees, Tuscarawas County Engineer, AEP-Ohio, and any other interested person of record upon completion of the project. It is, further,

{¶ 16} ORDERED, That when Staff or ORDC 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,

{¶ 17} ORDERED, That a copy of this Entry be served upon ORDC, Alfred Benesch & Company, Salem Township Trustees, Tuscarawas County Engineer, AEP-Ohio, and any other interested person of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

JML/hac

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Case No(s). 22-0239-RR-FED

Summary: Entry that the Commission approves the request of Columbus & Ohio River Railroad for additional time, until July 6, 2023, to install flashing lights and gates at the Fillmans Bottom Road grade crossing in Salem Township, Tuscarawas County, subject to the Commission's ongoing jurisdiction and oversight electronically filed by Ms. Donielle M. Hunter on behalf of Public Utilities Commission of Ohio