

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF INDIANA & OHIO RAILWAY TO
INSTALL ACTIVE WARNING DEVICES AT
A GRADE CROSSING IN CLINTON
COUNTY.

CASE NO. 22-492-RR-FED

FINDING AND ORDER

Entered in the Journal on May 31, 2023

I. SUMMARY

{¶ 1} The Commission approves the request of Indiana & Ohio Railway for additional time, until December 15, 2023, to install active warning devices at the E. Dalton Road/C.R. 54 grade crossing in Clinton 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} Indiana & Ohio Railway (IORY) 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 June 15, 2022, the Commission issued a Finding and Order approving installation of flashing lights and gates at the E. Dalton Road/CR 54 grade crossing (DOT#151-965A) in Clinton County. The Commission ordered completion of the project by June 15, 2023.

{¶ 7} On May 10, 2023, IORY filed a request for additional time, until December 15, 2023, to finish the project. IORY explains that supply chain delays have hindered timely completion of the project.

{¶ 8} On May 15, 2023, Staff filed a memorandum concerning IORY's request. Staff explains that it has discussed the issue with ORDC, which is supportive of the request. Staff adds that IORY has kept Staff updated concerning project delay issues and is working to complete the project. Staff recommends approval of the extension request.

{¶ 9} Given the request presented by IORY and Staff's recommendation, the Commission finds that the request for additional time, until December 15, 2023, should be granted. IORY 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.

{¶ 10} IORY should notify Staff, ORDC, Alfred Benesch & Company, Clinton County Engineer, The Dayton Power and Light Company d.b.a AES Ohio (AES Ohio), and any other interested party 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

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That IORY's request for additional time to complete the project, until December 15, 2023, be granted. It is, further,

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

{¶ 14} ORDERED, That IORY notify Staff, ORDC, Alfred Benesch & Company, Clinton County Engineer, AES Ohio, and any other interested party upon completion of the project. It is, further,

{¶ 15} 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,

{¶ 16} ORDERED, That a copy of this Finding and Order be served upon ORDC, IORY, Alfred Benesch & Company, Clinton County Engineer, AES Ohio, and any other interested party.

COMMISSIONERS:

Approving:

Jenifer French, Chair
Daniel R. Conway
Lawrence K. Friedeman
Dennis P. Deters
John D. Williams

JML/dmh

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Case No(s). 22-0492-RR-FED

Summary: Finding & Order approving the request of Indiana & Ohio Railway for additional time, until December 15, 2023, to install active warning devices at the E. Dalton Road/C.R. 54 grade crossing in Clinton County, subject to the Commission's ongoing jurisdiction and oversight electronically filed by Debbie S. Ryan on behalf of Public Utilities Commission of Ohio.