

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF OHIO CENTRAL RAILROAD FOR
INSTALLATION OF ACTIVE WARNING
DEVICES AT A GRADE CROSSING IN
COSHOCOTON COUNTY.

CASE NO. 22-762-RR-STP

FINDING AND ORDER

Entered in the Journal on October 18, 2023

I. SUMMARY

{¶ 1} The Commission approves the request of Ohio Central Railroad for additional time, until October 31, 2023, to install active warning devices at the C.R. 273 grade crossing in Coshocoton 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 is responsible for evaluating public grade crossings to determine the need for installing active warning devices and apportioning the cost thereof.

{¶ 4} R.C. 4907.471 also provides that the Commission is responsible for the administration and implementation of the State Grade Crossing Protection Fund, established to help defray a portion of the public's share of the cost of upgrading warning devices at Ohio's highway-railroad grade crossings.

{¶ 5} Pursuant to Ohio Adm.Code 4901-1-30, any two or more parties may enter into a written stipulation concerning issues of fact.

{¶ 6} Ohio Central Railroad (OHCR) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.

{¶ 7} On August 24, 2022, the Commission issued a Finding and Order directing OHCR to install flashing lights and gates at the C.R. 273 grade crossing (DOT#474-173Y) in Coshocton County. The Commission ordered completion of the project by August 24, 2023.

{¶ 8} On September 26, 2023, OHCR filed for an extension of the project completion date to October 31, 2023. OHCR explains that the project has been delayed because of material supply issues and has recently been given a construction start date by its contractor, Progress Rail, of September 26, 2023, for this project and another project. OHCR believes that an extension until October 31, 2023, will provide the contractor with sufficient time to finish the project.

{¶ 9} On September 26, 2023, Staff filed a memorandum indicating OHCR has kept Staff apprised of material supply issues. Staff finds that OHCR is working to complete the project and recommends that the extension request be approved.

{¶ 10} Given the request presented by OHCR and the recommendation of Staff, the Commission finds that the request for additional time, until October 31, 2023, should be granted. OHCR 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} OHCR should notify Staff, Coshocton County Engineer, and Ohio Power Company d/b/a/ AEP Ohio (AEP Ohio) upon completion of the project. At the time Staff makes its final inspection and finds that the installations are completed, Staff should file a memorandum in this docket indicating that the project is completed.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That, OHCR's request for additional time to complete the project, until October 31, 2023, be granted. It is, further,

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

{¶ 15} ORDERED, That OHCR notify Staff, AEP Ohio, and the Coshocton County Engineer upon completion of the project. It is, further,

{¶ 16} ORDERED, That when Staff 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 OHCR, the Coshocton County Engineer, AEP Ohio, and any other interested person of record.

COMMISSIONERS:

Approving:

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

JML/dr

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Case No(s). 22-0762-RR-STP

Summary: Finding & Order approving the request of Ohio Central Railroad for additional time, until October 31, 2023, to install active warning devices at the C.R. 273 grade crossing in Coshocton County, subject to the Commission's ongoing jurisdiction and oversight electronically filed by Debbie S. Ryan on behalf of Public Utilities Commission of Ohio.