

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
the Co-Operative Legislative)	
Committee,)	
)	
Complainant,)	
)	
v.)	Case No. 94-1668-RR-CSS
)	
Wheeling & Lake Erie Railway)	
Company,)	
)	
Respondent,)	

ENTRY

The Commission finds:

- 1) On October 19, 1994, the Co-Operative Legislative Committee (complainant) filed a complaint against the Wheeling & Lake Erie Railway Company (respondent) alleging unsafe conditions at the Brittain Yard, Akron, Ohio, due to inadequate lighting. On November 23, 1994, respondent filed its answer.
- 2) By entry of December 30, 1994, this matter was scheduled for a prehearing settlement conference on January 13, 1995, and a hearing on January 20, 1995. The prehearing settlement conference was held but the parties failed to resolve this matter. On January 19, 1995, the parties requested that the January 20, 1995 hearing be continued indefinitely, in order to allow the parties additional time to resolve this matter. Subsequent to the January 20, 1995 hearing, the parties continued to negotiate in good faith and continued to keep the attorney examiner informed as to progress in negotiations.
- 3) On August 10, 1995, the attorney examiner scheduled this matter for hearing on September 13, 1995. On August 23, 1995, the parties informed the attorney examiner that they had resolved all of the issues and required a one month extension of time in order to finalize

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all of the details of the settlement agreement, and requested that the September 13, 1995 hearing be continued. The September 13, 1995 hearing was thereafter continued.

- 4) On October 23, 1995, the parties filed a stipulation of settlement (stipulation) which resolves all of the issues involved in the complaint. Under the terms of the attached stipulation, respondent agrees to contract for construction and implementation of certain lighting improvements at its Brittain Yard within 60 days of the approval of this stipulation. Complainant agrees that the implementation of the improvements identified in the stipulation comprises complete satisfaction of any and all complaints regarding adequacy of lighting conditions in Brittain Yard, and agrees to withdraw its complaint in this proceeding.
- 5) The stipulation filed by these parties is reasonable and should be approved, and this case should be closed of record.

It is, therefore,

ORDERED, That the stipulation filed by the parties in this case is hereby approved and adopted. It is, further,

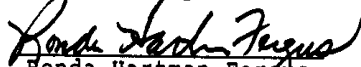
ORDERED, That Case No. 94-1668-RR-CSS be closed of record. It is, further,

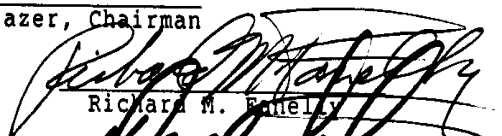
ORDERED, That a copy of this entry be served upon all parties of record.

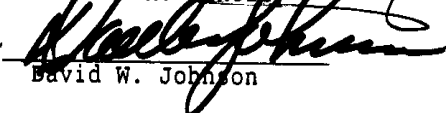
THE PUBLIC UTILITIES COMMISSION OF OHIO

Craig A. Glazer, Chairman

Jolynn Barry Butler


Ronda Hartman Fergus


Richard M. Emmelly

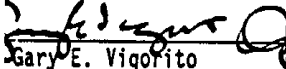

David W. Johnson

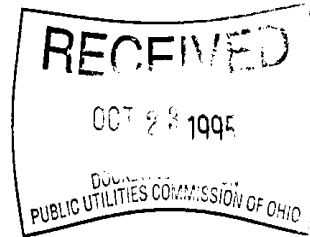
SEF/pdc

Entered in the Journal

NOV 2 1995

A True Copy


Gary E. Vigorito
Secretary



BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint)	
of the Co-Operative)	
Legislative Committee,)	
)	
Complainant,)	
)	Case No. 94-1668-RR-CSS
v.)	
)	
Wheeling & Lake Erie Railway)	
Company,)	
)	
Respondent.)	

STIPULATION OF SETTLEMENT

The above-captioned proceeding arises upon Complaint brought by the Cooperative Legislative Committee, Railroad Brotherhoods & Railroad Unions, State of Ohio ("Coop" or "Complainant") involving allegations regarding adequacy of lighting conditions existing at Brittain Yard, 1907 E. Market St., Akron, Ohio, a railroad facility owned and operated by the Wheeling & Lake Erie Railway Company ("WLE"), the Respondent herein. Upon consideration of the issues and as a result of discussions between the Coop and WLE ("the Parties"), an agreement has been reached resolving

the dispute herein in its entirety. This agreement provides as follows:

WLE agrees to contract for construction and implementation of certain lighting improvements at Brittain Yard as more particularly described on Attachment A hereto. Said improvements are to be completed on or before sixty (60) days from the date of execution of this Stipulation of Settlement. WLE specifically represents that it has sufficient funding committed to complete this project within the sixty (60) day period, and acknowledges that the Coop is relying on this representation.


The Coop agrees that implementation of improvements described on Attachment A comprises complete satisfaction of any and all complaints regarding adequacy of lighting conditions in Brittain Yard and that the Coop agrees to withdraw its Complaint in this proceeding.

The parties agree that the agreement herein is made solely for purposes of resolution of this dispute and does not necessarily reflect the positions which may have been taken had the matter been fully litigated. The parties specifically agree that terms of this agreement are not to be construed as acceptance or adoption by either party of the appropriateness or applicability of any criteria or standards relating to adequacy of lighting conditions at any other geographic locations or facilities.

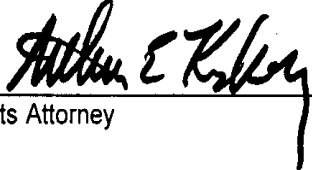
By the filing of an executed copy of this Stipulation with the Public Utilities Commission of Ohio, the Parties recommend the Commission issue its Order deeming the Complaint withdrawn and the matter closed.

The undersigned hereby stipulate and agree and each represents that it is authorized to enter into this Stipulation of Settlement this 12th day of October, 1995.

COOPERATIVE LEGISLATIVE COMMITTEE
RAILROAD BROTHERHOODS AND RAILROAD UNIONS
STATE OF OHIO

By: 
Its Attorney

WHEELING & LAKE ERIE RAILWAY COMPANY

By: 
Its Attorney

Attachment A

Proposed Lighting Improvements to Brittain Yard

The reworking of the light tower at the west end of the yard will include the following:

1. Replace all four existing 1000 watt mercury vapor fixtures with new 1000 watt metal halide fixtures. These new fixtures have a more advanced reflector design which directs the light in a more advantageous pattern. The metal halide lamp provides much more light per watt than the present mercury vapor lamps now in use. This type of lamp is commonly used in sports lighting because of the brilliant white light. These four lamps will greatly increase the amount of lighting in the area.
2. Install two new 1000 watt metal halide "narrow beam" fixtures to focus light to the area of No. 8 switch at the west end of the switching lead.
3. To increase the reliability of this light tower, the power supply will be raised to a 240 volt system with a 120 volt tap to power the radio base station.
4. A new lighting controller and photo control will be installed.
5. New wire will be used in the power supply lines and in the conduits on the tower.
6. Structural repairs will be made to the tower by replacing two deteriorated and broken guy wires.

In addition, the reworking of the tower at the east end of the yard will include:

1. The one existing 1000 watt fixture will be removed. Three 1000 watt, narrow beam, metal halide fixtures will be installed and directed toward the switching lead at the east end of the yard.
2. All wiring between the controller and the fixtures will be replaced.

SERVICE NOTICE

PAGE 1

CASE NUMBER 94-1668-RR-CSS
CASE DESCRIPTION COOPERATIVE LEGIS/WHEELING & LAKE
DOCUMENT SIGNED ON November 2, 1995
DATE OF SERVICE NOV 3 1995

PERSONS SERVED

PARTIES OF RECORD

ATTORNEYS

COMPLAINANT

COOPERATIVE LEGISLATIVE COMM/UTU
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COLUMBUS, OH 43229-2665

MARK A. ADAMS
BLUMENSTIEL, HUHN, WOOD, ADAMS
& HEMMER CO., L.P.A.
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COLUMBUS, OH 43230-2798

RESPONDENT

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BREWSTER, OH 44613

RONALD HYNES
WHEELING & LAKE ERIE RAILWAY CO.
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