

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of)
Wheeling & Lake Erie Railway and the)
Norfolk Southern Railroad to Proceed) Case No. 02-383-RR-FED
With Construction of Active Grade)
Crossing Devices in Stark and Trumbull)
Counties.)

ENTRY

The Commission finds:

- (1) By Entry dated February 21, 2002, the Commission authorized the Wheeling & Lake Erie Railway (W&LE) to construct an active grade crossing device at Stark County, City of Canton, Ohio, Spring Street, 474-391F. The device was to be placed in service by February 21, 2003.
- (2) On November 26, 2002, the Commission's railroad staff filed a memorandum stating that the Ohio Rail Development Commission (ORDC) had inadvertently neglected to authorize a second W&LE active warning device project at an adjacent crossing. Accordingly, Staff requests an Entry to address the construction of a railroad-highway grade crossing warning project within Stark County, City of Canton, Lippert Road, 474-392M, W&LE. Staff recommends that said Lippert Road crossing receive gates and warning lights. Staff further recommends that an actual cost warning project should be ordered for the Lippert Road crossing.
- (3) Staff notes that plans and estimates for the Spring Street and the Lippert Road crossings have been received and approved. Staff further requests that the scheduled in-service date for the Lippert Road crossing also be February 21, 2003.
- (4) In order to expedite the activation of the warning devices, the Commission no longer requires railroad companies to delay such activation pending a final inspection by Staff. However, W&LE shall notify Staff at the time the installation of each project is completed and the signals and gates are activated. Accordingly, immediately following such notification, Commission Staff will make its final inspection of the devices at each crossing. Upon satisfactory inspection, Staff shall file a memorandum in this docket indicating that the installations are completed and have been put in service and directing the Docketing Division to close this case of record.

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- (5) With the intention of promoting increased public safety during the pendency of this project, the Commission urges the appropriate local government agency to make an immediate assessment of interim physical improvements, which would enhance driver awareness at the project crossing. The Commission may provide assistance in funding improvements such as rumble strips, illumination, signs, or other safety enhancements at the project location. Applications for such funding should be made to the Commission's Transportation Department, Rail Division, which shall review all proposals. In the event, the department finds the improvements appropriate, the department director is hereby authorized to execute a contract with the local government agency, and obligate up to \$3,000 from the State Grade Crossing Safety Fund for such improvements. However, the local government agency should not initiate any improvements until a contract has been executed.

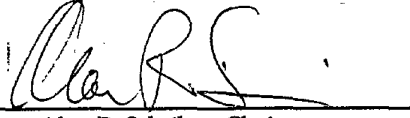
It is, therefore,

ORDERED, That W&LE proceeds with construction of the project, with the project to be completed by February 21, 2003. It is, further,

ORDERED, That W&LE notify the Commission's railroad section upon completion of each project, at which times Commission staff will make its final inspections and file a memorandum in this docket directing the Docketing Division to close this case of record. It is, further,

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

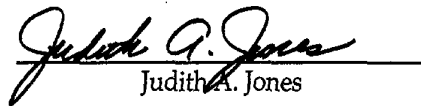
THE PUBLIC UTILITIES COMMISSION OF OHIO



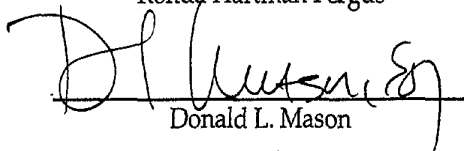
Alan R. Schriber, Chairman



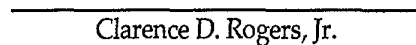
Ronda Hartman Fergus



Judith A. Jones



Donald L. Mason



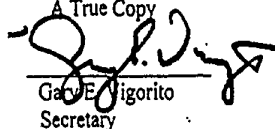
Clarence D. Rogers, Jr.

JML/vrm

Entered in the Journal

DEC 12 2002

A True Copy



Gary E. Igorito
Secretary