

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of)
CSX Transportation, Inc., Indiana &)
Ohio Railway, and Norfolk Southern)
Railway to Install Active Grade) Case No. 07-1154-RR-FED
Crossing Warning Devices in Morrow,)
Putnam, Wood, Pickaway, and Ottawa)
Counties, Ohio.)

ENTRY

The attorney examiner finds:

- (1) On November 20, 2007, the Commission issued an entry directing CSX Transportation, Inc., (CSX) to install active grade crossing devices at E. Broadway Road/County Road 10 (509-368N) in Wood County, Ohio, by November 20, 2008.
- (2) On March 21, 2008, CSX filed a request for an extension of time to March 6, 2009, to complete the project. In its request, CSX stated that, after CSX submitted its site plan to the Commission and the Ohio Rail Development Commission (ORDC), ORDC requested that CSX modify its plan to include the installation of active warning devices at the adjacent crossing located at Latcha Road (509-366A) in Wood County, Ohio. By entry dated July 2, 2008, the Commission granted CSX's request for an extension of time.
- (3) On February 27, 2009, CSX filed a request for a second extension of time to June 6, 2009, to complete the project. CSX indicated that a design review indentified a problem with the placement of the counterweight assembly which would cause it to interfere with train movements. On March 4, 2009, staff filed a memorandum recommending that the requested extension be granted but be limited to 60 days.
- (4) In order to assist the Commission in its consideration of the request for an extension, the attorney examiner directs CSX to file a report in this docket within seven days of this entry detailing: (1) why CSX was unable to complete the project by the March 6, 2009, deadline ordered by the Commission; (2)

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why the design flaw was not identified in the preparation of the initial site plans approved by the ORDC; (3) when CSX determined that it would be unable to complete the project by the March 6, 2009, deadline ordered by the Commission; (4) why CSX failed to comply with the requirements for requesting extensions set forth in the Commission's September 19, 1996, entry in *In the Matter of the Implementation of the 1996 Federal Crossing Protection Program*, Case No. 96-676-RR-FED; and (5) whether the 60-day extension recommended by staff is sufficient for completion of the project.

- (5) Pursuant to the Commission's September 19, 1996 entry in *In the Matter of the Implementation of the 1996 Federal Crossing Protection Program*, Case No. 96-676-RR-FED, the Commission authorized the attorney examiner assigned to the case to grant extensions for up to 30 days and indicated that any request for an extension in excess of 30 days would be considered and decided by the Commission.
- (6) Given the circumstances surrounding this request, the attorney examiner will grant a 30-day extension of the completion deadline for this project while the Commission considers CSX's request for a 90-day extension of time.

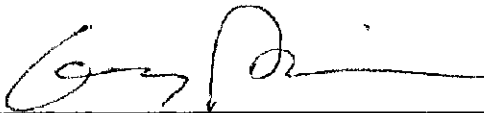
It is, therefore,

ORDERED, That a 30-day extension of time be granted. It is, further,

ORDERED, That CSX complete construction of the projects located at E. Broadway Road/County Road 10 (509-368N) and at Latcha Road (509-366A) in Wood County, Ohio, by April 6, 2009, unless otherwise ordered by the Commission. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Gregory A. Price
Attorney Examiner

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Entered in the Journal

MAR 06 2009



Renee J. Jenkins
Secretary