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2009 MAY 28 PM 2: 20

**Public Utilities  
Commission of Ohio**

PUCO

# Memo

**To:** Docketing Division  
**From:** George Martin, Grade Crossing Planner, Rail Division  
**Re:** PUCO Case No. 08-574-RR-FED Request of Norfolk Southern Railway for an extension of time to complete an active grade crossing warning device project in Montgomery County  
**Date:** May 28, 2009

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By its Entry dated May 28, 2008, the Commission ordered, in part, that Norfolk Southern Railway (NS) install an active grade crossing warning device at Montgomery County, City of West Carrollton, Kimberly Rd, DOT# 524-642M, on or before May 28, 2009.

On May 27, 2009, NS filed in this docket a request for an additional fourteen days to complete this project. NS notes in its request that the installation of the devices is nearly complete, and that the only aspect remaining is to install insulated joints. NS anticipates it should be able to install these by June 1, 2009. Absent anything unforeseen, NS states the project should be completed by June 11, 2009. NS further acknowledges that the request is not timely, and states that there appears to have been an internal communication breakdown.

Staff received a construction start notice for this project on March 13, 2009, stating that work would commence on this project on March 16, 2009. This should have allowed more than sufficient time for the project to be placed in service. During a teleconference with NS on May 6, 2009, staff inquired as to the status of the project, was copied on NS emails to ascertain the same, and never received a response. On May 26 and 27 staff inquired again as to the status of the project. On May 27 staff was notified that NS would request an extension of time to complete the project due to the lack of the insulated joints.

In light of the circumstances leading to this request being within NS' control, staff does not recommend that the Commission grant this extension.

C:Legal Department

Please serve the following parties of record

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