

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of the)
Norfolk Southern Railway to Install Active) Case No. 10-222-RR-FED
Grade Crossing Warning Devices in)
Montgomery and Warren Counties.)

ENTRY

The Commission finds:

- (1) By entry of April 3, 2010, the Commission ordered Norfolk Southern Railway (NS) to install new flashing lights and roadway gates at the following grade crossings: Sellars Road (524-638X), Alex Bell Road (524-641F), and Elm Street, 524-645H, located in Montgomery County; and Fairview Rd. (524-664M) and Lower Carlisle (524-667H), located in Warren County. NS was directed to complete the projects by September 3, 2011.
- (2) By entry of April 14, 2010, the Commission ordered that NS also complete an additional signal preemption project at the South Alex Road grade crossing (524-644B), in Montgomery County. NS was similarly directed to complete the South Alex Road project by September 3, 2011.
- (3) By entry of August 30, 2011, NS was granted a 30-day extension of time to complete the project. The extension was granted because the Ohio Rail Development Commission (ORDC) had not yet authorized NS to proceed with construction of the project.
- (4) On September 19, 2011, NS filed an additional request for an extension of the completion date. NS states that, as of the date of its filing, the ORDC is unable to confirm when the underlying concern with the project funding from the Federal Highway Administration will be resolved. As a result, NS states that ORDC has not yet authorized it to

proceed with construction. NS requests that the deadline for completion of the project be extended for a period of six months from the date upon which the ORDC provides written notice to NS that it is authorized to proceed with the project.

- (5) On September 19, 2011, staff filed a memorandum recommending that the extension request be granted.
- (6) The Commission finds good cause to grant NS's request. Accordingly, the deadline for completion of the South Alex Road grade crossing project should be extended for a period of six months from the date upon which the ORDC provides written notice to NS that it is authorized to proceed with the project. ORDC should provide notice to the staff that it has authorized NS to proceed with construction of the project. At the time it receives such authorization, NS should file a notice in this docket that it has been authorized by ORDC to proceed with construction of the project. Staff should monitor the work at this crossing to ensure that the project is completed with as little delay as possible.

It is, therefore,

ORDERED, That NS's extension request be granted. It is, further,

ORDERED, That ORDC provide notice to the staff that it has authorized NS to proceed with construction of the project. It is, further,

ORDERED, That, at the time it receives such authorization, NS should file a notice in this docket that it has been authorized by ORDC to proceed with the South Alex Road grade crossing project. It is, further,

ORDERED, That NS complete the South Alex Road grade crossing project within six months from the date upon which the ORDC provides written notice to NS that it is authorized to proceed with the project. It is, further,

ORDERED, That the Commission serve a copy of this entry upon NS; ORDC; the Service Departments of Carlisle, West Carrollton, and Moraine, Ohio; and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Paul A. Centolella

Steven D. Lesser

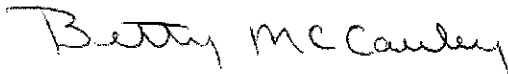

Andre T. Porter


Cheryl L. Roberto

SEF/sc

Entered in the Journal

OCT 03 2011



Betty McCauley

Betty McCauley
Secretary