

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Consolidation Project)
with Norfolk Southern Railway in the City) Case No. 12-1508-RR-FED
of London, Madison County.)

ENTRY

The Commission finds:

- (1) On May 23, 2012, the Commission approved a subsidy agreement between Commission Staff (Staff), the Ohio Rail Development Commission (ORDC), the city of London (City), and Norfolk Southern Railway (NS) for a consolidation project. Under the agreement, the West First Street grade crossing (527-998F) will be permanently closed to vehicular and pedestrian traffic and NS will reconstruct the surfaces of the Madison Road (527-997Y) and Maple Street (525-141L) grade crossings. NS was directed to complete the projects by May 23, 2013.
- (2) On May 9, 2013, NS filed a request for a 75-day extension of time to complete the projects. NS indicated that the projects approved in this case are also part of a corridor project which includes signal modifications at three grade crossings located in the city of London.
- (3) 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.
- (4) On May 16, 2013, the attorney examiner granted a 30-day extension of completion date in order to allow the Commission time to consider NS's request for an extension. NS was directed to file by May 31, 2013, a supplement to its May 9, 2013 request that provides further information as to why the extension is required.

- (5) On May 31, 2013, NS filed a supplemental memorandum in support of its request for an extension of time. NS notes that the projects include the installation of premium surfaces at two grade crossings and the permanent closure of another grade crossing and that these projects are part of a mini-corridor project, which includes signal modification at three grade crossings located in the city of London. NS also notes that it has initiated the signal project and anticipates that it will be completed within its current deadline of November 13, 2013. In addition, NS indicates that the mini-corridor project is fairly complex with the involvement of multiple departments and that there is a specific progression to the projects with NS installing the surfaces first, then the city closing the crossing, and then NS completing signal modifications. NS also indicated that the projects have been delayed because the surface material was on backorder and not immediately available and that it will not likely be able to be shipped until mid-July of 2013. According to NS, the city of London has been advised of and supports NS's request.
- (6) On June 4, 2013, Staff filed a memorandum recommending that the Commission grant NS's request for extension.
- (7) Upon review, the Commission finds NS's request reasonable and that it should be granted. Accordingly, NS is granted an extension of time until August 6, 2013, to complete the projects. NS is directed to follow all standard railroad crossing safety protocol so as to ensure the protection of the traveling public at these crossings. In addition, Commission Staff should continue to monitor the work at the projects to ensure completion within the newly-ordered time frame.

It is, therefore,

ORDERED, That NS's request for an extension of time until August 6, 2013, is granted in part. It is, further,

ORDERED, That NS complete the projects by August 6, 2013. It is, further,

ORDERED, That copies of this entry be served upon NS, ORDC, London Safety Service Director, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Todd A. Snitchler, Chairman

Steven D. Lesser

Lynn Slaby

M. Beth Trombold

SEF/sc

Entered in the Journal

JUN 11 2013

Barcy F. McNeal

Barcy F. McNeal
Secretary