

FILE

**Public Utilities
Commission of Ohio**

Memo

To: Docketing Division
From: Jill Henry, Rail Specialist, Rail Division
Cc: PUCO Legal Department
Date: 7/15/15



PUCO

RECEIVED-DOCKETING DIV
2015 JUL 15 AM 9:30

Re: PUCO Case No. 13-301-RR-STP- In the matter of a request for Norfolk Southern Railway Company to install active grade crossing warning devices in the Village of Ashville at Griggs Street (DOT#481-432A) in Pickaway County.

On January 4, 2013, Commission Staff, the Ohio Rail Development Commission (ORDC), Norfolk Southern Railway Company (NS), and the Village of Ashville, Ohio (LHA) entered into an agreement (attached) whereby active grade crossing warning devices would be installed in Pickaway County, at Griggs Street (DOT#481-432A).

On January 8, 2013, the Ohio Rail Development Commission authorized funding for the project.

On February 13, 2013, the Commission issued a Finding and Order approving the project and requiring the submission of plans and estimates by May 14, 2013 and for construction to be completed by February 13, 2014.

On May 2, 2013, NS filed with the Rail Division plans and estimates for the project. Construction authorization was granted on June 7, 2013.

On January 23, 2013, NS submitted a request for a six month extension of time for the completion of the project. In that request, NS noted that they were working with the Village of Ashville to coordinate the necessary roadway work that must be done in conjunction with the installation of the signals. On February 5, 2014, the Commission granted a six month extension until August 13, 2014.

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NS filed a second six month extension request on July 30, 2014. In the request NS states that related track work has been completed and that the Village of Ashville has re-profiled the roadway approach to compensate for the track adjustments. This required that the adjacent intersection be redesigned. The Village has finalized those new roadway designs and hopes to complete the work by December 2014. NS will then be able to finish construction of the crossing signals. On August 20, 2014, the Commission granted a six month extension until February 13, 2015.

On January 29, 2015, NS filed a five month extension request. According to NS, the Village of Ashville is scheduled to complete the roadway work by the first part of May and then NS will be able to complete the crossing work. NS is requesting a 5 month extension until July 13, 2015.

On June 26, 2015, NS filed a request for a four month extension request. According to NS, the Village of Ashville has completed 75% of the roadway work, but is experiencing continued delays because of the rainy weather.

Since NS cannot complete the crossing project until the roadway work is completed, Staff recommends that the Commission grant the extension request. Staff believes that, given the length of time this project has been underway, it is expected that NS will complete all remaining project work and put the project in service no later than 45 days from the Village of Ashville's completion of the roadway work.

[illegible]

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

[illegible]

In the Matter of a Request for Norfolk Southern Railway Company to Install Active Grade Crossing Warning Devices at Griggs Street, in the Village of Ashville, Pickaway County.

: Case No. 13-301-RR-STP

: **CONSENT REQUEST FOR**

: **EXTENSION OF CONSTRUCTION**

: **DEADLINE**

: D. Casey Talbott (0046767)

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Attorneys for Norfolk Southern
Railway Company

[illegible]

With the consent of the Village of Ashville, Norfolk Southern Railway Company respectfully requests an additional extension of time of four (4) months – through November 13, 2015 – within which to complete the instant construction project.

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

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MEMORANDUM IN SUPPORT

This is a complex construction project involving the relocation of the existing Griggs Street grade crossing (481-432A), and related surface and signal work in furtherance of the Village's master development plan, including the installation of flashing lights and gates at the relocated crossing.

The parties continue to work well together here, and have made considerable progress – *e.g.*, Norfolk Southern has completed related track work (raising, etc.), and the Village has: profiled the proposed roadway approach, to compensate for track adjustment, designed the adjacent intersection, and finalized its roadway plans; bid and awarded the roadway contract; submitted the roadway plans to Norfolk Southern for its review and approval which has been secured; and entered into an appropriate agreement with Norfolk Southern toward performing the related roadway work.

More recently, the parties held an on-site, pre-construction meeting (in February of 2015), following which the Village initiated the related roadway work. The Village has completed approximately 75% of this work, but due to various concerns – *e.g.*, inclement weather (rain) and a utility conflict (the relocation of two poles, which is being resolved),

additional time is warranted and necessary. Once the Village completes its roadway work (expected to be accomplished within the next 45 days or thereabouts), then Norfolk Southern will install signals at the relocated crossing, and will then perform any requisite touch-up work, including the removal of the signals and surface at the site of the existing crossing, and final touch-up work at the site of the relocated crossing which would then be opened for vehicular traffic.

In light of the above, and with the Village's consent, Norfolk Southern respectfully requests an additional extension of time of four (4) months – through November 13, 2015 – within which to complete the instant construction project.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

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PROOF OF SERVICE

A copy of the foregoing *Consent Request for Extension of Construction Deadline* was filed with the Commission electronically this 26th day of June, 2015. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ D. Casey Talbott

Attorney for Norfolk Southern
Railway Company

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/26/2015 10:35:32 AM

in

Case No(s). 13-0301-RR-STP

**Summary: Request Consent Request for Extension of Construction Deadline electronically
filed by Mr. D. Casey Talbott on behalf of Norfolk Southern Railway Company**