

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF NORFOLK SOUTHERN RAILWAY TO
INSTALL ACTIVE GRADE CROSSING
WARNING DEVICES IN PERRY COUNTY.

CASE NO. 15-1494-RR-FED

ENTRY

Entered in the Journal on August 26, 2016

I. SUMMARY

{¶ 1} The Commission approves the request of Norfolk Southern Railway to extend to September 30, 2016, the completion date for the installation of mast-mounted flashing lights and roadway gates at the Clay Road/Township Road 185 grade crossing (DOT#513448N), in Jackson Township, Perry County, subject to the Commission's ongoing jurisdiction and oversight.

II. DISCUSSION

A. *Applicable Law*

{¶ 2} R.C. 4905.04 provides that the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.

{¶ 3} R.C. 4907.471 provides that the Commission shall survey all grade crossings and establish a priority list to determine which grade crossings are in need of additional protective devices.

{¶ 4} R.C. 4907.476 provides that where the Ohio Department of Transportation (ODOT) enters into contracts and agreements for grade crossing protective device projects, the Commission shall work with and through the department. Federal funding for such projects is provided through the Ohio Rail Development Commission (ORDC), which is an

independent agency of the state within ODOT, established in accordance with R.C. 4981.02.

{¶ 5} Norfolk Southern Railway (NS) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.

B. Procedural Background and Other Details

{¶ 6} On September 30, 2015, the Commission issued a Finding and Order approving the installation by NS of mast-mounted flashing lights and roadway gates at the Clay Road/Township Road 185 grade crossing (Clay Road) (DOT#513448N), in Jackson Township, Perry County. The Commission ordered completion of the project by June 30, 2016.

{¶ 7} On June 16, 2016, NS filed a letter requesting an additional 90 days to complete the project. NS explained that, in March 2016, part of the rail line that includes the Clay Road grade crossing was placed out of service, with the expectation that the project would be cancelled. Subsequently, and subject to the approval of the Surface Transportation Board, NS entered into an agreement with the Kanawha River Railroad to lease some of the rail line, including that part that travels over the Clay Road grade crossing. NS requested that the completion deadline for the project be extended by 90 days, during which time it would confer with interested parties and follow up with the Commission as to an appropriate future course.

{¶ 8} Staff filed a memorandum on June 29, 2016, recommending that the extension request be granted.

{¶ 9} Extensions of the completion deadline were granted, most recently to August 29, 2016.

{¶ 10} Upon review, the Commission finds NS should be granted an extension of time until September 30, 2016, to complete the project.

III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That NS be granted an extension of time to September 30, 2016, to complete the project. It is, further,

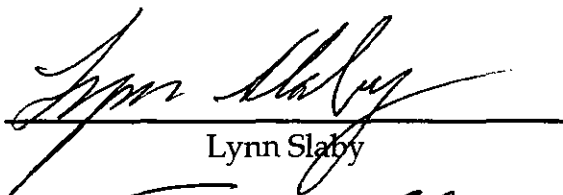
{¶ 13} ORDERED, That, unless otherwise authorized, NS complete the project by September 30, 2016. It is, further,

{¶ 14} ORDERED, That when Staff or ORDC makes its final inspection and finds that the project is completed, Staff file a memorandum in this docket indicating that the project is completed. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon NS, ORDC, Jackson Township Trustees, South Central Power Company, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

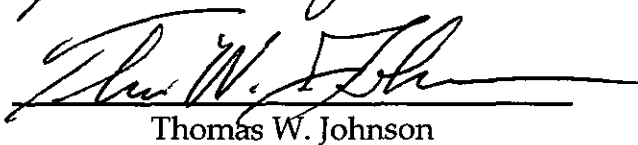
Asim Z. Haque, Chairman



Lynn Slaby



M. Beth Trombold



Thomas W. Johnson

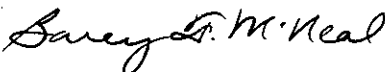


M. Howard Petricoff

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AUG 26 2016



Barcy F. McNeal
Secretary