

[illegible]

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

[illegible]

In the Matter of the Authorization of  
Norfolk Southern Railway to Install  
New Active Warning Devices at Four  
Grade Crossings in the City of  
Dayton, Montgomery County.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No. 17-1508-RR-FED

**REQUEST TO DEFER**  
**CONSTRUCTION DEADLINE**

D. Casey Talbott (0046767)  
(Counsel of Record)  
EASTMAN & SMITH LTD.  
One SeaGate, 24<sup>th</sup> Floor  
P.O. Box 10032  
Toledo, Ohio 43699-0032  
Telephone: (419) 241-6000  
Fax: (419) 247-1777  
E-Mail: dctalbott@eastmansmith.com

Attorneys for Norfolk Southern  
Railway Company

[illegible]

Norfolk Southern Railway Company (“NSRC”) respectfully requests a deferral of the project completion deadline with respect to the involved construction projects at the following grade crossings in Dayton, Montgomery County: Stewart Street (DOT# 524628S), Irwin Street (DOT# 527818F), Miami Chapel Road (DOT# 524629Y), and Findlay Street (DOT# 527819M).

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

D. Casey Talbott  
One SeaGate, 24<sup>th</sup> Floor  
P.O. Box 10032  
Toledo, Ohio 43699-0032  
Telephone: (419) 241-6000  
Fax: (419) 247-1777  
E-Mail: dctalbott@eastmansmith.com

Attorneys for Norfolk Southern  
Railway Company

**MEMORANDUM IN SUPPORT**

By Finding and Order of July 26, 2017, the Commission authorized NSRC to install new active warning devices at the above-referenced grade crossings in Dayton, Montgomery County. Substantial progress has been made – specifically, from a design and engineering standpoint, the projects have been progressed as far as they can be. But with respect to actual construction and cut-in, NSRC seeks a deferral of the assigned project completion deadline. The reason is that NSRC – like a number of other rail carriers throughout the country – is obligated to comply with the Positive Train Control Enforcement and Implementation Act of 2015 (“PTC”), which carries with it what appears to be a firm installation deadline of December 31, 2018, with operational implementation to be accomplished no later than December 31, 2020.

This federal mandate – unprecedented in scope, as to both capital investment and requisite manpower – has caused the affected carriers, including NSRC, to mobilize/dedicate their resources (manpower and equipment), toward complying with the federal mandate.

In light of same, NSRC would respectfully request that the project completion deadline for the four Dayton crossings be deferred, with a new deadline of December 31, 2020.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

D. Casey Talbott  
One SeaGate, 24<sup>th</sup> Floor  
P.O. Box 10032  
Toledo, Ohio 43699-0032  
Telephone: (419) 241-6000  
Fax: (419) 247-1777  
E-Mail: dctalbott@eastmansmith.com

Attorneys for Norfolk Southern  
Railway Company

**PROOF OF SERVICE**

A copy of the foregoing **Request to Defer Construction Deadline** was filed electronically with the Commission this 12<sup>th</sup> day of July, 2018. 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**

**7/12/2018 4:10:18 PM**

**in**

**Case No(s). 17-1508-RR-FED**

Summary: Request Request to Defer Construction Deadline electronically filed by Mr. D. Casey Talbott on behalf of Norfolk Southern Railway Company