

Memo

To: Docketing Division
From: Jill Henry, Rail Specialist, Rail Division
Cc: PUCO Legal Department
Date: 8/27/2018

Re: PUCO Case No. 17-2199-RR-FED- In the Matter of an Extension Request for an Upgrade to the Active Warning Devices at the Norfolk Southern Railway Crossing, S. Munson Road DOT#509-484C, in Fulton County, Ohio.

On August 24, 2016, the Ohio Rail Development Commission (ORDC) authorized funding for Norfolk Southern Railway to upgrade the active warning devices at S. Munson Road DOT#509-484C, in Fulton County, Ohio. The crossing was surveyed on April 13, 2016 and found to warrant the upgrades.

On November 21, 2017, the Commission approved the project and ordered completion by August 21, 2018.

On August 7, 2018, NS filed for an extension until December 31, 2020. On August 17, 2018, NS filed an amended request for an extension until November 15, 2018. In the request, NS states that they are working to complete PTC (Positive Train Control) projects and their resources are being used to meet the federal mandate of December 31, 2018 for PTC.

ORDC has indicated to Staff that they not opposed to the extension request, but notes that this is a safety project.

Staff recommends that the Commission grant the 90 day extension request, but would like NS to complete the project by November 15, 2018. Staff will not consider additional extensions of time, due to PTC, unless firm and reasonable construction deadlines are provided.

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

Case No. 17-2199-RR-FED

**AMENDED REQUEST TO
DEFER CONSTRUCTION
DEADLINE**

D. Casey Talbott (0046767)
(Counsel of Record)
EASTMAN & SMITH LTD.
One SeaGate, 24th 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

Norfolk Southern Railway Company (“NSRC”) respectfully amends its earlier Request to Defer Construction Deadline, and now seeks a lesser extension of time, of ninety (90) days from the date of today’s filing (so through November 15, 2018) within which to complete the

involved construction project at the S. Munson Road grade crossing (DOT# 509484C) in the Village of Swanton, Fulton County.

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

D. Casey Talbott
One SeaGate, 24th 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 November 21, 2017, the Commission authorized NSRC to install new active warning devices at the above-referenced grade crossing in the Village of Swanton, Fulton County. Substantial progress has been made – specifically, from a design and engineering standpoint, the project has been progressed as far as it 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 respectfully requests that the project completion deadline for the Swanton crossing be extended for ninety (90) days from the date of today's filing – so through November 15, 2018.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott
D. Casey Talbott
One SeaGate, 24th 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 **Amended Request to Defer Construction Deadline** was filed electronically with the Commission this 17th day of August, 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

8/17/2018 4:26:19 PM

in

Case No(s). 17-2199-RR-FED

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

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/28/2018 11:08:45 AM

in

Case No(s). 17-2199-RR-FED

Summary: Response In the Matter of an Extension Request for an Upgrade to the Active Warning Devices at the Norfolk Southern Railway Crossing, S. Munson Road DOT#509-484C, in Fulton County, Ohio. electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division