

# **THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE AUTHORIZATION  
OF CSX TRANSPORTATION TO INSTALL  
NEW ACTIVE WARNING DEVICES AT  
WASHINGTON STREET IN THE CITY OF  
DAYTON, MONTGOMERY COUNTY.**

**CASE No. 17-2292-RR-FED**

## **ENTRY**

Entered in the Journal on September 19, 2018

### **I. SUMMARY**

{¶ 1} The Commission approves the request of CSX Transportation to extend to December 20, 2018, the deadline for installation of new lights and gates at the Washington Street (DOT#155116F) grade crossing in the city of Dayton, Montgomery County.

### **II. DISCUSSION**

{¶ 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} CSX Transportation (CSX) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.

{¶ 6} On December 20, 2017, the Commission issued a Finding and Order approving the installation by CSX of new lights and gates at the Washington Street (DOT#155116F) grade crossing, in the city of Dayton, Montgomery County. The Commission ordered completion of the project by September 20, 2018.

{¶ 7} On July 19, 2018, CSX filed a request to extend the project deadline. CSX stated that it is experiencing limited work crew availability because of federal requirements to implement positive train control. CSX requested a 90 day extension of time, until December 20, 2018, to complete the project.

{¶ 8} On August 15, 2018, Staff filed a memorandum concerning CSX's request. Staff noted that Norfolk Southern Railway (NS) and CSX have adjacent tracks at the same crossing; consequently, the CSX project is tied in with the NS light and gate project in Case No. 16-2181-RR-FED.<sup>1</sup> Staff explained that the NS project is on hold until CSX completes its project at Washington Street. Staff adds that the Ohio Rail Development Commission (ORDC) has indicated that, while it is not opposed to the extension request, the CSX project must be completed before NS can finish its work at the same location. Staff recommends that the Commission grant CSX's request and directs CSX to complete its project by December 20, 2018. Staff emphasizes that no additional time extensions will be considered unless firm construction deadlines are provided.

{¶ 9} Upon review of CSX's request and Staff's recommendation, the Commission finds that CSX's request for a 90-day extension of time is warranted. Accordingly, the project should be completed no later than December 20, 2018. CSX

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<sup>1</sup> See *In re Authorization of Norfolk Southern Railway Company to Install New Active Warning Devices at Albany Street and Washington Street, City of Dayton, Montgomery County*, Case No. 16-2181-RR-FED, Finding and Order (December 21, 2016).

should expedite work on this project and follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at this crossing. Further, Staff should monitor work at the project to ensure completion within the newly ordered timeframe.

{¶ 10} CSX should notify Staff, ORDC, NS, City Engineer of Dayton, and the Dayton Power & Light Company (DP&L) upon completion of the project. At the time the Commission or ORDC makes its final inspection and finds that the installation is completed, Staff should file a memorandum in this docket indicating that the project are completed.

### III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That CSX's request for additional time to complete the project be granted in accordance with Paragraph 9. It is, further,

{¶ 13} ORDERED, That CSX complete the project no later than December 20, 2018. It is, further,

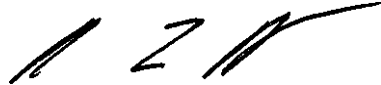
{¶ 14} ORDERED, That CSX follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at this crossing. It is, further,

{¶ 15} ORDERED, That CSX notify Staff, ORDC, NS, the City Engineer of Dayton, and DP&L upon the completion of the project. It is, further,

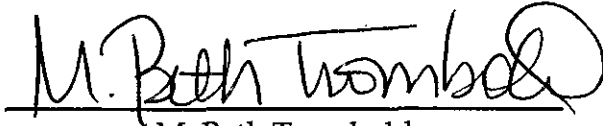
{¶ 16} ORDERED, That when Staff or ORDC makes its final inspection and finds that the project is completed, Staff file a memorandum in this docket indicating that the project is completed. It is, further,

{¶ 17} ORDERED, That a copy of this Entry be served upon ORDC, CSX, NS, City Engineer of Dayton, DP&L, and any other interested person of record.

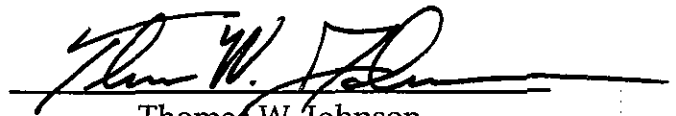
THE PUBLIC UTILITIES COMMISSION OF OHIO



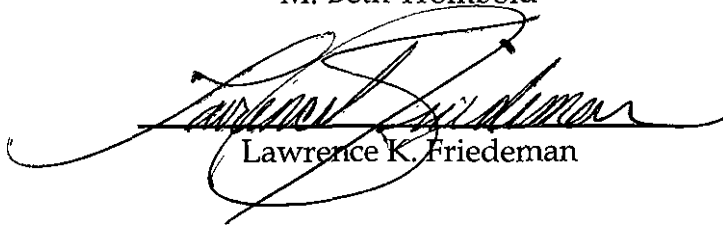
Asim Z. Haque, Chairman



M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman

Daniel R. Conway

JML/sc

Entered in the Journal

SEP 19 2018



Barcy F. McNeal  
Secretary