

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF NORFOLK SOUTHERN RAILWAY TO
UPGRADE ACTIVE WARNING DEVICES IN
THE VILLAGE OF SWANTON, FULTON
COUNTY.

CASE NO. 17-2199-RR-FED

ENTRY

Entered in the Journal on September 19, 2018

I. SUMMARY

{¶ 1} The Commission grants additional time, until November 15, 2018, for Norfolk Southern Railway to upgrade to LED lights at the S. Munson Road grade crossing in the village of Swanton, Fulton County, subject to the Commission's ongoing jurisdiction and oversight.

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} 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.

{¶ 6} On November 21, 2017, the Commission issued a Finding and Order approving NS's upgrade to LED lights at the S. Munson Road grade crossing (DOT#509484C) in the village of Swanton, Fulton County. The Commission ordered completion of the project by August 21, 2018.

{¶ 7} On August 7, 2018, NS filed a request for additional time to complete the project. NS explained that its resources have been directed toward meeting the December 31, 2018, Positive Train Control (PTC) federal mandate, and it requested until December 31, 2020, to complete the project. Subsequently, on August 17, 2018, NS amended its request by asking that the completion date be extended to November 15, 2018.

{¶ 8} On August 28, 2018, Staff filed a memorandum stating that, while the Ohio Rail Development Commission (ORDC) does not oppose the extension request, ORDC notes that this is a safety project. Staff recommends that the Commission grant NS's request to extend the completion date for the project to November 15, 2018. Staff adds that it will not consider additional requests to extend the completion date unless firm and reasonable construction deadlines are provided.

{¶ 9} Upon review of NS's request and Staff's recommendation, the Commission finds that NS's request for additional time, until November 15, 2018, is warranted. NS should expedite work on the 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} NS should notify Staff, ORDC, Administrator of the village of Swanton, and The Toledo Edison Company (TEC), upon completion of the project. At the time Staff 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 is completed.

III. ORDER

{¶ 11} It is, therefore,

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

{¶ 13} ORDERED, That NS complete the project no later than November 15, 2018. It is, further,

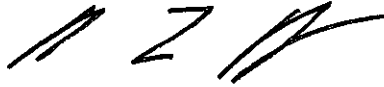
{¶ 14} ORDERED, That NS follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at the crossing. It is, further,

{¶ 15} ORDERED, That NS notify Staff, ORDC, Administrator of the village of Swanton, and TEC upon the completion of the project. It is, further,

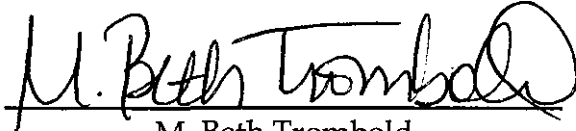
{¶ 16} ORDERED, That when Staff or ORDC makes its final inspection and finds that the project is completed, Staff file a memorandum in this docket indicating that the project is completed. It is, further,

{¶ 17} ORDERED, That a copy of this Entry be served upon ORDC, NS, Administrator of the village of Swanton, TEC, and any other interested person of record.

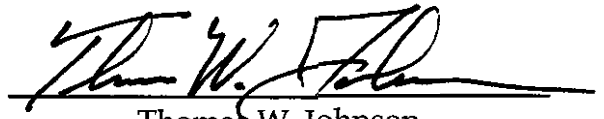
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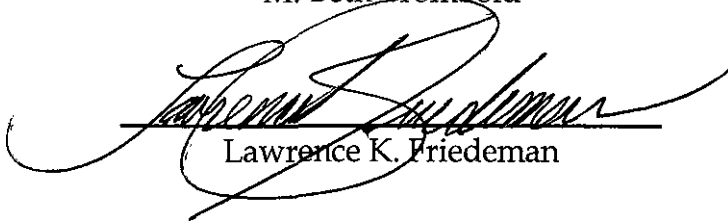
Asim Z. Haque, Chairman



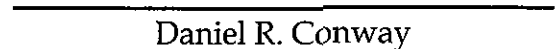
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman



Daniel R. Conway

JML/hac

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SEP 19 2018



Barcy F. McNeal
Secretary