

# THE PUBLIC UTILITIES COMMISSION OF OHIO

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

## 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 install new active warning devices at four grade crossings in the city of Dayton, Montgomery 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 July 26, 2017, the Commission issued a Finding and Order approving NS's installation of new active warning devices at four grade crossings in the city of Dayton, Montgomery County. The grade crossings are at Stewart Street (DOT#524628S), Irwin Street (DOT#527818F), Miami Chapel Road (DOT#524629Y), and Findlay Street (DOT#527819M). The Commission ordered completion of the projects by July 26, 2018.

{¶ 7} On July 12, 2018, NS filed a request for additional time to complete the projects. 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 projects. 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 the four grade crossings were initially surveyed in 2011. Staff recommends that the Commission grant NS's request to extend the completion date for the projects 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 projects and follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at the crossings. Further, Staff should monitor work at the projects to ensure completion within the newly ordered timeframe.

{¶ 10} NS should notify Staff, ORDC, the Engineering Department for the city of Dayton, and the Dayton Power & Light Company (DP&L) upon completion of the projects. At the time Staff or ORDC makes its final inspection and finds that the installations are completed, Staff should file a memorandum in this docket indicating that the projects are completed.

### III. ORDER

{¶ 11} It is, therefore,

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

{¶ 13} ORDERED, That NS complete the projects 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 crossings. It is, further,

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

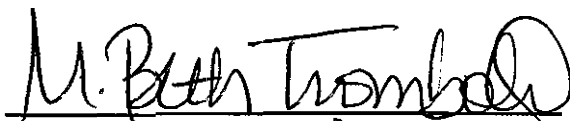
{¶ 16} ORDERED, That when Staff or ORDC makes its final inspection and finds that the project is completed, Staff file a memorandum in this docket indicating that the project is completed. It is, further,

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

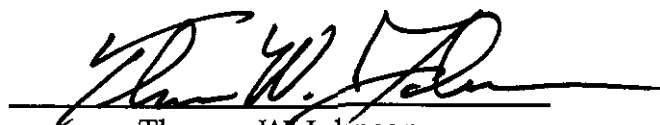
## THE PUBLIC UTILITIES COMMISSION OF OHIO



Asim Z. Haque, Chairman



M. Beth Trombold



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Lawrence K. Friedeman

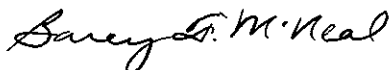


Daniel R. Conway

JML/hac

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SEP 19 2018



Barcy F. McNeal

Secretary