

Memo

To: Docketing Division
From: Jill Henry, Rail Specialist, Rail Division
Cc: PUCO Legal Department
Date: 11/7/2018

Re: PUCO Case No. 17-1508-RR-FED- In the Matter of an Extension Request for the Installation of New Active Warning Devices at Norfolk Southern Railway Grade Crossings, Stewart Street (DOT# 524-628S), Irwin Street (DOT#527-818F), Miami Chapel Road (DOT#524-629Y), & Findlay Street (DOT#527-819M), in Montgomery County, Ohio.

On October 5, 2015, the Ohio Rail Development Commission (ORDC) authorized funding for Norfolk Southern Railway to install new warning devices at Stewart Street (DOT# 524-628S), Irwin Street (DOT#527-818F), Miami Chapel Road (DOT#524-629Y), & Findlay Street (DOT#527-819M), in Montgomery County, Ohio. The crossings were surveyed on May 3, 2011 and were found to warrant the upgrades.

On July 26, 2017, the Commission approved the project and ordered completion by July 26, 2018.

On July 12, 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 and Staff recommended the 90 day extension request, but noted that these are safety projects and Staff does not support ongoing delays. On September 19, 2018, the Commission granted the 90 day extension request until November 15, 2018.

On November 1, 2018, NS filed a 30 day extension request. In the request, NS states that Irwin Street and Findlay Street are scheduled to be put in service next week, but they need additional time for Miami Chapel Road and Stewart Street. They anticipate putting the remaining crossings in service prior to December 15, 2018.

Since a construction timeline has been provided and progress has been made on two of the four crossings, Staff and ORDC recommend approval of the 30 day extension.

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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 EXTEND
CONSTRUCTION DEADLINE**

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Attorneys for Norfolk Southern
Railway Company

[illegible]

Norfolk Southern Railway Company ("NSRC") respectfully requests an extension of time of an additional thirty (30) days – through December 15, 2018 – within which to complete two of the four involved construction projects in Dayton, Montgomery County.

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

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MEMORANDUM IN SUPPORT

By Entry of September 19, 2018, the Commission granted NSRC an extension of time through November 15, 2018 within which to complete the involved construction projects (x4) 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). By that same date, in Case No. 17-2199-RR-FED, the Commission had ordered NSRC to complete an additional construction project at the South Munson Road grade crossing (DOT# 509484C) in the Village of Swanton, Fulton County.

Substantial progress has been/is being made – specifically, NSRC has completed construction and cut-in at the South Munson Road crossing, and cut-in at two of the involved Dayton crossings (Irwin and Findlay) is scheduled for next week, so well-within the current deadline. With respect to the remaining two crossings (Stewart and Miami Chapel), NSRC respectfully requests an additional thirty (30) days (so through December 15, 2018), with cut-in to be accomplished earlier that week.

Respectfully submitted,

EASTMAN & SMITH LTD.

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PROOF OF SERVICE

A copy of the foregoing **Request to Extend Construction Deadline** was filed electronically with the Commission this 1st day of November, 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

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in

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

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

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in

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

Summary: Response In the Matter of an Extension Request for the Installation of New Active Warning Devices at Norfolk Southern Railway Grade Crossings, Stewart Street (DOT# 524-628S), Irwin Street (DOT#527-818F), Miami Chapel Road (DOT#524-629Y), & Findlay Street (DOT#527-819M), in Montgomery County, Ohio. electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division