

Memo

To: Docketing Division
From: Jill Henry, Rail Specialist, Rail Division
Cc: PUCO Legal Department
Date: 12/20/2018

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. On November 13, 2018, the Commission approved a 30 day project extension.

On November 14, 2018, NS filed an amended request to allow for a 30 day extension for Findlay Street. Overhead electric line issues have delayed completion of the project and are being resolved.

On December 3, 2018, NS filed a 30 day extension request for Miami Chapel Road and a 120 day extension request for Stewart Street and Findlay Street. Based upon e-mail discussions concerning these crossings, it appears to Staff that the utility issues are being addressed, but have delayed construction completion.

Staff recommends that NS be granted an extension until January 11, 2019 for all three crossings. It is hoped that these utility conflicts will be cleared by the beginning of January 2019 and construction can be completed.

BEFORE 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

: **REQUEST TO EXTEND**

: **CONSTRUCTION DEADLINE**

:

: D. Casey Talbott (0046767)

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: Attorneys for Norfolk Southern

: Railway Company

Norfolk Southern Railway Company ("NSRC") respectfully requests an additional extension of time through January 11, 2019 within which to complete the involved construction project at the Miami Chapel Road (DOT #524629Y) crossing, and an extension through April 12, 2019 within which to complete construction at the Stewart Street (DOT #524628S) and Findlay Street (DOT #527819M) crossings.

A memorandum in support is attached.

Respectfully submitted,
EASTMAN & SMITH LTD.

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Attorneys for Norfolk Southern
Railway Company

MEMORANDUM IN SUPPORT

Recall that this case involves four (4) separate construction projects. One project (Irwin Street, DOT #527818F) was placed into service as of November 5, 2018. Unfortunately, a number of concerns (primarily utility conflicts, etc.) have arisen at the three other crossings. NSRC is working diligently to address/resolve these concerns, and has been attempting to keep PUCO Staff apprised with respect to same.

For the foregoing reasons, NSRC respectfully requests an extension of time through January 11, 2019 within which to complete construction at the Miami Chapel crossing, and through April 12, 2019 within which to complete construction at the Stewart and Findlay crossings.

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 3rd day of December, 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 Talbott, D. Casey Mr.

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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