

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
	:	<u>REQUEST TO EXTEND</u>
	:	<u>CONSTRUCTION DEADLINE</u>
	:	D. Casey Talbott (0046767)
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Norfolk Southern Railway Company (“NSRC”) respectfully requests an additional extension of time of six (6) months – through July 11, 2019 – within which to complete the involved construction projects at Miami Chapel Road (DOT #524629Y), Stewart Street (DOT #524628S), and Findlay Street (DOT #527819M).

A memorandum in support is attached.

Respectfully submitted,
EASTMAN & SMITH LTD.

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MEMORANDUM IN SUPPORT

By and through counsel, NSRC accessed the instant docket and became aware that PUCO Staff had filed a related Staff Memo on December 2, 2018 and that earlier today, the Commission (by and through the assigned hearing officer) had granted NSRC an extension of time through January 11, 2019 within which to complete the three (3) remaining construction projects – specifically, at Miami Chapel Road, Stewart Street, and Findlay Street. (Recall that the fourth project – Irwin Street – had been placed into service as of November 5, 2018.)

Unfortunately, a number of concerns (primarily utility conflicts, etc.) remain outstanding at these three crossings, which will not enable NSRC to complete the projects within the newly-assigned deadline. NSRC continues to work diligently to address/resolve these concerns, and has been attempting to keep PUCO Staff apprised with respect to same.

In addition, the federal PTC mandate – unprecedented in scope, as to both capital investment and requisite manpower – continues to impact NSRC (and presumably, other affected carriers), with respect to the mobilization and dedication of related resources.

For the foregoing reasons, NSRC respectfully requests that the project completion deadline for the three (3) remaining Dayton crossings be extended through July 11, 2019.

In the interim, meaning pending completion of the three remaining projects, the Commission is reminded that each of these crossings is currently protected by active warning devices – specifically, both lights and gates.

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 27th 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
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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

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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