

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION  
OF NORFOLK SOUTHERN RAILWAY TO  
INSTALL NEW ACTIVE WARNING  
DEVICES IN HOLMES COUNTY.

CASE NO. 17-2372-RR-FED

## ENTRY

Entered in the Journal on January 9, 2019

### I. SUMMARY

{¶ 1} The Commission grants additional time, until January 31, 2019, for Norfolk Southern Railway to install lights and gates at the Market Street/State Route 226 grade crossing (DOT#503082A) in Holmes County.

### 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 December 13, 2017, the Commission issued a Finding and Order approving the installation by NS of lights and gates at the Market Street/State Route 226 grade crossing

(DOT#503082A) in Holmes County. The Commission ordered completion of the project by September 13, 2018.

{¶ 7} On August 29, 2018, NS filed a request for an additional 90 days to complete the project. NS explained its capital investment and work crew availability have had to be directed toward compliance with the positive train control (PTC) mandate.

{¶ 8} On September 7, 2018, Staff filed a memorandum concerning NS's request. Staff noted ORDC is not opposed to the extension request. Staff recommended that the request be granted until December 12, 2018.

{¶ 9} NS filed a second request for additional time on December 3, 2018. NS states that it had expected to complete the grade crossing project on or before December 12, 2018, but because of an error by Ohio Power Company (OPC), power service has yet to be installed. NS requests an additional 30 days, until January 31, 2019, to complete the project.

{¶ 10} Staff filed a memorandum on December 21, 2018, in response to NS's December 3, 2018 request. Staff notes that ORDC does not oppose NS's request. Staff recommends that the Commission grant the request.

{¶ 11} Upon review of NS's request and Staff's recommendation, the Commission finds that NS's request for additional time is warranted and will be granted, until January 31, 2019.

{¶ 12} NS should notify Staff, ORDC, ODOT District 11, and OPC upon completion of the project. At the time the Commission 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 complete.

### III. ORDER

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That NS's request for additional time to complete the project be granted in accordance with Paragraph 11. It is, further,

{¶ 15} ORDERED, That NS complete the project no later than January 31, 2019. It is, further,

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

{¶ 17} ORDERED, That NS notify Staff, ORDC, ODOT District 11, and OPC upon the completion of the project. It is, further,

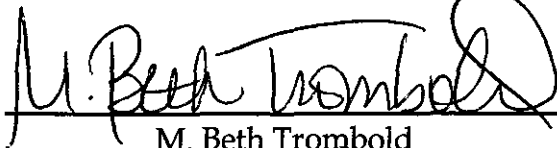
{¶ 18} ORDERED, That when Staff or ORDC makes its final inspection and finds that the project is completed, Staff file a memorandum in this docket indicating that the project is completed. It is, further,

{¶ 19} ORDERED, That a copy of this Entry be served upon ORDC, ODOT, OPC, and any other interested person of record.

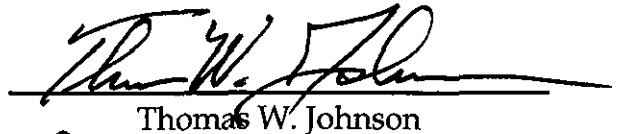
THE PUBLIC UTILITIES COMMISSION OF OHIO



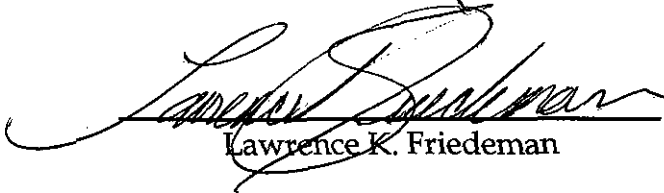
Asim Z. Haque, Chairman



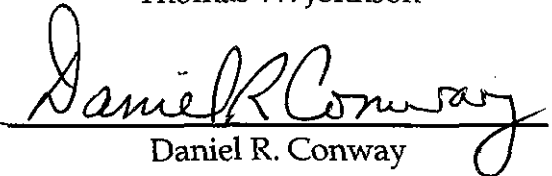
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman



Daniel R. Conway

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Tanowa M. Troupe  
Secretary