

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) (Counsel of Record) EASTMAN & SMITH LTD. One SeaGate, 24 th Floor P.O. Box 10032 Toledo, Ohio 43699-0032 Telephone: (419) 241-6000 Fax: (419) 247-1777 E-Mail: dctalbott@eastmansmith.com Attorneys for Norfolk Southern Railway Company
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Norfolk Southern Railway Company (“NSRC”) respectfully requests an additional extension of time of five (5) months – through July 11, 2019 – within which to complete the final two of the four involved construction projects in Dayton, Montgomery County.

A memorandum in support is attached.

Respectfully submitted,
EASTMAN & SMITH LTD.

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MEMORANDUM IN SUPPORT

Recall that this case involves construction projects at four separate grade crossings in Dayton, Montgomery County: Irwin Street (DOT #527818F), Miami Chapel Road (DOT #524629Y), Findlay Street (DOT #527819M), and Stewart Street (DOT #524628S).

Irwin was placed in-service as of November 5, 2018, and weather permitting, Miami Chapel is now expected to be placed in-service by February 11, 2019 (the current deadline, as extended).

But ongoing utility concerns have delayed final construction and cut-in at the two remaining crossings – specifically, Findlay and Stewart.

At Findlay, substantial progress has been made, as all railroad equipment is in the ground and ready to be placed in-service, once the sole remaining overhead utility conflict (Crown Castle) is resolved – specifically, on the north side of the tracks, Crown Castle remains in the process of raising its line approximately two feet, to provide adequate clearance. Once the Crown Castle utility conflict is resolved, then weather-permitting, NSRC expects to be able to place this crossing in-service, within approximately thirty (30) days.

Stewart is more problematic, in that there are multiple remaining overhead utility conflicts (Dayton Power & Light, Spectrum/Charter, and Lighthouse/Crown Castle) involving shared poles. NSRC is working with the involved utilities, toward resolving these conflicts – specifically, to NSRC’s current understanding, both Spectrum/Charter and Lighthouse/Crown Caste intend to transfer their utilities to new poles. Once the requisite logistics are resolved, Spectrum/Charter advises that it will need a three (3) week or so buffer, to give its customers notification of a possible outage while it does its work; and then once all utility concerns are resolved, NSRC anticipates that it will need an additional seven (7) weeks or thereabouts, within which to place the railroad equipment into the ground, and to place this crossing in-service.

For the foregoing reasons, NSRC respectfully requests that the Commission grant it a further extension of time here, through July 11, 2019, within which to complete construction at Findlay and Stewart.

Respectfully submitted,
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PROOF OF SERVICE

A copy of the foregoing **Request to Extend Construction Deadline** was filed electronically with the Commission this 28th day of January, 2019. 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

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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