

Memo

To: Docketing Division
From: Jill Henry, Rail Specialist, Rail Division
Cc: PUCO Legal Department
Date: 2/22/2019

Re: PUCO Case No. 17-1965-RR-FED- In the Matter of an Extension Request for the Installation of New Active Warning Devices at the Norfolk Southern Railway Crossing, 66th Street DOT#524-734A, in Hamilton County, Ohio.

On August 7, 2017, the Ohio Rail Development Commission (ORDC) authorized funding for Norfolk Southern Railway (NS) to install lights and gates at 66th Street DOT#524-734A, in Hamilton County, Ohio.

On October 20, 2017, the Commission approved the project and ordered completion by January 18, 2019.

On January 4, 2019, NS filed for a 4 month extension until May 18, 2019. In the request, NS states that they are working with Duke Energy to resolve an overhead utility conflict and that another potential underground conflict is being evaluated. No additional details about the conflict or a proposed timeline for removal of the utility conflicts were given. Staff has been cc'd on e-mails for this project and it appears that utility conflicts are being resolved. On January 16, 2019, the Commission granted a 30 day extension request until February 19, 2019.

On February 4, 2019, NS filed for a 5 month extension request until July 19, 2019. In the request NS states that the underground utility conflict remains to be resolved. NS is looking into using special precast foundations that are shallower. NS will have to dig on-site to determine if the foundation will work.

Staff recommends that NS be granted a 90 day extension until May 21, 2019. Staff notes that this project has been in the works for many years and needs to be completed. Excavation to determine the proper foundation can take place at any time and staff encourages NS to move forward with that evaluation rather than waiting until warmer weather breaks.

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

**In the Matter of the Authorization of
Norfolk Southern Railway to Install
Active Warning Devices in the City of
Cincinnati, Hamilton County.**

REQUEST TO EXTEND CONSTRUCTION DEADLINE

D. Casey Talbott (0046767)
(Counsel of Record)
EASTMAN & SMITH LTD.
One SeaGate, 24th Floor
P.O. Box 10032
Toledo, Ohio 43699-0032
Telephone: (419) 241-6000
Fax: (419) 247-1777
E-Mail: dcaltbott@eastmansmith.com

**Attorneys for Norfolk Southern
Railway Company**

Norfolk Southern Railway Company ("NSRC") respectfully requests an extension of time of five (5) months – through July 19, 2019 – within which to complete the involved construction project at the 66th Street grade crossing (DOT #524734A) in Cincinnati, Hamilton County.

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

D. Casey Talbott
One SeaGate, 24th 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

MEMORANDUM IN SUPPORT

By Finding and Order of October 20, 2017, NSRC was authorized to install lights and gates at the 66th Street grade crossing in Cincinnati, Hamilton County, with an original construction deadline set for January 18, 2019.

NSRC sought an extension of this deadline, due to an outstanding, underground utility conflict; in response, by Entry of January 10, 2019, the Commission requested that NSRC provide further information regarding the outstanding conflict, as well as a timeframe for anticipated resolution/cut-in.

By way of greater information: Qwest has a fiber optic cable near the proposed signal foundations in both involved quadrants. So NSRC is analyzing the availability of special poured and/or wider and shallower pre-cast foundations. Specific selection of foundation type will be determined when the earth has been opened and NSRC construction forces can see exactly where the fiber is located.

By way of timing, NSRC hopes to resolve this conflict within sixty (60) days (pending special foundation availability/delivery, and winter weather conditions, etc.), and to then complete the project within approximately thirty-two (32) gang days (the number of days approved by the ORDC) after signal forces arrive on site.

NSRC has been in contact with the ORDC with respect to the above, toward resolving related concerns, including federal funding.

For the foregoing reasons, NSRC respectfully requests that the project completion deadline be extended through July 19, 2019.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

D. Casey Talbott

One SeaGate, 24th 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

PROOF OF SERVICE

A copy of the foregoing *Request to Extend Construction Deadline* was filed electronically with the Commission this 4th day of February, 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
Railway Company

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/4/2019 4:20:08 PM

in

Case No(s). 17-1965-RR-FED

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

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/22/2019 12:36:05 PM

in

Case No(s). 17-1965-RR-FED

Summary: Response In the Matter of an Extension Request for the Installation of New Active Warning Devices at the Norfolk Southern Railway Crossing, 66th Street DOT#524-734A, in Hamilton County, Ohio. electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division