

Memo

To: Docketing Division
From: Jill Henry, Rail Specialist, Rail Division
Cc: PUCO Legal Department
Date: 8/8/2019

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 (NS) 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. The Commission granted a 30-day extension until December 15, 2018.

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 appeared to Staff that the utility issues were

being addressed, but they have delayed construction completion. On December 27, 2018, the Commission granted a 30-day extension request until January 11, 2019.

On December 27, 2018, NS filed an additional project extension request until July 11, 2019. In the request, they state that utility conflicts remain at the Stewart Street, Miami Chapel Road, and Findlay Street. No additional details about the conflict or a proposed timeline for removal of the conflict were given. The Commission granted a 30-day extension until February 11, 2019.

On February 8, 2019, NS filed a 5-month extension request. In the request, they note that Miami Chapel Road was put into service on February 4, 2019; Findlay Street is scheduled to be in-service by February 12, 2019. Stewart Street is the remaining crossing to be completed. The Commission granted a 90-day extension until May 13, 2019.

On May 7, 2019, NS filed a 12-month extension request, until May 13, 2020, for Stewart Street. In the request, NS states that they have continued delays due to PTC and that there are two utility conflicts remaining that will hopefully be resolved this month. The Commission granted a 90-day extension until August 13, 2019.

On July 30, 2019, NS filed for a nine-month extension, until May 13, 2020. In the request, NS states that there is one utility conflict remaining at Stewart Street and that lack of available union labor forces until January 2020 are the cause of the continued project completion delays.

In reviewing the status of the project, Staff notes that the Stewart Street project in this case has been in the works for many years and needs to be completed. ORDC does not support a 9-month extension request. Staff notes that this is a safety project that needs to be completed and that a number of extensions have already been granted. Staff does not recommend another project extension.

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Summary: Memorandum 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