

# Memo

**To:** Docketing Division

**From:** Jill Henry, Rail Specialist, Rail Division

**Cc:** PUCO Legal Department

**Date:** 10/9/2019

**Re:** PUCO Case No. 18-1418-RR-FED- In the Matter of a Request for the Installation of Active Warning Devices at the Norfolk Southern Railway Crossing, Bayard Road DOT#544-856J, in Columbiana County, Ohio.

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On March 15, 2018, the Ohio Rail Development Commission (ORDC) authorized funding for Norfolk Southern Railway to install active warning devices at Bayard Road/TR 703 DOT#544-856J in Columbiana County, Ohio. The crossing was surveyed, on October 13, 2017, and found to warrant the upgrade.

On October 10, 2018, the Commission approved the project and ordered completion by October 10, 2019.

On September 26, 2019, NS filed for an extension until January 30, 2020 (see attached). In the request, NS states that they have continued delays due to PTC (Positive Train Control) projects and that labor force restrictions do not allow them to begin work on the project. They are working on redirecting crews and expect to place the crossing in service by January 30, 2020.

Staff believes that NS has failed to show that good cause exists to grant additional time for completion of the project. Staff does not recommend a project extension.

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

**In the Matter of the Authorization of  
Norfolk Southern Railway to Install  
Active Warning Devices in West  
Township, in Columbiana County.**

: Case No. 18-1418-RR-FED

**: REQUEST TO EXTEND**  
**CONSTRUCTION DEADLINE**

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Attorneys for Norfolk Southern  
Railway Company

Norfolk Southern Railway Company ("NSRC") respectfully requests an extension of time of approximately three (3) months -- through January 30, 2020 -- within which to complete the involved construction project at the Bayard Road grade crossing (DOT #544856J) in West Township, Columbiana County.

A memorandum in support is attached.

Respectfully submitted,  
EASTMAN & SMITH LTD.

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**MEMORANDUM IN SUPPORT**

By Finding and Order of October 10, 2018, NSRC was authorized to install active warning devices at the Bayard Road grade crossing, with an original construction deadline of October 10, 2019.

Notwithstanding concerns raised with PUCO Staff previously (re the approaching, federally-mandated PTC deadline, and related seniority district/crew concerns), NSRC is redirecting its crews toward this crossing, and expects that it will be able to place the crossing in-service by January 30, 2020, if not sooner.

For the foregoing reasons, NSRC respectfully requests that the Commission grant it a **first** extension of time through January 30, 2020 within which to complete this project.

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 26<sup>th</sup> day of September, 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**

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**9/26/2019 4:17:39 PM**

**in**

**Case No(s). 18-1418-RR-FED**

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

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**in**

**Case No(s). 18-1418-RR-FED**

Summary: Response In the Matter of an Extension Request for the Installation of Active Warning Devices at the Norfolk Southern Railway Crossing, Bayard Road DOT#544-856J, in Columbiana County, Ohio electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division