

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION  
OF NORFOLK SOUTHERN RAILWAY TO  
INSTALL ACTIVE WARNING DEVICES IN  
WEST TOWNSHIP, COLUMBIANA  
COUNTY.

CASE NO. 18-1418-RR-FED

## ENTRY

Entered in the Journal on November 21, 2019

### I. SUMMARY

{¶ 1} The Commission denies Norfolk Southern Railway's request for additional time to install active warning devices at the Bayard Road grade crossing in West Township, Columbiana County, subject to the Commission's ongoing jurisdiction and oversight.

### 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 October 10, 2018, the Commission issued a Finding and Order approving NS's installation of active warning devices at the Bayard Road/T.R. 703 (DOT#544856J)

grade crossing in Columbiana County. The Commission ordered completion of the project by October 10, 2019.

{¶ 7} On September 26, 2019, NS filed a request seeking additional time to complete the project. NS states that it has encountered continued delays because of Positive Train Control projects and labor force restrictions that do not allow NS to begin working on this project. NS states that it is redirecting work crews and expects to place the crossing in service by January 30, 2020.

{¶ 8} Staff filed a memorandum on October 9, 2019, stating that it believes that NS has not shown good cause to grant additional time for the project. Staff does not recommend granting NS's request.

{¶ 9} Upon review of NS's request and Staff's recommendation, the Commission finds that the Bayard Road crossing (DOT#544856J) is a safety project, and that NS has not shown a good cause for granting additional time to complete the project. Therefore, NS's request should be denied.

{¶ 10} NS should notify Staff, ORDC, Columbiana County Engineer, West Township Trustees, and Ohio Edison Company (OEC) upon completion of the project. At the time Staff or ORDC makes its final inspection and finds that the installations are completed, Staff should file a memorandum in this docket indicating that the projects are completed.

### III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That NS's request for additional time to complete the Bayard Road project (DOT#544856J) be denied in accordance with Paragraph 9. It is, further,

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

{¶ 14} ORDERED, That NS notify Staff, ORDC, Columbiana County Engineer, West Township Trustees, and OEC, upon the completion of the project. It is, further,

{¶ 15} 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 projects are completed. It is, further,

{¶ 16} ORDERED, That a copy of this Entry be served upon ORDC, NS, Columbiana County Engineer, West Township Trustees, OEC, and any other interested person of record.

COMMISSIONERS:

*Approving:*

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

JML/hac

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

Summary: Entry Entry that the Commission denies Norfolk Southern Railway's request for additional time to install active warning devices at the Bayard Road grade crossing in West Township, Columbiana County, subject to the Commission's ongoing jurisdiction and oversight. electronically filed by Docketing Staff on behalf of Docketing