

## 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 TOLEDO, IN LUCAS  
COUNTY.

CASE NO. 18-1615-RR-FED

### ENTRY

Entered in the Journal on February 11, 2020

{¶ 1} On November 28, 2018, the Commission issued a Finding and Order approving installation by Norfolk Southern Railway (NS) of lights and gates at the Norwood Avenue (DOT#508925U) grade crossing in the city of Toledo, in Lucas County. The Commission ordered completion of the project by November 28, 2019.

{¶ 2} On November 20, 2019, NS filed a request for 30 more days to finish the project. In the request, NS stated that construction had begun on November 11, 2019, and that approximately 28 more days would be needed for project completion. Staff filed a response on December 5, 2019, and expressed that 30 days would not be a sufficient amount of time for NS to complete the project and that good cause did not exist to grant the extension.

{¶ 3} On December 16, 2019, the attorney examiner granted a 30-day extension of time, to December 28, 2019. The attorney examiner indicated that additional continuances were unlikely to be granted.

{¶ 4} On December 27, 2019, NS filed for another 30-day extension, until January 27, 2020. In the request, NS states that additional time is necessary because of holiday-related work stoppages.

{¶ 5} On January 14, 2020, Staff filed a memorandum in response to NS's request. Staff states that NS has failed to show that good cause exists to grant additional time to complete the project. Staff recommends that NS's request be denied.

{¶ 6} Upon review of NS's request and Staff's recommendation, and consistent with the previous attorney examiner Entry, the attorney examiner does not find that good cause exists for granting NS's request. Accordingly, NS's request should be denied.

{¶ 7} NS should notify Staff, the Ohio Rail Development Commission (ORDC), Director of Public Utilities for the city of Toledo, and Toledo Edison Company (TEC) upon completion of the project. At the time Staff makes its final inspection and finds that the installations are completed, Staff should file a memorandum in this docket indicating that the project is completed.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That NS's request for additional time to complete the project be denied in accordance with Paragraph 6. It is, further,

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

{¶ 11} ORDERED, That NS notify Staff, ORDC, Director of Public Utilities for the city of Toledo, and TEC upon the completion of the project. It is, further,

{¶ 12} ORDERED, That when Staff or ORDC makes its final inspection and finds that the project is completed, Staff file a memorandum in the docket indicating that the project is completed. It is, further,

{¶ 13} ORDERED, That a copy of this Finding and Order be served upon NS, ORDC, Director of Public Utilities for the city of Toledo, TEC, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn  
Attorney Examiner

JRJ/hac

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**Case No(s). 18-1615-RR-FED**

Summary: Attorney Examiner Entry denying request for additional time electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission