

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of the )  
Indiana & Ohio Railway, RJ Corman )  
Western Lines, CSX Transportation, and )  
Norfolk Southern Railway to Install Active ) Case No. 10-2687-RR-FED  
Grade Crossing Warning Devices in )  
Champaign, Hamilton, Warren and Darke )  
Counties. )

ENTRY

The attorney examiner finds:

- (1) On December 21, 2010, the Commission, in part, ordered the Indiana & Ohio Railway (I&O) to install mast-mounted flashing lights and roadway gates at the Eltzroth Road/Township Road 173 grade crossing (151-323L) in Warren County. I&O was directed to submit site plans and cost estimates to the Ohio Rail Development Commission (ORDC) and to Commission Staff (Staff) by March 22, 2011, and to complete the project by December 22, 2011.
- (2) On December 2, 2011, I&O filed a request for an extension of time to complete the project. I&O indicated that it had not yet received approval from ORDC, and, that, until it received ORDC approval, it would not be able to complete the project. By entry of December 14, 2011, the Commission approved a request of I&O to extend the completion deadline until nine months from the date that the ORDC approves the plans and estimates for the project. The completion deadline for the project was thereafter established as April 5, 2013.
- (3) On March 7, 2013, I&O filed a request to extend the construction deadline from April 5, 2013, to May 5, 2013. I&O stated that the project has been delayed several months because Duke Energy Ohio (Duke) has been unable to get utility service to the crossing. According to I&O, Duke has installed new poles, a transformer, and a power drop to the crossing and it is expected to be completed by March 15, 2013. As a result, I&O believes that additional time will be needed to have the project built, tested, and validated.

- (4) On April 1, 2013, Staff filed a memo indicating that, due to issues beyond the control of I&O, in obtaining power at the crossing and the time needed to install and test the warning devices, Staff recommends that I&O's extension request should be granted.
- (5) The attorney examiner finds good cause to grant I&O's request. Accordingly, I&O's request for an extension of time, from April 5, 2013, to May 5, 2013, to complete the project should be granted. Staff should continue to monitor the project to ensure it is completed within the newly ordered timeframe.

It is, therefore,

ORDERED, That I&O's request for an extension of time to complete the project is granted. It is, further,

ORDERED, That I&O complete the project by May 5, 2013. It is, further,

ORDERED, That copies of this entry be served upon I&O, RJCW, CSX, NS, ORDC, AEP, Urbana city engineer, Norwood city engineer, Harlan Township Trustees, Darke County engineer, Versailles engineer, Elmwood Place engineer, Duke Energy Ohio, village of Versailles Electric, Dayton Power and Light Company, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Scott Farkas

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By: Scott E. Farkas  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 10-2687-RR-FED**

Summary: Attorney Examiner Entry grants I&O's request for an extension of time to complete project by 05/05/2013. - electronically filed by Sandra Coffey on behalf of Scott Farkas, Attorney Examiner, Public Utilities Commission of Ohio