

Public Utilities
Commission of Ohio

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PUCO

Memo

To: Docketing Division

From: George Martin, Grade Crossing Planner, Rail Division

Re: PUCO Case No. 14-774-RR-FED, Request of CSX Transportation for an extension of six months to complete a project in Butler County

Date: February 20, 2015

By its Entry dated May 14, 2014, the Commission ordered, in part, that CSX Transportation (CSX) install mast-mounted flashing lights and roadway gates at Butler County, near Middletown, Franklin-Madison Rd/TR 4, DOT# 152434G, on or before February 13, 2015.

On February 2, 2015, CSX filed in this docket a request for a six month extension of time to complete the project due to required overhead utility relocation. Staff filed a recommendation for a 30-day extension to allow the Commission time to consider CSX full request, and a subsequent Attorney Examiner Entry extended the construction deadline to March 16, 2015.

CSX notified staff via phone on January 29, 2015, that construction would commence at this location on February 3, 2015. CSX copied staff on an email to Duke Energy on February 18, 2015, notifying Duke of the need to raise or relocate the overhead lines on the west side of the roadway.

Although staff believes that CSX began this project too late to meet the ordered deadline, it is also apparent that it will not meet the adjusted deadline of March 16, 2015. Accordingly, even though this request was not "well made", and results from apparent negligence on the part of CSX, staff recommends that the Commission grant the request.

C: Legal Department