BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of)
CSX Transportation, Inc. and the Indiana)
and Ohio Railway to Install Active Grade)   Case No. 14-774-RR-FED
Crossing Warning Devices in Butler and)
Auglaize Counties.)

ENTRY

The Commission finds:

(1)   On May 14, 2014, the Commission issued a Finding and Order authorizing funding for several projects, including for CSX Transportation, Inc. (CSX) to install mast-mounted flashing lights and roadway gates in Butler County, near Middletown, at the Franklin-Madison Road/Township Road 4 (T.R. 4) grade crossing, DOT#152-434G. CSX was directed to complete the project by February 13, 2015.

(2)   On February 2, 2015, CSX filed a request for a six-month extension of time to complete the project. CSX explained that additional time was needed to relocate overhead communication and power lines that will obstruct the signal in the northwest quadrant.

(3)   On February 4, 2015, Staff filed a memorandum recommending that the attorney examiner grant a 30-day extension of time to allow the Commission time to consider the request.

(4)   On February 10, 2015, the attorney examiner issued an Entry extending the project deadline until March 16, 2015, to allow the Commission time to consider the request.

(5)   Staff filed a memorandum on February 20, 2015, with additional remarks concerning CSX's request. Staff explains that it was notified by CSX on January 29, 2015, and February 18, 2015, respectively, that construction would begin on the project on February 3, 2015, and that Duke Energy Ohio, Inc. (Duke) had been contacted

concerning the need to raise or relocate the overhead lines at T.R. 4. Staff adds that, although CSX started the project too late to meet the February 13, 2015 deadline, it is also clear that CSX will not meet the adjusted deadline of March 16, 2015. Therefore, Staff recommends that the Commission approve a six-month extension of time to complete the project.
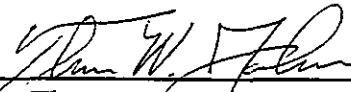
(6)   The Commission notes that, in our May 14, 2014 Finding and Order in this case, we directed CSX to file within 30 days, a notice that it had initiated discussions with The Dayton Power and Light Company (DP&L), Duke Energy Ohio (Duke), or any other applicable utility, to ensure that electric service will be available to enable the grade crossing improvements to be constructed and placed in service within the deadline specified by the Commission. The docket of this case shows no such filing by CSX. This directive has historically been contained in all Finding and Orders issued by the Commission in grade crossing improvement cases and should come as no surprise to CSX. In addition, CSX was directed to timely notify Staff of any changes in the scope of work, cost overruns, materials, etc., which are not in the approved plans in order to estimate and secure approval before the work is performed. CSX failed to provide such notification to the Staff. Granting extensions of project deadlines as a result of the failure of the railroad to provide timely notification to the Commission of relevant issues is not treated lightly by the Commission. Our expectation is that CSX shall comply with all such directives in the future. Nonetheless, the Commission finds that the circumstances described by CSX and Staff warrant the requested extension. Therefore, we find that the request for additional time to finish the project, which shall be completed no later than August 14, 2015, should be granted.
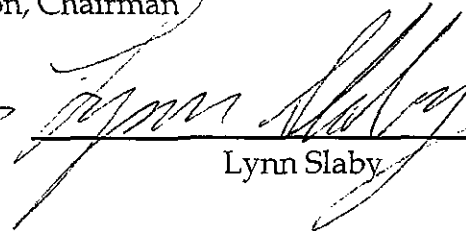
It is, therefore,

ORDERED, That CSX's request for additional time is granted, with the project to be completed no later than August 14, 2015. It is, further,
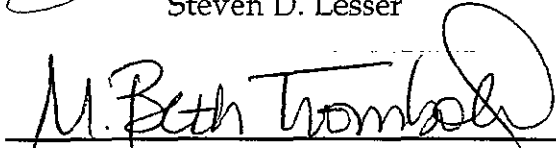
ORDERED, That copies of this Entry be served upon CSX, Ohio Rail Development Commission, Franklin Township Trustees, Madison Township Trustees, Duke, DP&L, Time Warner Cable, and any other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

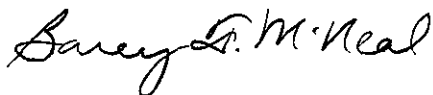Thomas W. Johnson, Chairman

Steven D. Lesser

Lynn Slaby

M. Beth Trombold

Asim Z. Haque

JML/sc

Entered in the Journal

MAR 1 1 2015

Barcy F. McNeal
Secretary