

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF NORFOLK SOUTHERN RAILWAY TO
INSTALL ACTIVE WARNING DEVICES AT A
GRADE CROSSING IN FULTON COUNTY.

CASE NO. 16-1413-RR-FED

ENTRY

Entered in the Journal on May 5, 2017

{¶ 1} Pursuant to R.C. 4905.04, the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.

{¶ 2} Pursuant to R.C. 4907.471, the Commission is responsible for evaluating public grade crossings to determine the need for installing active warning devices and apportioning the cost thereof.

{¶ 3} R.C. 4907.471 also provides that the Commission is responsible for the administration and implementation of the State Grade Crossing Protection Fund, established to help defray a portion of the public's share of the cost of upgrading warning devices at Ohio's highway-railroad grade crossings.

{¶ 4} Pursuant to Ohio Adm.Code 4901-1-30, any two or more parties may enter into a written stipulation concerning issues of fact.

{¶ 5} On June 16, 2016, the Commission issued a Finding and Order approving installation by Norfolk Southern Railway (NS) of mast-mounted flashing lights, side lights, roadway gates, and one set of cantilevered lights at the West Barre Street grade crossing (DOT#509522J) in the village of Archbold, Fulton County. The Commission ordered completion of the project by April 6, 2017.

{¶ 6} On March 23, 2017, NS filed a request to extend the project deadline.

{¶ 7} In an April 5, 2017 Entry, the attorney examiner granted the request by extending the completion date to May 6, 2017.

{¶ 8} On April 24, 2017, NS filed a request for variance and to extend the project deadline further. NS explains that the project is complex and that utility concerns have arisen regarding placement of the cantilever foundation for the northeast quadrant. NS seeks the Commission's approval for a variance, so that flashing lights in the southeast quadrant will be installed to direct the same westbound traffic as the originally-planned cantilever lights. NS asserts that extending the project deadline by 120 days, to September 3, 2017, will be sufficient to complete the project.

{¶ 9} Staff filed a memo on May 4, 2017, concerning NS's request. Staff notes that there have been utility conflicts at the site that have delayed completion of the project. Staff supports NS's request to extend the project deadline by 120 days and will, after review, file a response to the variance request.

{¶ 10} Pursuant to the Commission's September 19, 1996 Entry in *In re 1996 Federal Crossing Protection Program*, Case No. 96-676-RR-FED, the Commission authorized the attorney examiner assigned to the case to grant extensions for up to 30 days.

{¶ 11} Upon review of NS's request and Staff's May 4, 2017 memo, the attorney examiner finds that a 30-day extension of time should be granted to allow NS more time to complete the project, and to allow the Commission additional time to consider NS's request for a variance, in addition to extending the project deadline to September 3, 2017. Unless otherwise authorized, NS should complete the project by June 5, 2017.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That NS be granted a 30-day extension of time to finish the project, and to allow the Commission additional time to consider the request for a

variance, in addition to extending the project completion date to September 3, 2017. It is, further,

{¶ 14} ORDERED, That, unless otherwise authorized, NS complete the project by June 5, 2017. 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 project is completed. It is, further,

{¶ 16} ORDERED, That a copy of this Entry be served upon NS, Ohio Rail Development Commission, The Toledo Edison Company, Archbold Village Administrator, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn
Attorney Examiner

JRJ/sc

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Case No(s). 16-1413-RR-FED

Summary: Attorney Examiner Entry granting 30-day extension of time to finish project - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio