

# Memo

TO: Docketing Division

From: Jill Henry, Rail Specialist, Rail Division

Cc: PUCO Legal Department

Date: 10/11/17

Re: PUCO Case No. 16-2181-RR-FED- In the Matter of a Request for the Installation of New Active Warning Devices at the Norfolk Southern Railway Railroad Crossings, Albany Street DOT# 524-626D & Washington Street DOT#524-622B, in Montgomery County, Ohio.

---

On October 31, 2016, the Ohio Rail Development Commission (ORDC) authorized funding for Norfolk Southern Railway to install new lights and gates at Albany Street (DOT# 524-626D) & Washington Street (DOT#524-622B), in Montgomery County, Ohio.

The crossings were surveyed on May 3, 2011 and were found to warrant the upgrades.

On December 21, 2016, the Commission issued a Finding and Order approving the projects and requiring project completion by September 21, 2017.

On September 7, 2017, Norfolk Southern Railway (NS) filed an extension request for the projects (see attached). In the request NS indicates that they have completed all work possible, but are waiting on CSX Transportation (CSX) to coordinate and resolve circuitry issues at the crossings. There is a CSX track adjacent to the NS tracks on Washington Street that is to be upgraded, but CSX has not yet received authorization from ORDC for its design.

Staff consulted with ORDC about the status of the CSX project and the design submitted by CSX has not yet been approved. ORDC supports placing the project in abeyance until CSX can complete their portion of the work that affects the NS crossing.

Staff therefore recommends that the Commission put the project in abeyance and require NS to complete their portion of the work within 60 days of CSX's completion of the related crossing work.

[illegible][illegible][illegible]

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

D. Casey Talbott

One SeaGate, 24<sup>th</sup> Floor

P.O. Box 10032

Toledo, Ohio 43699-0032

Telephone: (419) 241-6000

Fax: (419) 247-1777

Email: dctalbott@eastmansmith.com

Attorneys for Norfolk Southern  
Railway Company

**MEMORANDUM IN SUPPORT**

By “Finding and Order” of December 21, 2016, the Commission authorized NSRC to install new lights and roadway gates at the Albany Street (524626D) and Washington Street (524622B) grade crossings in Dayton, Montgomery County, with an assigned project completion deadline of September 21, 2017.

Substantial progress has been made – specifically, NSRC has completed its related construction, in that new equipment has been installed, etc. But because the existing circuitry is interconnected with CSX’s, NSRC cannot place the new equipment in-service, unless and until CSX resolves outstanding OUPS concerns, receives authorization to proceed from the ORDC, and completes its related work, following which the existing NSRC/CSX circuitry can and will become separated.

In light of the above, NSRC respectfully requests that it be granted an extension of time of sixty (60) days within which to complete the respective construction projects – specifically,

to place the newly-installed equipment into service, with this clock to begin ticking once CSX has confirmed the completion of its related work.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

D. Casey Talbott

One SeaGate, 24<sup>th</sup> Floor

P.O. Box 10032

Toledo, Ohio 43699-0032

Telephone: (419) 241-6000

Fax: (419) 247-1777

Email: dctalbott@eastmansmith.com

Attorneys for Norfolk Southern  
Railway Company

**PROOF OF SERVICE**

A copy of the foregoing **Request for Extension of Project Deadline** was filed electronically with the Commission this 7<sup>th</sup> day of September, 2017. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ D. Casey Talbott

Attorney for Norfolk Southern

Railway Company

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

**Commission of Ohio Docketing Information System on**

**9/7/2017 2:00:28 PM**

**in**

**Case No(s). 16-2181-RR-FED**

Summary: Request Request for Extension of Project Deadline electronically filed by Mr. D. Casey Talbott on behalf of Norfolk Southern Railway Company

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

**Commission of Ohio Docketing Information System on**

**10/11/2017 8:55:55 AM**

**in**

**Case No(s). 16-2181-RR-FED**

Summary: Response In the Matter of a Request for an extension to Install New Active Warning Devices at the Norfolk Southern Railway Railroad Crossings, Albany Street DOT# 524-626D & Washington Street DOT#524-622B, in Montgomery County, Ohio. electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division