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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Authorization of
Norfolk Southern Railway to Upgrade
Active Warning Devices in the
Village of Swanton, Fulton County.

: Case No. 17-2199-RR-FED

: **REQUEST TO DEFER**
CONSTRUCTION DEADLINE

:
D. Casey Talbott (0046767)
(Counsel of Record)
EASTMAN & SMITH LTD.
One SeaGate, 24th Floor
P.O. Box 10032
Toledo, Ohio 43699-0032
Telephone: (419) 241-6000
Fax: (419) 247-1777
E-Mail: dctalbott@eastmansmith.com

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Attorneys for Norfolk Southern
Railway Company

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Norfolk Southern Railway Company (“NSRC”) respectfully requests a deferral of the project completion deadline with respect to the involved construction project at the S. Munson Road grade crossing (DOT# 509484C) in the Village of Swanton, Fulton County.

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

D. Casey Talbott
One SeaGate, 24th Floor
P.O. Box 10032
Toledo, Ohio 43699-0032
Telephone: (419) 241-6000
Fax: (419) 247-1777
E-Mail: dctalbott@eastmansmith.com

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MEMORANDUM IN SUPPORT

By Finding and Order of November 21, 2017, the Commission authorized NSRC to install new active warning devices at the above-referenced grade crossing in the Village of Swanton, Fulton County. Substantial progress has been made – specifically, from a design and engineering standpoint, the project has been progressed as far as it can be. But with respect to actual construction and cut-in, NSRC seeks a deferral of the assigned project completion deadline. The reason is that NSRC – like a number of other rail carriers throughout the country – is obligated to comply with the Positive Train Control Enforcement and Implementation Act of 2015 (“PTC”), which carries with it what appears to be a firm installation deadline of December 31, 2018, with operational implementation to be accomplished no later than December 31, 2020.

This federal mandate – unprecedented in scope, as to both capital investment and requisite manpower – has caused the affected carriers, including NSRC, to mobilize/dedicate their resources (manpower and equipment), toward complying with the federal mandate.

In light of same, NSRC respectfully requests that the project completion deadline for the Swanton crossing be deferred, with a new deadline of December 31, 2020.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

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PROOF OF SERVICE

A copy of the foregoing **Request to Defer Construction Deadline** was filed electronically with the Commission this 7th day of August, 2018. 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

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8/7/2018 3:57:31 PM

in

Case No(s). 17-2199-RR-FED

Summary: Request Request to Defer Construction Deadline electronically filed by Mr. D. Casey Talbott on behalf of Norfolk Southern Railway Company