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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 Install New Active Warning Devices at Four Grade Crossings in the City of Dayton, Montgomery County.	:	Case No. 17-1508-RR-FED
	:	<b><u>AMENDED REQUEST TO DEFER CONSTRUCTION DEADLINE</u></b>
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	:	Attorneys for Norfolk Southern Railway Company

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Norfolk Southern Railway Company (“NSRC”) respectfully amends its earlier Request to Defer Construction Deadline, and now seeks a lesser extension of time, of ninety (90) days from the date of today’s filing (so through November 15, 2018) within which to complete the

involved construction projects at the following grade crossings in Dayton, Montgomery County: Stewart Street (DOT# 524628S), Irwin Street (DOT# 527818F), Miami Chapel Road (DOT# 524629Y), and Findlay Street (DOT# 527819M).

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

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### **MEMORANDUM IN SUPPORT**

By Finding and Order of July 26, 2017, the Commission authorized NSRC to install new active warning devices at the above-referenced grade crossings in Dayton, Montgomery County. Substantial progress has been made – specifically, from a design and engineering standpoint, the projects have been progressed as far as they 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 would respectfully request that the project completion deadline for the four Dayton crossings be extended for ninety (90) days from the date of today’s filing – so through November 15, 2018.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

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**PROOF OF SERVICE**

A copy of the foregoing **Amended Request to Defer Construction Deadline** was filed electronically with the Commission this 17<sup>th</sup> 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  
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**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 17-1508-RR-FED**

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