

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

ENTRY

Entered in the Journal on November 13, 2018

{¶ 1} On July 26, 2017, the Commission issued an Entry approving Norfolk Southern Railway's (NS) installation of new active warning devices at four grade crossings in the city of Dayton, Montgomery County. The grade crossings are at Stewart Street (DOT#524628S), Irwin Street (DOT#527818F), Miami Chapel Road (DOT#524629Y), and Findlay Street (DOT#527819M). The Commission ordered completion of the projects by July 26, 2018.

{¶ 2} On July 12, 2018, NS filed a request for additional time to complete the projects. NS explained that its resources have been directed toward meeting the December 31, 2018, Positive Train Control federal mandate, and it requested until December 31, 2020, to complete the projects. Subsequently, on August 17, 2018, NS amended its request by asking that the completion date be extended to November 15, 2018.

{¶ 3} Staff filed a memorandum on August 28, 2018, recommending Commission approval of NS's request to extend the completion deadline for the projects to November 15, 2018. The Commission approved an extension of the deadline to November 15, 2018, in a September 19, 2018 Entry.

{¶ 4} On November 1, 2018, NS filed a 30-day extension request. In the request, NS states that Irwin Street (DOT#527818F) and Findlay Street (DOT#527819M) are scheduled to be placed in service the following week, but additional time is needed for Miami Chapel Road (DOT#524629Y) and Stewart Street (DOT#524628S). NS anticipates placing the remaining crossings in service prior to December 15, 2018.

{¶ 5} Staff filed a memorandum on November 7, 2018. Staff states that because NS has provided a construction timeline and has made progress on two of the four crossings, Staff and the Ohio Rail Development Commission recommend approval of the 30-day extension.

{¶ 6} Pursuant to the Commission's September 19, 1996 Entry in *In the Matter of the Implementation of the 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, and indicated that any request for an extension in excess of 30 days would be considered and decided by the Commission.

{¶ 7} The attorney examiner finds that a 30-day extension of time should be granted to allow NS time to complete the projects. Accordingly, the deadline should be extended to December 15, 2018, and NS should complete the projects by December 15, 2018. NS is directed to follow all standard railroad crossing safety protocol so as to ensure the protection of the traveling public at the crossings. In addition, Staff should continue to monitor the work at the projects to ensure completion within the newly ordered time frame.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the completion date for the projects be extended to December 15, 2018. It is, further,

{¶ 10} ORDERED, That unless otherwise ordered, NS complete the projects by December 15, 2018. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon NS and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn
Attorney Examiner

JRJ/hac

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Summary: Attorney Examiner Entry extending completion date of installation of new active warning devices electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission