

Memo

To: Docketing Division
From: Jill Henry, Rail Specialist, Rail Division
Cc: PUCO Legal Department
Date: 11/28/2018

Re: PUCO Case No. 17-1508-RR-FED- In the Matter of an Extension Request for the Installation of New Active Warning Devices at Norfolk Southern Railway Grade Crossings, Stewart Street (DOT# 524-628S), Irwin Street (DOT#527-818F), Miami Chapel Road (DOT#524-629Y), & Findlay Street (DOT#527-819M), in Montgomery County, Ohio.

On October 5, 2015, the Ohio Rail Development Commission (ORDC) authorized funding for Norfolk Southern Railway to install new warning devices at Stewart Street (DOT# 524-628S), Irwin Street (DOT#527-818F), Miami Chapel Road (DOT#524-629Y), & Findlay Street (DOT#527-819M), in Montgomery County, Ohio. The crossings were surveyed on May 3, 2011 and were found to warrant the upgrades.

On July 26, 2017, the Commission approved the project and ordered completion by July 26, 2018.

On July 12, 2018, NS filed for an extension until December 31, 2020. On August 17, 2018, NS filed an amended request for an extension until November 15, 2018. In the request, NS states that they are working to complete PTC (Positive Train Control) projects and their resources are being used to meet the federal mandate of December 31, 2018 for PTC.

ORDC and Staff recommended the 90 day extension request, but noted that these are safety projects and Staff does not support ongoing delays. On September 19, 2018, the Commission granted the 90 day extension request until November 15, 2018.

On November 1, 2018, NS filed a 30 day extension request. In the request, NS states that Irwin Street and Findlay Street are scheduled to be put in service next week, but they need additional time for Miami Chapel Road and Stewart Street. They anticipate putting the remaining crossings in service prior to December 15, 2018.

On November 14, 2018, NS filed an amended request to allow for a 30 day extension for Findlay Street. Overhead electric line issues have delayed completion of the project and are being resolved.

Staff and ORDC recommend approval of the 30 day extension for Findlay Street.

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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

[illegible]

**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

**AMENDED REQUEST TO
EXTEND CONSTRUCTION
DEADLINE**

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**Attorneys for Norfolk Southern
Railway Company**

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Norfolk Southern Railway Company ("NSRC") respectfully amends its Extension Request of November 1, 2018 so as to include the Findlay Street grade crossing (DOT #527819M), as well.

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

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MEMORANDUM IN SUPPORT

On November 1, 2018, NSRC filed a request to extend through December 15, 2018 the deadline to complete construction at the Stewart Street (DOT #524628S) and Miami Chapel Road (DOT #524629Y) grade crossings. At that point, NSRC was under the impression that it would be able to accomplish cut-in at the Irwin Street (DOT #527818F) and Findlay Street grade crossings within the currently-assigned deadline, of December 15, 2018. Irwin was in fact cut-in, as of November 5, 2018, so within the currently-assigned deadline. Unfortunately, a number of concerns (unforeseen utility conflicts, etc.) have arisen at the Findlay Street grade crossing, thereby necessitating its inclusion in the instant extension request.

For the foregoing reasons, and at least at this point, NSRC respectfully requests that the construction deadline for the Stewart, Miami Chapel, and Findlay grade crossings be extended through December 15, 2018. In the meantime, NSRC will keep the PUCO apprised of its progress

at each of these projects, including its ongoing effort to resolve outstanding utility conflicts at Stewart and Findlay.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

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PROOF OF SERVICE

A copy of the foregoing **Amended Request to Extend Construction Deadline** was filed electronically with the Commission this 14th day of November, 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

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/14/2018 2:30:07 PM

in

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

**Summary: Request Amended Request to Extend Construction 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

11/30/2018 8:32:22 AM

in

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

Summary: Response In the Matter of an Extension Request for the Installation of New Active Warning Devices at Norfolk Southern Railway Grade Crossings, Stewart Street (DOT# 524-628S), Irwin Street (DOT#527-818F), Miami Chapel Road (DOT#524-629Y), & Findlay Street (DOT#527-819M), in Montgomery County, Ohio. electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division