

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 December 27, 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 stated 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 stated 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} On November 13, 2018, the attorney examiner issued an Entry granting until December 15, 2018, to complete the project.

{¶ 7} On November 14, 2018, NS filed an amended request for an additional 30 days for the Findlay Street (DOT#527819M) project. NS explains that overhead electric line issues have delayed completion of the project and are being resolved.

{¶ 8} Staff filed a memorandum on November 30, 2018, stating that ORDC and Staff recommend approval of 30 more days to complete the Findlay Street (DOT#527819M) project.

{¶ 9} On December 3, 2018, NS filed a 30-day extension request for Miami Chapel Road (DOT#524629Y) and a 120-day extension request for Stewart Street (DOT#524628S) and Findlay Street (DOT#527819M). NS states that numerous concerns, especially utility conflicts, have arisen at these three crossings.

{¶ 10} In a December 21, 2018 memorandum, Staff explains that, based upon e-mail discussions concerning Miami Chapel Road (DOT#524629Y), Stewart Street (DOT#524628S), and Findlay Street (DOT#527819M), it appears that utility issues are being addressed, but have delayed construction completion. Staff recommends that NS be granted an extension until January 11, 2019, for all three crossings. Staff adds that it hopes utility issues will be resolved by early January 2019 and construction can be completed.

{¶ 11} 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.

{¶ 12} The attorney examiner finds that an extension of time should be granted to allow NS time to complete the Miami Chapel Road (DOT#524629Y), Stewart Street (DOT#524628S), and Findlay Street (DOT#527819M) projects. Accordingly, the deadline for those projects should be extended to January 11, 2019, and NS should complete the projects by January 11, 2019. 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.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the completion date for the projects in Paragraph 12 be extended to January 11, 2019. It is, further,

{¶ 15} ORDERED, That unless otherwise ordered, NS complete the projects by January 11, 2019. It is, further,

{¶ 16} 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 granting extension of time electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission