

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 January 15, 2018

{¶ 1} On July 26, 2017, the Commission issued a Finding and Order 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, and on several subsequent dates, 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 that utility issues had arisen during work on the projects. The completion date for the projects was ultimately extended through attorney examiner and Commission Entries to January 11, 2019.

{¶ 3} On December 27, 2018, NS filed a request to extend the project completion date to July 11, 2019. NS explains that numerous concerns, primarily utility conflicts, still remain outstanding at Miami Chapel Road (DOT#524629Y), Stewart Street (DOT#524628S), and Findlay Street (DOT#527819M); the Irwin Street (DOT#527818F) project was placed in service on November 5, 2018.

{¶ 4} Staff filed a memorandum on January 11, 2019, noting that NS did not provide additional details concerning the nature of the utility conflict or a proposed timeline for removal of the conflict. According to Staff, the Ohio Rail Development Commission (ORDC)

has noted that federal funds for the projects expire in August 2019; consequently, billing for the projects, which usually takes several months, must be completed before June to receive funding. Staff recommends that NS be granted another 30-day extension, until February 11, 2019, for all three crossings. Furthermore, Staff recommends that NS provide more details regarding the nature of the utility conflicts, as well as why such issues were not addressed before construction, and a proposed timeframe for removing the conflicts at each crossing.

{¶ 5} 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.

{¶ 6} 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 February 11, 2019, and NS should complete the projects by February 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.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That the completion date for the projects in Paragraph 6 be extended to February 11, 2019. It is, further,

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

{¶ 10} ORDERED, That NS provide the information specified by Staff in Paragraph 4 as soon as possible. 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

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

1/15/2019 10:35:04 AM

in

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

Summary: Attorney Examiner Entry extending completion date for projects and ordering specified information be provided to Staff electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission