

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF NORFOLK SOUTHERN RAILWAY TO
INSTALL ACTIVE WARNING DEVICES IN
THE CITY OF CINCINNATI, HAMILTON
COUNTY.

CASE NO. 17-1965-RR-FED

ENTRY

Entered in the Journal on January 16, 2019

{¶ 1} On January 20, 2017, the Commission issued a Finding and Order approving the installation by Norfolk Southern Railway (NS) of lights and gates at the 66th Street grade crossing (DOT#524734A) in the city of Cincinnati, Hamilton County. The Commission ordered completion of the project by January 18, 2019.

{¶ 2} On January 4, 2019, NS filed for a four month extension, until May 18, 2019, to complete the project. NS explains that utility concerns have delayed installation and cut-in. NS adds that it has worked with Duke Energy Ohio, Inc. (Duke) to resolve an overhead conflict, but a potential underground conflict is still to be resolved with Qwest Communications Company, LLC. NS estimates that it “will need an estimated 32 gang-days to complete installation and cut-in.”

{¶ 3} On January 14, 2019, Staff filed a memorandum in response to NS’s request. Staff states that it has been copied on e-mails concerning the project and that utility conflicts apparently are being resolved. However, Staff adds, NS has provided few details about the utility conflicts or a proposed timeline for removal of the conflicts. Staff recommends a 30-day extension of time for the project. Staff further recommends that NS provide more details regarding the nature of the utility conflicts, why such issues were not addressed prior to construction, and a timeframe for removal of the conflicts.

{¶ 4} Pursuant to the Commission’s September 19, 1996 Entry in *In re 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.

{¶ 5} Upon review of NS's request and Staff's recommendation, the attorney examiner finds that a 30-day extension of time should be granted. Unless otherwise authorized, NS should complete the project as soon as possible, but no later than February 19, 2019.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That NS be granted a 30-day extension of time to finish the project. It is, further,

{¶ 8} ORDERED, That unless otherwise authorized, NS complete the project as soon as possible, but no later than February 19, 2019. It is, further,

{¶ 9} ORDERED, That NS provide the information specified by Staff in Paragraph 3 as soon as possible. It is, further,

{¶ 10} ORDERED, That NS follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at the crossing. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon NS, ORDC, mayor of Cincinnati, Duke, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn
Attorney Examiner

JRJ/hac

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Case No(s). 17-1965-RR-FED

Summary: Attorney Examiner Entry granting 30-day extension to finish project and ordering requested information be provided to Staff electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission