

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF CSX TRANSPORTATION TO INSTALL
NEW ACTIVE WARNING DEVICES AT
WASHINGTON STREET IN THE CITY OF
DAYTON, MONTGOMERY COUNTY.

CASE NO. 17-2292-RR-FED

ENTRY

Entered in the Journal on February 28, 2019

{¶ 1} On December 20, 2017, the Commission issued a Finding and Order approving the installation by CSX Transportation (CSX) of new lights and gates at the Washington Street (DOT#155116F) grade crossing, in the city of Dayton, Montgomery County. The Commission ordered completion of the project by September 20, 2018.

{¶ 2} On July 19, 2018, CSX filed a request for an additional 90 days to complete the project. CSX explained that its work crew availability is limited while it completes positive train control (PTC) projects.

{¶ 3} On August 15, 2018, Staff filed a memorandum concerning CSX's request. Staff noted that Norfolk Southern Railway (NS) and CSX have adjacent tracks at the same crossing; consequently, the CSX project is tied in with the NS light and gate project in Case No. 16-2181-RR-FED.¹ Staff explained that the NS project is on hold until CSX completes its project at Washington Street. Staff added the Ohio Rail Development Commission (ORDC) did not oppose the extension request, but noted that CSX's project must be completed before NS can finish its work at that location. Staff recommended that the Commission grant CSX's request and direct CSX to complete its project by December 20, 2018.

{¶ 4} In a September 19, 2018 Entry, the Commission approved an extension of the project completion date to December 20, 2018.

¹ See *In re Authorization of Norfolk Southern Railway Company to Install New Active Warning Devices at Albany Street and Washington Street, City of Dayton, Montgomery County*, Case No. 16-2181-RR-FED, Finding and Order (December 21, 2016).

{¶ 5} On November 13, 2018, CSX filed a second request for additional time. CSX reiterated the matter of limited crew availability because of PTC and asked that the project deadline be extended to March 20, 2019.

{¶ 6} On December 1, 2018, Staff filed a memorandum in response to CSX's request. According to Staff, ORDC did not oppose another extension, but believed that more time should only be allowed for delivery of construction materials, given that NS needed another 60 days beyond delivery to complete its work. Staff recommended granting a 60-day extension of time.

{¶ 7} On December 19, 2018, pursuant to the Commission's September 19, 1996 Entry in *In re 1996 Federal Crossing Protection Program*, Case No. 96-676-RR-FED, the attorney examiner issued an Entry granting an additional 30 days, until January 18, 2019, to complete the project.

{¶ 8} CSX filed a request on January 9, 2019, seeking an additional 30 days to finish the project.

{¶ 9} Also on January 9, 2019, the Commission issued an Entry granting until February 19, 2019, to complete the project.

{¶ 10} On February 14, 2019, CSX filed a request for additional time. CSX explains that the project will be completed in conjunction with NS's work, and that CSX will comply with the build complete date of February 19, 2019. However, CSX adds, it cannot provide the cut-in until NS is available to be on site. CSX adds that the cut-in date for CSX and NS is scheduled for March 5, 2019. CSX requests 30 more days to finish the project.

{¶ 11} In its February 20, 2019 reply, Staff states that CSX has completed its part of the project and that, with cut-in to be finished by March 5, 2019, CSX and NS will be placing the warning devices in service and completing final testing. Staff recommends that 30 more days be granted to complete the project.

{¶ 12} Upon review of CSX's request and Staff's recommendation, the attorney examiner finds that a 30-day extension of time should be granted. Unless otherwise authorized, CSX should complete the project as soon as possible, but no later than March 21, 2019.

{¶ 13} CSX should notify Staff, ORDC, City Engineer of Dayton, and the Dayton Power & Light Company (DP&L) upon completion of the project. At the time Staff or ORDC makes its final inspection and finds that the installations are completed, Staff should file a memorandum in this docket indicating that the project is completed.

{¶ 14} It is, therefore,

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

{¶ 16} ORDERED, That unless otherwise authorized, CSX complete the project as soon as possible, but no later than March 21, 2019. It is, further,

{¶ 17} ORDERED, That Staff and CSX comply with the provisions of Paragraph 13. It is, further,

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

{¶ 19} ORDERED, That a copy of this Entry be served upon ORDC, CSX, City Engineer of Dayton, DP&L, 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). 17-2292-RR-FED

Summary: Attorney Examiner Entry granting extension of time to finish project electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission