

Memo

To: Docketing Division
From: Jill Henry, Rail Specialist, Rail Division
Cc: PUCO Legal Department
Date: 5/20/2019

Re: PUCO Case No. 17-1965-RR-FED- In the Matter of an Extension Request for the Installation of New Active Warning Devices at the Norfolk Southern Railway Crossing, 66th Street DOT#524-734A, in Hamilton County, Ohio.

On August 7, 2017, the Ohio Rail Development Commission (ORDC) authorized funding for Norfolk Southern Railway (NS) to install lights and gates at 66th Street DOT#524-734A, in Hamilton County, Ohio.

On October 20, 2017, the Commission approved the project and ordered completion by January 18, 2019.

On January 4, 2019, NS filed for a 4 month extension request, until May 18, 2019. In the request, NS states that they are working with Duke Energy to resolve an overhead utility conflict and that another potential underground conflict is being evaluated. No additional details about the conflict or a proposed timeline for removal of the utility conflicts were given. Staff has been cc'd on e-mails for this project and it appears that utility conflicts are being resolved. On January 16, 2019, the Commission granted a 30 day extension request until February 19, 2019.

On February 4, 2019, NS filed for a 5 month extension request, until July 19, 2019. In the request NS states that the underground utility conflict remains to be resolved. NS is looking into using special precast foundations that are shallower. NS will have to dig on-site to determine if the foundation will work. The Commission granted a 90 day extension on March 27, 2019.

On May 7, 2019, NS filed for a 12 month extension, until May 21, 2020. In the request, NS states that they have continued PTC deadlines and that outstanding issues at this project remain with regard to a utility conflict and the selection of the signal foundation.

On May 9, 2019, ORDC Project Manager, Michael Lynch reported to Staff that the project is 95% done. The foundation has been selected and installed. Crews are working on-site

and the project is due to be cut-in on May 14, 2019. On May 15, 2019, Staff received an in-service notice from NS for the project.

As a result of the project work, no extension is needed. Staff will file appropriate paperwork in the docket once the project has had final inspections and the case will be closed.

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

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Attorneys for Norfolk Southern
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MEMORANDUM IN SUPPORT

By Finding and Order of October 20, 2017, NSRC was authorized to install lights and gates at the 66th Street grade crossing in Cincinnati, Hamilton County, Ohio, with a current construction deadline of May 21, 2019.

Substantial progress has been made – *e.g.*, curbs have been built, and one utility conflict, that involving Duke Power, has been resolved. But outstanding concerns exist with respect to an additional conflict – that involving Qwest, as well as the determination/selection of appropriate signal foundations (poured versus pre-cast) in the involved quadrants. In light of same, and due to the approaching, federally-mandated PTC deadline, NSRC anticipates that it will need through approximately May of 2020 within which to complete construction and cut-in.

For the foregoing reasons, NSRC respectfully requests that the Commission grant it a further extension of time, through May 21, 2020, within which to complete the instant project.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

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PROOF OF SERVICE

A copy of the foregoing *Request to Extend Construction Deadline* was filed electronically with the Commission this 7th day of May, 2019. 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

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in

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

Summary: Request Request to Extend Construction Deadline electronically filed by Mr. D. Casey Talbott on behalf of Talbott, D. Casey Mr. and Norfolk Southern Railway Company

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in

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

Summary: Memorandum In the Matter of an Extension Request for the Installation of New Active Warning Devices at the Norfolk Southern Railway Crossing, 66th Street DOT#524-734A, in Hamilton County, Ohio. electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division