

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF CSX TRANSPORTATION TO INSTALL
ACTIVE WARNING DEVICES AT TWO
GRADE CROSSINGS IN MARION
COUNTY.

CASE NO. 17-2491-RR-FED

ENTRY

Entered in the Journal on July 8, 2019

{¶ 1} On January 3, 2018, the Commission issued a Finding and Order approving CSX Transportation's (CSX) installation of active warning devices at two grade crossings in the city of Marion, Marion County. The grade crossings are at Center Street/State Route 95 (DOT#518415T) and Kenton Avenue/State Route 309 (DOT#261540P). The Commission ordered completion of the projects by October 3, 2018.

{¶ 2} On September 4, 2018, CSX filed a request for 90 more days to finish the projects. CSX explained that its work crew availability is limited while it completes positive train control (PTC) projects.

{¶ 3} On September 25, 2018, Staff filed a memorandum stating that, while the Ohio Rail Development Commission (ORDC) did not oppose the extension request, ORDC noted that these are safety projects. Staff recommended that the Commission grant CSX's request to extend the completion date for 90 days.

{¶ 4} On October 24, 2018, the Commission granted an extension until January 3, 2019, for CSX to complete the projects.

{¶ 5} CSX filed a second request for 90 more days on December 3, 2018. CSX again indicated issues with limited crew availability while PTC compliance is being completed.

{¶ 6} Staff filed a memorandum on December 21, 2018, in response to CSX's request for more time. Staff recommended that the Commission grant a 45-day extension, as the projects have already had one 90-day time extension.

{¶ 7} In a January 9, 2019 Entry, the Commission granted an extension until February 19, 2019, for the projects to be completed.

{¶ 8} On January 18, 2019, CSX filed another request for additional time. CSX stated that it is working diligently to catch up on all projects that were delayed by PTC. CSX added that the anticipated start date for the Center Street/State Route 95 (DOT#518415T) and Kenton Avenue/State Route 309 (DOT#261540P) projects is April 19, 2019, following the completion of projects in Van Buren, Ohio and Edison, Ohio.

{¶ 9} Staff filed a memorandum on February 22, 2019, recommending that the Commission grant CSX's request.

{¶ 10} In a March 27, 2019 Entry, the Commission granted until May 19, 2019, for the projects to be completed.

{¶ 11} On May 14, 2019, CSX filed a request for an additional 30 days to complete the projects. CSX stated that a work crew has been on site for the Center Street/State Route 95 (DOT#518415T) and Kenton Avenue/State Route 309 (DOT#261540P) projects. Because of complexity of the Kenton Avenue/State Route 309 (DOT#261540P) project and the work crew also having invested time in the Center Street/State Route 95 (DOT#518415T) project, CSX did not anticipate completion of all work until mid-June 2019. CSX requested that the completion deadline be extended to June 19, 2019.

{¶ 12} Staff filed a memorandum on May 20, 2019, recommending that the Commission grant the extension request. Staff noted that CSX has been working on-site and is making good progress, but excessive rain had slowed down construction.

{¶ 13} 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. Accordingly, the attorney examiner granted the request and extended the project completion deadline to June 19, 2019.

{¶ 14} CSX requested another 30-day extension on June 19, 2019. CSX explained that its signal construction group needs approximately three more weeks to complete the project. According to CSX, several issues have arisen, including the need for a new work order with the power company and time needed to relocate an existing cantilever.

{¶ 15} Staff filed a memorandum on June 20, 2019, recommending approval of CSX's request. Staff noted that CSX has added another crew to the project and has encountered delays because of weather conditions.

{¶ 16} Upon review of CSX's request and Staff's recommendation, the attorney examiner finds that CSX's request for additional time is warranted and will be granted for 30 days, until July 19, 2019. CSX should expedite work on the projects and follow all standard railroad crossing safety protocol to ensure the protection of the traveling public at these crossings. Further, Staff should monitor work at the projects to ensure completion within the newly ordered timeframe.

{¶ 17} CSX should notify Staff, ORDC, Director of Public Works for the city of Marion, and Ohio Edison Company (OEC) upon completion of the projects. 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 projects are completed.

{¶ 18} It is, therefore,

{¶ 19} ORDERED, That CSX's request for additional time to complete the projects be granted in accordance with Paragraph 16. It is, further,

{¶ 20} ORDERED, That CSX complete the projects no later than July 19, 2019. It is, further,

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

{¶ 22} ORDERED, That CSX notify Staff, ORDC, Director of Public Works for the city of Marion, and OEC upon the completion of the projects. It is, further,

{¶ 23} ORDERED, That when Staff or ORDC makes its final inspection and finds that the projects are completed, Staff file a memorandum in this docket indicating that the projects are completed. It is, further,

{¶ 24} ORDERED, That a copy of this Entry be served upon ORDC, Director of Public Works for the city of Marion, OEC, 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). 17-2491-RR-FED

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