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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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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
	:	<b><u>REQUEST TO EXTEND</u></b>
	:	<b><u>CONSTRUCTION DEADLINE</u></b>
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Norfolk Southern Railway Company (“NSRC”) respectfully requests an extension of time of nine (9) months – through May 13, 2020 – within which to complete the final one of four involved construction projects in Dayton, Montgomery County.

A memorandum in support is attached.

Respectfully submitted,  
EASTMAN & SMITH LTD.

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**MEMORANDUM IN SUPPORT**

Recall that this case involves construction projects at four separate grade crossings in Dayton, Montgomery County: Irwin Street (DOT #527818F), Miami Chapel Road (DOT #524629Y), Findlay Street (DOT #527819M), and Stewart Street (DOT #524628S).

Substantial progress has been made – specifically, Irwin was placed in-service as of November 5, 2018, Miami Chapel as of February 4, 2019, and Findlay as of February 12, 2019.

But various concerns have delayed final construction and cut-in at the remaining crossing – specifically, Stewart. First, one utility conflict (involving Charter) remains outstanding, and to NSRC's understanding is now scheduled to be resolved in or about early August (apparently, resolution was complicated by a requisite service interruption). Second, more notably, by union agreement, seniority districts are established throughout the NSRC rail system, including the State of Ohio. In its most simple terms, agreement labor forces from one seniority district cannot cross lines over or onto another seniority district. Accordingly, only certain labor forces are permitted to work on former Conrail lines, such as that which includes the instant crossing (Stewart). Through late

December of 2019, these forces remain tied-up, installing federally-mandated PTC, following which there will be some related clean-up work. But as of January of 2020, NRSC anticipates that these forces will be postured to complete outstanding circuitry projects on former Conrail lines, including 15 to 17 projects in the State of Ohio.

In light of the above, NSRC respectfully requests an extension of time of nine (9) months – through May 13, 2020 – within which to complete construction and cut-in at the sole remaining crossing, Stewart.

In the meantime, NSRC confirms that Stewart remains protected by active warning devices.

In the event necessary, NSRC is willing to participate in a related meeting and/or conference call with appropriate representatives of the PUCO and/or ORDC, to discuss this matter and any related issues/concerns.

Respectfully submitted,  
EASTMAN & SMITH LTD.

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**PROOF OF SERVICE**

A copy of the foregoing **Request to Extend Construction Deadline** was filed electronically with the Commission this 30<sup>th</sup> day of July, 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

**This foregoing document was electronically filed with the Public Utilities**

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

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