

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION  
OF NORFOLK SOUTHERN RAILWAY TO  
UPGRADE ACTIVE WARNING DEVICES  
AT TWO GRADE CROSSINGS IN THE CITY  
OF COLUMBUS, FRANKLIN COUNTY.

CASE NO. 18-1314-RR-FED

## ENTRY

Entered in the Journal on November 21, 2019

### I. SUMMARY

{¶ 1} The Commission denies Norfolk Southern Railway's request for additional time to install upgraded circuitry and add advanced traffic preemption to the active warning devices at grade crossings at Lockbourne Road and Fairwood Avenue in the city of Columbus, Franklin County, subject to the Commission's ongoing jurisdiction and oversight.

### II. DISCUSSION

{¶ 2} R.C. 4905.04 provides that the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public.

{¶ 3} R.C. 4907.471 provides that the Commission shall survey all grade crossings and establish a priority list to determine which grade crossings are in need of additional protective devices.

{¶ 4} R.C. 4907.476 provides that where the Ohio Department of Transportation (ODOT) enters into contracts and agreements for grade crossing protective device projects, the Commission shall work with and through the department. Federal funding for such projects is provided through the Ohio Rail Development Commission (ORDC), which is an independent agency of the state within ODOT, established in accordance with R.C. 4981.02.

{¶ 5} Norfolk Southern Railway (NS) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04.

{¶ 6} On September 26, 2018, the Commission issued a Finding and Order approving NS's upgrade of circuitry and addition of advanced traffic preemption to the active warning devices at grade crossings at Lockbourne Road (DOT#513362E) and Fairwood Avenue (DOT#513364T) in the city of Columbus, Franklin County. The Commission ordered completion of the projects by September 26, 2019.

{¶ 7} On September 12, 2019, NS filed for an extension of time until January 30, 2020. In the request, NS states that it has resolved a number of utility conflicts, but it still needs to install cantilevers/gates and upgraded circuitry, and install advanced traffic preemption, which will interconnect with the city of Columbus. NS notes that the city recently placed its portion of the traffic preemption project out for bid, with construction anticipated to begin in spring 2020.

{¶ 8} Staff filed a memorandum on October 9, 2019, stating that it has reviewed the project and finds that NS has not started construction of the warning devices. Staff adds that NS could construct the warning devices and the traffic preemption interconnect. Staff concludes that the warning devices could then be put in service, and the traffic preemption would be completed and tested once the city of Columbus completes its work in the spring of 2020. In Staff's opinion, NS has failed to show that good cause exists to grant additional time for completion of the project. Staff does not recommend a project extension.

{¶ 9} Upon review of NS's request and Staff's recommendation, the Commission finds that the Lockbourne Road (DOT#513362E) and Fairwood Avenue (DOT#513364T) are safety projects, and that NS has not shown good cause for granting additional time to complete the projects. Therefore, NS's request should be denied.

{¶ 10} NS should notify Staff, ORDC, the Department of Public Service for the city of Columbus, and AEP 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 projects are completed.

### III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That NS's request for additional time to complete the Lockbourne Road (DOT#513362E) and Fairwood Avenue (DOT#513364T) projects be denied in accordance with Paragraph 9. It is, further,

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

{¶ 14} ORDERED, That NS notify Staff, ORDC, the Department of Public Service for the city of Columbus, and AEP upon the completion of the projects. It is, further,

{¶ 15} 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,

{¶ 16} ORDERED, That a copy of this Finding and Order be served upon ORDC, NS, Department of Public Service for the city of Columbus, AEP, and any other interested person of record.

COMMISSIONERS:

*Approving:*

Sam Randazzo, Chairman  
M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

JML/hac

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Summary: Entry Entry that the Commission denies Norfolk Southern Railway's request for additional time to install upgraded circuitry and add advanced traffic preemption to the active warning devices at grade crossings at Lockbourne Road and Fairwood Avenue in the city of Columbus, Franklin County, subject to the Commission's ongoing jurisdiction and oversight. electronically filed by Docketing Staff on behalf of Docketing