

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUTHORIZATION
OF NORFOLK SOUTHERN RAILWAY TO
INSTALL ACTIVE WARNING DEVICES AT
A GRADE CROSSING IN THE CITY OF EAST
LIVERPOOL, COLUMBIANA COUNTY.

CASE NO. 22-581-RR-FED

ENTRY

Entered in the Journal on May 3, 2023

{¶ 1} On July 27, 2022, the Commission issued a Finding and Order approving installation of gates and flashing lights at the Walter Street grade crossing (DOT#505-147X) in the city of East Liverpool, Columbiana County. The Commission ordered completion of the project by April 27, 2023.

{¶ 2} On April 19, 2023, Norfolk Southern Railway (NS) filed a request for additional time, until May 27, 2023, to finish the project.

{¶ 3} On April 26, 2023, Staff filed a memorandum concerning NS's request. Staff states that counsel for NS explained that construction of the project is complete, but Ohio Power Company (AEP Ohio) cannot assist on cut-in until after the April 27, 2023 deadline, because AEP Ohio work crews are focused on storm damage restoration. Staff explains that it has discussed the issue with the Ohio Rail Development Commission (ORDC), which is supportive of the request. Staff adds that NS has kept Staff updated concerning electric supply issues and emphasizes that NS is working to complete the project. Staff recommends approval of the extension request.

{¶ 4} 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.

{¶ 5} Having considered NS's request and Staff's memorandum, the attorney examiner finds it reasonable to grant NS's request. NS should complete the project as soon as possible, but no later than May 27, 2023. NS is directed to follow all standard railroad crossing safety protocol so as to ensure the protection of the traveling public at this crossing. In addition, Staff should continue to monitor the work at the project to ensure completion within the newly-ordered time frame.

{¶ 6} NS should notify Staff, ORDC, and the mayor of East Liverpool upon completion of the project. At the time Staff 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.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That NS's request for additional time to complete the project be granted in accordance with Paragraph 5. It is, further,

{¶ 9} ORDERED, That NS notify Staff, ORDC, Eastman & Smith Ltd., and the mayor of East Liverpool upon the completion of the project. It is, further,

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

{¶ 11} ORDERED, That a copy of this Entry be served upon NS, ORDC, Eastman & Smith Ltd., mayor of East Liverpool, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn
Attorney Examiner

NJW/dr

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in

Case No(s). 22-0581-RR-FED

Summary: Attorney Examiner Entry granting Norfolk Southern Railway's request for additional time to complete the project in accordance with Paragraph 5 electronically filed by Debbie S. Ryan on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission of Ohio.