

# Nauman Smith

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June 26, 2009

**Via Electronic Mail  
Confirmed Via Hand Delivery**

James McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**In Re:            Application of Consolidated Rail Corporation for the abolition of thirty-one crossings of the Enola Branch, LC291323, MP 3.5 to MP 27.0, Sub No. 1095X, Harrisburg Division, Lancaster County and Board of Supervisors of Bart Township v. Consolidated Rail Corporation, et al  
PUC Dockets No. A-00111016 and C-00913256 (Consolidated)**

Dear Secretary McNulty:

Enclosed please find the original of a Petition to Request a Partial Further Extension of Time for filing on behalf of Norfolk Southern Railway Company. In accordance with the accompanying Certificate of Service, we have provided copies of the Petition to all active parties of record. A hard copy of the Petition will be delivered to your office as required. If you have any questions, please do not hesitate to contact our office.

Sincerely yours,



Jeannette Chelgren, Secretary to  
Benjamin C. Dunlap, Jr., Esquire

cc: All parties in interest (w/enc.)  
Randal S. Noe, Esquire (w/enc.)  
Thomas Heinrich, P.E. (w/enc.)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Consolidated Rail Corporation for the abolition of thirty-one crossings of the Enola Branch, LC201323, MP 3.5 to MP 27.0, Sub No. 1095X, Harrisburg Division, Lancaster County,	:	
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	:	Docket No. A-00111016
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Board of Supervisors of Bart Township,	:	
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	:	
v.	:	Docket No. C-00913256
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	:	
Consolidated Rail Corporation, and the Pennsylvania Department of Transportation and Commissioners of the County of Lancaster, et al.	:	
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**PETITION TO REQUEST A PARTIAL FURTHER EXTENSION OF TIME**

Norfolk Southern Railway Company (“Norfolk Southern”), by and through its attorneys, Nauman, Smith, Shissler & Hall, LLP, files this Petition to Request a Partial Further Extension of Time to perform certain work ordered in the Opinion and Order of the Public Utility Commission (“Commission”) entered on October 31, 1997, in the above-referenced matter, pursuant to 52 Pa. Code § 1.15, based upon the following:

1. In its Order entered October 31, 2007, in the above-referenced consolidated proceedings, Norfolk Southern was granted permission for extensions of time to perform certain work ordered in the Commission’s Opinion and Order entered on October 9, 1997, as subsequently modified.

2. In particular, Norfolk Southern was granted an extension of time until June 30, 2009, to remove the electric transmission line towers of the National Railroad Passenger Corporation (“Amtrak”) from the Martie Forge bridge (Crossing No. 28) and to resuspend the line in a manner satisfactory to Amtrak, pursuant to Ordering Paragraph No. 149 of the Commission’s Opinion and Order originally entered on October 9, 1997, as subsequently modified. See Opinion and Order entered October 31, 2007, at Ordering Paragraph 14 on page 14.

3. Amtrak has informed Norfolk Southern that it has received federal stimulus funding to modernize its transmission line along the entire length of the former Enola Branch rail line. This will involve replacing the old antiquated dual pole system with a mono pole, as has been proposed for the Martie Forge transmission line resuspension in connection with this Commission proceeding.

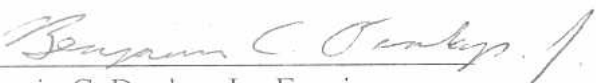
4. Amtrak has further informed Norfolk Southern that it would like to take advantage of the design and construction cost savings by incorporating the Martie Forge bridge line resuspension project into its larger transmission line modernization project.

5. Amtrak’s transmission line modernization project is on a fast track, according to Amtrak representatives, and is expected to be completed next year.

WHEREFORE, Norfolk Southern Railway Company respectfully requests that it receive an extension of time until December 31, 2010, to perform the transmission line resuspension work ordered in Ordering Paragraph No. 149 of the Commission's Opinion and Order herein originally entered on October 9, 1997, as subsequently modified.

Respectfully Submitted:

**NAUMAN, SMITH, SHISSLER & HALL, LLP**

By   
Benjamin C. Dunlap, Jr., Esquire  
Supreme Court I.D. #66283

200 North Third Street, 18<sup>th</sup> Floor  
P.O. Box 840  
Harrisburg, PA 17108-0840  
(717) 236-3010  
Attorney for Norfolk Southern Railway Company

Date: June 26, 2009

VERIFICATION

I, Thomas Heinrich, P.E., Engineer Structures, of Norfolk Southern Railway Company in the foregoing proceeding, do make the following statement subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authority, and do state that as Engineer Structures for Norfolk Southern Railway Company, I am authorized to make this statement on behalf of Norfolk Southern Railway Company, and that the facts set forth in the foregoing "Petition to Request A Partial Further Extension of Time" are true and correct to the best of my knowledge, information and belief. To the extent that the contents of the pleading are that of counsel, verifier has relied upon counsel in making this verification.

  
Thomas Heinrich, P.E.

Dated: *June 26, 2009*

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Consolidated Rail Corporation for the abolition of thirty-one crossings of the Enola Branch, LC201323, MP 3.5 to MP 27.0, Sub No. 1095X, Harrisburg Division, Lancaster County,	:	
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	:	Docket No. A-00111016
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Board of Supervisors of Bart Township,	:	
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v.	:	Docket No. C-00913256
	:	
	:	
Consolidated Rail Corporation, and the Pennsylvania Department of Transportation and Commissioners of the County of Lancaster, et al.	:	
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Petition for Partial Further Extension of Time of Norfolk Southern Railway Company was served upon the parties listed below in accordance with the requirements of § 1.54, by first-class mail, postage prepaid this 26th day of June, 2009:

Janet L. Miller, Esquire Hawke McKeon & Sniscak LLP 100 North Tenth Street P. O. Box 1778 Harrisburg, PA 17105	Eden Township Board of Supervisors 489 Stony Hill Road Quarryville, PA 17566
Gina M. D'Alfonso, Esquire Office of Chief Counsel PennDOT P. O. Box 8212 Harrisburg, PA 17105-8212	Dennis M. Moore, Esquire National Railroad Passenger Corporation 60 Massachusetts Avenue, NE Washington, DC 20002
David Screven, Esquire PA Public Utility Commission Bureau of Transportation & Safety P. O. Box 3265 Harrisburg, PA 17105-3265	City of Coatesville Authority One City Hall Place Coatesville, PA 19320
	DEP - Legal Services P. O. Box 8464 Harrisburg, PA 17105-8464

Joyce A. Nettke, Esquire  
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Legal Department  
202 Shoemaker Road  
Pottstown, PA 19464

Sadsbury Township  
1077 White Oak Road  
Christiana, PA 17509

Date: June 26, 2009

  
Jeannette Chelgren, Secretary to  
Benjamin C. Dunlap, Jr., Esquire