

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
WAYNE L. WEISMANDEL  
ADMINISTRATIVE LAW JUDGE

IN RE:	:	
	:	
PENNSYLVANIA STATE LEGISLATIVE BOARD, UNITED TRANSPORTATION UNION	:	DOCKET No. C-00019522
	:	
v.	:	
	:	
NORFOLK SOUTHERN RAILWAY COMPANY	:	

**STATEMENT OF THE CASE**

On or about January 14, 2010, at a public meeting, the Pennsylvania Public Utility Commission adopted an Order in the instant matter which indicates a desire on the part of the Commission to review that 1973 Order in light of the current federal regulatory framework regarding railroad safety matters.

On or about June 16, 2008, the Federal Rail Administration (FRA) made effective a rule, posted at 49 CFR §218.99(e)(5), that permits the use of shovelight systems in railroad yards where shoving movements are performed when those shovelight systems meet certain minimum technological criteria.

On November 9, 2009, the Commission, *sua sponte*, issued a Reconsideration Order to determine if an amendment to or rescission of its 1973 Order is appropriate. That Reconsideration Order of the Pennsylvania Public Utility Commission further permitted the Pennsylvania State Legislative Board of the United Transportation Union (PSLB UTU) and Norfolk Southern Railway Company to file Comments with the Commission regarding whether any modification or rescission of the 1973 Order is warranted. Ultimately both the PSLB UTU and Norfolk Southern filed Comments within the various times allotted to each of those entities.

On or about January 14, 2010 the Commission entered its Order, as discussed above, which directed an expedited hearing and the issuance of a Recommended Decision to be presented for the Commission's consideration at its May 6, 2010 public meeting.

On or about January 10, 2010, Administrative Law Judge Wayne L. Weismandel ("ALJ") issued a Pre-hearing Conference Order directing the parties to file Pre-hearing Memoranda and setting forth a proposed schedule for the expedited proceeding. Pursuant to that ALJ Order, on or about February 1, 2010, both Norfolk Southern Railway Company and PSLB UTU filed Pre-hearing Conference Memoranda.

On or about February 3, 2010, pursuant to the ALJ's January 20, 2010 Pre-hearing Conference Order, an initial Pre-hearing Conference was held at which ALJ Weismandel presided. On that same date, ALJ Weismandel issued an Order Amending Caption and a Scheduling and Briefing Order setting forth the schedule established at the Initial Pre-hearing Conference as well as certain briefing requirements. Pursuant to that Order evidentiary hearings were held before ALJ Weismandel on February 18 and 19, 2010.

Respectfully submitted,

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By \_\_\_\_\_  
IRWIN W. ARONSON  
PA REG. NO. 36921

Dated: March 4, 2010

*CERTIFICATE OF SERVICE*

I, IRWIN W. ARONSON hereby certify that I have this date caused a copy of the foregoing Statement of the Case to be served upon parties of interest in this matter by serving a copy via email to each of the following:

The Honorable Wayne L. Weismandel  
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IRWIN W. ARONSON

Dated: March 4, 2010