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June 21, 2010

VIA HAND DELIVERY

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
Harrisburg, PA 17120

RECEIVED
2010 JUL 21 PM 4:16
SECRETARY'S BUREAU

Re: *Petition of Norfolk Southern Railway Company for Rescission or Amendment of the Pennsylvania Public Utility Commission's Order Entered on June 12, 1975 Regarding the Prevention of Run Outs in the 400 and 500 Classification Yards of Conway Yard in Beaver County, Pennsylvania, Docket No. C-00019560*

Dear Secretary Chiavetta:

On behalf of Norfolk Southern Railway Company ("Norfolk Southern"), I have enclosed for filing the original and three (3) copies of the following:

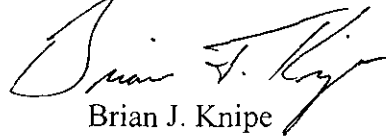
1. Motion of Norfolk Southern Railway Company for Leave to Amend Petition for Rescission or Amendment
2. Motion of Norfolk Southern Railway Company for Continuance of Initial Prehearing Conference and Extension of Deadline for Initial Prehearing Conference Memoranda

Because Norfolk Southern has obtained the concurrence of the Pennsylvania State Legislative Board of the United Transportation Union, the only other party to this proceeding, in both of these motions, the Notice to Plead attached to each motion is included merely as a formality.

Copies of these documents have been served in accordance with the attached Certificate of Service.

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
July 21, 2010
Page 2

Very truly yours,

A handwritten signature in black ink, appearing to read "Brian J. Knipe". The signature is fluid and cursive, with a large initial "B".

Brian J. Knipe

For BUCHANAN INGERSOLL & ROONEY, P.C.

BJK/paf

cc: The Honorable David A. Salapa (via e-mail and hand delivery, w/encls.)
Joseph P. Sirbak, Esq.
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

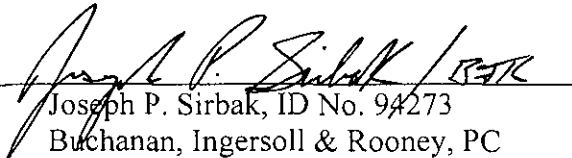
Petition of Norfolk Southern Railway :
Company for Rescission or Amendment of :
the Pennsylvania Public Utility :
Commission's Order Entered on June 12, : Docket No. C-00019560
1975 Regarding the Prevention of Run Outs :
in the 400 and 500 Classification Yards of :
Conway Yard in Beaver County, :
Pennsylvania :

NOTICE TO PLEAD

To: Irwin W. Aronson, Esq.
Willig Williams & Davidson
Suite 504
212 Locust Street
Harrisburg PA 17101

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PA PUC
SECRETARY'S BUREAU

Pursuant to 52 Pa. Code § 5.103, you are hereby notified that you have **twenty (20) days** from the date of service of this Motion to respond.



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Dated: July 21, 2010

Attorneys for Norfolk Southern Railway
Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Norfolk Southern Railway :
Company for Rescission or Amendment of :
the Pennsylvania Public Utility :
Commission's Order Entered on June 12, : Docket No. C-00019560
1975 Regarding the Prevention of Run Outs :
in the 400 and 500 Classification Yards of :
Conway Yard in Beaver County, :
Pennsylvania :

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SECRETARY'S OFFICE

**MOTION OF NORFOLK SOUTHERN RAILWAY COMPANY FOR LEAVE
TO AMEND PETITION FOR RESCISSION OR AMENDMENT**

TO ADMINISTRATIVE LAW JUDGE DAVID A. SALAPA:

Norfolk Southern Railway Company ("Norfolk Southern") hereby moves pursuant to 52 Pa. Code § 5.91 for leave to amend its Petition for Rescission or Amendment ("Petition").

1. On November 13, 2009, Norfolk Southern filed the instant Petition, which avers that due to engineering and safety changes at the Conway Yard, rescission or amendment of a prior order issued by the Commission in 1975 at this Docket (the "1975 Order") is warranted. The Petition requests that the Commission eliminate the requirement that Norfolk Southern use skates to prevent run outs at Conway Yard, and allow it to reassign employees designated as "skate men" to other positions. Alternatively, the Petition requests that the Commission amend the 1975 Order to permit the placement and removal of skates by pullout crews and other personnel.

2. On January 16, 2010, a Notice of the Petition was published in the *Pennsylvania Bulletin*, which permitted comments to the Petition within 20 days. 40 Pa.B. 500.

3. On February 5, 2010, the Pennsylvania State Legislative Board of the United Transportation Union ("Union") filed Comments in opposition to the Petition.

4. On April 19, 2010, the Commission entered an Order referring the Petition to the Office of Administrative Law Judge for hearing or other appropriate proceedings, and issuance of a Recommended Decision.

5. An initial prehearing conference is scheduled in this matter for Thursday, July 29, 2010 at 10:00 a.m. Initial prehearing conference memoranda are due by no later than Monday, July 26, 2010.

6. In the course of preparing its initial prehearing conference memorandum, Norfolk Southern has recognized that since the filing of its Petition on November 13, 2009, there have been significant new developments at Conway Yard that will be central to the Commission's consideration of the Petition. These developments include, but are not limited to, Norfolk Southern's installation of hydraulic retarders on classification tracks at Conway Yard.

7. These new hydraulic retarders, which were mentioned only very briefly in the November 13, 2009 Petition, will now be a central part of Norfolk Southern's case and will impact the relief sought by Norfolk Southern. Therefore, it is apparent at this time that the Petition no longer reflects the case Norfolk Southern intends to present.

8. Accordingly, to avoid confusion of the issues and to ensure this matter can proceed efficiently, Norfolk Southern respectfully requests leave, pursuant to 52 Pa. Code § 5.91, to file, by September 1, 2010, an Amended Petition. An Amended Petition will realign the issues raised before the Commission with the facts as they exist on the ground today.

9. Counsel for Norfolk Southern has consulted with counsel for the Union, the only other party to this proceeding, to seek the Union's consent to this request. The Union does not object to Norfolk Southern filing an Amended Petition, provided there is a continuance of the

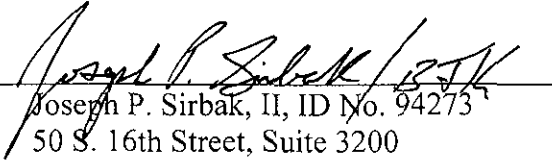
existing dates for the initial prehearing conference and for the submission of initial prehearing conference memoranda.

10. Norfolk Southern is concurrently filing, with this Motion for Leave to Amend, a Motion for Continuance of Initial Prehearing Conference and Extension of Deadline for Initial Prehearing Conference Memoranda.

WHEREFORE, Norfolk Southern Railway Company respectfully requests leave to file an Amended Petition for Rescission or Amendment, by no later than September 1, 2010.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

By: 
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Dated: July 21, 2010

Attorneys for Norfolk Southern Railway
Company