

Nauman Smith

Attorneys At Law

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Benjamin C. Dunlap, Jr.
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November 1, 2010

Via Hand Delivery

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

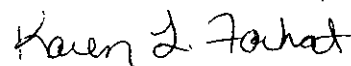
In re: Application of Norfolk Southern Railway Company to abolish the public rail-highway crossing of High Street above its tracks in the City of Bethlehem and the Borough of Hellertown, Northampton County, Pennsylvania (DOT # 592 787 H). PUC Docket No. A-2008-2075123

Dear Secretary Chiavetta:

Enclosed please find the original and three (3) copies of the Fifth Status Report of Norfolk Southern Railway Company for filing in the above-referenced matter. In accordance with the accompanying Certificate of Service, we are serving a copy of the Status Report on all parties of record by electronic and regular mail.

If you have any questions, please don't hesitate to contact our office.

Sincerely yours,



Karen L. Farhat, Secretary to
Benjamin C. Dunlap, Jr., Esquire

Enclosures

cc: All Parties of Record (w/enc.)
Randal S. Noe, Esquire (w/enc.)
Thomas Brace (w/enc.)
David Wyatt (w/enc.)
Malcolm Roop (w/enc.)

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PA PUC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**In re: Application of Norfolk Southern Railway :
Company to abolish the public rail-highway :
crossing of High Street above its tracks in the :
City of Bethlehem and Borough of Hellertown, :
Northampton County, Pennsylvania :
(DOT # 592 787 H) :**

Docket No. A-2008-2075123

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FIFTH STATUS REPORT

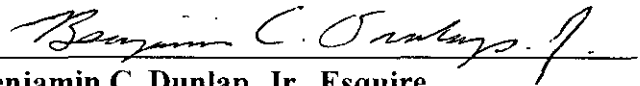
Norfolk Southern Railway Company (“Norfolk Southern”), by and through its attorneys, Nauman, Smith, Shissler & Hall, LLP, hereby files this Fifth Status Report, pursuant to the requirements of Ordering Paragraphs 3 and 4 of the Procedural Order dated December 4, 2009, in the above-referenced matter.

Since the filing of the Fourth Status Report, the settlement between Norfolk Southern and the City of Bethlehem (“City”) has received final approval from Norfolk Southern upper management. The undersigned has drafted a Stipulation of Settlement based upon those terms, which is currently under review by Norfolk Southern. Additional information has been requested from the City in regard to the Stipulation of Settlement.

The City has developed plans for bridge safety mitigation measures for review by the Pennsylvania Department of Transportation and the Department of Conservation and Natural Resources (“DCNR”), as is required under DCNR’s Decision Tree process, as well as for review by the Commission’s Bureau of Transportation and Safety. The City is also in discussions with the other municipalities that are parties to this proceeding regarding long-term maintenance responsibilities for any replacement structure at this location.

The goal of the parties, particularly Norfolk Southern and the City at this stage, is to present to the Commission for approval a comprehensive settlement agreement that addresses all issues regarding the present bridge structure and any replacement structure at this location. It is anticipated that the parties will be close to that goal by the time for filing the next status report on December 31, 2010, if the goal has not yet been accomplished.

Respectfully submitted,
NAUMAN, SMITH, SHISSLER & HALL, LLP



Benjamin C. Dunlap, Jr., Esquire

Supreme Court I.D. No. 66283

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Counsel for Norfolk Southern Railway Company

Date: November 1, 2010

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**In re: Application of Norfolk Southern Railway :
Company to abolish the public rail-highway :
crossing of High Street above its tracks in the : Docket No. A-2008-2075123
City of Bethlehem and Borough of Hellertown, :
Northampton County, Pennsylvania :
(DOT # 592 787 H) :**

CERTIFICATE OF SERVICE

I hereby certify that I served one (1) copy of the Fifth Status Report in the above action, this day by electronic mail and by depositing the same in the United States mail, postage prepaid, in Harrisburg, Pennsylvania, addressed to:

Via Electronic Mail/Regular Mail:

Adm. Law Judge Kandace F. Melillo
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1415 Cortland Street
Bethlehem, PA 18018

PPL Electric Utilities Corporation
Attn: Jennifer Perdick
827 Housman Road
Allentown, PA 18104

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Attn: Robert Freed
120 N. Pearl Street
Crestline, OH 44827

UGI Utilities Inc.
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2121 City Line Road
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Verizon Pennsylvania, Inc.
Attn: Ernestine Draper
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Philadelphia, PA 19107

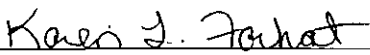
Hellertown Boro Authority/Hellertown Boro
Attn: Glenn B. Higbie
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Hellertown, PA 18055

RCN Telecom Services, Inc.
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Whippany, NJ 07981

Borough of Hellertown
685 Main Street
Hellertown, PA 18055

Date: November 1, 2010



Karen L. Farhat, Secretary to
Benjamin C. Dunlap, Jr., Esquire