



3(b) PSLBUTU and Norfolk Southern Railway Corporation have conferred, via counsel, regarding possible settlement of the instant matter, subject to approval of the Pennsylvania Public Utility Commission. As of the date of this submission, PSLBUTU and Norfolk Southern Railway Corporation have been unable to achieve a settlement of the matters brought to the Commission by way of the instant Petition of Norfolk Southern Railway Corporation for rescission or amendment of the existing Pennsylvania Public Utility Commission Order as previously modified by the Commission. The PSLBUTU continues to be willing to pursue and engage in settlement discussions with interested parties.

3(c) The PSLBUTU and Norfolk Southern Railway Corporation have conferred and agreed upon, subject to approval by the Administrative Law Judge, the following proposed plan for consideration by the Administrative Law Judge:

Norfolk Southern direct written testimony to be submitted on or before:

March 25, 2011

UTU direct written testimony to be submitted on or before:

April 29, 2011

Norfolk Southern rebuttal written testimony to be submitted on or before:

May 27, 2011

UTU rebuttal written testimony to be submitted on or before:

June 24, 2011

Deadline to serve discovery:

July 1, 2011

Hearings: August 2, 2011 and August 3, 2011, or at such other time as necessary to accommodate the Administrative Law Judge's calendar.

Petitioner's Initial Brief to be submitted on or before:

September 9, 2011

Respondent's Response Brief to be submitted on or before:

September 23, 2011

Petitioner's Reply Brief to be submitted on or before:

October 7, 2011

The PSLBUTU also notes further, for the consideration of the Administrative Law Judge, that the subject Conway Rail Classification Yard is situated in Southwestern Pennsylvania and all of its fact witnesses reside and/or are employed in that region of the Commonwealth. As such, to the degree that live oral hearings as may be required in the instant matter that are necessitated as a result of the filing of the Instant Petition by Norfolk Southern Railway Corporation, be conducted, as has been the case with all proceedings associated with the existing Commission Order entered on June 12, 1975 and modified thereafter, in the Pittsburgh Pennsylvania region.

3(d) PSLBUTU proposes no modifications of the present Rules of the Pennsylvania Public Utility Commission regarding discovery.

3(e) The proposed schedule for the submission of written testimony, conduct of an in person hearing and submission of briefs as preliminarily agreed upon by the PSLBUTU and Norfolk Southern Railway Corporation, for consideration by the Administrative Law Judge, is articulated in paragraph 3(c) above.

3(f) WITNESSES: The PSLBUTU anticipates testimony from the following

witnesses:

Adam C. Kaufman  
256 Big Knob Road  
Rochester, PA 15074

Patrick Diener  
1045 Arbogast Lane  
New Brighton, PA 15066

Paul M. Lawton  
256 Spade Road  
Rochester, PA 15074

Thomas A. Inglis  
1810 Tyler Street  
Aliquippa, PA 15001

James E. Hanlon  
3950 State Route 151  
Aliquippa, PA 15001

Donald W. Dunlevy, Director  
Pennsylvania State Legislative Board  
United Transportation Union  
500 N. Third Street, Suite 7-B  
Harrisburg, PA 17101

It is anticipated that each of the above witnesses will present written testimony and possible documentary evidence concerning the operations at Conway Yard and at other comparable railroad classification yards and the requirements of assigning appropriately trained personnel to protect against “runouts” and the dangerous and/or untoward effects of such runouts in the classification of trains in general and at the Conway Railway Yard in particular and such other evidence as may be necessitated by the testimony and/or documentary evidence presented by the Petitioner in furtherance of its Petition.

PSLBUTU witnesses will present written testimony to the Administrative Law Judge and may also append various exhibits, documents and background information that will assist in its response to the instant Petition of Norfolk Southern Railway Corporation. The PSLBUTU reserves the right to add, delete and/or substitute witnesses as appropriate or as may be necessitated based upon evidence presented and/or issues raised by other participants in the instant proceeding. When and in the event the PSLBUTU determines that one or more additional witnesses may be necessary for the presentation of its case, the PSLBUTU will contemporaneously notify the Administrative Law Judge and all parties of record.

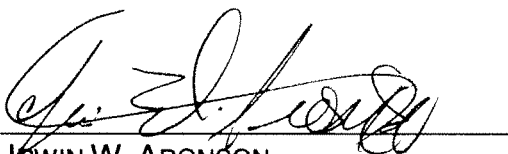
3(g) and (h) ISSUE(S): Whether modification of operations and/or technological changes implemented by Norfolk Southern Railway Corporation, possibly in contravention of the existing Pennsylvania Public Utility Commission Order at issue in the instant matter, have eliminated the need for the safety protection assured by the periodic operational assignment of a limited number of railroad yard employees to protect against or limit runouts and against the potential dangerous and/or untoward effects to those in and about the railroad yard and the surrounding communities of runouts in the Conway Railway Yard. It is respectfully submitted that the PSLBUTU believes this issue should be answered in the negative.

The evidence to be presented by the PSLBUTU is pertinently described in paragraph 3(f) above. To the degree other issues and/or sub-issues may arise in the processing of the instant Petition of Norfolk Southern Railway Corporation or pursuant to information revealed in the discovery process, the PSLBUTU reserves the right to

raise and/or address those matters through written testimony, documentary evidence and the oral cross examination of adverse witnesses.

Respectfully submitted,

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

COUNSEL FOR PENNSYLVANIA STATE  
LEGISLATIVE BOARD, UNITED  
TRANSPORTATION UNION

Dated: February 1, 2011

**C-00019560 PETITION OF NORFOLK SOUTHERN RAILWAY CORPORATION FOR RESCISSION OR AMENDMENT OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION'S ORDER ENTERED ON JUNE 12, 1975M, REGARDING THE PREVENTION OF RUN OUTS IN THE 400 AND 500 CLASSIFICATION YARDS OF CONWAY YARD IN BEAVER COUNTY, PENNSYLVANIA**

**CERTIFICATE OF SERVICE**

I, Irwin W. Aronson, Esquire do hereby certify that I have this First day of February, 2011 served a copy of the foregoing Initial Pre-Hearing Conference Memorandum Of The Pennsylvania State Legislative Board, United Transportation Union upon all parties of interest as noted below by placing a copy of the same in the United States First Class Mail, postage prepaid, addressed as follows:

Administrative Law Judge David Salapa  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
Plaza Level  
400 North Street  
Harrisburg, PA 17120

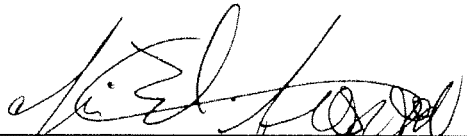
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IRWIN W. ARONSON