

140th anniversary
Nauman Smith
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Please Reply to:
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August 14, 2012

**Filed Electronically
Confirmed via U.S. Mail**


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

**In re: Cecile and Edward Coble, Complainants v. Norfolk Southern Railway Company; Carroll Township; York County; Dillsburg Borough; and Commonwealth of Pennsylvania, Department of Transportation
PUC Docket No. C-20054723**

Dear Secretary Chiavetta:

I am enclosing the original of a Petition to Amend Order for filing on behalf of Norfolk Southern Railway Company in connection with the above-referenced matter. As evidenced by the attached Certificate of Service, a copy of the Petition has been served on all interested parties. A hard copy of the Petition will be delivered to your office as required. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely yours,


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

Enclosures

cc: All Parties of Record (w/enc.)
Ronald Hull, PA Public Utility Commission (via electronic mail, w/enc.)
Holly Swartz, PA Public Utility Commission (via electronic mail, w/enc.)
Jason Morris, Esquire (w/enc.)

Superior analysis. Effective solutions. Since 1871.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Cecile and Edward Coble,	Complainants	:	
		:	
vs.		:	Docket No. C-20054723
		:	
Norfolk Southern Railway Company; Carroll Township; York County; Dillsburg Borough; and Commonwealth of Pennsylvania, Department of Transportation,	Respondents	:	Filed Electronically
		:	

PETITION TO AMEND ORDER

Norfolk Southern Railway Company (“Norfolk Southern”), by and through its counsel, Nauman, Smith, Shissler & Hall, LLP, hereby Petitions to amend the Tentative Opinion and Order (“Tentative Order”) entered May 19, 2011, made final 10 days thereafter in this matter, pursuant to the provisions of 66 Pa.C.S. § 703(g) and 52 Pa. Code § 5.572, based upon the following:

1. The Tentative Order entered May 19, 2011, *inter alia* approved the cul-de-sac plans attached as Exhibit “A” to the previously filed Stipulation of Settlement among the parties. Such approval was provided in Ordering Paragraph 3 on page 10 of the Tentative Order.
2. The Tentative Order further provided in Ordering Paragraph 10 on page 11 that if no adverse comments or objections were filed within 10 days of the entry date of the Tentative Order, the Tentative Order “shall become final without further action by this Commission.”

3. Confirmation that no adverse comments or objections had been filed within the requisite time period, thereby confirming the finality of the Tentative Order, was made in a Secretarial Letter dated June 17, 2011.

4. Norfolk Southern completed the work to abolish the crossing within the requisite time period for doing so.

5. A final inspection of the work was held by Commission staff of the Bureau of Technical Utility Services at the crossing site on July 23, 2012. In attendance were the Complainant, Cecile Coble, and representatives of Norfolk Southern, Carroll Township and the Pennsylvania Department of Transportation.

6. Norfolk Southern responded to an assertion by Mrs. Coble that the slope and open condition of the area from the cul-de-sac to Norfolk Southern's tracks on the south side of the former crossing would permit access by vehicular trespassers by offering to place rip rap rock of sufficient size within its right-of-way to deter such trespassing.

7. Norfolk Southern proposes to place rip rap rock of dimensions four to eight feet in length and two to three feet in width, two layers high and three layers deep across the former approach roadway on the south side of its tracks.

8. A revised Exhibit "A" showing the area of placement of the rock within Norfolk Southern's right-of-way south of its tracks and noting the rip rap rock to be used is attached hereto as Exhibit "A" Revised. The rock will be placed a minimum of 12 feet from the centerline of Norfolk Southern's tracks, pursuant to the requirements of 52 Pa. Code § 33.122(a).

9. The type of stone to be utilized in this work is shown in the photograph attached hereto as Exhibit "B."

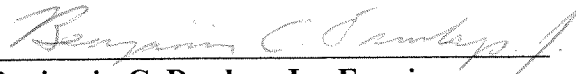
10. Norfolk Southern requests that its proposal to resolve the issue raised regarding potential vehicular access by trespassers on the southern approach to the former crossing be approved as herein requested.

WHEREFORE, Norfolk Southern Railway Company respectfully requests that this Honorable Commission approve the revised plans for the crossing abolition attached hereto as Exhibit "A" Revised.

Respectfully submitted,

NAUMAN, SMITH, SHISSLER & HALL, LLP

By: _____


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

200 North Third Street, 18th Floor
P.O. Box 840
Harrisburg, PA 17108-0840
Telephone: 717-236-3010
Counsel for Norfolk Southern Railway
Company

Date: August 14, 2012

VERIFICATION

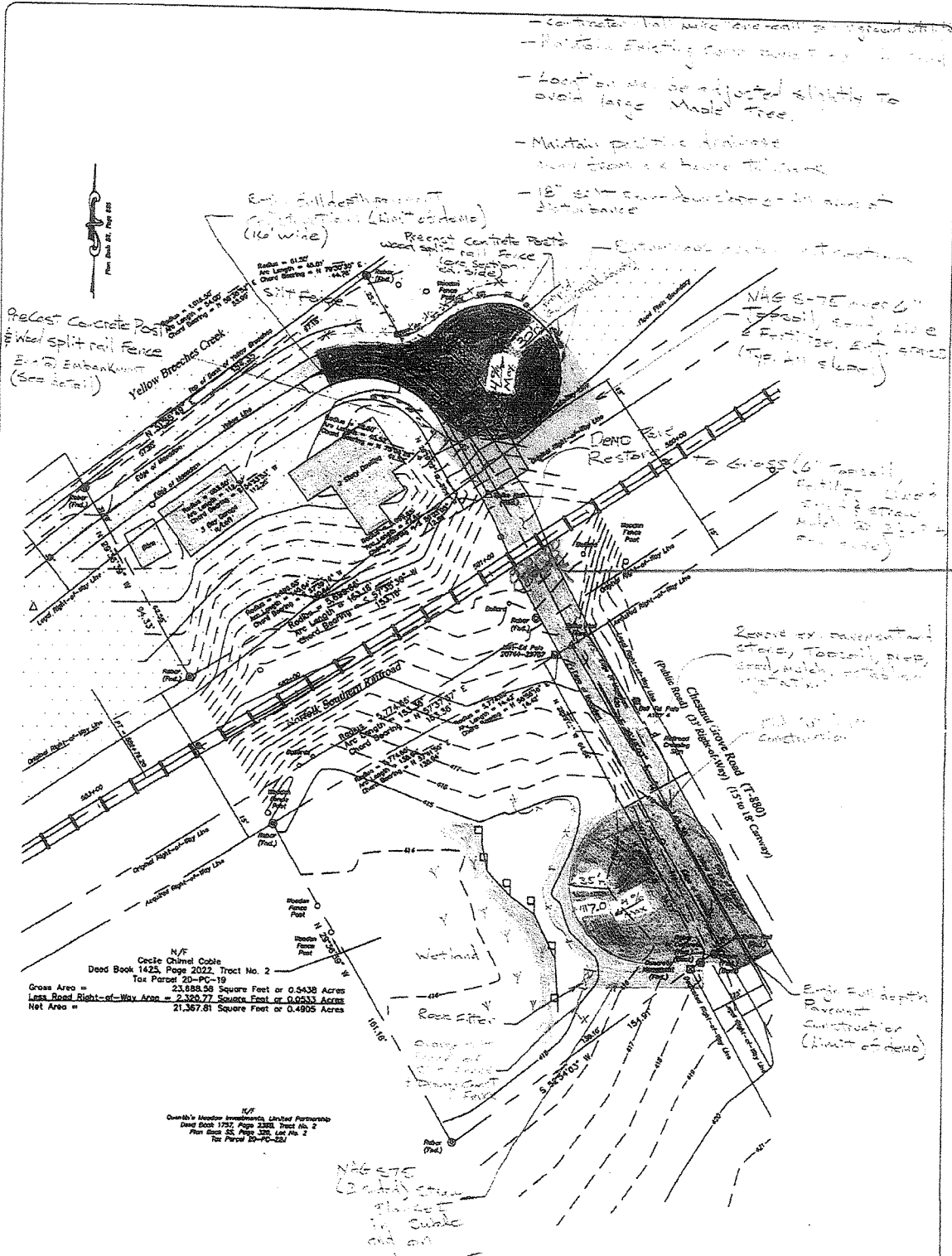
I, Timothy Grove, Asst. Division Eng., Norfolk Southern Corporation,

do state that I am authorized to make this statement on behalf of Norfolk Southern Railway Company and verify that I have read the attached document and that the within information is 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. This verification is made subject to the penalties of 18 Pa.C.S. ' 4904, relating to unsworn falsification to authorities.

Timothy Grove

Timothy Grove

Date: 8/13/12



- Maintain existing fence line
- Location may be adjusted slightly to avoid large Maple tree.
- Maintain positive drainage
- 18" curb on back side - 12" curb on front side

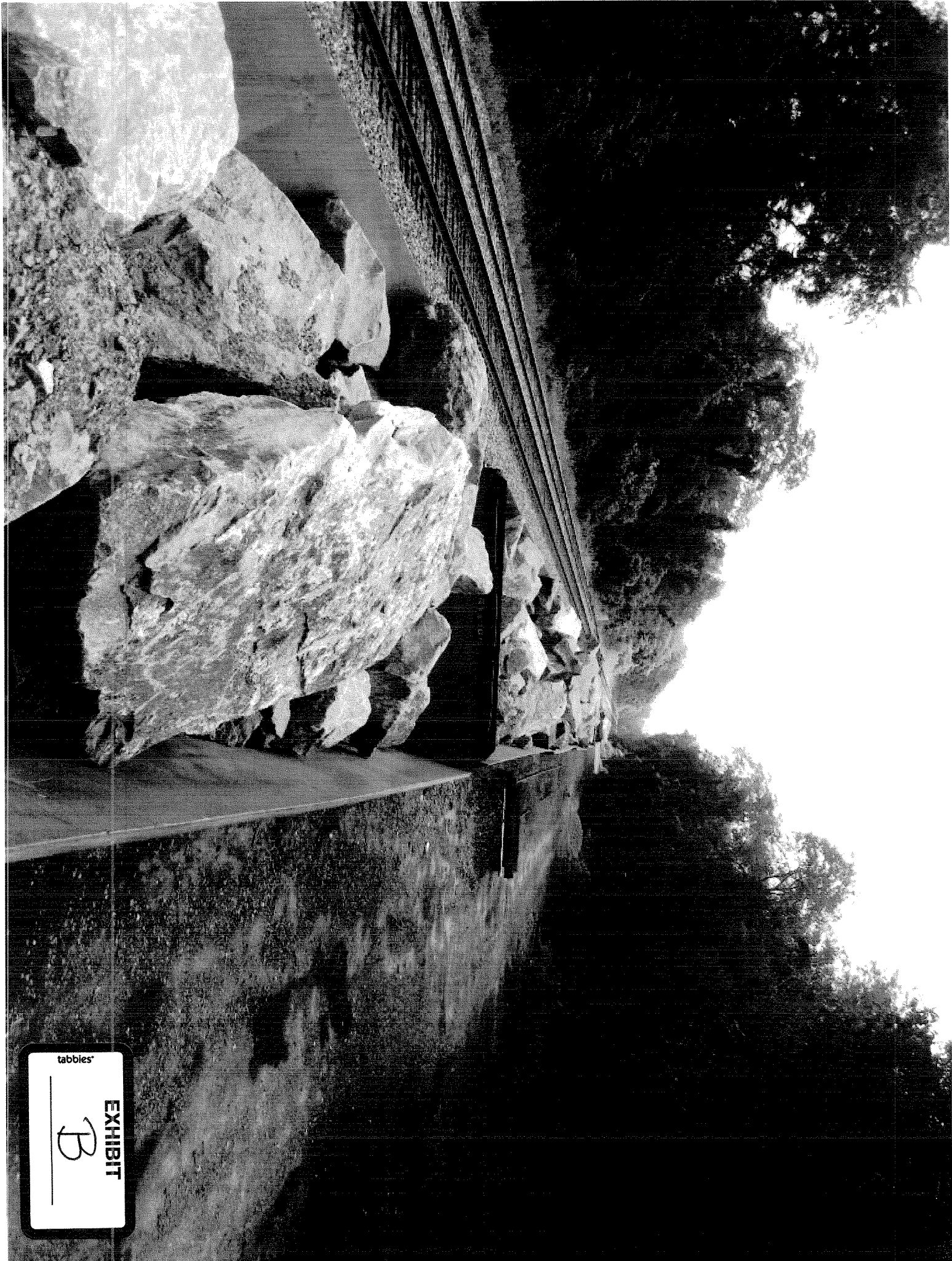
Sizes of Rip/Rap stone will be 4-8 ft in length & 2-3 ft wide. They will be stacked 2 layers high and 3 layers deep.

N/F
Circle Chisel Cobble
Deed Book 1423, Page 2022, Tract No. 2
Tax Parcel 2D-PC-19
Gross Area = 23,888.58 Square Feet or 0.5438 Acres
Less Road Right-of-Way Area = 2,326.77 Square Feet or 0.0532 Acres
Net Area = 21,561.81 Square Feet or 0.4906 Acres

N/F
Quartzite Masonry Investments, Limited Partnership
Deed Book 1732, Page 2320, Tract No. 2
Plan Book 55, Page 220, Lot No. 2
Tax Parcel 2D-PC-224

Revised 10 Aug 2012
Revised 26 Aug 2009
Revised 07 Dec 2009

1-2	0	SKETCH OF ROADWAY ABANDONMENT		CARROLL TOWNSHIP	YORK COUNTY, PENNSYLVANIA	REAL	REVISED
0	0	CARROLL TOWNSHIP		YORK COUNTY, PENNSYLVANIA		MOI DATE	COMMENTS
0		CARROLL TOWNSHIP		YORK COUNTY, PENNSYLVANIA		EXHIBIT A Revised	



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EXHIBIT

B

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Cecile and Edward Coble,

Complainants

vs.

Docket No. C-20054723

Norfolk Southern Railway Company; Carroll
Township; York County; Dillsburg Borough;
and Commonwealth of Pennsylvania,
Department of Transportation,

Respondents

CERTIFICATE OF SERVICE

I hereby certify that I served one (1) copy of the foregoing Petition to Amend Order of Norfolk Southern Railway, in the above action, this day by depositing the same in the United States mail, postage prepaid, in Harrisburg, Pennsylvania, addressed to:

Craig A. Doll, Esquire
25 West Second Street
P.O. Box 403
Hummelstown, PA 17036

Cecile and Edward Coble
10 Chestnut Grove Road
Dillsburg, PA 17019

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Assistant Counsel in Charge
PennDOT Office of Chief Counsel
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Harrisburg, PA 17105-8212

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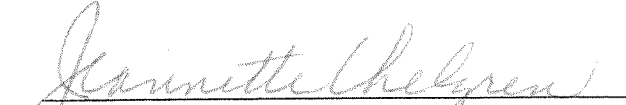
Michael J. & Betty M. Guidara
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Roger C. and Mary C. Petrone
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David R. & Robin L. Richwine
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Mark Richwine
240 Dorseys Lane
Dillsburg, PA 17019

Date: August 14, 2012


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