



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

512070

IN REPLY PLEASE
REFER TO OUR FILE

December 9, 2004

C-20031000

TO ALL PARTIES

**DOCUMENT
FOLDER**

City of Latrobe
v.
Norfolk Southern Railway Company

DOCKETED
JAN 07 2005

To Whom It May Concern:

This matter is before us by reason of a petition filed October 25, 2004, by Norfolk Southern Railway Company (NS) seeking Commission approval to modify our Secretarial letter dated November 25, 2003, in this proceeding.

Paragraph Nos. 2 and 3 of said Secretarial letter directed NS to construct the pedestrian lighting located below NS bridges within six months from the date of the Commission approving the construction plans. The plans were approved by Secretarial letter dated April 14, 2004.

In NS's petition it states, among other things, that the City of Latrobe and NS have entered into an agreement for selection of a contractor to perform the work involved in this proceeding. Due to delays in this selection process a contractor has not been awarded the work. NS and the City of Latrobe will therefore need additional time to complete the lighting improvement project and requests the Commission establish a revised completion date of June 1, 2005.

Each party to this proceeding was served with a copy of the petition and none has advised that it has any objections to this Commission granting an extension of time.

Upon full consideration of the matters involved, we determine that NS's request for an extension of time to complete alteration of the crossing will be granted in this instance.

The Commission issues this Secretarial letter in accordance with Section 2702 of the Public Utility Code and finds that:

1. The petition filed by Norfolk Southern Railway Company on October 25, 2004, be and is hereby approved to the extent provided herein.
2. Paragraph Nos. 2 and 3 of our Secretarial letter dated November 25, 2003, which reads as follows:

“2. Norfolk Southern Railway Company, at its sole cost and expense, within six months following Commission approval of construction plans and specifications, furnish all material and perform all work necessary to rehabilitate the lighting systems in accordance with the approved plans and or specifications.”

“3. Norfolk Southern Railway Company, at its sole cost and expense, within six months following Commission approval of construction plans and specifications, furnish all material and perform all work necessary including, but not limited to meters and poles, to attach the rehabilitated lighting system to the commercial power supply.”

be and is hereby modified to read as follows:

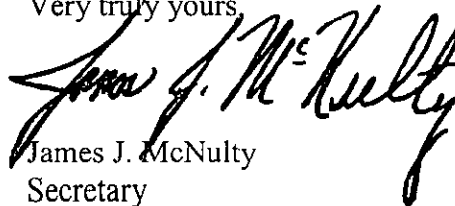
2. Norfolk Southern Railway Company, at its sole cost and expense on or before June 1, 2005, furnish all material and perform all work necessary to rehabilitate the lighting systems in accordance with the approved plans and or specifications.

3. Norfolk Southern Railway Company, at its sole cost and expense on or before June 1, 2005, furnish all material and perform all work necessary including, but not limited to meters and poles, to attach the rehabilitated lighting system to the commercial power supply.

3. In all respects not inconsistent herewith, our Secretarial letter dated November 25, 2003, remain in full force and effect.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5.44, file a petition with the Commission within ten (10) days of the date of this letter.

Very truly yours,



James J. McNulty
Secretary

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