



Benjamin C. Dunlap, Jr., Esquire

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December 5, 2023

Via Electronic Filing

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

**Re: Application of Norfolk Southern Railway Company for the approval of the alteration of crossing (DOT 859 631 C) by the changing of the crossing surface where Miller Street crosses at-grade the tracks of Norfolk Southern Railway Company in the City of Wilkes-Barre, Luzerne County
Docket No. A-2022-3033000**

Dear Secretary Chiavetta:

Enclosed for filing in the above-captioned matters, please find the Petition for Extension of Time, of Norfolk Southern Railway Company. Copies have been served upon all interested parties as indicated on the Certificate of Service.

Sincerely yours,

A handwritten signature in blue ink that reads 'Benjamin C. Dunlap, Jr.' in a cursive script.

Benjamin C. Dunlap, Jr.

BCDjr/ino
Enclosure

cc: All parties of record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Norfolk Southern Railway Company for approval of the alteration of crossing (DOT No. 859 631 C) by the changing of the crossing surface where Mill Street crosses at-grade the tracks of Norfolk Southern Railway Company in the City of Wilkes-Barre, Luzerne County, PA	:	Docket No. A- 2022-3033000
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PETITION FOR EXTENSION OF TIME

Norfolk Southern Railway Company (“Norfolk Southern”), by and through its attorneys, NAUMAN, SMITH, SHISSLER & HALL, LLP, files this Petition for Extension of Time to perform the work in the above-referenced proceeding, ordered in the Secretarial Letter dated July 22, 2022, based upon the following:

1. Paragraph 4 of the July 22, 2022 Secretarial Letter required Norfolk Southern, at its sole cost and expense to do all work necessary to alter the subject crossing by removing the existing bituminous surface of the crossing and replacing it by installing new asphalt and rail seal crossing surface.

2. Ordering Paragraph 11 of the aforementioned Secretarial Letter directed that on or before, July 31, 2023, all work to alter the subject crossing shall be completed and certification that all work has been satisfactorily completed shall be reported to the Pennsylvania Public Utility Commission (“Commission”).

3. Due to other pressing priorities, Norfolk Southern was unable to allot the resources needed to complete the alterations, as ordered, by the expected completion date.

4. Norfolk Southern respectfully requests that Ordering Paragraph 11 of the
aforementioned Secretarial Letter be modified as follows:

All work necessary to alter the crossing be completed in a manner
satisfactory to this Commission on or before December 31, 2024, and
that on or before said date, Norfolk Southern Railway Company
report in writing to this Commission the date of actual completion of
the work.

WHEREFORE, Norfolk Southern Railway Company, respectfully requests that it be
granted an extension of time until December 31, 2024, to complete all work needed to alter the
subject crossing.

Respectfully submitted,

NAUMAN, SMITH, SHISSLER & HALL, LLP

By: 
Benjamin C. Dunlap, Jr., Esquire
Supreme Court ID #66283
200 North Third Street, 18th Floor
Harrisburg, PA 17101
*Attorneys for Norfolk Southern Railway
Corporation*

Date: December 5, 2023

VERIFICATION

I, Shawn Starling, P.E., Senior Engineer Public Improvements, of Norfolk Southern Railway Company, in the foregoing proceeding, do make the following statement subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authority, and do state that as Senior Engineer Public Improvements for Norfolk Southern Railway Company, I am authorized to make this statement on behalf of Norfolk Southern, and that the facts set forth in the foregoing *Petition for Extension of Time* are 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.

**Shawn
Starling**

Digitally signed by Shawn
Starling
Date: 2023.12.05 14:52:38
-05'00'

Shawn Starling, P.E.,
Senior Engineer Public Improvements

Date: December __, 2023

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Date: December 5, 2023

/s/ Karen L. Gagne
Karen L. Gagne