

FILE

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May 27, 2009

VIA FACSIMILE AND OVERNIGHT MAIL

The Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, OH 43215-3793
Fax No.: 614-466-0313

RECEIVED-DOCKETING DIV.
2009 MAY 27 PM 4:52
PUCO

Re: In the Matter of the Authorization of Wheeling and Lake Erie Railway and
Norfolk and Southern Railway to Construct Active Grade Crossing
Warning Devices in Crawford, Preble, and Montgomery Counties.
PUCO Case No. 08-574-RR-FED
Our File No: N1432/176814

Dear Docketing Clerk:

Attached for filing is Norfolk Southern's Request for Extension of Construction
Deadline.

I confirm that, via overnight mail, we are forwarding to you the original document plus
seven copies.

Please call me – at (419) 241-6000 – if you have any questions or concerns.

Thank you.

Very truly yours,

EASTMAN & SMITH LTD.

D. Casey Talbott

DCT/kml
Enclosures

cc: Ms. Leah Thomas Dalton (w/enc.)
Ms. Susan Kirkland (w/enc.)
Mr. Rick Ray (w/enc.)
City of West Carrollton (w/enc.)

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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of
Wheeling and Lake Erie Railway and
Norfolk and Southern Railway to
Construct Active Grade Crossing
Warning Devices in Crawford,
Preble, and Montgomery Counties.

REQUEST FOR EXTENSION OF CONSTRUCTION DEADLINE

D. Casey Talbott (0046767)
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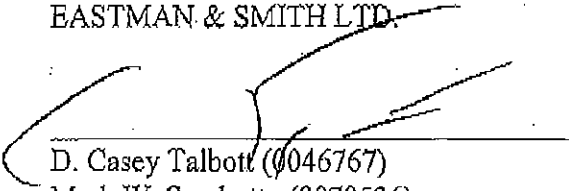
Attorneys for Norfolk Southern
Railway Company

Norfolk Southern Railway Company ("Norfolk Southern") respectfully requests that it be granted a first extension of time of fourteen (14) days – through June 11, 2009 – within which to complete the installation of active grade crossing warning devices at the Kimberly Road crossing (DOT# 524-642V) in West Carrollton, Montgomery County, Ohio.

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.



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MEMORANDUM

By Entry of May 28, 2008, the Commission authorized Norfolk Southern to install active warning devices at the Kimberly Road crossing (DOT# 524-642V) in West Carrollton, Montgomery County, Ohio, with construction to be completed by May 28, 2009.

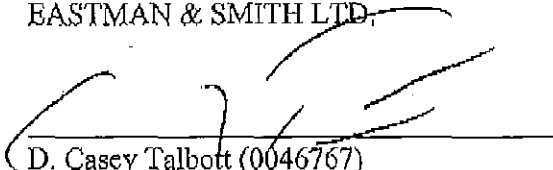
The authorized installation project is in fact nearly completed – most notably, the warning devices have been installed and tested, etc. The only aspect of the project remaining is for Norfolk Southern to install the insulated joints (which confine the detection circuitry to the immediate area of the crossing), and to then hang the gates and activate and test the detection circuitry. Norfolk Southern is scheduled to pick-up the insulated joints (special order, from the manufacturer) tomorrow (on May 28), and should then be able to install them by Monday, June 1; absent anything unforeseen, the remainder of the project (that is, the hanging of the gates and the activation and testing of the detection circuitry) should then be completed within ten days of that date, meaning by June 11.

In light of the above, Norfolk Southern respectfully requests that it be granted an extension of time of fourteen (14) days – through June 11, 2009 – within which to complete this project.

Norfolk Southern apologizes for the timing of this request; unfortunately, there appears to have been a communication breakdown within Norfolk Southern and, accordingly, this issue did not surface until Tuesday, May 26.

Respectfully submitted,

EASTMAN & SMITH LTD.

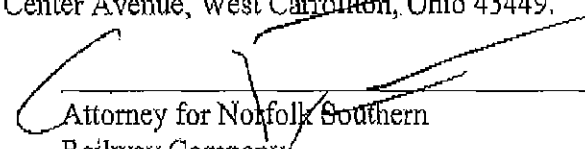


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PROOF OF SERVICE

A copy of the foregoing *Request for Extension of Construction Deadline* was mailed this 27th day of May, 2009, to Ms. Leah Thomas Dalton, Deputy Chief, Transportation Department, Safety/Programs Rail, c/o The Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43266-0573; Ms. Susan Kirkland, Ohio Rail Development Commission, 50 West Broad Street, 15th Floor, Columbus, Ohio 43615; Mr. Rick Ray, Norfolk Southern Railway Company, 99 Spring Street SW, Box 123, Atlanta, Georgia 30303; and City of West Carrollton, 300 East Center Avenue, West Carrollton, Ohio 45449.



Attorney for Norfolk Southern
Railway Company