

FILE

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Established 1844

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September 16, 2011

VIA FACSIMILE AND OVERNIGHT MAIL

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

**Re: In the Matter of the Authorization of the Norfolk Southern Railway
to Install Active Grade Crossing Warning Devices in Montgomery
and Warren Counties.
PUCO Case No. 10-222-RR-FED
Our File No: N1432/176814**

Dear Docketing Clerk:

Attached for filing is a 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: Leah Thomas Dalton (w/enc.)
Susan J. Kirkland (w/enc.)
Dan Casson (w/enc.)
Duke Energy (w/enc.)
Rich Norton (w/enc.)
Service Department of Moraine, Ohio (w/enc.)

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PUCO

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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Authorization of
the Norfolk Southern Railway to
Install Active Grade Crossing
Warning Devices in Montgomery and
Warren Counties.

: Case No. 10-222-RR-FED

: **REQUEST FOR EXTENSION OF**
: **CONSTRUCTION DEADLINE**

:
: D. Casey Talbott (0046767)
: (Counsel of Record)
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:
: Attorneys for Norfolk Southern
: Railway Company

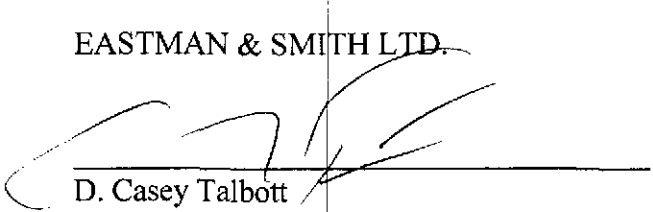
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Norfolk Southern Railway Company ("Norfolk Southern") respectfully requests that the deadline for the construction project at the South Alex Road grade crossing (524-644B) in West Carrollton, Montgomery County be extended for a period of six (6) months from the date upon which Norfolk Southern receives the ORDC's authority to proceed.

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.



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Attorneys for Norfolk Southern
Railway Company

MEMORANDUM IN SUPPORT

By Entry of March 2, 2010, the Commission authorized Norfolk Southern to install new flashing lights and roadway gates at five separate grade crossings, three in Montgomery County and two in Warren County, with an assigned project completion deadline of September 3, 2011.

By Entry of April 14, 2010, the Commission then authorized Norfolk Southern to perform a signal preemption project at the South Alex Road grade crossing (524-644B) in West Carrollton County, Montgomery County. Per Commission Staff's request, this project was included in the instant case, together with the five previously authorized projects, and was also assigned a project completion deadline of September 3, 2011.

Substantial progress has been made, in that the five projects which were authorized by the Commission's Entry of March 2, 2010 have been completed and placed in-service, four within the originally scheduled deadline (of September 3, 2011) and the fifth (that at the Sellars Road grade crossing, 524-638X) within the deadline as extended through September 17, 2011.

The sixth project at issue (that is, the South Alex Road project which was the subject of the Commission's Entry of April 14, 2010) is more problematic, in that the ORDC has not yet authorized Norfolk Southern to proceed with construction, as the ORDC remains in the process of resolving an underlying funding concern with the FHWA.

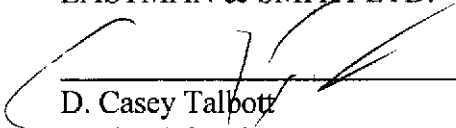
As of the date of this filing, the ORDC confirms that discussions with the FHWA are ongoing, but that the ORDC is not yet able to confirm when the underlying concern will be resolved.

In light of the above, Norfolk Southern respectfully requests a further extension of the construction deadline with respect to the sixth of the six involved projects (that at the South Alex Road grade crossing) – more specifically, Norfolk Southern would respectfully request that this deadline be extended for a period of six (6) months from the date upon which the ORDC provides written notice to Norfolk Southern that the underlying concern has been resolved, and that Norfolk Southern is thus authorized to proceed with this particular project. (The sixth month window should enable Norfolk Southern to: order the involved cantilevers, effectuate the relocation of the adjacent utilities and traffic signals, perform the requisite surface and curb work, and perform the involved installation, etc.)

Norfolk Southern understands that the ORDC is supportive of the instant request. Also, and in the event requested, Norfolk Southern will provide the Commission with periodic status reports.

Respectfully submitted,

EASTMAN & SMITH LTD.

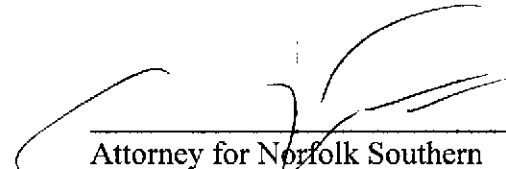


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Attorneys for Norfolk Southern
Railway Company

PROOF OF SERVICE

A copy of the foregoing *Request for Extension of Construction Deadline* was e-mailed this ____ day of August, 2011, to: **Leah Thomas-Dalton**, Chief, PUCO Rail Division, Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215; and **Susan J. Kirkland**, Manager, Safety Programs, c/o Ohio Rail Development Commission, 1980 West Broad Street, 2nd Floor, Columbus, Ohio 43223; and mailed to: **Dan Casson**, Service Department, 474 Fairview Drive, Carlisle, Ohio 45005; **Duke Energy**, 1000 East Main Street, Mail Drop WP 890, Plainfield, Indiana, 46168; **Rich Norton**, Service Department, 300 East Central Avenue, West Carrollton, Ohio 45449; and **Service Department of Moraine, Ohio**, 2250 Sandridge Road, Moraine, Ohio 45439.



Attorney for Norfolk Southern
Railway Company