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*Established 1844*

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April 29, 2010

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PUCO

APR 29 PM 3:35

RECEIVED-DOCKETING DIV

Via Facsimile: (614) 466-0313

The Public Utilities Commission of Ohio  
Docketing Division  
180 East Broad Street  
Columbus, OH 43215-3793

**Re: In the Matter of the Application for Request of Norfolk Southern  
Railway Company to Downgrade the Existing Warning Devices at  
the Sylvania Avenue Grade Crossing (508-865M) in Sylvania  
Township, Lucas County, Ohio  
PUCO Case No.: 10-574-RR-RCP  
Our File No.: N1432/176814**

To Docketing Clerk:

Attached for filing is an Amended Request to Temporarily Downgrade Warning Devices.

I confirm that, via regular mail, we are forwarding to you the original document plus seven (7) 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  
Enclosure

cc: Leah Thomas-Dalton, Chief, PUCO Rail Division  
George Martin, Grade Crossing Planner, PUCO Rail Division  
Jill Henry, Rail Specialist, PUCO Rail Division  
Susan J. Kirkland, Manager, Safety Programs, ORDC  
Keith G. Earley, Lucas County Engineer  
Joel S. Palermo, P.E., Construction Engineer

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4-29-2010  
Technician

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application for Request of Norfolk Southern Railway Company to Downgrade the Existing Warning Devices at the Sylvania Avenue Grade Crossing (508-865M) in Sylvania Township, Lucas County, Ohio,

Case No. 10-574-RR-RCP

**AMENDED REQUEST TO TEMPORARILY DOWNGRADE WARNING DEVICES**

D. Casey Talbott (0046767)  
(Trial Attorney)

Mark W. Sandretto (0079536)  
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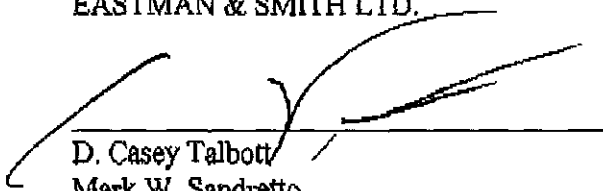
Attorneys for Norfolk Southern Railway Company

Norfolk Southern Railway Company ("Norfolk Southern") respectfully amends its prior Request (as filed on April 27, 2010), to clarify that it seeks only a **temporary** downgrade of the warning devices at the Sylvania Avenue grade crossing (508-865M) in Sylvania Township, Lucas County, Ohio.

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.



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Attorneys for Norfolk Southern  
Railway Company

**MEMORANDUM IN SUPPORT**

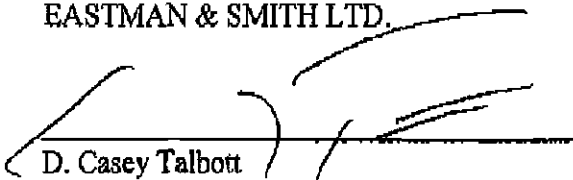
Norfolk Southern respectfully clarifies that it seeks only a temporary downgrade of the existing warning devices at the Sylvania Avenue grade crossing (508-865M), for the limited period of the referenced construction project. Per recent communications with the Lucas County construction engineer, Norfolk Southern understands that the project has commenced, and is scheduled to be completed by or about July 27, 2010.

Assuming the request for temporary downgrade is approved, Norfolk Southern would continue to adhere to its existing "Stop & Flag" Order for train movements at the crossing; further, lights and cantilevers would be reinstalled upon the project's completion.

For the foregoing reasons, Norfolk Southern respectfully requests that the Commission issue an Order temporarily downgrading – to passive – the warning devices at this crossing, for the limited period of the construction project.

Respectfully submitted,

EASTMAN & SMITH LTD.

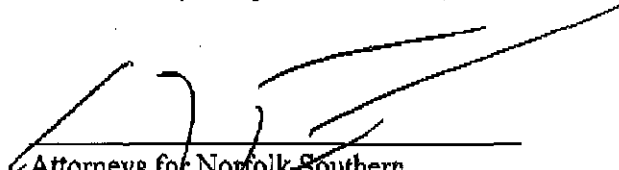


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Attorneys for Norfolk Southern  
Railway Company

**PROOF OF SERVICE**

A copy of the foregoing *Amended Request to Temporarily Downgrade Warning Devices* was mailed this 29<sup>th</sup> day of April, 2010, to: **Leah Thomas-Dalton**, Chief, PUCO Rail Division, Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215; **George Martin**, Grade Crossing Planner, PUCO Rail Division, Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215; **Jill Henry**, Rail Specialist, PUCO Rail Division, Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215; **Susan J. Kirkland**, Manager, Safety Programs, c/o Ohio Rail Development Commission, 1980 West Broad Street, 2<sup>nd</sup> Floor, Columbus, Ohio 43223; **Keith G. Earley**, Lucas County Engineer, Lucas County Engineer's Office, One Government Center, Suite 870, Toledo, Ohio 43604; and **Joel S. Palermo**, P.E., Construction Engineer, Lucas County Engineer's Office, One Government Center, Suite 870, Toledo, Ohio 43604.



Attorneys for Norfolk-Southern  
Railway Company