

FILE

EASTMAN & SMITH LTD.

ATTORNEYS AT LAW

Established 1844

D. Casey Talbott  
Attorney at Law  
Direct Dial: 419-247-1845  
dctalbott@eastmansmith.com

One SeaGate, 24<sup>th</sup> Floor  
P.O. Box 10032  
Toledo, Ohio 43699-0032  
Telephone: 419-241-6000  
Facsimile: 419-247-1777

August 28, 2012

VIA HAND-DELIVERY

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

Re: In the Matter of the Request of Norfolk Southern Railway Company  
to Downgrade the Existing Warning Devices at the State Street Grade  
Crossing (473-711A) in Fremont, Sandusky County  
PUCO Case No. 12-2198-RR-RCP  
Our File No: N1432/176814

Dear Docketing Clerk:

Enclosed for filing are an original and seven (7) copies of an Amended Request to Temporarily Downgrade Warning Devices. Please file this pleading and then return a date-stamped copy to me via the enclosed, stamped envelope.

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

Thank you.

Very truly yours,

EASTMAN & SMITH LTD.

Casey Talbott

DCT/kml  
Enclosures

cc: Leah Thomas Dalton (via e-mail)  
Susan J. Kirkland (via e-mail)  
Cayela Wimberly (via e-mail)  
Aaron Hunt (via mail)

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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Request of  
Norfolk Southern Railway Company  
to Temporarily Downgrade the  
Existing Warning Devices at the State  
Street Grade Crossing (473-711A) in  
Fremont, Sandusky County.

Case No. 12-2198-RR-RCP

**AMENDED REQUEST TO  
TEMPORARILY DOWNGRADE  
WARNING DEVICES**

D. Casey Talbott (0046767)  
(Counsel of Record)

Mark W. Sandretto (0079536)  
EASTMAN & SMITH LTD.  
One SeaGate, 24<sup>th</sup> Floor  
P.O. Box 10032  
Toledo, Ohio 43699-0032  
Telephone: (419) 241-6000  
Fax: (419) 247-1777

Attorneys for Norfolk Southern  
Railway Company

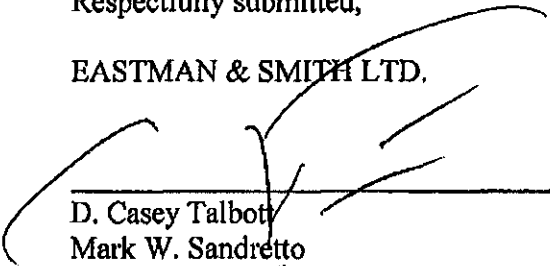
[illegible]

Norfolk Southern Railway Company ("Norfolk Southern") respectfully requests that the Commission issue an Order permitting it to temporarily downgrade the existing warning devices at the State Street grade crossing (473-711A) in Fremont, Sandusky County – specifically, Norfolk Southern requests authority to defer the replacement of a cantilever which had existed in the northeast quadrant of the crossing.

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.



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D. Casey Talbot  
Mark W. Sandretto  
One SeaGate, 24<sup>th</sup> Floor  
P.O. Box 10032  
Toledo, Ohio 43699-0032  
Telephone: (419) 241-6000  
Fax: (419) 247-1777

Attorneys for Norfolk Southern  
Railway Company

**MEMORANDUM IN SUPPORT**

A motor vehicle struck and irreparably damaged the foundation/cantilever assembly in the northeast quadrant of the State Street grade crossing, resulting in the need for its removal. The Ohio Rail Development Commission ("ORDC") recently convened a diagnostic review at the crossing, with the goal of collaborating on a comprehensive project to include warning device installation, coupled with traffic signal preemption. In the interim, Norfolk Southern respectfully requests that the Commission issue an Order authorizing Norfolk Southern to defer the replacement of the cantilever which had existed in the northeast quadrant of the crossing, and to maintain in its stead a mast-mounted flasher with gate, and high flashers mounted on a standoff bracket.

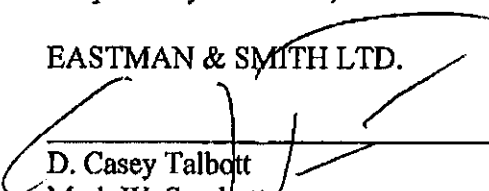
In light of the complexity of the project (including, *e.g.*, design, engineering, and then the installation of warning devices and traffic signal preemption, etc.), Norfolk Southern respectfully requests this authority (that is, to defer the replacement of the cantilever) for a period

of eighteen (18) months from the date upon the Commission issues the related construction order.

The interested parties (the ORDC, Norfolk Southern, and the City) are working well together here, and approve of the instant request.

Respectfully submitted,

EASTMAN & SMITH LTD.



D. Casey Talbott  
Mark W. Sandretto  
One SeaGate, 24<sup>th</sup> Floor  
P.O. Box 10032  
Toledo, Ohio 43699-0032  
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Fax: (419) 247-1777

Attorneys for Norfolk Southern  
Railway Company

**PROOF OF SERVICE**

A copy of the foregoing *Amended Request to Temporarily Downgrade Warning Devices* was e-mailed this 28<sup>th</sup> day of August, 2012, to: Leah Thomas-Dalton, Chief, 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; Cayela Wimberly, Norfolk Southern Corporation, 1200 Peachtree St., NE, P.O. Box 123, Atlanta, Georgia 30309; and to Aaron Hunt, City Engineer, c/o City of Fremont, 323 South Fremont Street, Fremont, Ohio 43420.



Attorneys for Norfolk Southern  
Railway Company