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February 14, 2006

PUCO

PLEASE RESPOND TO CLEVELAND OFFICE

VIA TELE-FAX ONLY - (614) 466-0313

Public Utilities Commission of Ohio
 Docketing Division

Re: Case No. 05-297-RR-FED

In the Matter of Authorization of Norfolk Southern Railway to Install an Active
 Grade Crossing Warning Device at the Marconi Blvd. Pedestrian Crossing in
 Franklin County

Our File No. 91430-114488

To Whom it May Concern:

Attached is Norfolk Southern Railway Company's Motion for Extension of Time to
 Comply with March 23, 2005, Order, which I ask that you fax-file in the above-referenced
 matter.

Thank you for your cooperation, and if you have any questions, please contact me at the
 telephone number noted above.

Very truly yours,

Joseph J. Santoro

Enclosure

JJS:sap

cc: John Klein, III, Esq., via tele-fax (614) 645-3913
 Susan Kirkland, Esq., via tele-fax (614) 728-4520
 Kevin R. McDermott, Esq., via tele-fax (614) 462-5135

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91430-114488
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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of)
Norfolk Southern Railway to Install an)
Active Grade Crossing Warning Device) Case No. 05-297-RR-FED
at the Marconi Boulevard Pedestrian)
Crossing in Franklin County)

**NORFOLK SOUTHERN RAILWAY COMPANY'S MOTION FOR EXTENSION OF
TIME TO COMPLY WITH MARCH 23, 2005, ORDER**

Norfolk Southern Railway Company ("Norfolk Southern"), by and through undersigned counsel, respectfully submits to the Public Utilities Commission of Ohio ("PUCO") this Motion for Extension of Time to Comply with the March 23, 2005, order in the above-referenced matter. The PUCO's March 23, 2005, order requires Norfolk Southern to install an active warning device at the Marconi Boulevard pedestrian grade crossing ("the Marconi crossing") by March 23, 2006. Norfolk Southern seeks an additional thirty (30) days time or until April 22, 2006, to comply with the Order.

Although Norfolk Southern has already undertaken activities to comply with the Order, Norfolk Southern maintains that it will require the additional time to completely fulfill its obligations under the Order. See Affidavit of Richard Ray, attached hereto as Exhibit "A."

Norfolk Southern's delay in complying with the March 23, 2005, order is justifiable, considering its contention that the PUCO has no subject matter jurisdiction over this proceeding. In furtherance of these arguments Norfolk Southern filed Motions to Stay and to Dismiss the March 23, 2005 Order, on or about November 2, 2005, and has been litigating these matters ever since. The PUCO just recently denied Norfolk Southern's motions on January 18, 2006. Norfolk Southern also attended in good faith a settlement conference on December 14, 2005, that was mediated by the

PUCO and also attended by the ORDC, the City and Nationwide.

In an effort to avoid the statutory penalties outlined in Revised Code sections 4903.25, 4903.99, 4907.47 and 2929.11, Norfolk Southern respectfully requests a thirty (30) day extension of time or until April 22, 2006, in which to comply with the PUCO's March 23, 2005 Order.

Respectfully submitted,



Thomas E. Dover (0016765)

Joseph J. Santoro (0068294)

Stephen M. Beaudry (0076710)

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Attorneys for Norfolk Southern Railway Co.

CERTIFICATE OF SERVICE

A copy of the foregoing Motion for Extension of Time was mailed on this 14 day of February, 2006, to: **John Klein, III**, Assistant City Attorney, 90 W. Broad Street, Columbus, Ohio 43215; **Susan Kirkland**, Ohio Rail Development Commission, 50 W. Broad Street, Columbus, Ohio; and to **Kevin R. McDermott** and **Matthew T. Green**, Schottenstein Zox & Dunn, 250 West Street, Columbus, Ohio 43216.



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#841548

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of)
Norfolk Southern Railway to Install an)
Active Grade Crossing Warning Device) Case No. 05-297-RR-FED
at the Marconi Boulevard Pedestrian)
Crossing in Franklin County)

AFFIDAVIT OF RICHARD H. RAY

I, Richard H. Ray, being first duly sworn, depose and state as follows:

1. My name is Richard H. Ray and I am the Administrator of Highway Grade Crossings, Signal & Engineering Department at Norfolk Southern Corporation ("NSC"). I have personal knowledge of the substance of this affidavit.

2. I am familiar with the signalization project associated with the above-captioned matter and the completion deadline of March 23, 2005. NSC submitted to the Ohio Rail Development Commission ("ORDC") and the Public Utilities Commission of Ohio ("PUCO") engineering plans for the Marconi Boulevard signalization project on or about June 10, 2005.

3. The ORDC and the PUCO sent the plans back to NSC for revision, and NSC submitted revised plans to the ORDC and PUCO on or about August 19, 2005. NSC was then authorized to begin construction of the project on or about August 31, 2005.

4. NSC has ordered the materials needed for the project and there is a proposed start date of February 21, 2006, to begin construction of the project.

5. Because of the impending project completion date of March 23, 2006, and based on my experience with other signalization projects, NSC will need an additional thirty (30) days or until April 22, 2006, to complete the project.

FURTHER, Affiant sayeth naught.


RICHARD H. RAY

SWORN TO AND subscribed before me this 17th day of FEBRUARY, 2006.


Notary Public

V E. TROWELL, JR.
NOTARY PUBLIC
Douglas County
State of Georgia
My Comm. Expires Feb. 3, 2009

