

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 28, 2012

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

v.

NORFOLK SOUTHERN RAILWAY COMPANY,
Defendant

CASE NO. URS-2011-00477

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ORDER OF SETTLEMENT

The State Corporation Commission's ("Commission") Division of Utility and Railroad Safety ("Division"), after having conducted an investigation of this matter, alleges that:

During the period January 11, 2011, to November 8, 2011, Norfolk Southern Railway Company ("NS") trains blocked several crossings, in violation of § 56-412.1 of the Code of Virginia. The details of these incidents are listed in Attachment A to this Order.

As evidenced in the attached Admission and Consent document, NS neither admits nor denies these allegations.

As an offer to settle all matters before the Commission arising from the Division's allegations made herein, NS represents and undertakes that:

(1) NS will pay a civil penalty to the Commonwealth of Virginia in the amount of Three Thousand Five Hundred Dollars (\$3,500) to be paid contemporaneously with the entry of this Order. This payment will be made by check payable to the Treasurer of Virginia and directed to the attention of the Director of the Division of Utility and Railroad Safety.

(2) NS will file with the Division an amended notification of Remedial Action that provides a plan to seek to minimize and eliminate obstruction of the subject public crossings to

the extent possible in accordance with applicable federal law. This notification shall be submitted within thirty (30) days after the date of entry of this Order.

NOW THE COMMISSION, being advised by the Division and finding sufficient basis herein for the entry of this Order, hereby accepts this settlement.

Accordingly, IT IS ORDERED THAT:

(1) Pursuant to the authority granted to the Commission by § 12.1-15 of the Code of Virginia, the offer of settlement made by NS is hereby accepted.

(2) The sum of Three Thousand Five Hundred Dollars (\$3,500) tendered contemporaneously with the entry of this Order is hereby accepted.

(3) NS shall file an amended notification of Remedial Plan within thirty (30) days of the entry of this Order that seeks to minimize and eliminate obstruction of the subject public crossings to the extent possible in accordance with applicable federal law.

(4) This case is dismissed, and the papers filed herein shall be placed in the Commission's file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Randal S. Noe, General Counsel Operations, Norfolk Southern Corporation, Three Commercial Place, Norfolk, Virginia 23510; and a copy shall be delivered to the Commission's Office of General Counsel and Division of Utility and Railroad Safety.

ATTACHMENT A

URS-2011-00477

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<u>Date</u>	<u>Location</u>	<u>Crossing</u>	<u>Time Blocked</u>	<u>Report #</u>	<u>Amount</u>	<u>Violation</u>
1/11/2011	Danville	Lynn St.	54 min.	S-301-11	\$500	Crossing blocked by standing train.
2/2/2011	Danville	Wooding Ave.	75 min.	S-304-11	\$500	Crossing blocked by standing train.
2/2/2011	Danville	Stokesland Ave.	75 min.	S-304-11	\$500	Crossing blocked by standing train.
2/3/2011	Danville	Lynn St.	90 min.	S-305-11	\$500	Crossing blocked by standing train.
3/15/11	Hopewell	South 15 Ave.	30 min.	S-309-11	\$500	Crossing blocked by standing train.
7/6/2011	Crewe	Eleven Oakes Rd.	85 min.	S-318-11	\$500	Crossing blocked by standing train.
11/8/2011	Danville	Lynn St.	51 min.	S-325-11	\$500	Crossing blocked by standing train.

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NORFOLK SOUTHERN RAILWAY COMPANY,
Defendant

ADMISSION AND CONSENT

The Defendant, Norfolk Southern Railway Company, without admitting or denying the allegations made herein by the Division of Utility and Railroad Safety, or admitting or denying the jurisdiction of the Commission, hereby consents to the form, substance, and entry of the foregoing Order of Settlement. The Defendant acknowledges that the Order of Settlement entered herein is a public record and is subject to review by the public.

The Defendant further states that no offer, tender, threat, or promise of any kind has been made by the Commission or by any member, officer, agent, or representative thereof in consideration of this Admission and Consent.

Norfolk Southern Railway Company

By: Jason M. Morris

Title: Attorney

Date: 12 JUNE 2012