

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of CSX)
 Transportation, Indiana & Ohio Railway)
 and Norfolk Southern Railway to Install) Case No. 07-1169-RR-FED
 Active Grade Crossing Warning Devices in)
 Five Counties.)

ENTRY

The Commission finds:

- (1) By finding and order of November 20, 2007, the Commission ordered, in part, Norfolk Southern Railroad (NS) to complete a grade crossing improvement project located at Kercher Street in Montgomery County (524-650E). The finding and order directed NS to complete the project by November 20, 2008.
- (2) On August 13, 2008, the Ohio Rail Development Commission (ORDC) filed a letter asking the Commission to hold this project in abeyance until the remainder of a railroad corridor, involving nine other crossings in Miamisburg, is authorized for construction. In its letter, ORDC claimed that funding was not now available for the Kercher Street project.
- (3) By entry of September 9, 2008, ORDC was directed to file by September 16, 2008, detailed information regarding its request. The entry also requested the city of Miamisburg, NS, and the staff to file comments.
- (4) To date, ORDC has failed to file detailed information regarding its request.
- (5) On October 10, 2008, NS requested that the Kercher Street project be held in abeyance pending discussions on nine other Miamisburg corridor crossings. NS indicated that a meeting would be held on November 6, 2008, between representatives of the city of Miamisburg, ORDC, Federal Highway Administration, NS, Ohio Department of Transportation, and the Commission to discuss improvements to various crossings and closure of various

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crossings in the Miamisburg corridor, including the Kercher Street crossing.

- (6) By entry of November 5, 2008, the Commission found that the Kercher Street project should be held in abeyance in order for the parties to conduct discussions. NS was directed to file a status report following the November 6, 2008, meeting.
- (7) On November 17, 2008, NS filed a status report indicating that discussions had taken place and the parties were working toward an agreement regarding all of the crossings in the Miamisburg corridor, including the Kercher Street crossing. NS indicated that it would be submitting a proposed recommendation and the parties would thereafter review the proposal and conduct further discussions.
- (8) On November 21, 2008, staff filed a memo recommending that the Commission approve NS's proposed course of action and that NS file a further status report by the end of January 2009.
- (9) The Commission finds that the Kercher Street project should continue to be held in abeyance in order for the parties to continue to discuss all of the crossings in the Miamisburg corridor. Therefore, by January 30, 2009, NS is directed to file a report indicating the status of the Kercher Street project as well as the other crossings in the Miamisburg corridor.


It is, therefore,

ORDERED, That the Kercher Street project continue to be held in abeyance as set forth in finding (9). It is, further,

ORDERED, That NS file a report by January 30, 2009, regarding the status of the Kercher Street project as well as the other crossings in the Miamisburg corridor. It is, further,

ORDERED, That copies of this entry be served upon NS and its counsel, Miamisburg City Engineer, ORDC, and all other parties of record and interested persons.

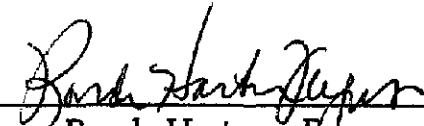
THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie



Cheryl L. Roberto

SEF:ct

Entered in the Journal

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Renee J. Jenkins
Secretary