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ATTORNEYS AT LAW

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

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

January 30, 2009

VIA FACSIMILE AND U.S. MAIL

The Public Utilities Commission of Ohio
 Docketing Division
 180 East Broad Street
 Columbus, Ohio 43215-3793
 Fax No.: 614-466-0313

FAX**PUCO**

JAN 30 PM 2:20

RECEIVED-DOCKETING DIV

Re: In the Matter of the Authorization of CSX Transportation, Indiana & Ohio
 Railway and Norfolk Southern Railway to Install Active Grade Crossing
 Warning Devices in Five Counties
 PUCO Case No. 07-1169-RR-FED
 Our File No: N1432/176814

Dear Docketing Clerk:

Attached for filing is a Status Report.

I confirm that, via regular mail, we are forwarding to you the original document plus
 seven 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
 Enclosures

cc: Ms. Leah Thomas Dalton (w/enc.)
 Ms. Susan Kirkland (w/enc.)
 Mr. Rick Ray (w/enc.)
 Mr. Robert Stanley (w/enc.)
 Mr. Steve Leffel (w/enc.)

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**The Public Utilities Commission of Ohio
Docketing Division**

January 30, 2009

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**Re: In the Matter of the Authorization of CSX Transportation, Indiana & Ohio
Railway and Norfolk Southern Railway to Install Active Grade Crossing
Warning Devices in Five Counties**

Mr. Mel McNichols (w/enc.)

Mr. Biff Konrad (w/enc.)

Logan County Engineer (w/enc.)

Mayor Dean Carnahan (w/enc.)

Pusheta Township Trustees (w/enc.)

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of	:	Case No. 07-1169-RR-FED
CSX Transportation, Indiana & Ohio	:	
Railway and Norfolk Southern	:	<u>STATUS REPORT</u>
Railway to Install Active Grade	:	
Crossing Warning Devices in Five	:	D. Casey Talbott (0046767)
Counties.	:	(Trial Attorney)
	:	Mark W. Sandretto (0079536)
	:	EASTMAN & SMITH LTD.
	:	One SeaGate, 24 th Floor
	:	P.O. Box 10032
	:	Toledo, Ohio 43699-0032
	:	Telephone: (419) 241-6000
	:	Fax: (419) 247-1777
	:	
	:	Attorneys for Norfolk Southern
	:	Railway Company
	:	

Per its Entry of December 3, 2008, the Commission directed Norfolk Southern to file a report by January 30, 2009 advising as to the status of the Miamisburg Corridor Project.

In response, Norfolk Southern has completed the preliminary engineering estimates which have been provided to the Ohio Rail Development Commission ("ORDC") for its review, input, and approval. The ORDC has completed its field review (which recognized certain utility

issues which need to be addressed), and is in the final stages of reviewing the estimates, with an anticipated completion date of February 11, 2009.

On or before February 25, 2009, Norfolk Southern and the ORDC intend to prepare and forward to the City of Miamisburg a formal letter proposal regarding all ten of the grade crossings at issue, including Kercher Street.

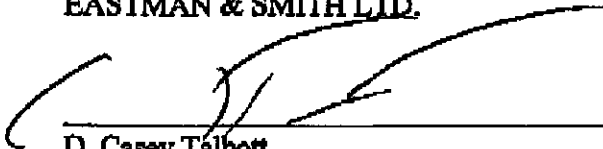
The interested parties (specifically, representatives of Norfolk Southern, the ORDC, and the City of Miamisburg) are then scheduled to meet in Miamisburg on March 25, 2009, toward furthering their attempt to finalize a mutually-beneficial agreement providing for improvements to the majority of Miamisburg's crossings versus the closure of at least certain crossings. (Per the preliminary engineering estimates, and due to prospective frequency saturation, it appears that at least certain crossings will need to be closed, toward allowing for the improvements.)

Constructive dialogue remains ongoing, as these parties continue their efforts with respect to this significant corridor project.

Assuming the Commission's approval, Norfolk Southern will file a further status report by the end of March of 2009.

Respectfully submitted,

EASTMAN & SMITH LTD.



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

Attorneys for Norfolk Southern
Railway Company

PROOF OF SERVICE

A copy of the foregoing *Status Report* was mailed this 30th day of January, 2009 to: **Leah Thomas Dalton**, Deputy Chief, Transportation Department, Safety Programs Division/Rail, c/o The Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43266-0573; **Susan Kirkland**, Manager, Safety Programs, c/o Ohio Rail Development Commission, 50 West Broad Street, 15th Floor, Columbus, Ohio 43615; **Rick Ray**, Norfolk Southern Railway Company, 1200 PeachTree Street, Atlanta, Georgia 30309; **Robert L. Stanley**, City Engineer, 10 North First Street, Miamisburg, Ohio 45342; **Steven Leffel**, City of Troy, 100 South Market Street, P.O. Box 3003, Troy, Ohio 45373; **Mel McNichols**, CSX Transportation, J-301 500 Water Street, Jacksonville, Florida 32202; **Biff Konrad**, Indiana & Ohio Central Railway, 497 Circle Freeway Drive Suite 230, Cincinnati, Ohio 45246; **Logan County Engineer**, 1991 CR 13, P.O. Box 427, Bellefontaine, Ohio 43311-0427; **Mayor Dean Carnahan**, 99 North Howard Street, Sabina, Ohio 45169; and **Pusheta Township Trustees**, 14002 Pusheta Road, Wapakoneta, Ohio 45895.



Attorneys for Norfolk Southern
Railway Company