

FILE

EASTMAN & SMITH LTD.

ATTORNEYS AT LAW

Established 1844

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

March 31, 2009

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

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

PUCO

2009 APR -2 PM 12:41

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.)

Columbus

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The Public Utilities Commission of Ohio

Docketing Division

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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
	:	

This follows Norfolk Southern's Status Report of January 30, 2009.

The interested parties (specifically, representatives of Norfolk Southern, the ORDC, and the City of Miamisburg) conducted an extended meeting on March 25, 2009, in Miamisburg, in furtherance of their common interest in reaching a mutually-beneficial agreement providing for improvements to the majority of Miamisburg's crossings versus the closure of at least certain crossings, due to redundancy and/or engineering concerns.

Significant progress was made, and the parties agreed that Norfolk Southern would now finalize and submit a letter proposal regarding the entire Miamisburg corridor, including Kercher Street (which all parties appear to agree should be addressed in conjunction with the other crossings in the corridor, as opposed to separately).

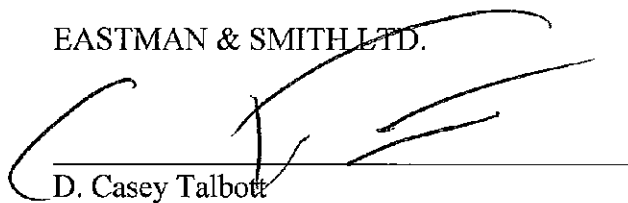
Norfolk Southern expects to have the letter proposal to Miamisburg by mid-April of 2009, and will then follow with the interested parties with the goal of finalizing some definitive agreement.

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 May of 2009.

Respectfully submitted,

EASTMAN & SMITH LTD.

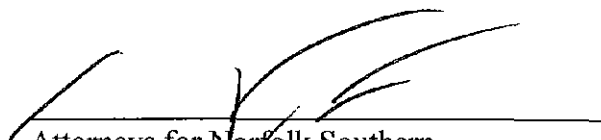


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Telephone: (419) 241-6000
Fax: (419) 247-1777

Attorneys for Norfolk Southern
Railway Company

PROOF OF SERVICE

A copy of the foregoing *Status Report* was mailed this 31st day of March, 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