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November 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

RECEIVED-DOCKETING DIV  
2009 DEC -2 PM 12:00  
PUCO

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.)

This is to certify that the images appearing are an  
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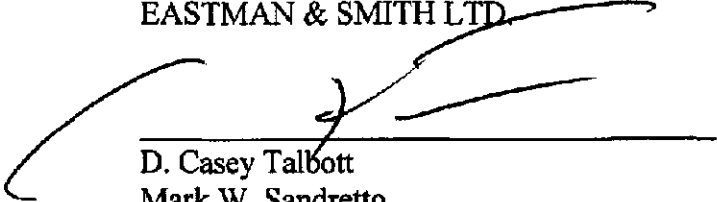
follow with the other interested parties (specifically, Norfolk Southern and the Ohio Rail Development Commission) by early to mid January of 2010, in furtherance of the parties' common interest in reaching a mutually-beneficial agreement providing for the improvement of the majority of Miamisburg's crossings (including Kercher Street, which the parties agree should be addressed in conjunction with the other crossings in the corridor) versus the closure of at least certain crossings, due to redundancy and/or engineering concerns.

Constructive dialogue remains ongoing, as the 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 February 12, 2010 (following further dialogue with Miamisburg).

Respectfully submitted,

EASTMAN & SMITH LTD.



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Attorneys for Norfolk Southern  
Railway Company

**PROOF OF SERVICE**

A copy of the foregoing *Status Report* was mailed this 30<sup>th</sup> day of November, 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, 1980 West Broad Street, 2nd Floor, Columbus, Ohio 43223; **Rick Ray**, Norfolk Southern Railway Company, 1200 PeachTree Street, Atlanta, Georgia 30309; and **Robert L. Stanley**, City Engineer, 10 North First Street, Miamisburg, Ohio 45342.

  
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Attorneys for Norfolk Southern  
Railway Company