

## EASTMAN & SMITH LTD.

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November 13, 2009

<u>VIA FACSIMILE AND U.S. MAIL</u>

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

Re:

In the Matter of a Request of Norfolk Southern Railway Company to Downgrade the Existing Warning Devices at the River Road Grade

Crossing (481-342B) in Waverly, Pike County, Ohio

PUCO Case No. 08-1098-RR-RCP Our File No: N1432/176814

Dear Docketing Clerk:

Attached for filing is a Joint 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 & SMITHLI

DCT/kml Enclosures

CC:

Ms. Leah Thomas Dalton (w/enc.)

Ms. Susan Kirkland (w/enc.)

Jennifer B. Casto/Thomas L. Hart (w/enc.)

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This is to certify that the images

## BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Request of Norfolk Southern Railway Company to Downgrade the Existing Warning Devices at the River Road Grade Crossing (481-342B) in Waverly, Pike County, Ohio.

Case No. 08-1098-RR-RCP

## JOINT STATUS REPORT

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(Trial Attorney)

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Attorneys for Intervenor, Pike County

Commissioners and Denny Salisbury,

Pike County Engineer

Constructive communications between the interested parties are ongoing, with a further face-to-face meeting scheduled for December 23, 2009, with the goal of reaching a mutually-satisfactory solution to various public and private crossing concerns in Pike County including, most notably, the prospective reopening versus relocation of the River Road crossing which is the subject of the instant Request. Accordingly, and while the parties continue to explore the viability of various potential solutions to the Pike County concerns (including related funding issues), the parties jointly request that the Commission stay the instant Request, and that the River Road crossing be maintained in its existing condition – that is, as barricaded to vehicular traffic.

Assuming the Commission's approval, the parties will file a further Joint Status Report by May 15, 2010.

Respectfully submitted,

EASTMAN & SMITH LTD.

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Attorneys for Intervenor, Pike County Commissioners and Denny Salisbury, Pike County Engineer

## PROOF OF SERVICE

A copy of the foregoing Joint Status Report was mailed this 13 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, 50 West Broad Street, 15th Floor, Columbus, Ohio 43615; and Jennifer B. Casto/Thomas L. Hart, Wiles, Boyle, Burkholder & Bringardner Co., L.P.A., 300 Spruce Street, Floor One, Columbus, Ohio 43215-1173, Attorneys for Intervenor, Pike County Commissioners and Denny Salisbury, Pike County Engineer.

Attorneys for Norfolk Southern

Railway Company