

FILE

EASTMAN & SMITH LTD.

ATTORNEYS AT LAW

Established 1844

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

May 17, 2010

VIA FACSIMILE AND U.S. MAIL

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 & SMITH LTD.

D. Casey Talbott

DCT/kml

Enclosures

cc: Leah Thomas Dalton (w/enc.)
Susan Kirkland (w/enc.)
Jennifer B. Casto/Thomas L. Hart (w/enc.)

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PUCO

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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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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
	:	<u>JOINT STATUS REPORT</u>
	:	D. Casey Talbott (0046767) (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
	:	Jennifer B. Casto (0078800) Thomas L. Hart (0062715) Wiles, Boyle, Burkholder & Bringardner Co., LPA 300 Spruce Street, Floor One Columbus, Ohio 43215-1173 Telephone: (614) 221-5216 Fax: (614) 221-4541
	:	Attorneys for Intervenor, Pike County Commissioners and Denny Salisbury, Pike County Engineer

[illegible]

Per the Commission's Entry of November 25, 2009, this will serve as a Joint Status Report in the above matter.

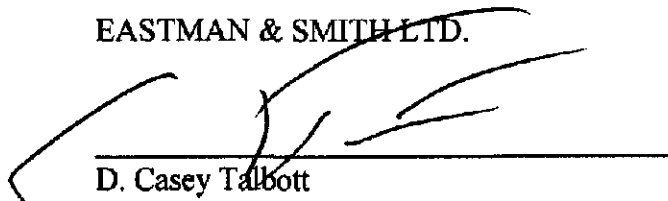
Norfolk Southern and Pike County have exchanged and are in the process of analyzing separate proposals, including preliminary cost estimates, to stabilize River Road versus relocate the River Road crossing. These parties intend to engage in further dialogue or conference, toward reaching a consensus as to how to proceed here, including an agreed determination of the parties' respective obligations and contributions.

There are fairly significant concerns at issue here (*e.g.*, engineering, economic, and etc.); accordingly, the parties welcome and appreciate the Commission's ongoing willingness to stay the instant Request to Downgrade, as constructive dialogue proceeds. In the meantime, the parties jointly request that the River Road crossing be maintained in its existing condition – that is, as barricaded to vehicular traffic.

Assuming the Commission's approval, and consistent with the Commission's Entry of November 25, 2009, the parties will file a further Status Report on or before August 16, 2010.

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

WILES, BOYLE, BURKHOLDER &
BRINGARDNER CO., LPA

Per authority: JK

Jennifer B. Casto (0078800)
Thomas L. Hart (0062715)
Wiles, Boyle, Burkholder
& Bringardner Co., LPA
300 Spruce Street, Floor One
Columbus, Ohio 43215-1173
Telephone: (614) 221-5216
Fax: (614) 221-4541

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 17th day of May 2010 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 J. Kirkland**, Manager, Safety Programs, Ohio Rail Development Commission, 1980 West Broad Street, 2nd Floor, Columbus, Ohio 43223; 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