

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 ) Case No. 08-1098-RR-RCP  
Crossing (481-342B) in Waverly, Pike )  
County, Ohio. )

ENTRY

The Commission finds:

- (1) On September 18, 2008, Norfolk Southern Railway Company (Norfolk) filed a "Request to Downgrade Warning Devices" at the River Road grade crossing (481-342B) in Waverly, Pike County, Ohio. This request was filed as a result of the embankment failure at the River Road grade crossing which rendered the crossing unsafe for vehicles.
- (2) On September 30, 2008, the attorney examiner issued an entry directing staff to file an investigative report and allowing any other interested person to file comments in response to the investigative report by no later than December 1, 2008. Staff filed its report on October 29, 2008.
- (3) Since the filing of the staff report, the Pike County Commissioners and the Pike County Engineer (together, Pike County) were granted extensions of time to respond to the staff report, and also were directed to file status reports regarding settlement negotiations with Norfolk. The status reports were regularly filed by the parties, with the most recent filing on August 16, 2010.
- (4) On September 22, 2010, the parties filed a notice of dismissal of Norfolk's request to downgrade the warning devices. The parties explained that the River Road grade crossing has been stabilized and that the grade crossing has been reopened. Upon being contacted by staff, Norfolk confirmed that crossing lights and gates have been reactivated. Accordingly, Norfolk's request for dismissal should be granted and its request to downgrade the warning devices at the River Road grade crossing should be dismissed.

It is, therefore,

ORDERED, That Norfolk's request to downgrade the warning devices at the River Road grade crossing be dismissed. It is, further,

ORDERED, That a copy of this entry be served on Norfolk Southern Railway Company and its counsel, the Pike County Board of Commissioners and the Pike County Engineer, the mayor of the city of Waverly, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



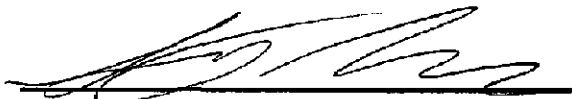
Alan R. Schriber, Chairman



Paul A. Centolella



Valerie A. Lemmie



Steven D. Lesser



Cheryl L. Roberto

JML/dah

Entered in the Journal

**OCT 22 2010**



Renee J. Jenkins  
Secretary