

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Joint :
Petition of Norfolk Southern:
Railway Company and CSX :
Transportation, Inc. to : Case No. 19-180-RR-UNC
close the Franklin Street :
Crossings (DOT Nos. 481482D :
& 518257V) in Orange :
Township, Delaware County. :

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PROCEEDINGS

before Daniel R. Conway, Commissioner, and Lauren L.
Augustini, Hearing Examiner, at the Delaware County
District Library, Orange Branch, 7171 Gooding
Boulevard, Delaware, Ohio, Community Meeting Room, on
Tuesday, July 9, 2019, called at 6:03 p.m.

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1 APPEARANCES:

2 Dickie, McCamey & Chilcote, PC
3 By Mr. R. Leland Evans
4 250 Civic Center Drive, Suite 280
5 Columbus, Ohio 43215-5086

6 On behalf of the CSX Transportation.

7 Eastman & Smith, LTD.
8 By Mr. D. Casey Talbott
9 100 E. Broad Street, Suite 2100
10 Columbus, Ohio 43215

11 On behalf of the Norfolk Southern
12 Railroad.

13 Delaware County Prosecutor's Office
14 By Mr. Aric I. Hochstettler
15 140 North Sandusky Street
16 Delaware, OH 43015

17 On behalf of the Delaware County
18 Board of Commissioners.

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Tuesday Evening Session,
July 9, 2019.

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THE ATTORNEY EXAMINER: Good evening.
The Public Utilities Commission has assigned for
public hearing at this time and place Case
No. 19-180-RR-UNC, which is captioned In the Matter
of the Joint Petition of Norfolk Southern Railway
Company and CSX Transportation, Inc. to close the
Franklin Street Crossings (DOT Nos. 481482 &
518257V) in Orange Township, Delaware County.

My name is Lauren Augostini. I am the
attorney examiner assigned by the Public Utilities
Commission to hear the case. With me is Commissioner
Dan Conway.

Commissioner Conway, do you have any
opening remarks?

COMMISSIONER CONWAY: I would like to
first of all welcome everyone to the public hearing,
and, secondly, thank you for your passion and
participation. The quality of our proceedings are
improved by participation by those who are interested
in the proceedings, and we are very pleased to see
that we have a public turnout for this matter.

I welcome you, and for those who would

1 like to testify, we also appreciate in advance your
2 comments. We take into account the public's
3 testimony and comments that are provided to us
4 regarding our pending matters and, accordingly, we
5 again thank you for your assistance and your
6 participation tonight.

7 THE ATTORNEY EXAMINER: Thank you.

8 Also with me is Nick Walstra, from the
9 Public Utilities Commission. We all will be
10 available if any of you have questions concerning the
11 application or just general questions after the
12 hearing. Feel free to approach us at the completion
13 of tonight's hearing.

14 At this time I will take formal
15 appearances on his behalf of the parties in this
16 particular case.

17 On behalf of the applicants.

18 MR. TALBOTT: Casey Talbott here on
19 behalf of Norfolk Southern. I intend to lay low and
20 listen to the comments. We sure appreciate, as the
21 Commissioner indicated, the folks coming out here
22 today. We look forward to hearing what you have to
23 say. Thank you.

24 THE ATTORNEY EXAMINER: Thank you.

25 MR. EVANS: Lee Evans an behalf of CSX

1 Transportation, and I would just echo what counsel
2 previously said. We appreciate you being here and
3 look forward to hearing from you.

4 THE ATTORNEY EXAMINER: Thank you.

5 MR. HOCHSTETTLER: Aric Hochstettler on
6 behalf of the Delaware County Commissioners.

7 THE ATTORNEY EXAMINER: Thank you.

8 The subject matter of this evening's
9 public hearing is limited to the Joint Petition filed
10 by Norfolk Southern and CSX filed on January 28,
11 2019. The railroads are seeking to close the
12 Franklin Street grade crossings located in Orange
13 Township, Delaware County, Ohio.

14 The evidentiary hearing will be scheduled
15 at a later date and take place at the Commission's in
16 downtown Columbus.

17 The railroad's application is available
18 on the Commission's web page, Case No. 19-180-RR-UNC.
19 You can see any comments that have previously been
20 filed or any other documents.

21 The purpose of today's hearing is to
22 receive comments from the citizens regarding the
23 application. This is not a question-and-answer
24 session. But it's rather your opportunity to tell
25 the Commission how you think about the proposal.

1 There is a court reporter to my left.
2 Everything said today will be transcribed and filed
3 with the Commission's docket. The Commission will
4 review the comments before making a final decision.

5 After I finish my introduction, I will be
6 then calling witnesses up from the sign-in sheet. I
7 will ask you to come to the podium and face the court
8 reporter. Before you present your testimony, I will
9 ask you to make an oath or affirmation that what you
10 are about to say will be the truth. I also ask you
11 to state your name, address, and if you would please
12 spell your full name, too, for our court reporter.

13 Should you decide you do not want to
14 testify when I call your name, you can pass on to the
15 next witness. Also once you finish testifying or if
16 you are just here to observe, you may leave at any
17 time you wish or stay until the conclusion of the
18 hearing.

19 At this time we will call our first
20 witness. Mr. Lee Bodnar. I apologize if I
21 mispronounce anybody's name.

22 MR. BODNAR: I am just here as a
23 representative of Orange Township. I am their
24 administrator, and I'm here to observe and report
25 back to the Board of Trustees. The Board of Trustees

1 did submit documentation in the form of a resolution
2 within the time frame required by the PUCO, back in
3 April, I believe.

4 That's all I have to share. Thank you.

5 THE ATTORNEY EXAMINER: Mr. Leonard
6 Fisher.

7 MR. FISHER: Thank you, Madam Chair.

8 (Witness sworn.)

9 THE ATTORNEY EXAMINER: Please state and
10 spell your name for the record and give us your
11 address.

12 MR. FISHER: Leonard Fisher,
13 L-E-O-N-A-R-D, F-I-S-H-E-R, 2020 Parklawn Drive in
14 beautiful downtown Lewis Center, Ohio.

15 THE ATTORNEY EXAMINER: Thank you. You
16 may proceed.

17 - - -

18 LEONARD FISHER

19 being first duly sworn, as prescribed by law, was
20 examined and testified as follows:

21 DIRECT TESTIMONY

22 MR. FISHER: The first thing I would like
23 to mention is that pedestrians and bicyclists,
24 whether or not they live in Lewis Center or somewhere
25 else, anywhere around this part of the county,

1 need to cross the railroad track, and they're going
2 to cross the railroad track. They do cross the
3 railroad track. And the this is the you have to have
4 a safe place for them to do it, and if it's going to
5 be safe, the best, ideal situation is the official
6 place where you are going to cross the railroad
7 tracks.

8 Right now we've got a situation where
9 it's not very safe to cross at Orange Road, even
10 though we have a trail coming up from the east and
11 down from the west. Right there at the railroad
12 tracks, the railroad has not been nice about letting
13 us have a crossing of that trail, I think is the best
14 way I can say it. We don't have a crossing there.
15 We haven't had it for probably six or seven years
16 since I was on the Orange Township Park Board, as a
17 matter of fact.

18 Right now at Lewis Center Road there's a
19 trail being built generally by developers, and it's
20 coming up to the railroad track pretty soon, and it's
21 going to have to get across the railroad one way or
22 the other.

23 And so right now people are using this
24 Franklin Street in order to get across the railroad
25 track if you're on a bike. I've done it a lot of

1 times. I've seen other people crossing. It's almost
2 an interesting intersection sometimes when you got to
3 get across the track one way or another.

4 And from most places in Orange Township
5 you can cross the track right there, especially if
6 you're coming from the east side of the township or
7 even from Columbus. As a matter of fact, up the Alum
8 Creek Trail, that's about the only safe place to
9 cross going north. It's beautiful bicycling country
10 up there about as far as you can go practically.

11 And the railroad, Norfolk Southern, in
12 particular, is very hard to deal with. I'm also a
13 member of the coalition in Hilliard, the Rail Trail
14 Coalition. We never had such a terrible time with a
15 railroad trying to get some right-of-way. The
16 railroad has a hundred yards of right-of-way and they
17 won't give us 20 feet. That's just crazy. That's
18 another story. That's another story.

19 Also, if you are familiar with the
20 Cleveland through Columbus to Cincinnati rail trail,
21 a section of that trail opened up called the Camp
22 Chase Trail, a portion of the 3C Trail. I have been
23 there. On May 8, I made it for the opening of that
24 trail, and Camp Chase Railroad actually brought one
25 of their great big, brand-new engines to this site so

1 they could blow the whistle.

2 And they helped us. They actually helped
3 get that trail built, so there's no reason -- you
4 don't have to -- if you own a railroad, you don't
5 have to fight the people who want to build trails and
6 get around the township and get around this part of
7 the country.

8 Some people have said that you can't put
9 a crossing across the -- a trail crossing across the
10 railroad tracks because there's three tracks at that
11 particular intersection of the railroad. And I'm
12 here to tell you that if you just say, "Caution,
13 three tracks" on the sign so people can see there are
14 three tracks, then they know what they have to deal
15 with, at least, and they can get across. They can
16 look down the tracks and look down -- make sure they
17 look down all three tracks before they go across, and
18 the crossing bars come down anyway.

19 In Powell they've got specific pedestrian
20 crossing bars across the trail portion where Powell
21 Road crosses the railroad tracks. It can be done,
22 ladies and gentlemen.

23 And, lastly, I've got to tell you, I'm a
24 Norfolk Southern shareholder. I understand the
25 railroad wants to make a profit. In fact, last year

1 we made \$2.66 billion on revenues of \$11.458 billion.
2 We are making money. It's not that the railroad
3 can't afford to give a little bit and let things get
4 done in Orange Township.

5 So I hope the railroads will be a little
6 bit more conscious of what the neighbors need and
7 want. They're the railroad's neighbors, too, and the
8 railroads are our neighbors. A lot of us love to
9 hear the trains go by and see the trains, but we hope
10 we get some feeling the other way around.

11 Thank you very much for your time.

12 THE ATTORNEY EXAMINER: Thank you,
13 Mr. Fisher.

14 Mr. Michael McCarthy.

15 MR. McCARTHY: Thank you.

16 (Witness sworn.)

17 THE ATTORNEY EXAMINER: Please proceed,
18 and state your name and spell it.

19 MR. McCARTHY: Sure. My name is Michael,
20 M-I-C-H-A-E-L, McCarthy, M-C capital C-A-R-T-H-Y. My
21 address is 3066 Willow Springs Court, Lewis Center
22 Ohio, 43035.

23 THE ATTORNEY EXAMINER: Thank you.

24 MR. McCARTHY: Sure.

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MICHAEL McCARTHY

being first duly sworn, as prescribed by law, was
examined and testified as follows:

DIRECT TESTIMONY

MR. McCARTHY: I want to talk to the
Commission today about an affidavit -- not an
affidavit -- a resolution that was submitted into the
record by Orange Township, which you know very well.
But since the affidavit, it occurred to me, you know,
it kind of went beyond the usual concern I think most
people in Orange Township have with the railroad
closing; that is, when tracks have to be repaired,
and I think the County addressed this in some of
their filings. That crossing is closed, and with the
EMS station right there, Franklin Street is a very
handy go-around.

Well, the first time I can recall, I did
notice the other day -- I brought a couple of
pictures. They're labeled No. 1 and No. 2. No. 1,
if I could, is a picture on the east side of the
tracks looking west just showing the closed crossing.
The second, and the one that I think highlights an
issue that maybe wasn't brought forward strongly, is
taken on the west side of the tracks. It's Center
Street looking west, and as you can see, that road is

1 gone, and there is no real good way to access.

2 THE ATTORNEY EXAMINER: When were these
3 taken?

4 MR. McCARTHY: A little bit before five
5 o'clock today.

6 THE ATTORNEY EXAMINER: Thank you.

7 MR. McCARTHY: I thought I had a date
8 stamp, but it didn't take.

9 COMMISSIONER CONWAY: Mr. McCarthy, could
10 you stop a second. Which crossing is it that the
11 picture is of?

12 MR. McCARTHY: Those are the Lewis Center
13 Road crossing, both. The one you have there is on
14 the east side. The other one is on the west side
15 looking west from Center Street.

16 So I just suggest I don't think there's
17 really a good way to get to the residents of Lewis
18 Center on the west side of the railroad outside of
19 the Franklin Street crossing right now. I don't know
20 how many times in the future that will happen, but if
21 it does, it's going to present an issue because those
22 folks when that crossing is closed, they will be
23 totally landlocked. I don't know what they would do.
24 They would have to find a new way to get home, I
25 suppose.

1 Beyond that, I would just say that I do
2 support and agree with the comments that were in the
3 trustee resolution. I think the EMS and safety
4 issues are very real for the police and fire and
5 squad.

6 The accessibility of the residents to
7 Lewis Center Road, I noticed you have a large drawing
8 in there. I believe the original petition cited they
9 estimated about 10,000 trips per day on Lewis Center
10 Road, and you can imagine those trips where you're
11 slowed down, kind of stopped at the railroad. Nobody
12 just drives over it most of the time. It wouldn't be
13 a good idea.

14 But if you're a resident of Lewis Center,
15 if you are on the east side and trying to get out,
16 particularly westbound, you know, that traffic isn't
17 always the most courteous. I've seen it, and I
18 suspect the residents could tell you more about it.
19 You can cut across Franklin Street and come up Center
20 Street and bypass the railroad. It's a very real
21 benefit, I think, that the crossing is for those
22 folks. I do think that shouldn't be overlooked.

23 Also the township resolution did cite the
24 fact that physically dividing this, residents that do
25 want to walk or bike would have no choice but to go

1 out on Lewis Center Road, and there would be probably
2 10,000 plus trips per day until the county is in a
3 position to complete a couple of road projects I know
4 they have. So all in all, this is the only place.

5 Since I came here, I wanted to share that
6 with you, and I'll move on. Thank you.

7 THE ATTORNEY EXAMINER: Thank you.

8 Next up, Fred and Sandy Lecrone.

9 MR. LECRONE: Can we defer till later?

10 THE ATTORNEY EXAMINER: Yes, you can.

11 Teresa Wickline.

12 MS. WICKLINE: Teresa Wickline,
13 T-E-R-E-S-A, W-I-C-K-L-I-N-E.

14 - - -

15 TERESA WICKLINE

16 being first duly sworn, as prescribed by law, was
17 examined and testified as follows:

18 DIRECT TESTIMONY

19 MS. WICKLINE: One of the things I wanted
20 to bring up that I forgot to put in my letter that I
21 wrote was right on our side, which is by the Franklin
22 Street crossing, the railroad has online, it's listed
23 as a viewing area for anyone that wants to come and
24 view the trains. And pretty much on a daily there
25 are several people that come back in there and park

1 and walk the railroad and stuff and sit back in
2 there. So if you're wanting to close the Franklin
3 Street crossing, I mean, you're kind of inviting more
4 people back there, but yet you're closing us out from
5 there where there is barely enough, you know, room
6 for our own vehicles, let alone, you know, inviting
7 people back in there. I wanted to add that because I
8 forgot to put that in my letter.

9 Thank you.

10 THE ATTORNEY EXAMINER: You can file
11 additional comments also.

12 MS. WICKLINE: Okay. Thank you.

13 THE ATTORNEY EXAMINER: Jamie Stabl.

14 - - -

15 JAMIE STABL

16 being first duly sworn, as hereinafter certified,
17 deposes and says as follows:

18 DIRECT TESTIMONY

19 MR. STABL: My name is Jamie, J-A-M-I-E,
20 Stabl, S-T-A-B-L. I live at 6266 Westwick Place,
21 Lewis Center, Ohio.

22 I'm an avid cyclist. I use Franklin
23 crossing quite a bit and Lewis Center quite a bit,
24 too. I'm here to speak on behalf of closing that
25 area there.

1 I know several arguments have been made
2 by the Township as to keeping open the railroad
3 crossing at Franklin Street, but most of those
4 arguments that the County has made also and I believe
5 the Township has made are just for convenience, not
6 based, I feel, on the issues that are there.

7 I don't believe the EMS will be affected.
8 Currently the township has the EMS and fire service
9 on both sides of the track. It's on the east side
10 and the west side and they're centrally located in
11 the township. In fact, when the Township built the
12 last EMS fire station on the west side, one of the
13 main reasons they said is when there's a train going
14 through the area, we need to be able to access that and
15 we can't get across the railroad track, so they built
16 one over on that side. That was one of the main
17 reasons for having that. At the time there was only
18 one station in Orange Township. It was on the east
19 side by Orange Road and Old State.

20 They also state that the EMS can use the
21 Franklin Street crossing to enter less congested
22 parts of Lewis Center Road. If Lewis Center Road is
23 congested and it's because when a train is coming,
24 traffic will back up 100 cars one way and 100 cars
25 going the other way. EMS can get out. I've seen

1 them get out. They have their siren on. People
2 stop. They get out. They come out on the west side
3 40 yards from the track. They have their lights on.
4 They go.

5 If they come out on the other side, it's
6 only 60 yards, so saying it's a less congested area
7 if they have to go over on the west side I feel is
8 just not the case that I've seen and that's there.
9 The difference between 40 yards on one side and
10 60 yards, that's not an issue. It's congested. It's
11 congested, but EMS can always get out.

12 They talk about being landlocked and the
13 only exit on Lewis Center Road. But there are many
14 communities in Lewis Center that are landlocked and
15 landlocked on Lewis Center Road. Some of them are
16 The Woods at Weeping Rock, The Meadows at Lewis
17 Center. Just recently, though, they hooked on at
18 Bryn Mawr. If you go about a mile and a half, you
19 can get out at Old State, but they were landlocked.

20 The new Epcon community that's going out
21 on Lewis Center Road, that's landlocked, and, of
22 course, Evans Farm is landlocked. They talk about
23 landlocked communities, but the Township and County
24 keep approving landlocked things. Evans Farm is
25 going to landlocked for at least two to three more

1 years before they move on to the outside.

2 The County says they need more time.
3 They want to leave that open because people use that.
4 There's not much traffic. Maybe 100 cars a day. The
5 County says it's five to seven years away from
6 building some type of overpass there.

7 I've been in this community for 21 years.
8 I would say it's at least 15 or 16 years they have
9 talked about that overpass. Five to seven years away
10 is probably people seven to ten, and now all of the
11 sudden they want to spend seven, eight, ten million
12 to build a tunnel under Orange Road so we have to
13 avoid that area. So there are many landlocked issues
14 in the area on that road, and we have been living
15 with them, and they're going to be there.

16 The Township also talked about if the
17 crossing was closed, there is not a safe way for
18 residents to get across Lewis Center Road because
19 there's no sidewalks there. Mr. Fisher talked about
20 that already. I've attended several township trustee
21 meetings where the Ohio Rail Development Commission
22 chairman spoke, and he said, If you want to cross
23 that railroad, I'll get you across that tomorrow.

24 I've seen the document that they sent to
25 Orange Township and the monies that they would give

1 Orange Township if they agreed to close the Franklin
2 Street railroad, and they were going to build
3 sidewalks to get across Orange Road, which we want to
4 get across so we can get to the library here on the
5 west side. We have the bridge over to there that we
6 can't get across, and Lewis Center Road that they are
7 talking about right now. They were going to give us
8 \$245,000, the document that I saw, to build sidewalks
9 to get safely across Lewis Center Road. The Township
10 rejected all of those, and those monies are no longer
11 there.

12 Lastly, the Township talks about in their
13 argument there's 30,000 residents, and there are.
14 But the old Lewis Center village is separated by the
15 crossing, and there's only about 120 people that live
16 down there, and there are only eight residences on
17 the west side.

18 I do feel sorry for some of the people.
19 They have been there for 30, 40 years. Some probably
20 have been there twice as long as I've been here.
21 Change, sometimes it happens, and you've been used to
22 going across that way, but you can always get on
23 Lewis Center Road, and the Township could have had
24 sidewalks built already for us to get across Lewis
25 Center Road. They have chosen not to do that.

1 I know the Ohio Railroad Commission,
2 they've been working with this for almost a decade
3 wanting to close this. They have worked over the
4 last four or five years with the Township offering
5 them incentives to close this and also for monies to
6 help get across the railroad track safely. Those
7 have all, you know, been rejected.

8 An agreement could have been found and
9 funded, but the Township, I feel, has ignored that.
10 So we are in this situation now, that one way or the
11 other it's going to be closed or it's going to be
12 open.

13 I guess my hope is that the crossing is
14 closed and possibly that the Ohio Railroad
15 Development Commission would think again, maybe,
16 about supporting and giving the township monies to
17 get across both railroad track crossings that would
18 still be left. But I don't know if that's still
19 possible. My understanding was the last time they
20 rejected it, it was offered the once and last time
21 only.

22 I feel that if the Public Utilities
23 Commission of Ohio ends up closing this, I don't know
24 if there will be any more funds, if they will offer
25 any. They wouldn't have to. I would hope that they

1 would.

2 That railroad is nice to go across. I've
3 talked to the Township about when doing the Lewis
4 Center Road roundabout, grading a bike path through
5 there, maybe using that. You know, you talk and
6 nothing happens.

7 Currently that road is closed because
8 there are some improvements going on there for almost
9 a half mile. Those will be finished here in about
10 two to three months and that road will be back open.
11 And when that road -- when they do do improvements to
12 that railroad track, people talk about, Oh, we have
13 to use Franklin Street to get around. You can do
14 that, but the County and the Township as soon as that
15 railroad closed up, they put all of those signs up:
16 Do not enter. Do not enter. Local traffic only.

17 And I can understand that people don't
18 want 10,000 cars going through. But their argument
19 saying we need that so traffic can go around is just
20 not valid because when the railroad crossing is
21 closed, the signs go right up and say: Do not enter.
22 Go around a mile down.

23 As I said, I feel sorry for some of the
24 residents there that want to keep it open. I know a
25 couple residents there. They could care less, both

ways. Unfortunately, I think change happens. I think if it does close, my hope is that the Ohio Rail Development Commission hopefully will step forward and provide us with sidewalks across that way and Orange Road because I know they were very willing to do that for the Township, and the Township has rejected those offers.

Thank you.

THE ATTORNEY EXAMINER: Thank you.

David and Geri Dill.

DAVID DILL

being first duly sworn, as hereinafter certified, deposes and says as follows:

DIRECT TESTIMONY

MR. DILL: My name is David Dill, D-I-L-L. I live at 1557 Franklin Street in Lewis Center. I live in the old village.

Mr. Stabl.

MR. STABL: Yes.

MR. DILL: I'd like to say that I support keeping the crossing open for every reason that you just -- you made very good points, and I think every one of those is a viable point for why we should keep our crossing open.

I don't necessarily agree that the EMS is

1 a good leg to support this on. I don't necessarily
 2 feel that we have a lack of EMS coverage when that
 3 unit can't get across the tracks. There are times,
 4 of course, when it's vital, especially if it's going
 5 to Fred and Sandy or, you know, the Wicklines or
 6 somebody over there. That's their lifeline. It's a
 7 hundred yards away, and they can't get there. They
 8 can see it, and they can't get there. I do feel that
 9 is an issue, but I don't feel that's the best reason
 10 to keep it open.

11 I think the best reason to keep it open
 12 is that we have a village. It's where we live. It
 13 was there before the railroad was. I think the
 14 railroad is a fine thing, and I have no problem with
 15 them whatsoever. It gets a little noisy. It's
 16 pretty close, and it rattles your buildings and then
 17 makes the TV shake. It makes the CD player stutter,
 18 but we get by with it.

19 But when all the development is done to
 20 our west that's being done right now, that road
 21 coming up from the south, and all the development is
 22 done to our east, which will be done in a few years
 23 with a bypass connecting Home Road, which I do
 24 believe will get done, we will be again our village.
 25 Traffic that is east of us will stay east of us.

1 Traffic that is west of us will stay west of us.
 2 They will have ways of getting around Lewis Center
 3 without even touching Lewis Center Road or Franklin
 4 Street, should they so choose.

5 At that point we will have our village
 6 back, and I intend to still live there. At that
 7 point I would still like to be able to walk over and
 8 see Fred. I'd still like be to able to visit with
 9 the Wicklines. I'd still like to be able to walk the
 10 dog over there. We don't have one up right now, but
 11 when we did, we were there every day.

12 Everybody that comes up the path from the
 13 south along the railroad of Orange Road and from
 14 those developments, that trail now terminates at
 15 Franklin Street. They can either turn around and go
 16 back south. They can come through the village, but
 17 most of them, if they don't turn around and go south,
 18 they go right across the crossing and continue their
 19 trek.

20 I think that that is a vital option, and
 21 I think the railroad has viable options to make that
 22 happen. I don't think that we've even asked them. I
 23 think we put them in a position where it is much
 24 easier to say no than it is to say yes.

25 I propose one thing. I don't know that

1 it will work, but I see no reason why it shouldn't.
 2 I know enough about mechanics and electricity and
 3 engineering to know that there is a fully functioning
 4 crossing at Lewis Center Road, which is -- it is
 5 served by a set of detectors that tell it when to
 6 close. The exact same set of detectors can tell
 7 another set of gates to close just as easily. So if
 8 you gate Franklin Street and run it off of the same
 9 set of signal generation, you don't really need to
 10 spend everything that it takes to build a standalone
 11 crossing.

12 So I think that there are some options
 13 that would make it more attractive to the railroad if
 14 we were to give them those options to look at. We
 15 really don't want to hate the railroad for cutting
 16 our village in half, but that's kind of -- we're kind
 17 of getting to the place where, you know, we wish that
 18 the railroad would come talk to us sometimes and
 19 maybe not the Township and maybe not the County and
 20 maybe not to you. Maybe we would like them to come
 21 see us.

22 Those of us who do live in the village,
 23 it is more than a convenience to be able to cross
 24 Franklin Street. It's a day to day. For my wife to
 25 get out -- she'll tell you when she testifies -- it's

her only option. When Lewis Center Road is open, she can't get out on our side, so I think there are very good reasons to keep it open for the people who live there.

A larger concern that I have is that with all the talk of Orange Road, with all the talk of Shanahan Road, with all the talk of the continuing work along Lewis Center with connector down to Home Road, I feel that the Franklin Street crossing is being used as a bargaining chip, as collateral. I think that it's very easy for our government to throw that out to the railroad and say, Hey, if we give you this, would you give us a little money over here or over here.

I don't want anybody to close the Franklin Street crossing and cut our village in half so that we can get some pocket change to go down Orange Road and build a crossing. I don't want them to take the money off of our backs, take our convenience, take our lifestyle, take our village, and then take it up the road a little piece and spend it on something else.

You know, if they were going to say, We are going to close Franklin Street and we will plant you 200 yards of trees on both sides of the track,

1 and we will quiet the crossing and it will beautiful,
2 and we'll clean up all the mess along the tracks and
3 it will be a great place to live, that might be
4 attractive. But we've never heard anything like
5 that. All the offers have come down to spending
6 money somewhere completely out of the village.

7 Lewis Center as a village, we're not
8 incorporated. We are just a bunch of people, and,
9 no, there aren't very many much of us. There aren't
10 very many houses, but we're just like the rest of
11 you. It's where we live. We live there because we
12 want to. Our streets are little and narrow. Two
13 cars can't pass at the same time on any street in the
14 village, no place.

15 Even if you gate Franklin Street, two
16 cars can't pass. It's one-car wide. It's even a
17 narrow gate. It's easy. There's not a place in the
18 village where two cars can pass each other. Somebody
19 has to pull over.

20 When this is all said and done, we're
21 just fine with that. We don't want sidewalks. We
22 don't want storm sewers. We don't want signs and
23 banners and all that. We simply would like to have
24 our village left when it's all said and done. We
25 would like to say that we live in old Lewis Center

1 and that we've been pretty well left alone as
2 everything has progressed around us.

3 I know that's a hard thing to do, but
4 we've gotten away with it for the 30 years I've lived
5 there, and we have done it by cooperation, by
6 everybody -- sometimes, you know, not happily, but we
7 have gotten away with it so far.

8 I would like to appeal to the railroads
9 to please keep the conversation open. Give us an
10 opportunity to see if there isn't something that we
11 can do, despite our trustees, to try to make this a
12 workable deal for everyone because this is a really
13 vital part of our community, leaving the crossing
14 open.

15 Thank you very much.

16 THE ATTORNEY EXAMINER: Thank you.

17 - - -

18 GERI DILL

19 being first duly sworn, as prescribed by law, was
20 examined and testified as follows:

21 DIRECT TESTIMONY

22 MS. DILL: My name is Geri, G-E-R-I, last
23 name D-I-L-L, 1557 Franklin Street in the village of
24 Lewis Center.

25 I am one of the residents that lives on

1 the east side that Mr. McCarthy was alluding to that
 2 needs to be able to leave the village and turn left
 3 in the mornings. He is exactly correct, when school
 4 is in, particularly, and the buses are coming, it is
 5 a nonstop westward trek towards the high school and
 6 middle school near us. My only hope is to go west
 7 over Franklin Street, go out on the west side of the
 8 village at Center Street, and hope that a bus stops
 9 on Lewis Center crossing to make me a hole.

10 Right now, also as Mr. McCarthy alluded
 11 to, that part of Lewis Center Road is completely torn
 12 up. They are giving us a roundabout. I don't know
 13 what the outcome of the roundabout is going to be.
 14 Hopefully it's going to make traffic move better.
 15 Lucky me. It's never going to stop coming eastbound
 16 now.

17 There's no stop sign. There's no reason
 18 to stop for the cars turning. If the roundabout
 19 works as it's designed to, I don't know how I am
 20 going to get out, but I sure have a better shot to
 21 get out going across Center Street and turning left
 22 in the morning.

23 The people who live on the west side of
 24 the village have exactly the same problem coming home
 25 in the evening. They need to come on our side of the

1 village to turn to get in because they can't go
2 westbound and turn left to get in their side of the
3 neighborhood.

4 So it's an important part of our daily
5 life to be able to cross Franklin Street as we always
6 have. Many of the points my husband made, I feel the
7 same. I won't reiterate those. I do feel the same
8 way about visiting in our neighborhood. These are
9 our neighbors. We choose to live here.

10 As David said, we don't want sidewalks.
11 We want to walk across the tracks to our neighbors.
12 We want to take our strollers across, our dogs
13 across. We've got this wonderful walking trail that
14 we didn't have before that dumps right into the
15 village and brings civilization to us. Okay, we
16 didn't want it, but we have greatly used it. How can
17 the west side of the village use it if they can't
18 even get across the tracks to come use it? Everybody
19 around us gets to use it, but the village doesn't get
20 to access it.

21 I don't think I have any other points my
22 husband didn't already make. We ask, please, that
23 you again, like he said, keep the dialogue open.
24 Consider that we want to live in this village. We
25 choose to live there. We don't want to be modern and

1 innovative with sidewalks and streets that are
2 three-lanes wide with left and right turn lanes and
3 all the conveniences of living in a subdivision. If
4 we wanted to live in a subdivision, we would move
5 into a subdivision.

6 Thank you for your time.

7 THE ATTORNEY EXAMINER: Thank you.

8 Fred and Sandy Lecrone.

9 - - -

10 FRED LECRONE

11 being first duly sworn, as prescribed by law, was
12 examined and testified as follows:

13 DIRECT TESTIMONY

14 MR. LECRONE: Fred, F-R-E-D, Lecrone,
15 L-E-C-R-O-N-E, 1425 Church Street, downtown Lewis
16 Center.

17 I probably have more questions than
18 statements. I want to know if this is a precursor to
19 a quiet crossing used as a bargaining chip for the
20 Evans Farm project that we have heard quite a bit
21 about. Are they going to close Franklin Street to
22 have a quiet crossing at Lewis Center Road?

23 Number two, there are no sidewalks
24 anywhere in village, Franklin Street, Lewis Center
25 Road. If you want to cross on a bicycle, you just

1 cross. There are no sidewalks anywhere, don't really
2 need them. But once you close it, it will never
3 reopen. It's gone forever. There's no question.

4 And according to Delaware, the railroad
5 figures -- this is in Delaware County. 2017 they had
6 one crash. But in 2011 to 2017 they had three total
7 crashes in Delaware County. Sounds low, but that's
8 what they said on the website.

9 And also they mentioned there were five
10 grade crossings in Lewis Center. I know there are
11 some further north of Lewis Center Road that are farm
12 field to farm field. Will they stay open? I don't
13 know. If we don't have our crossing, southern
14 Delaware County is getting so busy, you're cutting
15 off one more lane, road, to maneuver around the
16 county.

17 And back to the point of us being used as
18 a bargaining chip for somebody further down south,
19 Orange Road and the bicycle paths, most of them I've
20 seen, they're driving BMWs to pull into the library.
21 They're not riding bikes, unless they're pretty
22 young.

23 And as far as the communities that are
24 landlocked, the one that goes down by the high
25 school, they're further away from the track. That

1 would be an issue; Weeping Rock, same thing. Evans
2 Farm will have their own traffic light, so that won't
3 be an issue for them getting out of their property.

4 I can't think of anything else. Like I
5 said, I have more questions than statements. It's
6 just another situation, like I say, I'd hate to be in
7 the southern part of the Delaware County. The
8 traffic is so bad down there, it's our local last
9 chance. And there might be further development with
10 a roundabout if they take North Road down. There's
11 going to be more development down there. I don't
12 know. It might be Evans Farm that settles all that.

13 So as far as the safety thing, I guess my
14 question is, Who proposed this whole thing, if there
15 were some issues?

16 I think that's all I have in my notes.
17 Thank you.

18 THE ATTORNEY EXAMINER: Thank you.

19 That concludes the witnesses who signed
20 up to testify. Is there anybody else who would like
21 to testify tonight?

22 Seeing no one, I would like to thank
23 everyone for coming this evening. This will conclude
24 this evening's public hearing, and it will be
25 submitted on the record for the Commission's

1 consideration in this case.

2 The staff and I will be here for a while
3 in case you have questions about the Commission's
4 process or how to file to the case record should you
5 choose to do so.

6 Thank you and have a nice evening.

7 This hearing is adjourned.

8 (The hearing adjourned at 6:45 p.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Tuesday, July 9, 2019, and carefully compared with my original stenographic notes.

Rosemary Foster Anderson
 Rosemary Foster Anderson,
 Professional Reporter and Notary
 Public in and for the State of
 Ohio.

My commission expires April 5, 2024.

(rfa-90311)



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Case No(s). 19-0180-RR-UNC

Summary: Transcript In the Matter of the Joint Petition of Norfolk Southern Railway Company and CSX Transportation, Inc. to close the Franklin Street Crossings (DOT Nos. 481482D & 518257V) in Orange Township, Delaware County, hearing held on July 9, 2019. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.