

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE PETITION OF
NORFOLK SOUTHERN RAILWAY
COMPANY TO CLOSE TO VEHICULAR
TRAFFIC THE ESTERLY DRIVE/TR1704
GRADE CROSSING (DOT No. 502-
903Y), LOCATED IN FAIRFIELD
TOWNSHIP, COLUMBIANA COUNTY,
OHIO.

CASE NO. 15-508-RR-UNC

ENTRY

Entered in the Journal on August 2, 2019

{¶ 1} On March 12, 2015, Norfolk Southern Railway Company (NS) filed a petition to close the Esterly Drive/TR1704 grade crossing (DOT No. 502-903Y), located in Fairfield Township, Columbiana County, Ohio.

{¶ 2} By Entry on May 19, 2015, the Fairfield Township Board of Trustees' (Fairfield) motion to intervene was granted and a local public hearing was scheduled for June 22, 2015. On June 22, 2015, in accordance with R.C. 4907.475, a public hearing was held in Columbiana County, Ohio. Since the date of the public hearing, the parties have been in discussions regarding the grade crossing.

{¶ 3} On May 10, 2016, NS and Fairfield jointly filed a request to defer the scheduling of the evidentiary hearing. The parties stated the area north of the crossing is subject to an annexation petition with a decision expected in September 2016. Thereafter, the attorney examiner granted the motion to defer and directed the parties to file a status update in October 2016. On October 31, 2016, the parties filed a status update requesting a conference call be scheduled in order to establish a procedural schedule, as there is no current annexation petition pending.

{¶ 4} The attorney examiner issued an Entry scheduling a conference call for January 11, 2017, which was conducted as scheduled. Thereafter, the attorney examiner scheduled another conference call for April 19, 2017.

{¶ 5} Since the last formally scheduled conference call, the parties continue to have ongoing settlement discussions. The parties have consistently provided the attorney examiner with status updates through quarterly conference calls. The last status update took place on August 2, 2019. The attorney examiner finds that the parties are continuing to progress towards a possible resolution. Both NS and Fairfield agree to continue negotiations and to provide a status update on October 11, 2019. The parties should contact the attorney examiner at that time.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That a conference call be scheduled in accordance with Paragraph 5. It is, further,

{¶ 8} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Nicholas J. Walstra

By: Nicholas J. Walstra
Attorney Examiner

JRJ/hac

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Case No(s). 15-0508-RR-UNC

Summary: Attorney Examiner Entry scheduling conference call electronically filed by Heather A Chilcote on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission