

[illegible]

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

[illegible]

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.

Case No. 19-180-RR-UNC

PRE-FILED TESTIMONY OF
EARNEST “LEON” JACKSON OF
NORFOLK SOUTHERN RAILWAY
COMPANY

D. Casey Talbott (0046767)
(Counsel of Record)
Mark W. Sandretto (0079536)
EASTMAN & SMITH LTD.
One SeaGate, 24th Floor
P. O. Box 10032
Toledo, Ohio 43699-0032
Telephone: (419) 241-6000
Fax: (419) 247-1777
E-Mail: dctalbott@eastmansmith.com

Attorneys for Co-Petitioner
Norfolk Southern Railway Company

[illegible]

Co-Petitioners Norfolk Southern Railway Company and CSX Transportation, Inc., intend to offer the sworn testimony of Earnest “Leon” Jackson, as if on direct examination, as follows:

DIRECT EXAMINATION OF LEON JACKSON

Good morning Mr. Jackson.

Q. Would you state your full name for the record?

A. Ernest "Leon" Jackson

Q. And what is your professional address?

A. We're in the process of moving to a new building, that address is 650 West Peachtree Street, N.W., Atlanta, Georgia.

Q. And I understand you are employed by Norfolk Southern Railway Company?

A. Technically by Norfolk Southern Corporation, Norfolk Southern Railway Company is a subsidiary of that.

Q. Would you tell us in what capacity?

A. I'm the manager of grade crossing safety.

Q. Is this for just the State of Ohio, or throughout Norfolk Southern's system?

A. Throughout the system.

Q. So how many states does this include?

A. 22.

Q. Mr. Jackson how long have you been working with Norfolk Southern?

A. Twenty-one years.

Q. And how long in grade crossing safety?

A. Six years now.

Q. Mr. Jackson is one of your responsibilities evaluating what crossings throughout the system may be appropriate for closure?

A. Yes.

Q. And why do you do this?

A. Safety. Safety. Safety. A number of years ago the FRA asked railways to work with the states, toward identifying crossings which may be appropriate for closure, with

the goal of reducing the number of public crossings, nationwide. If there's not a demonstrable need for a crossing, then primarily for safety reasons, we'd like to close it.

Q. And Mr. Jackson we are here today to talk about one set of crossings in particular – that is, the Franklin Street grade crossings in Orange Township, Delaware County, Ohio. Are you familiar with these crossings?

A. Yes.

Q. Have you ever actually eyeballed the crossings – you know, boots on the ground?

A. Yes.

Q. Have you ever driven over them?

A. Yes.

Q. How about the adjacent crossings and roadways – have you reviewed and driven those as well?

A. Yes.

Q. Mr. Jackson, by way of housekeeping, we've marked three Google aerials of the crossing, the first from further out, the second a bit closer, and the third closer yet. We'll call these NS Exhibits # 1, 2, and 3, respectively. Can you confirm for the record that these three aerials truly and accurately depict the Franklin Street crossings which we're here to talk about, today?

A. Yes I can. And they do.

Q. I was hoping you could help give the Hearing Officer greater information regarding the Franklin Street crossings, Franklin Street itself, and the adjacent crossings and roadways. Okay?

A. Yes, sure.

Q. First, let's talk about the Franklin Street crossings themselves. To your understanding, what is the approximate daily vehicle count at these crossings?

A. Per the FRA and PUCO inventories, the Franklin crossings experience approximately 64 vehicles per day. That may be a bit high, or low; but in any event these are very lightly traveled crossings.

Q. And what is the approximate train count at these crossings?

- A. Per those same inventories, NS is identified as running approximately 38 trains a day through these crossings. CSXT is identified as running fewer, to my understanding approximately four trains per day.
- Q. Mr. Jackson let's talk for a moment about the adjacent crossings, at Lewis Center Road. What is the approximate vehicle count at these crossings?
- A. Per the inventories, the Lewis Center crossings experience approximately 10,295 vehicles a day. I understand that the County Engineer testified that it may be a bit less than that, perhaps 8000 to 10,000 vehicles a day, with these crossings able to absorb approximately twice that.
- Q. Mr. Jackson, so we are on the same page here, if the Franklin Street crossings are closed and vehicular traffic is redirected to Lewis Center, we would be talking about redirecting somewhere around 64 vehicles per day, so an average of 2.6 vehicles per hour?
- A. Yes, that's right.
- Q. And I assume that the train count for the Lewis Center crossings is the same as at Franklin?
- A. Yes.
- Q. And at what approximate speed are the NS trains traveling?
- A. In that stretch, our trains typically run between 40 and 60 mph.
- Q. Let's chat for a minute about the involved roadways and adjacent crossings. First, how would you describe the Franklin Street roadway?
- A. Well, it's a cut-through street. It's about 1/3rd of a mile long, and runs from 5th Street on the east to just a bit past Center Street, on the west. Look at NS Exhibit 2, that helps.
- Q. Is Franklin Street more narrow or wider than the adjacent roadways?
- A. It's narrow, not wide enough for two cars to pass, comfortably. In fact, at the public hearing one of the witnesses confirmed just that – he said that Franklin is one car or so wide.
- Q. Mr. Jackson let's talk for a minute about the adjacent crossings. First, how far from the Franklin Street crossings are the adjacent crossings on Lewis Center?
- A. Well the Lewis Center crossings are practically right on top of Franklin, less than 1/10th of a mile away. They're actually just 6/100^{ths} of a mile away. If you're

standing on Franklin it seems like you can practically reach out and touch Lewis Center. That's to the north. And then a bit further north, you've got the Shanahan crossings. Those are exactly one mile from Franklin. Those – Lewis Center and Shanahan – are the two sets of crossings within one linear mile of Franklin. Then to the south, you've got the East Orange Road crossings, which are 1.65 miles from Franklin.

Q. Mr. Jackson would you describe for me the warning devices at Franklin compared to those at the adjacent crossings?

A. Yes, the Franklin crossings have passive warning devices, so crossbucks, yield, and stop signs. The Franklin crossings do not have active warning devices, meaning no lights and gates.

Q. How about the other crossings we've referenced, are they protected by passive warning devices, or active?

A. The adjacent crossings are protected by active warning devices, lights and gates.

Q. So in the event the Franklin crossings are closed, and the relatively low number of vehicles are redirected to adjacent crossings, these vehicles are being redirected to crossings with active warning devices, as opposed to passive, is that correct?

A. Yes, you're correct.

Q. Mr. Jackson can you also describe the profiles of the crossings?

A. Sure.

Q. Well first, would you tell us what is meant by the term profile?

A. Yes, by profile we're talking about the vertical grade as a vehicle approaches the tracks, and crosses them.

Q. Okay, picking back up, please describe the profile of Franklin compared to the adjacent crossings.

A. Franklin does not have as favorable of a profile as the adjacent crossings. Stated another way, it's more humped, less level.

Q. So again, in the event the Franklin crossings are closed, and vehicles are redirected, these vehicles are being redirected to crossings with lower profiles, correct?

A. Yes.

- Q.** Okay thanks. Mr. Jackson, can you just briefly speak to the sight distance at the adjacent crossings?
- A.** Yes. There do not appear to be any permanent sight obstructions at any of the adjacent crossings. And again, the adjacent crossings are protected by active warning devices, as opposed to passive.
- Q.** Mr. Jackson is there anything else that concerns you regarding the Franklin crossings.
- A.** Well yes. As I'd said, we've got a narrow road (and crossing), with a less favorable profile than the adjacent crossings, and it's protected by passive as opposed to active warning devices. What we haven't talked about is the gap that exists between the three tracks. The two Norfolk Southern tracks are in close proximity. But there's a fairly sizeable gap between the Norfolk Southern tracks and the CSXT track.
- Q.** By sizeable, what are we talking about?
- A.** Well I haven't physically measured it. But I'd estimate that it's about the size of an 18-wheeler. I know we looked at a Google aerial, the other day, which captures this gap fairly well.
- Q.** Is that NS Exhibit 3?
- A.** Yes.
- Q.** Mr. Jackson I would like to talk to you for a bit more about the potential impact of closing the Franklin Street crossings. First, you've had the opportunity to review the transcript from the public hearing, correct?
- A.** Yes.
- Q.** So you're aware that a number of citizens testified that this – closing the Franklin crossings – would make it less convenient for them to get from one side of the tracks to the other. Did you read that?
- A.** Yes.
- Q.** And what's your response to that?
- A.** Well I have three. First, closing the Franklin crossings would require these folks to detour 6/100^{ths} of a mile to the north, then 6/100^{ths} of a mile back. This assumes they're just going from one part of their village to the other. Second, if they're going anywhere else, such as to the Kroger area, to the west on Lewis Center, then it adds no time or distance whatsoever.

Q. Please explain.

A. Well as I'd said, Franklin is a mere cut-through, it's not a through street. If you're going anywhere, such as to the Kroger area, you've got to divert to Lewis Center. So either way, you're going to have to head 1/10th of a mile, actually a bit less than that, to the north. You can see this if you look at NS Exhibit 1.

Q. Oh, you said you had a third response.

A. I do. And it's probably the most important. Convenience, saving folks 1/10th of a mile or less, simply isn't a good reason to keep any crossing open. That's not the issue. The issue is whether there is a demonstrable need for these crossings to exist. There isn't. The Franklin crossings are redundant, and they're not vital to this community's existence. In light of the immediately adjacent, alternate crossings, the Franklin crossings simply aren't necessary. And from a safety perspective, these crossings should be closed.

Q. You've also had the opportunity to review or discuss testimony of certain of the township and county witnesses, correct?

A. Yes.

Q. And fair to say that there's a concern voiced by these folks with respect to the EMS station located in the northeast quadrant of the crossing?

A. Yes, that's what they said.

Q. Well what's your response?

A. This doesn't change anything.

Q. Explain.

A. Sure. Look at the County's EMS run-card (NS Exhibit 4). To my understanding the township and county witnesses admit that three of the four quadrants serviced by the adjacent EMS station (Medic 3) are located on the east side of the tracks, meaning on the same side as the EMS station. EMS does not have to cross the tracks to get to those quadrants. So closing Franklin would have absolutely no impact on service to those quadrants. That leaves the fourth quadrant, which a number of folks referred to as the Kroger area. Well there's no impact on EMS getting there, either.

Q. Again, please explain.

A. Well as I'd stated before, Franklin is not a through street. So if Medic 3 is heading to the Kroger area, it has to head over to Lewis Center. That's the only way it can get there. Closing Franklin would simply mean it would head due north, to Lewis Center, first, as opposed to crossing the tracks at Franklin and then heading over within the next block or two. Again, look at NS Exhibit 1 for that.

Q. Anything else?

A. Yes, the only area impacted, at all, by closing Franklin would be the eight or so homes to the immediate west of the crossing. Because if Medic 3 is serving these homes, then like the village residents, it would have to detour 6/100^{ths} of a mile to the north, then 6/100^{ths} of a mile back.

Q. And how significant of a concern is that?

A. Well first of all, with sirens blaring, this detour adds only a number of seconds. And second, let me just say this – to my understanding a number of township and county witnesses testified that, even in instances where the Franklin and/or Lewis Center crossings have been closed for a period of time, the County has had no difficulty in providing EMS service to its residents, well within the national standard. So I just don't find the concern credible.

Q. Thank you. Mr. Jackson based upon your experience in grade crossing safety, and your review and analysis of the Franklin Street crossings in particular, do you have an opinion with respect to whether there is a demonstrable need for the Franklin Street crossings?

A. I do.

Q. And what is your opinion?

A. That there is no demonstrable need for these crossings.

Q. And just briefly, can you recap the bases for your opinion?

A. Well for the most part, just what I have already stated. Franklin is a short, narrow cut-through street which is very lightly traveled. Its crossings are humped, with a sizeable gap between the tracks, and are protected by passive warning devices. So from a safety standpoint, we just don't like them. And assuming they're closed, the relatively small number of vehicles impacted could be easily diverted and absorbed onto Lewis Center, which is located only 6/100^{ths} of a mile to the north, and is protected by active warning devices. The Franklin crossings are redundant. There is no demonstrable need for them. Period. And for safety reasons, above all else, we join the ORDC in requesting that the Franklin Street crossings be closed.

Thank you Mr. Jackson, that's all I have for now.

Respectfully submitted,

/s/ R. Leland Evans

R. Leland Evans (0006833)
(Trial Attorney)
Richard J. Silk, Jr. (0074111)
DICKIE, MCCAMEY & CHILCOTE, P.C.
250 Civic Center Dr., Suite 280
Columbus, Ohio 43215
Telephone: (614) 258-6000
Facsimile: (614) 258-6006
revans@dmclaw.com
rsilk@dmclaw.com

Attorneys for Co-Petitioner
CSX Transportation, Inc.

/s/ D. Casey Talbott

D. Casey Talbott (0046767)
(Trial Attorney)
Mark W. Sandretto (0079536)
EASTMAN & SMITH LTD.
One SeaGate, 24th Floor
P.O. Box 10032
Toledo, Ohio 43604-0032
Telephone: 419-241-6000
Facsimile: 419-247-1777
dctalbott@eastmansmith.com
mwsandretto@eastmansmith.com

Attorneys for Co-Petitioner
Norfolk Southern Railway Company

CERTIFICATE OF SERVICE

A copy of the **foregoing Pre-Filed Testimony of Earnest “Leon” Jackson of Norfolk Southern Railway Company** was filed electronically with the Commission this 5th day of October, 2021. Notice of this filing will be sent by operation of the Commission's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Commission's system.

/s/ D. Casey Talbott

D. Casey Talbott
Attorney for Co-Petitioner
Norfolk Southern Railway Company







Google Earth

2nd St

Franklin St

Lewis Center Rd

3rd St

Woodgate home store

Lewis Center Barber Shop

Delaware County EMS Station 3

North Unitarian Universalist

NS Exhibit 3

100 ft



This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/5/2021 3:51:36 PM

in

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

Summary: Testimony Pre-Filed Testimony of Earnest "Leon" Jackson of Norfolk Southern Railway Company electronically filed by Mr. D. Casey Talbott on behalf of Talbott, D. Casey Mr. and Norfolk Southern Railway Company