

## THE PUBLIC UTILITIES COMMISSION OF OHIO

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 AND  
518257V) IN ORANGE TOWNSHIP,  
DELAWARE COUNTY, OHIO.

CASE NO. 19-180-RR-UNC

### ENTRY

Entered in the Journal on February 25, 2021

{¶ 1} On January 28, 2019, Norfolk Southern Railway Company (NS) and CSX Transportation, Inc. (CSX) (collectively, the Railroads) filed a joint petition to close the Franklin Street grade crossings (DOT Nos. 481482D and 518257V), located in Orange Township, Delaware County, Ohio. The Railroads state that Franklin Street is intersected by NS's Lake Division double main line and CSX's Great Lakes Division Columbus single main line.

{¶ 2} On June 8, 2020, the attorney examiner scheduled an evidentiary hearing to convene on August 3, 2020. By Entry issued July 23, 2020, the attorney examiner rescheduled the hearing to convene on November 16, 2020, at 10:00 a.m. Subsequently, on October 28, 2020, after a prehearing conference with the attorney examiner to discuss the status of the case, NS, CSX, the Delaware County Board of Commissioners, and Delaware County Engineer and Orange Township (collectively, Joint Movants) filed a joint motion to continue the evidentiary hearing. By Entry issued November 6, 2020, the attorney examiner granted Joint Movants' motion and continued the hearing to March 2, 2021.

{¶ 3} On February 18, 2021, Joint Movants filed a second motion for continuance to reschedule the hearing. Joint Movants represent that, after extended discussions, the parties have reached an agreement in principle to resolve this matter. However, Joint Movants state that the parties still have to work through certain details and prepare and execute the related paperwork. In order to give counsel a reasonable window of time to accomplish such, Joint Movants request a continuance of the scheduled evidentiary hearing for 75 days. Joint

Movants expect that this timeframe should be sufficient to enable the parties to prepare and execute the confirmatory paperwork, thereby dismissing this matter.

{¶ 4} After review of the joint motion and in light of the representations made by Joint Movants that an agreement in principle has been met, the attorney examiner finds that Joint Movants' request is reasonable and should be granted. Accordingly, the attorney examiner reschedules the hearing to convene on June 1, 2021, at 10:00 a.m. Unless otherwise ordered, the hearing will be held remotely. Additional details will be provided to the parties in a future entry.

{¶ 5} Any party intending to present direct testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony be filed and served upon all parties no later than seven days prior to the commencement of the hearing.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That the March 2, 2021 hearing be rescheduled to June 1, 2021, in accordance with Paragraph 4. It is, further,

{¶ 8} ORDERED, That a copy of this Entry be served on the Delaware County Board of Commissioners, the Orange Township Trustees, the Ohio Rail Development Commission, NS and CSX and their respective counsel, the Delaware County Engineer, and any other parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Lauren L. Augostini

By: Lauren L. Augostini  
Attorney Examiner

SJP/hac

**This foregoing document was electronically filed with the Public Utilities**

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

Summary: Attorney Examiner Entry ordering that the March 2, 2021 hearing be rescheduled to June 1, 2021, in accordance with Paragraph 4 electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Attorney Examiner, Public Utilities Commission of Ohio