

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 CLOSE  
THE FRANKLIN STREET CROSSING IN ORANGE  
TOWNSHIP, DELAWARE COUNTY, OHIO

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Zoom deposition of
ROBERT RILEY

January 15, 2021

10:05 a.m.

Taken at:

Witness Location

Delaware, Ohio

Kimberly A. Kaz, RPR, Notary Public

Job No. CS4391134

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the CSX Transportation,</p> <p>4 Inc.:</p> <p>5 Dickie McCamey & Chilcote</p> <p>6 R. LELAND EVANS, ESQ.</p> <p>7 RICHARD J. SILK, JR., ESQ.</p> <p>8 (via Zoom)</p> <p>9 250 Civic Center Drive, Suite 280</p> <p>10 Columbus, Ohio 43215</p> <p>11 (614) 258-6000</p> <p>12 revans@dmclaw.com</p> <p>13 rsilk@dmclaw.com</p> <p>14</p> <p>15 On behalf of the Delaware County</p> <p>16 Engineer; Orange Township:</p> <p>17 Delaware County Prosecutor's Office</p> <p>18 CHRISTOPHER D. BETTS, ESQ.</p> <p>19 (via Zoom)</p> <p>20 145 North Union Street, 3rd Floor</p> <p>21 Delaware, Ohio 43015</p> <p>22 (740) 833-2690</p> <p>23 cbetts@co.delaware.oh.us</p> <p>24 ~ ~ ~ ~ ~</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 TRANSCRIPT INDEX</p> <p>2</p> <p>3 APPEARANCES..... 2</p> <p>4</p> <p>5 EXAMINATION OF ROBERT RILEY</p> <p>6 By Mr. Talbott..... 5</p> <p>7 By Mr. Evans..... 19</p> <p>8 By Mr. Betts..... 36</p> <p>9 By Mr. Talbott..... 45</p> <p>10 By Mr. Evans..... 48</p> <p>11</p> <p>12 REPORTER'S CERTIFICATE..... 50</p> <p>13</p> <p>14 EXHIBIT CUSTODY</p> <p>15 NO EXHIBITS MARKED</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On behalf of the Board of Commissioners:</p> <p>4 Delaware County Commissioners</p> <p>5 ARIC I. HOCHSTETTLER, ESQ.</p> <p>6 (via Zoom)</p> <p>7 140 North Sandusky Street</p> <p>8 Delaware, Ohio 43015</p> <p>9 (740) 833-2690</p> <p>10 ahochstettler@co.delaware.oh.us</p> <p>11</p> <p>12 On behalf of Norfolk Southern Railway</p> <p>13 Company:</p> <p>14 Eastman & Smith, Ltd.</p> <p>15 D. CASEY TALBOTT, ESQ.</p> <p>16 (via Zoom)</p> <p>17 One Seagate, 24th Floor</p> <p>18 550 North Summit Street</p> <p>19 Toledo, Ohio 43604</p> <p>20 (419) 247-1845</p> <p>21 dctalbott@eastmansmith.com</p> <p>22 ~ ~ ~ ~ ~</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 (Remote oath stipulation.)</p> <p>2 ROBERT RILEY, of lawful age, called</p> <p>3 for examination, as provided by the Ohio Rules</p> <p>4 of Civil Procedure, being by me first duly</p> <p>5 sworn, as hereinafter certified, deposed and</p> <p>6 said as follows:</p> <p>7 EXAMINATION OF ROBERT RILEY</p> <p>8 BY MR. TALBOTT:</p> <p>9 Q. Mr. Riley, my name is Casey</p> <p>10 Talbott. I represent Norfolk Southern in the</p> <p>11 petition that's pending currently.</p> <p>12 MR. TALBOTT: I guess, before we</p> <p>13 get going, counsel, are we okay with the same</p> <p>14 stipulations as yesterday?</p> <p>15 MR. EVANS: Okay by Lee Evans.</p> <p>16 MR. BETTS: Yes.</p> <p>17 MR. HOCHSTETTLER: Yes. Good with</p> <p>18 me.</p> <p>19 MR. TALBOTT: All right. Thanks</p> <p>20 all.</p> <p>21 Q. Mr. Riley, I don't expect we're</p> <p>22 going to take up your whole morning. We've</p> <p>23 spent some time with some other witnesses from</p> <p>24 the county and township. They've spent</p> <p>25 considerable time walking us through this. I</p>

<p style="text-align: right;">Page 6</p> <p>1 think that'll expedite things with you, but, of 2 course, we want to hear what you have to say. 3 If I ask anything and you don't 4 understand it, let me know, and I'll try to 5 clarify that. 6 And if you need a break or 7 something, let us know, but my hope is I'm 8 going to be real short -- relatively short. 9 Lee and/or his associate, Rick, may have some 10 questions for you as well, all right? 11 Could we start by -- could you give 12 me your professional address, please? 13 A. Yes. Address is 52 Channing 14 Street, Delaware, Ohio 43015. 15 MR. TALBOTT: And off the record 16 for a second. 17 (Discussion held off the record.) 18 Q. Mr. Riley, just briefly, what is 19 your -- what's your educational background? 20 A. I have a Bachelor of science in 21 civil engineering from Ohio Northern 22 University. Graduated in 2000. 23 Q. All right. Where'd you go to high 24 school? 25 A. Westerville South High School,</p>	<p style="text-align: right;">Page 8</p> <p>1 you've been there in 2000, fair to say? 2 A. Yes. 3 Q. Okay. And then my notes, because 4 we have talked informally a number of months 5 back, I think it was back in July, I think 6 you're currently the chief deputy engineer for 7 Delaware County? 8 A. That's correct. 9 Q. And you've been in that role for 10 approximately ten years? 11 A. Correct. 12 Q. What -- just loosely or generally, 13 what are your -- what are your duties as chief 14 deputy engineer? 15 A. I'm -- I'm basically the assistant 16 to the county engineer. I handle most of 17 the -- most of the day-to-day oversight of the 18 county engineer's office. I manage the capital 19 project program, which is basically the road 20 and bridge update and maintenance for about 345 21 miles, give or take, of county roads. Also 22 assist townships within the county on matters 23 relating to road and bridge maintenance. 24 Q. Okay. Who's the county engineer 25 currently?</p>
<p style="text-align: right;">Page 7</p> <p>1 graduated in 1995. 2 Q. So you're back home? 3 A. I am. 4 Q. All right. What -- do you hold any 5 special certifications or anything? 6 A. Yes. I'm -- I'm a Registered 7 Professional Engineer in Ohio, licensed in 8 2003, and I'm also a Registered Professional 9 Surveyor, licensed in Ohio in 2016. 10 Q. Okay. Great. 11 What is your -- who is your 12 employer currently? 13 A. I work for the Delaware County 14 Engineer. 15 Q. And how long have you worked for 16 Delaware County? 17 A. I first started with Delaware 18 County in 1997 as an intern, and then was hired 19 full time in May of 2000 after graduating, and 20 I've been with Delaware County since then. 21 Q. Mr. Riley, what were you hired in 22 as in -- in May of 2000? 23 A. I was hired as a design engineer. 24 That's it. 25 Q. That area's been booming since</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Chris Bauserman. 2 Q. As chief deputy engineer, do you 3 play any role with regard to assigning run 4 cards for emergency services? 5 A. No. 6 Q. And, I guess, a better question is: 7 Determining what facilities are going to 8 service what areas of townships or counties, 9 that's not your role? 10 A. No, it's not. 11 Q. Okay. 12 MR. EVANS: Lee Evans here. Let me 13 just indicate on the record. Rick tells me 14 he's on by phone. He's not showing up on my 15 list of participants, but I just want the 16 record to reflect that I believe he's connected 17 by phone. 18 MR. SILK: I am, if everybody can 19 hear me. 20 MR. EVANS: Yes. 21 MR. TALBOTT: Yes. 22 MR. BETTS: Yes. 23 MR. SILK: Thank you. 24 Q. All right. Great. I'll go back to 25 where we were.</p>

<p style="text-align: right;">Page 10</p> <p>1 The -- working with Delaware County</p> <p>2 for 20 years now anyway, I trust you're</p> <p>3 familiar with the Franklin Street grade</p> <p>4 crossing?</p> <p>5 A. Yes.</p> <p>6 Q. And also with the Medic 3 station</p> <p>7 that is adjacent to the crossing?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. I'm going to ask you just a</p> <p>10 few questions about that. The -- and I don't</p> <p>11 know if you have a map in front of you, but</p> <p>12 witnesses yesterday testified that Medic 3</p> <p>13 station is on the northeast quadrant of where</p> <p>14 Franklin Street intersects with the railroad</p> <p>15 tracks. Would you agree with that?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So it is -- so it's on the</p> <p>18 east -- it would be on the east as opposed to</p> <p>19 the west side of the tracks, correct?</p> <p>20 A. Yes.</p> <p>21 Q. All right. So in the event Medic 3</p> <p>22 is serving any areas to the east, the closure</p> <p>23 of the Franklin Street crossing would have no</p> <p>24 apparent impact because the -- the responder</p> <p>25 would have no need to traverse the tracks. Is</p>	<p style="text-align: right;">Page 12</p> <p>1 going to go through just a few limited</p> <p>2 instances since 2010 when we know what looks</p> <p>3 like Franklin and/or Lewis Center crossings</p> <p>4 were closed, but before I go there, tell us how</p> <p>5 that hits your radar. How do you become aware</p> <p>6 that a crossing is going to need to be taken</p> <p>7 down for a period of time?</p> <p>8 A. There is a -- a permit process</p> <p>9 managed by our office when there is a necessary</p> <p>10 road closure on a county or township maintained</p> <p>11 road in Delaware County.</p> <p>12 Q. Okay. The permit process, is that</p> <p>13 a permit filed by the involved railroad?</p> <p>14 A. Yes.</p> <p>15 Q. All right. And then who in your</p> <p>16 office reviews the permit to make sure it's --</p> <p>17 or who reviews the permit?</p> <p>18 A. The permit would be submitted</p> <p>19 through our permit department to the attention</p> <p>20 of the permit clerk. In the case of a road</p> <p>21 closure, that would be first reviewed by her,</p> <p>22 and then if there's any questions about the</p> <p>23 closure or the necessity for detours or any</p> <p>24 other provisions that need to be put in place</p> <p>25 for a road closure, those questions or either</p>
<p style="text-align: right;">Page 11</p> <p>1 that safe to say?</p> <p>2 MR. BETTS: Objection. You can</p> <p>3 answer, Rob.</p> <p>4 Q. Or are you uncomfortable talking</p> <p>5 about that? I just -- do you deal much with</p> <p>6 the emergency responders? Is that something</p> <p>7 that's in your bailiwick or outside?</p> <p>8 A. It's not something I deal with with</p> <p>9 any regularity, so no, I'm not -- probably not</p> <p>10 the right person to ask about that.</p> <p>11 Q. Okay. So if we're going to talk to</p> <p>12 county or township witnesses about Medic 3 and</p> <p>13 where -- what areas it services and how it</p> <p>14 accomplishes that, there would be better people</p> <p>15 in the county or township to talk to than you;</p> <p>16 is that fair?</p> <p>17 A. That's fair.</p> <p>18 Q. Okay. Good enough.</p> <p>19 You do have -- as an engineer, you</p> <p>20 do have familiarity with regard to instances</p> <p>21 when railroad crossings are closed to vehicular</p> <p>22 traffic. That's something that hits your</p> <p>23 radar, correct?</p> <p>24 A. Correct.</p> <p>25 Q. And tell us how that -- and I'm</p>	<p style="text-align: right;">Page 13</p> <p>1 directed at me or to, currently, the office</p> <p>2 administrator. Previously, that job was</p> <p>3 handled by the utility and permit coordinator.</p> <p>4 We've had a reorganization within the office</p> <p>5 probably within the last year reassigning some</p> <p>6 of those duties.</p> <p>7 So, in general, those issues only</p> <p>8 come to me if there's a question about the</p> <p>9 detour, the appropriateness of the length of</p> <p>10 closure and any coordination that needs to be</p> <p>11 done between the other closures and a proposed</p> <p>12 closure.</p> <p>13 Q. Okay. I don't know that we'll need</p> <p>14 this, but who is the permit clerk currently, or</p> <p>15 her?</p> <p>16 A. Michelle Strohl.</p> <p>17 Q. How do you spell "Strohl"?</p> <p>18 A. S-t-r-o-h-l.</p> <p>19 Q. Okay. Great.</p> <p>20 And she's at the same physical</p> <p>21 address as you?</p> <p>22 A. Yes.</p> <p>23 Q. Counsel was kind enough to provide</p> <p>24 to us -- we, the railroads, collectively asked</p> <p>25 for instances where Franklin or Lewis Center</p>

<p style="text-align: right;">Page 14</p> <p>1 had been -- the crossings had been closed since 2 2010, and I'm aware of three instances. I 3 wanted to bounce those off you real quick just 4 to see if you had -- I don't know if you have 5 access to the paperwork or if you have a 6 general familiarity.</p> <p>7 The first one was in November of 8 '10. It looks like Lewis Center was closed for 9 about four days. Is that something that you 10 could access or see?</p> <p>11 A. It's not something I have in front 12 of me, so it would take probably several 13 minutes for me to track that down.</p> <p>14 Q. Okay. But if the paperwork -- a 15 big raccoon is walking through my backyard. I 16 don't know if it's good or bad. I thought the 17 record should reflect that.</p> <p>18 If the records supported that, 19 that's something that you would defer to, fair 20 to say?</p> <p>21 A. Yeah. I would defer to the 22 records.</p> <p>23 Q. Okay. And then do you recall, in 24 August of 2014 time frame, when Franklin and 25 Lewis Center were both closed for about ten</p>	<p style="text-align: right;">Page 16</p> <p>1 county or township are able to comply with the 2 national industry standard?</p> <p>3 A. No.</p> <p>4 Q. Okay. So, again, any questions 5 with regard to the national industry standard, 6 what that is and whether -- and to what extent 7 the county and township are able to comply and 8 whether and to what extent that would be 9 impacted or may be impacted by railroad 10 closures for any period of time, other 11 witnesses would be better in that regard, fair?</p> <p>12 A. That's fair.</p> <p>13 Q. Okay. Mr. Riley, do you recall 14 back in June of August of 2019 time frame when 15 Lewis Center Road was closed for roundabout 16 construction?</p> <p>17 A. I do.</p> <p>18 Q. Okay. In that instance, per our 19 informal conversation, I understood that the 20 through traffic detour was routed not to 21 Franklin Street, but to Orange to the south and 22 then I think Shanahan to the north; is that 23 accurate?</p> <p>24 A. That's my recollection.</p> <p>25 Q. Okay. The -- I talked about your</p>
<p style="text-align: right;">Page 15</p> <p>1 days?</p> <p>2 A. I don't recall it specifically, and 3 I would have to defer to the records on that.</p> <p>4 Q. Okay. And then in 2015, per the 5 records, it looked like Franklin was closed 6 about ten days. Again, you'd defer to the 7 records?</p> <p>8 A. I would.</p> <p>9 Q. When -- when the crossings are 10 closed for any period of time, do you play any 11 role in determining what, if any, impact this 12 may have on the provision of emergency 13 services, or is that something that -- that 14 other folks within the county or township 15 handle?</p> <p>16 A. That's not something I handle.</p> <p>17 Q. Okay. How about the county and 18 township both being the -- being able to 19 provide emergency services within the -- the 20 national standard, is that something that you 21 play any role in?</p> <p>22 A. It's not something I'm involved in.</p> <p>23 Q. Okay. Has that been something that 24 you've had any discussions with them about over 25 the years is whether and to what extent the</p>	<p style="text-align: right;">Page 17</p> <p>1 familiarity with where the Medic 3 station is 2 located and Franklin Street. I'm just going to 3 ask you a few questions about Franklin. Would 4 you agree that it is less than a third of a 5 mile long total?</p> <p>6 A. Are you referring to the Franklin 7 Street?</p> <p>8 Q. Yes, I am.</p> <p>9 A. I would have to look.</p> <p>10 Q. And let's -- and you can feel free 11 to look. Would you agree with me that it's a 12 relatively short road as opposed to being a 13 through street?</p> <p>14 A. Yes, that's fair.</p> <p>15 Q. Okay. And if Google indicated it 16 was just less than a third of a mile long, you 17 would defer to that?</p> <p>18 A. I would.</p> <p>19 Q. Okay. And when I talked about it 20 not being a through street, it -- would you 21 agree that it comes to a T-end to the east at 22 Fifth Street; is that accurate?</p> <p>23 A. That's as far east as it goes. I 24 don't know if I'd call it a T, but I would 25 agree that it does end at Fifth Street.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q. Okay. And then I guess it's more</p> <p>2 accurately described as an L. Would that --</p> <p>3 would you be more comfortable with that?</p> <p>4 A. That's probably fair.</p> <p>5 Q. Okay. And then if we're talking</p> <p>6 about to the west, in essence, it Ts at Center,</p> <p>7 although I understand it dead ends just past</p> <p>8 Center; is that fair?</p> <p>9 A. Yes. Franklin Street does dead end</p> <p>10 at Center, but does not extend to any further</p> <p>11 road.</p> <p>12 Q. Would you agree that Franklin</p> <p>13 Street itself is relatively narrow?</p> <p>14 A. I guess it depends on what your</p> <p>15 definition of narrow is.</p> <p>16 Q. Okay. If we're talking about two</p> <p>17 vehicles, one heading one direction, the other</p> <p>18 heading the other, is that something they could</p> <p>19 comfortably traverse or do they have to scoot a</p> <p>20 little bit to the edge?</p> <p>21 A. I know two vehicles can pass each</p> <p>22 other on that road. I can't say as to how fast</p> <p>23 it would be appropriate to pass one another.</p> <p>24 Q. Okay. It's certainly not as</p> <p>25 significant of a roadway as, for instance,</p>	<p style="text-align: right;">Page 20</p> <p>1 records that were produced related to closures</p> <p>2 at either the Lewis Center crossing or the</p> <p>3 Franklin Street crossing going back to 2010,</p> <p>4 and we had made that request through counsel.</p> <p>5 Were you aware of that request and in any way</p> <p>6 involved in gathering those records or at least</p> <p>7 having someone under your direction gather</p> <p>8 those records?</p> <p>9 A. Yes, I was involved in that, and</p> <p>10 I'm aware that those records were located and</p> <p>11 provided to counsel.</p> <p>12 Q. Okay. Thank you.</p> <p>13 And Mr. Talbott has already</p> <p>14 referenced the dates and that there are three</p> <p>15 separate days between 2010 and -- well, at the</p> <p>16 time of the production of this information. To</p> <p>17 the best of your knowledge, were all records</p> <p>18 produced relating to closures of those</p> <p>19 crossings such that we can understand that to</p> <p>20 the best of your knowledge and the county's</p> <p>21 records, there were three such incidents of</p> <p>22 closure at one or both of those crossings that</p> <p>23 roughly ten-year period?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And I'm looked at those</p>
<p style="text-align: right;">Page 19</p> <p>1 Lewis Center, correct?</p> <p>2 A. I would say that's correct.</p> <p>3 MR. TALBOTT: Okay. Mr. Riley, I</p> <p>4 told you I was going to be pretty quick with</p> <p>5 you, and that's -- I'm going to review my</p> <p>6 notes, but that's what I have for you this</p> <p>7 morning. And I'm going to defer at this point</p> <p>8 to other counsel, I presume Lee, if Lee has</p> <p>9 some questions, but I appreciate your time. I</p> <p>10 may ask you a question or two later, okay?</p> <p>11 THE WITNESS: Okay.</p> <p>12 MR. TALBOTT: Thanks.</p> <p>13 EXAMINATION OF ROBERT RILEY</p> <p>14 BY MR. EVANS:</p> <p>15 Q. Good morning, Mr. Riley. This is</p> <p>16 Lee Evans. I was on the call we had sometime</p> <p>17 this past fall, and I appreciate your time then</p> <p>18 and now. I do have a few questions for you.</p> <p>19 I'll be jumping around a little bit because I'm</p> <p>20 picking up on some of what was asked. If</p> <p>21 there's anything that's not clear or if the</p> <p>22 context of my question isn't clear, will you</p> <p>23 please let me know that?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Mr. Talbott referred to some</p>	<p style="text-align: right;">Page 21</p> <p>1 records that were produced and they consist of</p> <p>2 a couple of different records each time. It</p> <p>3 looks like when there is a closure of that</p> <p>4 nature, there is a press release that is</p> <p>5 typically issued so that, among other things,</p> <p>6 the general public would be aware that that</p> <p>7 road is going to be closed for a period of time</p> <p>8 and when that is going to happen, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And, similarly, it looked like</p> <p>11 there's -- there's some routing slips or</p> <p>12 routing information that looks to be prepared</p> <p>13 by your office so that it can be confirmed that</p> <p>14 the departments within the county offices that</p> <p>15 what seem to be Orange Township, I believe,</p> <p>16 would be made aware of that closure before the</p> <p>17 closure happens, correct?</p> <p>18 A. I know there is a slip, a routing</p> <p>19 slip attached. I'm not intimately familiar</p> <p>20 with what's on that slip, but to the extent</p> <p>21 that there is some routing, I believe there is.</p> <p>22 Q. All right. And then the general</p> <p>23 sense, you're aware that when there is going to</p> <p>24 be such a closure at a crossing, for example,</p> <p>25 those involved in emergency response for the</p>

<p style="text-align: right;">Page 22</p> <p>1 county or for the effected township such as</p> <p>2 Orange Township, you understand and would</p> <p>3 expect that they'd be notified of the closure,</p> <p>4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. In terms of reacting to that</p> <p>7 closure, you -- you, as the -- in the</p> <p>8 engineer's office, would not be involved in</p> <p>9 determining how EMS, fire, police should react</p> <p>10 to the closure, you would leave that to them to</p> <p>11 decide how to deal with the fact that there's</p> <p>12 going to be a closure for a period of time; is</p> <p>13 that correct?</p> <p>14 MR. BETTS: Did you understand the</p> <p>15 question, Rob?</p> <p>16 THE WITNESS: I understand the</p> <p>17 question.</p> <p>18 I would say that in most cases,</p> <p>19 yes, the engineer's office would leave it up to</p> <p>20 the -- to the other agencies and certainly to</p> <p>21 contact us with any questions. In some cases,</p> <p>22 we actually initiate some of those</p> <p>23 conversations where it is a prolonged closure</p> <p>24 that we're aware there's a significant impact</p> <p>25 to traffic or otherwise that is initiated by</p>	<p style="text-align: right;">Page 24</p> <p>1 at or about North Road for the installation of</p> <p>2 a traffic circle, correct?</p> <p>3 A. Yes. It -- the intersection was</p> <p>4 closed in 2019 for a roundabout construction,</p> <p>5 that's correct.</p> <p>6 Q. And is that -- is that a situation</p> <p>7 where your department would have been more</p> <p>8 involved in terms of detours and perhaps</p> <p>9 coordinating and discussing with the various</p> <p>10 emergency services?</p> <p>11 A. Yes. That's an example where the</p> <p>12 county engineer would lead the -- the</p> <p>13 discussion of both schedule and impacts to</p> <p>14 the -- the traveling public as well, and it</p> <p>15 asked for any input by fire and EMS.</p> <p>16 Q. Okay. And your department produced</p> <p>17 documents to counsel, we also talked about the</p> <p>18 crossing closure documents, but you also</p> <p>19 produced documents related to -- per our</p> <p>20 request, to the closure of Lewis Center for</p> <p>21 that traffic circle. Do you recall that?</p> <p>22 A. I do.</p> <p>23 Q. And among those documents, there's</p> <p>24 some similar documents in terms of press</p> <p>25 releases and routing documents and so forth,</p>
<p style="text-align: right;">Page 23</p> <p>1 our office, not necessarily when it's a</p> <p>2 permitted closure.</p> <p>3 Q. Okay. So in terms of these three</p> <p>4 permit closures related to either Lewis Center</p> <p>5 or Franklin Street crossing, as I understand</p> <p>6 what you're saying, you would expect that upon</p> <p>7 being notified of those closures, the emergency</p> <p>8 departments involved would take whatever steps</p> <p>9 they felt necessary to handle that closure for</p> <p>10 whatever period of time it was projected for;</p> <p>11 is that right?</p> <p>12 A. That's right.</p> <p>13 Q. And I think you're indicating,</p> <p>14 though, that for other closures that may be</p> <p>15 longer or may more relate to work that your --</p> <p>16 the engineer's department is doing, the county</p> <p>17 engineer, that you might -- your department</p> <p>18 might have more input or involvement in terms</p> <p>19 of both detour and interacting with emergency</p> <p>20 services; is that correct?</p> <p>21 A. That's correct.</p> <p>22 Q. And one -- one such instance in</p> <p>23 that regard would be when Lewis Center Road was</p> <p>24 closed, it was referenced earlier in testimony,</p> <p>25 but when Lewis Center Road was closed in 2019</p>	<p style="text-align: right;">Page 25</p> <p>1 but looking at the press releases, it looks</p> <p>2 like, initially, the indication was that Lewis</p> <p>3 Center Road would be closed for 60 days</p> <p>4 starting on June 24 of 2019, and there was then</p> <p>5 a -- any additional press release indicating</p> <p>6 that it would reopen on August 31, 2019. Does</p> <p>7 that seem about right to you in terms of length</p> <p>8 of that particular closure for that project?</p> <p>9 A. Yes.</p> <p>10 Q. And if my math is right, I</p> <p>11 didn't -- that would be about 67 days between</p> <p>12 July -- I'm sorry, June 24th and August 31,</p> <p>13 somewhere in that vicinity in terms of the</p> <p>14 length of that closure, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And we -- we have already spoken to</p> <p>17 and taken the deposition of witnesses, Mr. --</p> <p>18 Mr. Brandt and Mr. -- Patrick Brandt and Glen</p> <p>19 Keating. And you know who those individuals</p> <p>20 are, correct?</p> <p>21 A. I know Mr. Brandt. I do not know</p> <p>22 Mr. Keating.</p> <p>23 Q. Okay. He's with the Delaware</p> <p>24 County EMS, I believe. And in any event, I</p> <p>25 think you already indicated that in terms of</p>

<p style="text-align: right;">Page 26</p> <p>1 run cards, as they call them, or any alteration</p> <p>2 or changing of run cards in response to</p> <p>3 closures, that's not something that you or your</p> <p>4 department is typically involved with?</p> <p>5 A. That's right.</p> <p>6 Q. So they have testified that during</p> <p>7 that closure of Lewis Center Road in 2019 for</p> <p>8 the creation of the roundabout, that, in</p> <p>9 essence, the run card for the area -- response</p> <p>10 area for Medic 3 that is west of the tracks was</p> <p>11 changed such that the first -- or primary</p> <p>12 responding medic to that unit was from</p> <p>13 Station 361 rather than from Medic 3. Are you</p> <p>14 even aware of that change that they made at</p> <p>15 that time in response to that situation?</p> <p>16 MR. BETTS: Objection. He's</p> <p>17 indicated he's had no familiarity or</p> <p>18 involvement with the run cards. You can go</p> <p>19 ahead and answer.</p> <p>20 MR. EVANS: I'm just asking if he</p> <p>21 has any awareness of that at all.</p> <p>22 THE WITNESS: I'm not aware of that</p> <p>23 level of detail.</p> <p>24 Q. Okay. And those witnesses that I</p> <p>25 mentioned, Mr. Brandt and Mr. Keating,</p>	<p style="text-align: right;">Page 28</p> <p>1 A. That's correct.</p> <p>2 Q. Just so I'm clear, you're not --</p> <p>3 weren't then and aren't now necessarily</p> <p>4 disputing that signs of that nature are put up</p> <p>5 so that heavy traffic from Lewis Center doesn't</p> <p>6 try to travel through -- or from Lewis Center</p> <p>7 Road doesn't try to travel through the roads in</p> <p>8 the Village of Lewis Center, you're not saying</p> <p>9 that doesn't happen, you're just not aware of</p> <p>10 it; is that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. And you had a brief discussion with</p> <p>13 Mr. Talbott earlier about the roads in Lewis --</p> <p>14 in the Village of Lewis Center. Am I correct</p> <p>15 that you have, on occasion, at some point in</p> <p>16 the past, been in the Village of Lewis Center</p> <p>17 and driven on those roads?</p> <p>18 A. I have.</p> <p>19 Q. And I have too. It would be fair</p> <p>20 to say that whether they are actually two lanes</p> <p>21 in width or not, they are narrow enough that if</p> <p>22 you are passing another vehicle going the</p> <p>23 opposite direction, that as a driver, you have</p> <p>24 to be more careful than you would be going</p> <p>25 opposite directions on, for example, Lewis</p>
<p style="text-align: right;">Page 27</p> <p>1 testified that they're not aware of any impact</p> <p>2 of that closure in 2019 for the roundabout on</p> <p>3 response time or in terms of creating any bad</p> <p>4 income -- bad outcomes with respect to EMS runs</p> <p>5 to that area west of the tracks. I assume in</p> <p>6 your role, given your role, you also are not</p> <p>7 aware of any such response time issues or bad</p> <p>8 outcomes during that time frame?</p> <p>9 A. I'm not aware of those issues.</p> <p>10 Q. Okay. An individual at a public</p> <p>11 hearing related to this proposed closure of</p> <p>12 Franklin Street, a resident of Lewis Center,</p> <p>13 testified under oath at that time that when --</p> <p>14 on instances when the grade crossing at Lewis</p> <p>15 Center Road is closed such as the three</p> <p>16 instances we've talked about previously, that</p> <p>17 as a longtime resident of Lewis Center, he</p> <p>18 recalls that signage is put up at any of the</p> <p>19 entrances off of Lewis Center -- off of Lewis</p> <p>20 Center Road into Lewis Center essentially</p> <p>21 saying local traffic only. And I guess I</p> <p>22 want -- it's my recollection from when we</p> <p>23 talked to you previously more informally, that</p> <p>24 you do not recall or don't have any direct</p> <p>25 knowledge of that signage; is that correct?</p>	<p style="text-align: right;">Page 29</p> <p>1 Center Road; is that fair?</p> <p>2 MR. BETTS: Objection as to form.</p> <p>3 Can you phrase that a little better? Rob, you</p> <p>4 can answer, if you understand the question.</p> <p>5 THE WITNESS: Yeah. I guess I</p> <p>6 don't really understand the question. That was</p> <p>7 kind of more of a statement.</p> <p>8 Q. Sure. Well -- and I'm asking if</p> <p>9 you agree with that statement, but I'll see</p> <p>10 what I can do here.</p> <p>11 As a driver yourself driving on</p> <p>12 those roads, if there was a -- and based on</p> <p>13 your recollection of the width of those roads,</p> <p>14 if you were going in one direction and a</p> <p>15 vehicle was coming the other, would you believe</p> <p>16 that you would find it necessary to proceed</p> <p>17 slowly to make sure that you can pass each</p> <p>18 other without any incident?</p> <p>19 A. There's probably some part of --</p> <p>20 parts of Franklin Street more narrow than</p> <p>21 others and more -- are wider than others, so I</p> <p>22 guess it depends on which section in particular</p> <p>23 you're talking about, but I would agree there</p> <p>24 are some areas of Franklin Street in particular</p> <p>25 that you would have to -- or a reasonable</p>

<p style="text-align: right;">Page 30</p> <p>1 driver would probably slow down when passing 2 another driver.</p> <p>3 Q. Okay. And we talked about the 4 width of the roadways there, and they are 5 whatever they are, but you would agree from 6 your recollection of being there, that the 7 width of this crossing at Franklin Street is no 8 wider than -- they're essentially the same 9 width as whatever the road is there, correct?</p> <p>10 A. I don't specifically recall how 11 wide a crossing is. I'm aware of the general 12 width of the -- the streets, but I guess I 13 can't picture exactly how wide the crossing is 14 sitting here.</p> <p>15 Q. From your experience with railroad 16 crossings generally, would you expect that the 17 width of the crossing is going to be 18 essentially the same as the width of the 19 roadway that crosses it?</p> <p>20 A. I would say in most cases, that's 21 accurate.</p> <p>22 Q. Okay. And as a -- an engineer 23 employed by the county, you've indicated you 24 don't have knowledge regarding the posting of 25 signs saying, in essence, local traffic only,</p>	<p style="text-align: right;">Page 32</p> <p>1 would have an impact on their ability to 2 respond to that call to the east, and there was 3 an objection and so forth, but I guess I just 4 wanted to -- to ask just as a -- as a physical 5 matter based upon the Medic 3 being located 6 east of the crossing and they're going to a 7 location that is to the east of the crossing. 8 Just as a matter of, I guess, geographics or 9 common sense, they would not need to cross 10 the -- the crossing to go east from where 11 they're located, correct?</p> <p>12 A. I think you would have to look at 13 what other roads are open for travel at that 14 particular time. So I think I understand your 15 question, but I'm not sure I can answer it as a 16 simple "yes" or "no."</p> <p>17 Q. Okay. Well, if -- so are you 18 suggesting that if there is a road closure 19 going east, for example, if Lewis Center Road 20 is closed to the east, that that could impact 21 the direction they need to go?</p> <p>22 A. Yeah. A closure of Lewis Center 23 east would certainly impact that, but also a 24 closure of, say, Old State Road to the north or 25 south of Lewis Center Road would impact that</p>
<p style="text-align: right;">Page 31</p> <p>1 when the Lewis Center Road grade crossing is 2 closed, but from your standpoint, given what 3 you know and recall about the roads, streets 4 within the Village of Lewis Center, do you take 5 any exception to or do you have any -- do you 6 agree that it is reasonable to try to prohibit 7 other traffic and permit only local traffic 8 into those roads when there is a closure at the 9 crossing?</p> <p>10 A. I would agree that it's -- it would 11 be reasonable to post some signage. I -- I 12 would have to, I guess, review exactly what 13 type of signage would be posted, whether it's 14 appropriate or not, but, certainly, our office 15 would not necessarily encourage through traffic 16 to be using Franklin Street as an alternative 17 to Lewis Center, as we clearly post designated 18 detour routes otherwise.</p> <p>19 Q. Okay. Thank you.</p> <p>20 And you were asked by Mr. Talbott 21 earlier a question related to, you know, if 22 Medic 3 received a call to one of the run card 23 areas that is geographically east of the 24 tracks, whether the closure of the track, grade 25 crossing at Lewis Center or Franklin Street</p>	<p style="text-align: right;">Page 33</p> <p>1 travel, certainly. It just depends on what 2 other roads are available at that particular 3 period of time.</p> <p>4 Q. And when a permit comes in, for 5 example, for a closure of Lewis Center Road 6 grade crossing, is it fair to say before -- as 7 part of issuing that permit, you or someone in 8 your department would look at what other 9 closures there are in the area to determine if 10 there are conflicting -- potentially 11 conflicting impacts from different closures?</p> <p>12 A. We do.</p> <p>13 Q. Okay. There was -- last time we 14 talked, there was a little bit of discussion 15 about the Home Road extension, and I guess I 16 just wanted to get an -- slightly updated 17 understanding. I think my notes reflect that 18 you indicated that, previously, that you 19 anticipate that the Home Road extension project 20 will be completed in terms of -- such that it 21 connects to Lewis Center Road. As I understand 22 it, that's the plan that will curve around and 23 connect to Lewis Center Road, obviously, and 24 that work, as I understand it, is expected to 25 be completed by, I guess at the earliest, 2026;</p>

<p style="text-align: right;">Page 34</p> <p>1 is that accurate?</p> <p>2 A. That sounds about right. I'm aware</p> <p>3 that that project, the engineer's office, we</p> <p>4 have plans for construction sometime during the</p> <p>5 period of 2024 to 2026. A lot depends on other</p> <p>6 factors beyond our control, but that's, I would</p> <p>7 say generally, my understanding at this point.</p> <p>8 Q. And there was also some discussion</p> <p>9 of the potential that once that road</p> <p>10 construction is completed, the Home Road</p> <p>11 extension is completed, that Medic 3 may be</p> <p>12 moved to a new location that would be at or</p> <p>13 about that new intersection created by the Home</p> <p>14 Road extension coming into Lewis Center Road.</p> <p>15 Am I correct, that that is -- is at least in</p> <p>16 discussion?</p> <p>17 A. Yeah. I'm not involved in those</p> <p>18 discussions if, indeed, that's the case.</p> <p>19 Q. Is it -- and understand that. Is</p> <p>20 it something that you're generally aware of has</p> <p>21 been discussed, or are you not even involved to</p> <p>22 that extent?</p> <p>23 A. I'm really not even involved to</p> <p>24 that extent with location of the medic station.</p> <p>25 Q. Okay. I had one somewhat unrelated</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Ten to 15 percent complete with 90</p> <p>2 to 85 percent to go; is that right?</p> <p>3 A. That sounds about right.</p> <p>4 Q. Okay.</p> <p>5 MR. EVANS: I think that's all I</p> <p>6 have. Let me just double-check. Yeah, that's</p> <p>7 all the questions I have. Thank you.</p> <p>8 MR. BETTS: I have a couple quick</p> <p>9 questions for Rob at this point.</p> <p>10 EXAMINATION OF ROBERT RILEY</p> <p>11 BY MR. BETTS:</p> <p>12 Q. Rob, in the engineer's office,</p> <p>13 you're concerned with roads, construction of</p> <p>14 roads, traffic patterns, et cetera, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And, in particular, are you</p> <p>17 familiar with the traffic patterns at Lewis</p> <p>18 Center Road and Franklin Street near the rail</p> <p>19 crossings there in Lewis Center?</p> <p>20 A. Yes, I would say I'm familiar with</p> <p>21 the traffic patterns.</p> <p>22 Q. How would you describe the traffic</p> <p>23 patterns in that area?</p> <p>24 A. I would say I probably need a</p> <p>25 little more clear question on what exactly</p>
<p style="text-align: right;">Page 35</p> <p>1 question, and that is: There's a development</p> <p>2 out there that is in the process of being</p> <p>3 developed, as I understand it, called Evans</p> <p>4 Farms; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. And do you have an understanding</p> <p>7 once that Evans Farms development is completed,</p> <p>8 as to how many new residences or approximately</p> <p>9 how many new residences that will entail?</p> <p>10 A. I have that information. I don't</p> <p>11 have it at my fingertips, but I know it's a</p> <p>12 significant amount.</p> <p>13 Q. Fair enough.</p> <p>14 And in terms of the overall -- that</p> <p>15 overall project, do you have an understanding</p> <p>16 as to what percent completed it is now? I</p> <p>17 mean, you know, are they -- I don't really have</p> <p>18 a concept of whether they're ten percent, 50</p> <p>19 percent, close to a hundred percent. Do you</p> <p>20 have any idea where they are in terms of</p> <p>21 completion of whatever that total number of</p> <p>22 residences would be?</p> <p>23 A. I would say -- and, again, this is</p> <p>24 based on no -- without me doing much research,</p> <p>25 but maybe closer to ten or 15 percent.</p>	<p style="text-align: right;">Page 37</p> <p>1 you're asking.</p> <p>2 Q. How would you describe the traffic</p> <p>3 patterns on Lewis Center Road at the rail</p> <p>4 crossings in general?</p> <p>5 A. On Lewis Center Road, there -- if</p> <p>6 you're asking about a traffic volume, my</p> <p>7 understanding is that average daily traffic is</p> <p>8 somewhere in the neighborhood of maybe 8,000 to</p> <p>9 10,000. Franklin Street is a lot less than</p> <p>10 that.</p> <p>11 Q. And in terms of Lewis Center Road</p> <p>12 in terms of capacity of that road, how does</p> <p>13 that traffic volume fit into the capacity of</p> <p>14 the road?</p> <p>15 A. So Lewis Center Road is a two-lane</p> <p>16 road currently. The capacity of a two-lane</p> <p>17 road depends on a lot of different factors,</p> <p>18 speed limit, number of intersections, but</p> <p>19 generally speaking, maybe in the neighborhood</p> <p>20 of 15 to 20,000, in this case.</p> <p>21 Q. Would you say that -- Lewis Center</p> <p>22 Road, would you describe that as a busy road?</p> <p>23 A. Yeah. I would say it's one of the</p> <p>24 busier roads in the county.</p> <p>25 Q. Tends to have pretty heavy traffic?</p>

<p style="text-align: right;">Page 38</p> <p>1 A. There's a good bit of truck traffic 2 on the road, and I would say, again, this -- 3 it's one of the busier roads in the county. 4 Q. If -- Franklin Street crossing were 5 to be closed -- I recognize that those two 6 crossings are very close to each other there, 7 Franklin Street and Lewis Center. If Franklin 8 Street were to be closed, what sort of impact 9 would that have on Lewis Center Road and other 10 adjacent crossings? 11 A. So if Franklin Street were to be 12 closed, Lewis Center, that crossing becomes 13 more critical since -- given the distance 14 between -- the next closest crossing is 15 Shanahan Road to the north and Orange Road to 16 the south. If Lewis Center Road would be 17 closed for any reason, that would be a concern 18 that I would have because all of the traffic 19 using Lewis Center Road to find an alternative 20 route, which would presumably need to go to one 21 of the other two roads I mentioned. 22 Q. How far is Shanahan to the north of 23 the Lewis Center crossing? 24 A. It's about one mile. 25 Q. Is it kind of a circuitous route to</p>	<p style="text-align: right;">Page 40</p> <p>1 closure of that crossing and its impact on 2 other crossings and vehicular traffic, correct? 3 A. Correct. 4 MR. EVANS: Objection. Just 5 objection to the form of the question. Go 6 ahead. 7 Q. Rob, what -- what concerns would 8 the engineer have in terms of the impact of the 9 closure of Franklin Street crossing? 10 A. Well, I'm worried about the impact 11 to the traffic having to use an alternative 12 route that -- one of which is extremely busy 13 currently. Orange Road carries even more 14 traffic than Lewis Center Road and is also 15 subject to the same railroad crossing delays 16 when a train goes through. And then to the 17 degree that fire, police, EMS service uses 18 Lewis Center Road, I would be concerned about 19 that as well. 20 Q. Is it important to have Franklin 21 Street as an alternative crossing to Lewis 22 Center? 23 A. I think it is. As a -- even though 24 it is a smaller and less used crossing, it is a 25 crossing that can be used in the event of</p>
<p style="text-align: right;">Page 39</p> <p>1 get there? 2 A. I would say depending on which side 3 of the railroad tracks you're on, it's not 4 necessarily a short route or not a direct route 5 particularly from the east because we get to 6 Shanahan Road on the east side, we actually 7 have to go farther north than Shanahan Road and 8 come back to the south. 9 Q. And how far is Orange Road to the 10 south? I'm sorry. Specifically to the Orange 11 Road crossing. 12 A. Orange Road is about 1.7 miles to 13 the south. 14 Q. Again, is it sort of -- is it a 15 direct route to get there or is it sort of 16 circuitous? 17 A. I would say it's more direct than 18 the north routes, but the issue with Orange 19 Road is the amount of existing traffic on 20 Orange Road. 21 Q. The engineer's office would 22 recognize the impact that the closure of -- 23 strike that. 24 If Franklin Street were to be 25 closed, the engineer is concerned with the</p>	<p style="text-align: right;">Page 41</p> <p>1 emergency or by -- by local traffic for another 2 reason. 3 Q. There was a reference made to the 4 Home Road extension that's being constructed to 5 the south. What -- why is that important as 6 far as the Franklin Street crossing closure to 7 the engineer? 8 A. Well, I think it's -- it's relevant 9 because once the Home Road extension and the 10 grade separation overpass is completed, that 11 will provide a full modern, you know, handling 12 all types of traffic crossing that there would 13 be no concerns about speed or proximity to its 14 residences, that would provide an alternative 15 crossing that could be used in the event of any 16 outage or closure or crash or accident that 17 would impact the Lewis Center at grade 18 crossing, given its relatively close proximity 19 to Franklin Street. 20 Q. Until the Home Road extension is 21 done, is it important to the engineer to keep 22 the Franklin Street crossing open? 23 A. It is. 24 Q. Why do you say that? 25 A. Again, for the -- the -- for the</p>

<p style="text-align: right;">Page 42</p> <p>1 benefit of traffic that would need to use Lewis 2 Center Road in the event that -- let me back up 3 one second. 4 For traffic that would ordinarily 5 use Lewis Center Road, if there was an event, 6 whether it's a planned closure or an unplanned 7 closure due to crash or accident or some other 8 event, the only other alternatives are the -- 9 the two closest alternatives, I should say, not 10 the only two, but the two closest are West 11 Orange Road, which is 1.7 miles to the south, 12 and then Shanahan Road, which is a mile to the 13 north. That's relatively -- that's -- that can 14 be a significant travel time change, 15 particularly with going to the south. And then 16 going to the north, that travel time change 17 versus going across Lewis Center Road is 18 becoming more of an issue as that area 19 develops. 20 Q. Are you aware of whether Lewis 21 Center Road backs up at the crossing at any 22 particular times of the day? 23 A. I'm aware it backs up a good bit 24 when there is a train going across. 25 Q. Would it be difficult at times for</p>	<p style="text-align: right;">Page 44</p> <p>1 witnessed extending if not into the roundabout, 2 the new roundabout, then very close to it. So, 3 yes, I'm aware of some factors involving the 4 traffic using Lewis Center Road crossing simply 5 because the amount of traffic. 6 Q. Would that amount of traffic, would 7 it impact the use of that crossing by an 8 emergency vehicle or could it impact the use of 9 that crossing by an emergency vehicle? 10 MR. EVANS: Objection. Foundation. 11 MR. TALBOTT: Same. 12 THE WITNESS: I'll go ahead and 13 answer. 14 I can certainly see how that would 15 impact an EMS or fire or police vehicle trying 16 to cross because in, let's say, an ordinary 17 case where an emergency vehicle may need to go 18 left of center to go around a traffic delay or 19 use other pavement that's available. There is 20 really is none on Lewis Center Road. There's 21 no extra pavement other than the oncoming lane 22 and going over a grade crossing that has 23 somewhat limited sight distance to be what I 24 would call relatively dangerous into oncoming 25 traffic.</p>
<p style="text-align: right;">Page 43</p> <p>1 emergency vehicles to use the Lewis Center 2 crossing as opposed to the Franklin Street 3 crossing? 4 MR. EVANS: Objection. Lack of 5 foundation. 6 Q. Are there times that traffic would 7 make it prohibitive for an emergency vehicle to 8 use the Lewis Center crossing and Franklin 9 could be used as an alternative? 10 MR. EVANS: Same objection. 11 MR. TALBOTT: Objection. 12 Foundation. 13 MR. EVANS: You can answer. 14 THE WITNESS: Yeah. I'll go ahead 15 and answer. 16 I'm aware that even under normal 17 circumstances, just ordinary traffic, without 18 the interruption of a train, there is some 19 backup when crossing Lewis Center Road, whether 20 from the east or the west, because what I 21 perceive to be the -- the speed reduction 22 having to slow to perhaps five to ten miles per 23 hour to cross the railroad track does create 24 backup. And I've witnessed backups extending 25 east several hundred feet, to the west I've</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Is Franklin Street the alternative 2 to that crossing, then? 3 A. I think that's certainly one of the 4 alternatives, if not using the Shanahan Road or 5 Orange Road crossing. 6 Q. But those are a further distance? 7 A. They are. 8 MR. EVANS: Same objections. 9 Foundation. 10 MR. BETTS: I have nothing further 11 at this point. 12 EXAMINATION OF ROBERT RILEY 13 BY MR. TALBOTT: 14 Q. Mr. Riley, Casey Talbott. I've 15 just got a few questions because when I leave 16 here, I've got to explain things to other 17 people, and I want to make sure I have a clear 18 understanding. 19 From an engineering standpoint, I 20 think you said Lewis Center -- strike that. 21 Your understanding is that Lewis 22 Center currently experiences about eight to 23 10,000 motor vehicles a day; is that right? 24 A. To my recollection. I would be 25 happy to research that.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q. All right. And then at least based</p> <p>2 on your understanding today, from an</p> <p>3 engineering standpoint, it's capable of</p> <p>4 handling about twice that? That would be, I</p> <p>5 think you told us, 15 to 20,000 vehicles a day?</p> <p>6 A. Under a free-flow scenario, yes, a</p> <p>7 two-lane road like Lewis Center Road would</p> <p>8 handle something in that range.</p> <p>9 Q. As far as the Lewis Center</p> <p>10 crossing, you talked about if Franklin was</p> <p>11 closed, a potential need to divert to Shanahan</p> <p>12 or -- or Orange. That's in the event the Lewis</p> <p>13 Center grade crossing is closed, correct?</p> <p>14 Because Lewis Center is located just a tenth --</p> <p>15 about a tenth of a mile away from Franklin,</p> <p>16 right? And let me strike that and start over.</p> <p>17 You've been out there and you've</p> <p>18 actually eyeballed these crossings, right?</p> <p>19 A. I have.</p> <p>20 Q. Okay. You can actually see the</p> <p>21 Lewis Street crossing from Franklin, correct?</p> <p>22 A. That's correct.</p> <p>23 Q. It's about a stone's throw away or</p> <p>24 a tenth of a mile?</p> <p>25 A. A tenth of a mile sounds about</p>	<p style="text-align: right;">Page 48</p> <p>1 A. I could speak to general traffic,</p> <p>2 but not specifically to emergency traffic.</p> <p>3 Q. Okay. And then if the Lewis grade</p> <p>4 crossing -- Lewis Center grade crossing is</p> <p>5 closed or if Lewis Center Road is closed, so</p> <p>6 we're on the same page, you don't detour</p> <p>7 through traffic to the Franklin Street</p> <p>8 crossing, correct? It is detoured to Shanahan</p> <p>9 or to Orange, right?</p> <p>10 A. That's right.</p> <p>11 Q. Okay.</p> <p>12 MR. TALBOTT: That's all I have at</p> <p>13 this point. Thank you.</p> <p>14 Lee, I don't know if you have</p> <p>15 anything further.</p> <p>16 EXAMINATION OF ROBERT RILEY</p> <p>17 BY MR. EVANS:</p> <p>18 Q. Just one quick question just to</p> <p>19 make sure I understand.</p> <p>20 In 2019, when the traffic circle</p> <p>21 project was underway for that 67 days or so,</p> <p>22 you had a detour in place for traffic that</p> <p>23 would have otherwise used Lewis Center,</p> <p>24 correct?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 47</p> <p>1 right.</p> <p>2 Q. Okay. And based on the records</p> <p>3 that you guys provided, Lewis Center -- the</p> <p>4 Lewis Center -- strike that.</p> <p>5 The Lewis Center grade crossing is</p> <p>6 clearly the best alternate to Franklin, would</p> <p>7 you agree with that? It's immediately adjacent</p> <p>8 to it?</p> <p>9 A. I would say in -- in most cases,</p> <p>10 yeah, I would anticipate Lewis Center being the</p> <p>11 best alternative.</p> <p>12 Q. Okay. And the Lewis Center grade</p> <p>13 crossing, based on the records your department</p> <p>14 provided, has only been closed approximately 14</p> <p>15 days in ten years. If that's what the records</p> <p>16 suggest, would you dispute that?</p> <p>17 A. I would not dispute that.</p> <p>18 Q. Okay. And then -- and as far as</p> <p>19 even assuming both crossings are closed, you're</p> <p>20 not in a position to speak to how that impacts</p> <p>21 emergency response time, and particularly</p> <p>22 whether such response can still be provided</p> <p>23 consistent with the national -- in compliance</p> <p>24 with the national standard; is that correct?</p> <p>25 That's what you told us earlier today, right?</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. And just for the record to make</p> <p>2 sure I understand, do you recall what that</p> <p>3 detour was at that time? Did it involve Orange</p> <p>4 Road to the south and Shanahan to the north?</p> <p>5 A. That's my recollection. I don't</p> <p>6 recall if one or the other was specified</p> <p>7 individually, but I would expect that it had to</p> <p>8 be one of those two.</p> <p>9 MR. EVANS: Okay. That's all the</p> <p>10 questions I have. Thanks.</p> <p>11 MR. BETTS: I have nothing further.</p> <p>12 Mr. Riley would like to review and</p> <p>13 sign.</p> <p>14 (The Zoom deposition was concluded</p> <p>15 at 11:10 a.m.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

1 In The Matter Of The Joint Petition Of Norfolk Southern Railway

2 Mr. Robert Riley (#4391134)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Mr. Robert Riley, do hereby declare that I

5 have read the foregoing transcript, I have made any

6 corrections, additions, or changes I deemed necessary as

7 noted above to be appended hereto, and that the same is

8 a true, correct and complete transcript of the testimony

9 given by me.

10

11 _____

12 Mr. Robert Riley Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 _____ DAY OF _____, 20____.

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19 NOTARY PUBLIC

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Ohio Rules of Civil Procedure

Title V. Discovery

Rule 30

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill, cannot be found, or refuses to sign. The witness shall have thirty days from submission of the deposition to the witness to review and sign the deposition. If the deposition is taken within thirty days of a trial or hearing, the witness shall have seven days from submission of the deposition to the witness to review and sign the deposition. If the trial or hearing is scheduled to commence less than seven days before the deposition is submitted to the witness, the court may establish a deadline for the

witness to review and sign the deposition. If the deposition is not signed by the witness during the period prescribed in this division, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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Summary: Deposition Deposition Transcript of Robert Riley electronically filed by Mr. R. Leland Evans on behalf of CSX Transportation, Inc.