

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

---

**PREPARED DIRECT TESTIMONY OF MICHELE BONI**

---

Respectfully submitted,

By /s/ Julia E. Donnan  
Julia E. Donnan (0092577)  
Jennifer L. Huber (0090547)  
Peter N. Griggs (0073819)  
Brosius, Johnson & Griggs, LLC  
1600 Dublin Road, Suite 100  
Columbus, Ohio 43215  
Telephone: (614) 464-3563  
Fax: (614) 224-6221  
Email: [jdonnan@bjglaw.net](mailto:jdonnan@bjglaw.net)  
[jhuber@bjglaw.net](mailto:jhuber@bjglaw.net)  
[pgriggs@bjglaw.net](mailto:pgriggs@bjglaw.net)  
(Willing to accept service by email)  
*Attorneys for Orange Township,  
Delaware County, Ohio*

**PREPARED DIRECT TESTIMONY  
OF ORANGE TOWNSHIP ADMINISTRATOR MICHELE BONI**

---

1   **Q:     Please state your name and address.**

2   A:     My name is Michele Boni. My business address is 1680 East Orange Road, Lewis Center,  
3           Ohio 43035.

4

5   **Q:     Who is your employer?**

6   A:     I am employed by Orange Township, Delaware County, Ohio (the "Township").

7

8   **Q:     What is your role for Orange Township?**

9   A:     I am the Township Administrator.

10

11   **Q:     How long have you served in that capacity?**

12   A:     I was the acting Township Administrator starting May 19, 2021, and I was hired as the  
13           Township Administrator on September 22, 2021.

14

15   **Q:     Did you work for Orange Township prior to serving as the Township Administrator?**

16   A:     Yes, since January 2016, I have worked for the Township and held the positions of Zoning  
17           Officer, Planning and Zoning Director, and Development and Zoning Director.

18

19   **Q:     Are you authorized to appear and testify on behalf of the Orange Township Board of  
20           Trustees in this proceeding?**

21   A:     Yes.

22

1   **Q:**    As it relates to this case, are you familiar with Franklin Street at the two points where  
2           it crosses the railroad tracks, located in the unincorporated village of Lewis Center,  
3           Orange Township, Delaware County, Ohio (the "Village")?

4   **A:**    Yes.

5  
6   **Q:**    Please walk us through how this case has proceeded with the Board of Trustees of  
7           Orange Township (the "Board").

8   **A:**    From early 2019 through early 2021, the Board, through its legal counsel, was proceeding  
9           with conversations with the railroad companies about the closure of the Franklin Street  
10          crossings. On April 19, 2021, the Board adopted Resolution 21-140, taking the position  
11          at the time that it would agree to accept Ohio Rail Development Commission's offer and  
12          agree to the closure of the Franklin Street crossings. The Trustees received significant  
13          outcry and feedback in opposition to the closure from residents. On May 21, 2021, the  
14          Board held a special meeting to discuss and take possible action on the Franklin Street  
15          railroad crossing matter. Based on Township residents' comments provided at that  
16          meeting, the Board voted to rescind Resolution 21-140. To date, the Board has never  
17          received or signed a settlement agreement in connection with this case.

18  
19   **Q:**    What is your recollection of the substance of the comments and feedback the Board  
20          received from residents?

21   **A:**    Residents were overwhelmingly opposed to the closure of the Franklin Street crossings and  
22          expressed their concerns about access, emergency response, and pedestrian and  
23          recreational use.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**Q: Could you also elaborate on what you heard from the residents about access concerns?**

A: Many of the residents who provided comments to the Board live in the Village, very close to the Franklin Street crossings, or in the surrounding area. With the roundabout on Lewis Center Road close to the Village and the railroad tracks, traffic routinely backs up at the roundabout up to the Village, resulting in substantial lines of vehicles and lengthy delays. Vehicles crossing the tracks on Lewis Center Road at the Village also slow down to navigate the railroad tracks, which results in additional traffic and congestion in this area. Already, all of these factors combined make it very difficult to drive into and out of the Village, and closure of Franklin Street crossings will severely reduce the ability of area residents to travel through this area safely and in a timely manner.

**Q: Could you please elaborate on what you heard from the residents about emergency response concerns?**

A: Residents were concerned that the closure of Franklin Street will require EMS personnel who are responding to an emergency on the west side of the railroad tracks to rely on Lewis Center Road to get in and out of this area of the Township. My understanding is that the traffic congestion on Lewis Center Road, significant volume of traffic, and narrow width of the road make it difficult for emergency vehicles to quickly get through that way if there is any amount of traffic on the road. If the Public Utilities Commission of Ohio determines that the Franklin Street crossings should be closed, the next closest crossing is Lewis Center Road. If Lewis Center Road is impassable due to traffic (which happens regularly) or

1 closure by the railroad company, emergency response vehicles traveling west from the area  
2 of the Village will have to have to use another route to get across the railroad tracks. In  
3 this area of the Township, the other routes are Shanahan Road about 1 mile to the north,  
4 and Orange Road about 1.7 miles to the south. Residents are worried that those detours to  
5 alternate roads will cost precious minutes of emergency response time. They are concerned  
6 that, without being able to use the Franklin Street crossings, emergency responders might  
7 not reach some emergencies in time, or that emergency vehicles from other areas of the  
8 Township will have to respond instead, reducing their ability to respond to emergencies in  
9 those areas.

10  
11 **Q: What were the residents' concerns about pedestrian and bicycle use of the crossings?**

12 A: Village residents, walkers, runners, and cyclists from surrounding neighborhoods use the  
13 Franklin Street crossings to get out and enjoy the area. They typically use Franklin Street  
14 rather than the busier and more dangerous Lewis Center Road. If the Franklin Street  
15 crossings were closed, to walk or cycle from one side of the railroad tracks to the other in  
16 the area of Lewis Center, you would have to use Lewis Center Road.

17  
18 **Q: What actions did the Board take in response to those comments from residents?**

19 A: The Board rescinded Resolution 21-140 and communicated to the railroad companies,  
20 through legal counsel, that until the Home Road extension is completed, the Board would  
21 not agree to the closure of the Franklin Street crossings.

22  
23 **Q: What is your understanding of the route of the Home Road extension?**

1 A: My understanding is that it will extend east of U.S. Route 23, cross the railroad tracks using  
2 an overpass, and connect to Lewis Center Road on the north side of the village of Lewis  
3 Center.

4  
5 **Q: You said that the Trustees would not agree to the closure of these crossings until the**  
6 **Home Road extension is completed. Why then? What will the extension of Home**  
7 **Road change?**

8 A: Once Home Road is fully extended, it will provide an alternative access over the railroad  
9 tracks. Village residents and safety service vehicles will have a feasible alternate route to  
10 travel across the railroad tracks without needing to rely on the Franklin Street crossings if,  
11 for example, the Lewis Center Road crossings are closed for maintenance or blocked with  
12 traffic. Until then, the Franklin Street crossings are essential because they provide access  
13 for residents of the Village and surrounding areas, a route used by emergency responders  
14 to reach emergencies on both sides of the railroad tracks, and a way for pedestrians and  
15 cyclists to more safely enjoy those forms of recreation.

16  
17 **Q: In your opinion, is there a demonstrable need for the Franklin Street crossings to**  
18 **remain open?**

19 A: Yes, there is a demonstrable need for the Franklin Street crossings to remain open, at least  
20 until the extension of Home Road is completed.

21  
22 **Q: Does this complete your prepared direct testimony?**

23 A: Yes, and I reserve the right to file rebuttal testimony as needed as this case progresses.  
24

# ACKNOWLEDGMENT OF WITNESS

I, Michele Boni, do hereby declare under penalty of perjury that the foregoing is my true and accurate testimony in this matter.

*Michele Boni*

Michele Boni  
Township Administrator, Orange Township

Subscribed and sworn to before me on October 4, 2021.

*Jennifer L. Huber*  
Notary Public

COMMISSION  
EXPIRATION:

*no expiration*



Jennifer L. Huber, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.

## CERTIFICATE OF SERVICE

A copy of the foregoing was filed electronically with the PUCO on October 5, 2021. Copies of this document will automatically be served on the following parties by the PUCO's e-filing system and by email at the indicated email addresses:

D. Casey Talbott (Attorney for Norfolk Southern Railway Company)  
[dctalbott@eastmansmith.com](mailto:dctalbott@eastmansmith.com)

Aric Hochstettler (Attorney for Delaware County Board of Commissioners)  
[ahochstettler@co.delaware.oh.us](mailto:ahochstettler@co.delaware.oh.us)

R. Leland Evans (Attorney for CSX Transportation, Inc.)  
[revans@dmclaw.com](mailto:revans@dmclaw.com)

/s/ Julia E. Donnan

Julia E. Donnan (0092577)

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

**Commission of Ohio Docketing Information System on**

**10/5/2021 3:23:04 PM**

**in**

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

Summary: Testimony Direct Testimony of Michele Boni electronically filed by Ms. Julia Donnan on behalf of Orange Township Board of Trustees