

## 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 ON REHEARING

Entered in the Journal on January 11, 2023

#### I. SUMMARY

{¶ 1} The Commission grants the application for rehearing filed by the Delaware County Board of Commissioners for the limited purpose of further consideration of the matters specified on rehearing.

#### II. DISCUSSION

{¶ 2} Pursuant to R.C. 4907.474 and R.C. 4907.475, the Commission is vested with the statutory authority to close grade crossings located in municipal corporations and on rural roads.

{¶ 3} R.C. 4907.475 requires that a petitioner seeking to close a railroad grade crossing on a rural road must demonstrate that there is not a demonstrable need for the grade crossing to exist.

{¶ 4} Norfolk Southern Railway and CSX Transportation Inc. (collectively, the Railroads) are railroads as defined in R.C. 4907.02 and are subject to the jurisdiction of the Commission under R.C. 4905.04.

{¶ 5} On January 28, 2019, the Railroads filed a joint petition to close to vehicular and pedestrian traffic the grade crossings at Franklin Street (DOT Nos. 481482D and 518257V), located in Orange Township, Delaware County, Ohio.

{¶ 6} On November 30, 2022, by Opinion and Order, the Commission granted the Railroads' joint petition to close the Franklin Street crossings.

{¶ 7} On December 20, 2022, the Delaware County Board of Commissioners (Delaware County) filed an application for rehearing from the Commission's November 30, 2022 Opinion and Order.

{¶ 8} On December 30, 2022, the Railroads filed a response to Delaware County's application for rehearing. In their response, the Railroads indicate that they consent to the Commission's granting Delaware County's application for rehearing as to the narrow issues raised by Delaware County and that the parties are considering an attempt to resolve the remaining issues in the case pursuant to a written agreement.

{¶ 9} The Commission finds that sufficient reason has been set forth by Delaware County, with supplementary information from the Railroads, to warrant further consideration of the matters specified in the application for rehearing. Accordingly, the application for rehearing should be granted for the limited purpose of allowing the Commission more time to consider the matters specified in the application for rehearing.

### III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the application for rehearing filed by Delaware County be granted for the limited purpose of further consideration of the matters specified on rehearing. It is, further,

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

COMMISSIONERS:

*Approving:*

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

JMD/mef

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**in**

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

Summary: Entry on Rehearing that the Commission grants the application for rehearing filed by the Delaware County Board of Commissioners for the limited purpose of further consideration of the matters specified on rehearing electronically filed by Ms. Donielle M. Hunter on behalf of Public Utilities Commission of Ohio