

Orange Township Board of Trustees
Delaware County
Emergency Trustee Meeting, April 23, 2019

***A full and accurate account of this meeting's audio and video can be found at www.orangetwp.org ***

Mr. Rivers called the meeting to order at 10:00 a.m.

PRESENT: Ryan Rivers, Chair – present
Lisa Knapp, Vice-Chair – present
Deborah Taranto, Trustee – present
Wesley Mayer, Fiscal Officer – present

ALSO PRESENT

Lee Bodnar Township Administrator
Michael McCarthy Township General Counsel

PLEDGE OF ALLEGIANCE

The purpose of this meeting is:

☉ Regular Session:

Discussion and possible action regarding the filing of objections with the Public Utilities Commission of Ohio (PUCO) concerning the petition for the closure of the Franklin Street railroad crossings in old Lewis Center filed by Norfolk Southern Railway Company and CSX Transportation, Inc.

REGULAR SESSION

DISCUSSION AND POSSIBLE ACTION REGARDING THE FILING OF OBJECTIONS WITH THE PUBLIC UTILITIES COMMISSION OF OHIO (PUCO) CONCERNING THE PETITION FOR THE CLOSURE OF THE FRANKLIN STREET RAILROAD CROSSINGS IN OLD LEWIS CENTER FILED BY NORFOLK SOUTHERN RAILWAY COMPANY AND CSX TRANSPORTATION, INC.

Mr. Rivers explained this meeting was called due to the petition for the closure of the Franklin Street railroad crossing. He then opened the meeting for comments from the rest of the Board. Ms. Knapp explained why the emergency meeting was called and that the Delaware County Commissioners had asked the township to object to the closure until other road improvements were made for safety reasons. Ms. Taranto commented she was in agreement. Mr. Rivers read the letter or parts of a letter of response that was sent by Board previously. He discussed the incentives that were discussed. There was discussion between, Ms. Knapp and Mr. Rivers. Mr. Rivers agreed now is not the time for closure but felt it was a shame the township missed out on opportunities. Ms. Knapp and Ms. Taranto both disagreed. Ms. Taranto was concerned about Evans Farms possible involvement with possible incentive moneys.

Mr. McCarthy, Township General Counsel, asked to speak and explained the distinct differences between the county's objections and the Board's objections. He answered the Board's questions. There was continued discussion among the Board and Mr. McCarthy about the wording of the resolution and what may/could happen in this process.

David Dill, 1557 Franklin Street, Lewis Center, Ohio 43035; Taresa Wickline, 1354 Church Street, Lewis Center, Ohio 43035; and Fred LeCrouse, 1425 Church Street, Lewis Center, Ohio 43035 asked questions and voiced concerns throughout the meeting. The Board, Mr. McCarthy, and Mr. Bodnar addressed them. The questions/concerns topics were; pressure for closure for money for bike path at Orange Road, Evans Farms for quiet zone; the trash at the hub along the railroad/Church Street; what was the timeline of improvements; can closed roads be re-opening; and people driving through the neighborhoods during railroad closures.

Mr. Rivers would like the inclusion of the comments that were in the county's memorandum that the county is not opposed to closure once an effective alternative is available. Ms. Knapp didn't feel the need. Ms. Taranto was okay with it.

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Discussion continued about the wording of the township’s objections resolution.

BEFORE 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) Case No. 19-180-RR-UNC
AND 518257V) IN ORANGE TOWNSHIP, DELAWARE)
COUNTY, OHIO)

Resolution No. 19-167 OBJECTIONS TO CLOSURE OF THE FRANKLIN STREET RAILROAD CROSSINGS AS REQUESTED BY NORFOLK SOUTHERN RAILWAY COMPANY AND CSX TRANSPORTATION, INC.

Ms. Knapp moved the adoption of the following Resolution:

WHEREAS, a joint petition to close the Franklin Street railroad crossings (DOT Nos. 481482D & 518257V) in Orange Township, Delaware County, Ohio has been filed with the Public Utilities Commission of Ohio (“PUCO”) by Norfolk Southern Railway Company (“Norfolk Southern”) and CSX Transportation, Inc. (“CSX”); and

WHEREAS, Lauren L. Augustini, Attorney Examiner of the PUCO has established a deadline of April 24, 2019 for interested parties to file comments in response to the joint petition; and

WHEREAS, the Board of Township Trustees of Orange Township, Delaware County, Ohio (“Board”) has serious concerns regarding closure of Franklin Street (TR1041), a Township road, as requested by Norfolk Southern and CSX;

NOW, THEREFORE, BE IT RESOLVED that the Board makes those objections stated in *Attachment 1* of this Resolution to the proposed closure of the Franklin Street railroad crossings and urges the PUCO to deny the joint petition.

BE IT FURTHER RESOLVED that a copy of this Resolution and its *Attachment 1* be filed by the Township Administrator with the PUCO at his earliest convenience and prior to the established deadline.

BE IT FURTHER RESOLVED that all formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board, and all deliberations of this Board and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

Passed: April 23, 2019

Ryan Rivers
Orange Township Trustee

Deborah Taranto
Orange Township Trustee

Lisa F. Knapp
Orange Township Trustee

Certification

I hereby certify that the foregoing is a true and correct copy of Resolution No. _____ as contained in the records of Orange Township, Delaware County, Ohio.

Date: _____, 2019

Wesley Mayer, Township Fiscal Officer

Attachment 1

BEFORE 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) Case No. 19-180-RR-UNC
AND 518257V) IN ORANGE TOWNSHIP, DELAWARE)
COUNTY, OHIO)

Resolution No. 19-167 Attachment 1

Objections to Closure of the Franklin Street Railroad Crossings as Requested by Norfolk Southern Railway Company and CSX Transportation, Inc.

- Closure of the Franklin Street railroad crossings (DOT Nos. 481482D & 518257V) located in the old town of Lewis Center would have a detrimental effect on the provision of Emergency Medical Services (“EMS”) to Township and area residents.**

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EMS Station 3 (“EMS”), a Delaware County Emergency Medical Service unit, is located directly adjacent to the east of the Franklin Street crossing, in the center of the town of Lewis Center. When the Lewis Center Road crossings are closed for repairs or otherwise unavailable, EMS is able to utilize the Franklin Street crossing to access emergency situations in that portion of the community on the west side of the tracks.

The village is landlocked and there are no through roads within miles. Closure of these Franklin Street crossings will force EMS to follow circuitous routes to the north or south, which will cause significant delay in emergency response time. The Orange Township Fire Department stations are located to the south along US 23 and to the south along S. Old State Road, while the EMS Station 3 is centrally located and can access central areas of the Township and adjacent communities more quickly, with the fire stations serving to provide supplementary mutual aid when necessary.

Even when the Lewis Center Road railroad crossings are functioning, precious minutes are saved by EMS being able to cross the tracks at the Franklin Street crossing and then exit onto a less congested portion of Lewis Center Road, rather than exiting out onto the heavily congested area of the Lewis Center Road crossings and attempting to cross the tracks.

2. Closure of the Franklin Street railroad crossings (DOT Nos. 481482D & 518257V) located in the old town of Lewis Center would have a detrimental effect on the town residents' accessibility to, from and within Lewis Center.

The Orange Township / Lewis Center area has experienced unprecedented growth over the past ten years to nearly 30,000 residents and, as a result, the traffic along Lewis Center Road (a two lane road) has increased to the point that residents of the village area cannot easily and safely exit their neighborhood onto Lewis Center Road due to traffic backups. Being able to cross at the Franklin Street crossing affords residents exiting Lewis Center an opportunity to move west to a less congested portion of Lewis Center Road. The village and the areas around it are landlocked with no easy access to the north or south.

Adding to this already congested area is the new Evans Farm development, which is located to the north of the village and was approved for over 3,000 dwelling units as well as commercial development. The increase in traffic on Lewis Center Road due to the construction of Evans Farms as well as its new residents aggravate an already difficult traffic situation for Lewis Center residents.

Unlike some other communities with "redundant" crossings providing community connectivity, the town of Lewis Center is completely landlocked with no through roads connecting to main roads to the north, south, east or west, excepting Lewis Center Road. Additionally, the railroads bisect the town, with only two connections, Franklin Street and Lewis Center Road, between the eastern and western portions of Lewis Center. There are no neighborhoods that connect to Lewis Center and allow access to other area roadways. The only way out of Lewis Center to anywhere else is via Lewis Center Road, which has become extremely congested throughout most of the day, making traffic access for residents difficult and potentially dangerous. This is particularly true in the case of exiting westbound traffic.

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Delaware County and Orange Township have begun the process of making improvements to the area roads which are to include road widening, roundabouts and a realignment of Lewis Center Road to the south of the village, including a grade separated railroad overpass, to help alleviate some of the through traffic on Lewis Center Road. However, this construction will take several years to implement and complete, so congestion and safety will be an ongoing issue for some time until those improvements are completed, including those times when local roads are closed due to these road projects. Residents are now able to more easily traverse the village with the Franklin Street crossings in place. If those crossings were to be closed, it will result in more hazardous situations for those entering and exiting the village on a daily basis.

3. Closure of the Franklin Street railroad crossings (DOT Nos. 481482D & 518257V) located in the old town of Lewis Center will physically divide the community of residents living there.

Closing the existing Franklin Street crossings would divide the hamlet of Lewis Center, which was founded in 1850 with the coming of the railroad, into halves. If the crossings were to be closed, residents in that area would most likely continue to cross the tracks on foot or bicycle to get to the other side of their neighborhood, thus avoiding the congested Lewis Center Road crossings, which have no sidewalks. This would create increase risk for all involved vis-à-vis the railroads. For the record, there have been no serious railroad-related incidents at the Franklin Street crossings for decades, and safety improvements have been recently made by the Board including the addition of stop signs and associated pavement markings to help increase crossing safety.

4. Conclusion.

In view of the realities of the impact of closure on EMS, current residents access to entry and exit from their homes in Lewis Center and the needless division of this historic community, the Board of Township Trustees of Orange Township, Delaware County, Ohio urges the Public Utilities Commission of Ohio to deny the joint petition and avoid creating the problems which will arise from closure.

The resolution was seconded by Ms. Taranto. The vote was Knapp – yes, Taranto – yes, Rivers – no. Mr. Rivers commented he would have liked the addition of the county’s language to the resolution.

Mr. Dill thanked the Board and addressed the Board with their village concerns and has asked the Board to a bigger view for their village and to be left alone.

There was no further business; meeting adjourned approximately 11:00 a.m.

Ryan Rivers, Chairman

Lisa Knapp, Vice Chairman

Deborah Taranto, Trustee

Attest: _____
Wesley Mayer, Fiscal Officer