In The Matter of:

In the Matter of a request by the mahoning County Engineer, et al.

Transcript of Proceedings

November 15, 2019

PUCO Hearing

original filename: 191115_-_(11-15-19)_puco_hearing

		1
1	THE PUBLIC UTILITIES COMMISSION OF OHIO IN THE MATTER OF A REQUEST BY	•
2	THE MAHONING COUNTY ENGINEER FROM STOPPING FOR SCHOOL BUSES CASE NO.	
3	AND HAZARDOUS MATERIALS 18-1606-RR-RCP	
4	VEHICLES AT COUNTY ROAD CROSSINGS 84, 22, 23, 28, 25,	
5	AND 32, AND TOWNSHIP ROAD CROSSINGS 29 AND 30 IN MAHONING	
6	COUNTY.	
7	IN THE MATTER OF A REQUEST BY THE MAHONING COUNTY ENGINEER FOR AN EXEMPTION FROM STOPPING CASE NO.	
8	FOR SCHOOL BUSES AND HAZARDOUS 18-1902-RR-RCP MATERIALS VEHICLES AT THE	
9	COUNTY ROAD 49 CROSSING IN MAHONING COUNTY.	
10	IN THE MATTER OF A REQUEST BY	
11	THE VILLAGE OF SEBRING FOR AN	
12	EXEMPTION FROM STOPPING FOR CASE NO. SCHOOL BUSES AND HAZARDOUS 19-1488-RR-RCP	
13	MATERIALS VEHICLES AT THE NORTH JOHNSON ROAD CROSSING IN MAHONING COUNTY.	
14		
15	IN THE MATTER OF A REQUEST BY THE MAHONING COUNTY ENGINEER FOR AN EXEMPTION FROM STOPPING CASE NO.	
16	FOR SCHOOL BUSES AND HAZARDOUS 19-1891-RR-RCP MATERIALS VEHICLES AT THE	
17	COUNTY ROAD 11 AND 26 CROSSINGS IN MAHONING COUNTY.	
18	HEARING HELD BEFORE	
19	ATTORNEY EXAMINER JAMES M. LYNN,	
20	AT WEST BRANCH HIGH SCHOOL, 14277 SOUTH MAIN STREET, BELOIT, OHIO, ON FRIDAY, NOVEMBER 15, 2019,	
21	COMMENCING AT 12:30	
22	MEHLER & HAGESTROM Court Reporters	
23	CLEVELAND AKRON 1660 West 2nd Street 720 Akron Centre	
24	780 Skylight Office Tower 50 South Main Street Cleveland, Ohio 44113 Akron, Ohio 44308	
25	216.241.9000 330.535.7300 FAX 216.621.0050	

1	APPEARANCES:	2
2	James M. Lynn, Attorney Examiner Public Utilities Commission of Ohio	
3	180 East Broad Street Columbus, Ohio 43215-3793	
4	614.466.0451 Jim.Lynn@puc.state.oh.us	
5	ALSO PRESENT:	
6	Ms. Sherri Malloy, West Branch School District	
7	Mr. Robert Durbin, Mahoning County Engineer's	
8	Office	
9	Mr. Douglas McGlynn, Western Reserve Local School District	
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1	ATTORNEY EXAMINER LYNN: Let's go	3
2	on the record at this time. And Public	
3	Utility Commission of Ohio has assigned for	
4	a hearing at this time and place four cases	
5	actually. And they all involve requests	
6	for exemptions from school buses for	
7	school buses from stopping at certain grade	
8	crossings. And I'll go down the list.	
9	First is Case Number	
10	18-1606-RR-RCP. And that's a request by	
11	the Mahoning County Engineer on behalf of	
12	West Branch Schools. And it concerns the	
13	exemption of County Roads the grade	
14	crossings at County Roads 84, 22, 23, 28,	
15	25 and 32, also Township Roads 29 and 30.	
16	We also have an exemption in Case	
17	exemption request in Case	
18	18-1902-RR-RCP. And that involves, again,	
19	the school buses at County Road 49 in	
20	Mahoning County. And that was done on	
21	behalf of the Western Reserve Schools and	
22	Doug McGlynn.	
23	MR. MCGLYNN: Mm-hmm.	
24	ATTORNEY EXAMINER LYNN: And we	
25	also had two other cases, Case	

		4
1	19-1488-RR-RCP. That request was made by	4
2	the Village of Sebring and actually was by	
3	the I guess it was by the Village of	
4	Sebring because they're the local highway	
5	authority. And that involved the crossing	
6	on North Johnson Road.	
7	And then finally we have Case	
8	19-1891-RR-RCP. And that's also made by	
9	the Mahoning County Engineer on behalf of	
10	West Branch Schools. And that involves	
11	County Roads 11 and 26.	
12	I'm Jim Lynn. I'm the Attorney	
13	Examiner assigned to hear this case. And	
14	our hearing today is a request for public	
15	comments concerning the exemption	
16	exemption applications that were submitted.	
17	Your testimony will be considered part of	
18	the official record of the case and will be	
19	reviewed by our Commissioners before they	
20	make their final decision.	
21	And we obviously don't have a very	
22	large group here, but I appreciate everyone	
23	showing up. And I'll ask when you start	
24	speaking, mention your name and what school	
25	district or in the case of Mr. Durbin, you	

		_
1	know, what county engineer's office and so	5
2	forth. And just spell your name, state the	
3	address, who you work for and then your	
4	thoughts on these different crossing	
5	requests.	
6	I think I'll first start with	
7	Sherri Malloy here of West Branch Schools.	
8	Let's go through the first bunch that I	
9	listed, Sherri. It was County Roads 84,	
10	22, 23, 28, 25, 32 and Township Roads 29	
11	and 30. Any comments on those crossings?	
12	If there is a, you know,	
13	particular one you want to single out,	
14	fine, but I would imagine you have some	
15	comments that really apply to all the	
16	crossings.	
17	MS. MALLOY: That's correct. My	
18	name is Sherri Malloy, S-h-e-r-r-i, last	
19	name is Malloy, M-a-I-I-o-y. I'm the	
20	transportation supervisor at West Branch	
21	Local Schools at 14277 South Main Street,	
22	in Beloit, Ohio.	
23	The crossings that are being	
24	discussed are unused crossings. And by	
25	state law, all school buses and any	

6 trucks that are carrying hazardous 1 2 materials are included in this, but I'm 3 most concerned with school buses especially with children. 4 5 These tracks have been unused. 6 Most of them are either paved over, have 7 trees growing in the middle of them or at 8 best just grassy covered. You can tell 9 that they haven't been used and it has been 10 confirmed that they are not used. But 11 under state law, all school buses have to 12 stop completely, activate lights, open 13 doors, listen. 14 What we find are cars, trucks, 15 semis that know for a fact that these are 16 unused crossings that do not have to stop 17 are either impatient or don't understand 18 why we have to stop, and we are trying to 19 prevent rear-end collisions at best. 20 Especially with winter approaching, that is 21 a big concern. 22 They panic. They don't -- you 23 know, and to be honest with you, we drive 24 eight ton school buses. But if you're a 25 person in a car behind us, that you're

1	going to take the brunt of that. And it	7
2	could be fatal for that person. And I	
3	you know, we don't want to see anyone get	
4	hurt.	
5	But if we could get exempt	
6	crossings and with the law saying that	
7	they're exempt, that will allow us just to	
8	cross these in traffic flow and not have to	
9	stop completely. And we feel that it is a	
10	very, very it's it's a hazard. And	
11	we feel like for the public safety that	
12	this is the right thing to do.	
13	ATTORNEY EXAMINER LYNN: And have	
14	there been any collisions?	
15	MS. MALLOY: Not reportable	
16	collisions. We have had close calls. And	
17	what I mean close calls, people seem to see	
18	the rear end of a stopped school bus or any	
19	other car and veer to the right.	
20	But again, one of these crossings	
21	we'll get to the next one. I'm grouping	
22	all of mine in together is going into	
23	on Johnson Road. This one's going into an	
24	industrial park. It has Tru Cut. It has	
25	Precious Cargo Daycare.	

	^
These people are trying to get to	8
work. These semis are trying to get there.	
And again, they don't have to stop. They	
know they're not going to stop. There's	
there's not even a chance of a train being	
there. And it's it's just it's	
something that needs done for public safety	
as a whole.	
ATTORNEY EXAMINER LYNN: And your	
comments would apply to the County Roads 11	
and 26 also?	
MS. MALLOY: Absolutely. Oyster	
Road and South Range Road also, yes.	
ATTORNEY EXAMINER LYNN: Okay.	
All right. And the issues that are	
concerning you, is it not just when the	
students are being brought to school or	
taken home from school, but also would it	
involve, for example, if they're on a	
school bus going to sporting events or	
something like that	
MS. MALLOY: Absolutely.	
ATTORNEY EXAMINER LYNN: after	
hours?	
MS. MALLOY: Absolutely. Yes.	
	work. These semis are trying to get there. And again, they don't have to stop. They know they're not going to stop. There's there's not even a chance of a train being there. And it's it's just it's something that needs done for public safety as a whole. ATTORNEY EXAMINER LYNN: And your comments would apply to the County Roads 11 and 26 also? MS. MALLOY: Absolutely. Oyster Road and South Range Road also, yes. ATTORNEY EXAMINER LYNN: Okay. All right. And the issues that are concerning you, is it not just when the students are being brought to school or taken home from school, but also would it involve, for example, if they're on a school bus going to sporting events or something like that MS. MALLOY: Absolutely. ATTORNEY EXAMINER LYNN: after hours?

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1	Anywhere we go, we have to stop, whether	9
2	it's out of town or out of out of the	
3	county, yes.	
4	ATTORNEY EXAMINER LYNN: Okay.	
5	Thank you.	
6	MS. MALLOY: And it really the	
7	drivers have noticed, when we met before	
8	and they have exempted 534, 224 and State	
9	all were state routes including State	
10	Route 14, what a difference. And, yeah,	
11	they have commented that it's just they	
12	feel so much better about the situation.	
13	ATTORNEY EXAMINER LYNN: Thank	
14	you.	
15	Okay. Mr. McGlynn, concerning	
16	County Road 49, I believe that's also	
17	Weaver Road?	
18	MR. MCGLYNN: Mm-hmm.	
19	ATTORNEY EXAMINER LYNN: And what	
20	comments would you have as far as the	
21	request made for the exemption there?	
22	MR. MCGLYNN: My name is Doug	
23	McGlynn, D-o-u-g, M-c, capital G-l-y-n-n.	
24	And I am the superintendent at Western	
25	Reserve Local Schools, 13850 West	

1	Akron-Canfield Road, Berlin Center, Ohio	10
2	44401.	
3	The Weaver Road crossing is on an	
4	incline coming both ways. And what we've	
5	run into is when our buses are coming down	
6	Weaver Road, because there are a number of	
7	kids who live on that road, and they're	
8	having to stop, people are not stopping	
9	either behind them or they're going around	
10	them or they're coming up the other way.	
11	And it's becoming a problem for	
12	us. We had a number of car accidents	
13	there. No buses yet on that on that	
14	particular one. But the concern is every	
15	time we're stopping, they're not stopping	
16	coming the other way.	
17	ATTORNEY EXAMINER LYNN: So what	
18	you're saying is that when one of your	
19	buses is stopped on this incline	
20	MR. MCGLYNN: On the incline.	
21	ATTORNEY EXAMINER LYNN: then	
22	cars will say go to the left of the bus,	
23	try to go around it	
24	MR. MCGLYNN: Some will try to go	
25	around.	

1	ATTORNEY EXAMINER LYNN: But	11
2	somebody could be coming the other dir	
3	opposite direction?	
4	MR. MCGLYNN: And there could be a	
5	collision, head-on collision.	
6	ATTORNEY EXAMINER LYNN: Okay.	
7	And it actually has happened or we've had	
8	some close calls?	
9	MR. MCGLYNN: We have had some	
10	close calls with that. It has happened	
11	with just two cars that have just	
12	ATTORNEY EXAMINER LYNN: Okay.	
13	MR. MCGLYNN: come up over that	
14	incline. Because the way it's set up, and	
15	I think you've probably seen it, it's kind	
16	of a hill on both sides. And when you come	
17	up over top, it's partially paved.	
18	And it's not been used in the	
19	seven years I've been there as an active	
20	track. Like the other ones that were made	
21	exempt in our district, it's one that has	
22	grass growing up through it, trees, as	
23	Sherri stated.	
24	But it would make it a lot easier	
25	for us not to have to make that stop and	

	4.0
went out and viewed all of them to so	13
that I would have an opinion on each and	
every crossing whether or not it should be	
exempt.	
I believe every one of them should	
be exempt for the reasons that have been	
stated here. It's very obvious that there	
could be some hazardous situations created	
by buses having to stop at these crossings	
due to other traffic not wanting to stop or	
not needing to stop.	
I had some conversation with the	
two townships that were involved on the	
crossing on the Township Road 29 and 30 and	
gave them my opinion of the crossing, asked	
them to take it to their township meeting	
and provide a letter of support, which they	
did, which was included in my letter.	
And we are fully in support of	
both school districts and their request for	
these exemptions.	
ATTORNEY EXAMINER LYNN: Thank	
you. I'll note for the record here there	
is we don't have a representative of the	
Village of Sebring. However, we do have a	
	that I would have an opinion on each and every crossing whether or not it should be exempt. I believe every one of them should be exempt for the reasons that have been stated here. It's very obvious that there could be some hazardous situations created by buses having to stop at these crossings due to other traffic not wanting to stop or not needing to stop. I had some conversation with the two townships that were involved on the crossing on the Township Road 29 and 30 and gave them my opinion of the crossing, asked them to take it to their township meeting and provide a letter of support, which they did, which was included in my letter. And we are fully in support of both school districts and their request for these exemptions. ATTORNEY EXAMINER LYNN: Thank you. I'll note for the record here there is we don't have a representative of the

1	letter that was filed by them in this case.	14
2	And thanks to Sherri Malloy for helping get	
3	that letter too.	
4	I also mention here, sometimes	
5	when I'm not in my home office things	
6	aren't as formal as they typically are.	
7	And I needed to actually swear you all in.	
8	So I just ask that for all three	
9	of you do you swear the statements you all	
10	made were true?	
11	Miss Malloy?	
12	MS. MALLOY: Yes, they were true.	
13	ATTORNEY EXAMINER LYNN: Okay.	
14	And Mr. McGlynn?	
15	MR. MCGLYNN: Yes, true.	
16	ATTORNEY EXAMINER LYNN: And Mr.	
17	Durbin?	
18	MR. DURBIN: Yes, all true.	
19	ATTORNEY EXAMINER LYNN: Thank you	
20	very much. Get me off my bench and I'm	
21	totally out of sync here.	
22	All right. I believe that really	
23	is about it. Again, I want to thank	
24	everyone for coming and all the	
25	coordination with the emails going back and	

		15
1	forth and so on. And I believe that will	15
2	wrap things up. Thanks for our court	
3	reporter for coming too.	
4	And that will close the	
5	proceedings for today.	
6		
7	(Hearing concluded.)	
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	CERTIFICATE
3	CERTIFICATE
4	I Down I Wiebrocht a Notony Dublic
5	I, Dawn L. Wiebrecht, a Notary Public
6	within and for the State of Ohio, do hereby
7	certify that I attended the foregoing hearing in
8	its entirety, that I wrote the same in stenotypy,
9	and that this is a true and correct transcript of
10	my stenotype notes.
11	IN WITNESS WHEREOF, I have hereunto set my
12	hand and seal of office, at Cleveland, Ohio, this
13	27th day of November, 2019.
14	
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17	
18	Davis I. Wiehrecht
19	Dawn L. Wiebrecht Notary Public, State of Ohio
20	My commission expires April 30, 2022
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	1	_		
	19	created 13:8	find 6:14	left 10:22
1	authority 4:5	cross 7:8	fine 5:14	letter 13:17,18 14:1,
	authority	crossing 4:5 5:4	flow 7:8	3
11 4:11 8:10		10:3 13:3,14,15	formal 14:6	lights 6:12
13850 9:25	В			listed 5:9
14 9:10	B-O-B 12:14	crossings 5:11,16,	fully 13:19	
14277 5:21	back 14:25	23,24 6:16 7:6,20		listen 6:13
19-1488-RR-RCP	Bears 12:16	12:25 13:9	G	live 10:7
		Cut 7:24	01 V N N 0 00	local 4:4 5:21 9:25
4:1	behalf 4:9		G-L-Y-N-N 9:23	lot 11:24
19-1891-RR-RCP	Beloit 5:22		gave 13:15	Lynn 4:12 7:13 8:9,
4:8	bench 14:20		grass 11:22	14,23 9:4,13,19
	Berlin 10:1	D-O-U-G 9:23	grassy 6:8	
2	big 6:21	D-U-R-B-I-N 12:14	group 4:22	10:17,21 11:1,6,12
	Bob 12:13	Daycare 7:25	grouping 7:21	12:5 13:22 14:13,16,
22 5:10				19
224 9:8	Branch 4:10 5:7,20	decision 4:20	growing 6:7 11:22	
23 5:10	brought 8:17	Den 12:16	guess 4:3	M
	brunt 7:1	deputy 12:14		
25 5:10	bunch 5:8	difference 9:10	Н	M-A-L-L-O-Y 5:19
26 4:11 8:11	bus 7:18 8:20 10:22	dir 11:2		M-C 9:23
28 5:10	buses 5:25 6:3,11,24	direction 11:3	happened 11:7,10	made 4:1,8 9:21
29 5:10 13:14	10:5,13,19 13:9	discussed 5:24	hazard 7:10	11:20 12:12 14:10
	10.5, 15, 19 15.9		hazardous 6:1 13:8	
3		district 4:25 11:21	head-on 11:5	Mahoning 4:9 12:8,
	С	districts 13:20	hear 4:13	15
30 5:11 13:14		doors 6:13		Main 5:21
32 5:10	calls 7:16,17 11:8,10	Doug 9:22	hearing 4:14 15:7	make 4:20 11:24,25
62 0.10	capital 9:23	drive 6:23	helping 14:2	Malloy 5:7,17,18,19
	car 6:25 7:19 10:12	drivers 9:7	highway 4:4	7:15 8:12,22,25 9:6
4	Cargo 7:25	due 13:10	hill 11:16	· · ·
44401 10:2	carrying 6:1		home 8:18 14:5	12:24 14:2,11,12
	cars 6:14 10:22	Durbin 4:25 12:7,13,	honest 6:23	materials 6:2
49 9:16	11:11	14 14:17,18	hours 8:24	Mcglynn 9:15,18,22,
				23 10:20,24 11:4,9,13
5	case 4:7,13,18,25	E	hurt 7:4	14:14,15
	14:1			meeting 13:16
534 9:8	cases 12:21	easier 11:24		mention 4:24 14:4
	Center 10:1	emails 14:25		met 9:7
8	chance 8:5	end 7:18	imagine 5:14	
	children 6:4	engineer 4:9 12:8,	impatient 6:17	middle 6:7
84 5:9	1	15	incline 10:4,19,20	mine 7:22
	close 7:16,17 11:8,	1	11:14	Mm-hmm 9:18
9	10 15:4	engineer's 5:1	included 6:2 13:18	
	collision 11:5	12:10		N
940 12:16	collisions 6:19 7:14,	engineering 12:23	including 9:9 12:2	
	16	events 8:20	industrial 7:24	needed 14:7
	commented 9:11	Examiner 4:13 7:13	involve 8:19	needing 13:11
Α	comments 4:15	8:9,14,23 9:4,13,19	involved 4:5 13:13	North 4:6
Absolutely 8:12,22,			involves 4:10	
25	5:11,15 8:10 9:20	10:17,21 11:1,6,12	issues 8:15	note 13:23
-	Commissioners	12:5 13:22 14:13,16,	100400 0.10	noticed 9:7
accidents 10:12	4:19	19		number 10:6,12
activate 6:12	completely 6:12 7:9	exempt 7:5,7 11:21	J	
active 11:19	concern 6:21 10:14	13:4,6	Jim 4:12	0
activities 12:3	concerned 6:3	exempted 9:8		
address 5:3 12:9,16	concluded 15:7	exemption 4:15,16	Johnson 4:6 7:23	obvious 13:7
advisors 12:23			jurisdiction 12:19,	office 5:1 12:10 14:5
Akron-canfield	confirmed 6:10	9:21	20	official 4:18
	considered 4:17	exemptions 13:21		Ohio 5:22 10:1
10:1	contacted 12:24		K	
applications 4:16	conversation 13:12	F		12:17,22
apply 5:15 8:10	coordination 14:25		kids 10:7	one's 7:23
approaching 6:20	correct 5:17	fact 6:15	kind 11:15	open 6:12
area 12:4	1	fatal 7:2		opinion 13:2,15
assigned 4:13	county 4:9,11 5:1,9	feel 7:9,11 9:12		opposite 11:3
_	8:10 9:3,16 12:8,15,	filed 14:1	L	Oyster 8:12
Attorney 4:12 7:13	18,20		large 4:22	3,3101 0.12
8:9,14,23 9:4,13,19	court 15:2	final 4:20	law 5:25 6:11 7:6	
10:17,21 11:1,6,12	covered 6:8	finally 4:7		
12:5 13:22 14:13,16,			12:22	
				1

1Index: 11..Oyster

panic 6:22 park 7:24 **part** 4:17 partially 11:17 **parts** 12:3 paved 6:6 11:17 people 7:17 8:1 10:8 person 6:25 7:2 Precious 7:25 prevent 6:19 problem 10:11 proceedings 15:5 provide 13:17 public 4:14 7:11 8:7 R **Range** 8:13 rear 7:18 rear-end 6:19 reasons 13:6 record 4:18 13:23

reportable 7:15 reporter 15:3 representative 13:24 request 4:1,14 9:21 13:20 requests 5:5 12:11 Reserve 9:25 reviewed 4:19 **road** 4:6 7:23 8:13 9:16,17 10:1,3,6,7 12:16 13:14 **roads** 4:11 5:9,10 8:10 12:18,20,22,25 **Route** 9:10 routes 9:9 run 10:5

S

S-H-E-R-R-I 5:18 **safety** 7:11 8:7 **school** 4:24 5:25 6:3,11,24 7:18 8:17, 18,20 12:2 13:20 **Schools** 4:10 5:7,21 9:25 **Sebring** 4:2,4 13:25 **semis** 6:15 8:2 set 11:14 **Sherri** 5:7,9,18 11:23 14:2 showing 4:23 **sides** 11:16 single 5:13 situation 9:12 situations 13:8

South 5:21 8:13 southeast 12:4 speaking 4:24 spell 5:2 sporting 8:20 **start** 4:23 5:6 12:1 **state** 5:2,25 6:11 9:8, 9 12:9 **stated** 11:23 13:7 statements 14:9 **stop** 6:12,16,18 7:9 8:3,4 9:1 10:8 11:25 13:9,10,11 **stopped** 7:18 10:19 **stopping** 10:8,15 Street 5:21 students 8:17 submitted 4:16 superintendent 9:24 supervisor 5:20 support 13:17,19 **swear** 14:7,9

T ny

sync 14:21

testimony 4:17 thing 7:12 things 14:5 15:2 **thoughts** 5:4 12:10 time 10:15 today 4:14 15:5 ton 6:24 top 11:17 totally 14:21 town 9:2 township 5:10 12:21 13:14,16 townships 12:23 13:13 track 11:20 tracks 6:5 **traffic** 7:8 13:10 train 8:5 transportation 5:20 trees 6:7 11:22 Tru 7:24 **trucks** 6:1,14 **true** 14:10,12,15,18 typically 14:6

U

understand 6:17 unused 5:24 6:5,16

٧

veer 7:19 viewed 13:1 Village 4:2,3 13:25

W

wanting 13:10 ways 10:4 Weaver 9:17 10:3,6 West 4:10 5:7,20 9:25 Western 9:24 winter 6:20 work 5:3 8:2 wrap 15:2

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years 11:19 Youngstown 12:17 This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 18-1606-RR-RCP, 18-1902-RR-RCP, 19-1488-RR-RCP, 19-1891-RR-RCP

Summary: Transcript In the matter of a request by the Mahoning County Engineer from stopping for school buses and hazardous materials vehicles at county road crossings 82, 22, 23, 28, 25 and 32 and township road crossings 29 and 30 in Mahoning County. In the matter of a request by the Mahoning County Engineer for an exemption from stopping for school buses and hazardous materials vehicles a the county road 49 crossing in Mahoning County.

In the matter of a request by the Village of Sebring for an exemption from stopping for school buses and hazardous materials vehicles at the North Johnson Road crossing in Mahoning County.

In the matter of a request by the Mahoning County Engineer for an exemption from stopping for school buses and hazardous materials vehicles at the county road 11 and 26 crossings in Mahoning county.

Hearing held before Attorney Examiner James M. Lynn at West Branch High School, 14277 South Main Street, Beloit Ohio. electronically filed by Ms. Barbara Marinelli on behalf of Mehler & Hagestrom