

In The Matter of:

18-1606-RR-RCP
18-1902-RR-RCP
19-1488-RR-RCP
19-1891-RR-RCP

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

Transcript of Proceedings

November 15, 2019

PUCO Hearing

PUCO

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MEHLER HAGESTROM

Court Reporters

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THE PUBLIC UTILITIES COMMISSION OF OHIO
 IN THE MATTER OF A REQUEST BY
 THE MAHONING COUNTY ENGINEER
 FROM STOPPING FOR SCHOOL BUSES CASE NO.
 AND HAZARDOUS MATERIALS 18-1606-RR-RCP
 VEHICLES AT COUNTY ROAD
 CROSSINGS 84, 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 CASE NO.
 FOR SCHOOL BUSES AND HAZARDOUS 18-1902-RR-RCP
 MATERIALS VEHICLES AT 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 CASE NO.
 SCHOOL BUSES AND HAZARDOUS 19-1488-RR-RCP
 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 CASE NO.
 FOR SCHOOL BUSES AND HAZARDOUS 19-1891-RR-RCP
 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,
 ON FRIDAY, NOVEMBER 15, 2019,
 COMMENCING AT 12:30

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APPEARANCES:

James M. Lynn, Attorney Examiner
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215-3793
614.466.0451
Jim.Lynn@puc.state.oh.us

ALSO PRESENT:

Ms. Sherri Malloy, West Branch School District

Mr. Robert Durbin, Mahoning County Engineer's
Office

Mr. Douglas McGlynn, Western Reserve Local
School District

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1 ATTORNEY EXAMINER LYNN: Let's go
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

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1 19-1488-RR-RCP. That request was made by
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

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1 know, what county engineer's office and so
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-l-l-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

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1 trucks that are carrying hazardous
2 materials are included in this, but I'm
3 most concerned with school buses especially
4 with children..

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

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1 going to take the brunt of that. And it
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.

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1 These people are trying to get to
2 work. These semis are trying to get there.
3 And again, they don't have to stop. They
4 know they're not going to stop. There's --
5 there's not even a chance of a train being
6 there. And it's -- it's just -- it's
7 something that needs done for public safety
8 as a whole.

9 ATTORNEY EXAMINER LYNN: And your
10 comments would apply to the County Roads 11
11 and 26 also?

12 MS. MALLOY: Absolutely. Oyster
13 Road and South Range Road also, yes.

14 ATTORNEY EXAMINER LYNN: Okay.
15 All right. And the issues that are
16 concerning you, is it not just when the
17 students are being brought to school or
18 taken home from school, but also would it
19 involve, for example, if they're on a
20 school bus going to sporting events or
21 something like that --

22 MS. MALLOY: Absolutely.

23 ATTORNEY EXAMINER LYNN: -- after
24 hours?

25 MS. MALLOY: Absolutely. Yes.

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1 Anywhere we go, we have to stop, whether
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

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1 Akron-Canfield Road, Berlin Center, Ohio
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.

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1 ATTORNEY EXAMINER LYNN: But
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

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1 start, to be able to go over that,
2 including after school when we go that way
3 to go to activities at other parts of the
4 area towards the southeast way.

5 ATTORNEY EXAMINER LYNN: Okay.

6 Thank you.

7 And, Mr. Durbin, you're with the
8 Mahoning County Engineer. If you could,
9 you know, state your name, the address of
10 the Engineer's Office, any thoughts you
11 would have as far as these requests that
12 were made.

13 MR. DURBIN: My name is Bob
14 Durbin, B-o-b D-u-r-b-i-n. I am the deputy
15 engineer for the Mahoning County Engineer.
16 Our address is 940 Bears Den Road,
17 Youngstown, Ohio.

18 I have four county roads that are
19 under our jurisdiction -- I'm sorry, nine
20 county roads under our jurisdiction in
21 these four cases as well as two township
22 roads. Under Ohio law, we are the
23 engineering advisors for all townships.

24 So when Miss Malloy contacted us
25 about these various roads and crossings, I

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1 went out and viewed all of them to -- so
2 that I would have an opinion on each and
3 every crossing whether or not it should be
4 exempt.

5 I believe every one of them should
6 be exempt for the reasons that have been
7 stated here. It's very obvious that there
8 could be some hazardous situations created
9 by buses having to stop at these crossings
10 due to other traffic not wanting to stop or
11 not needing to stop.

12 I had some conversation with the
13 two townships that were involved on the
14 crossing on the Township Road 29 and 30 and
15 gave them my opinion of the crossing, asked
16 them to take it to their township meeting
17 and provide a letter of support, which they
18 did, which was included in my letter.

19 And we are fully in support of
20 both school districts and their request for
21 these exemptions.

22 ATTORNEY EXAMINER LYNN: Thank
23 you. I'll note for the record here there
24 is -- we don't have a representative of the
25 Village of Sebring. However, we do have a

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1 letter that was filed by them in this case.
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

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1 forth and so on. And I believe that will
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.)

8 - - - -

C E R T I F I C A T E

I, Dawn L. Wiebrecht, a Notary Public
within and for the State of Ohio, do hereby
certify that I attended the foregoing hearing in
its entirety, that I wrote the same in stenotypy,
and that this is a true and correct transcript of
my stenotype notes.

IN WITNESS WHEREOF, I have hereunto set my
hand and seal of office, at Cleveland, Ohio, this
27th day of November, 2019.

Dawn L. Wiebrecht



Dawn L. Wiebrecht
Notary Public, State of Ohio
My commission expires April 30, 2022

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<hr/> <p align="center">1</p> <hr/> <p>11 4:11 8:10 13850 9:25 14 9:10 14277 5:21 19-1488-RR-RCP 4:1 19-1891-RR-RCP 4:8</p> <hr/> <p align="center">2</p> <hr/> <p>22 5:10 224 9:8 23 5:10 25 5:10 26 4:11 8:11 28 5:10 29 5:10 13:14</p> <hr/> <p align="center">3</p> <hr/> <p>30 5:11 13:14 32 5:10</p> <hr/> <p align="center">4</p> <hr/> <p>44401 10:2 49 9:16</p> <hr/> <p align="center">5</p> <hr/> <p>534 9:8</p> <hr/> <p align="center">8</p> <hr/> <p>84 5:9</p> <hr/> <p align="center">9</p> <hr/> <p>940 12:16</p> <hr/> <p align="center">A</p> <hr/> <p>Absolutely 8:12,22, 25 accidents 10:12 activate 6:12 active 11:19 activities 12:3 address 5:3 12:9,16 advisors 12:23 Akron-canfield 10:1 applications 4:16 apply 5:15 8:10 approaching 6:20 area 12:4 assigned 4:13 Attorney 4:12 7:13 8:9,14,23 9:4,13,19 10:17,21 11:1,6,12 12:5 13:22 14:13,16,</p>	<p>19 authority 4:5</p> <hr/> <p align="center">B</p> <hr/> <p>B-O-B 12:14 back 14:25 Bears 12:16 behalf 4:9 Beloit 5:22 bench 14:20 Berlin 10:1 big 6:21 Bob 12:13 Branch 4:10 5:7,20 brought 8:17 brunt 7:1 bunch 5:8 bus 7:18 8:20 10:22 buses 5:25 6:3,11,24 10:5,13,19 13:9</p> <hr/> <p align="center">C</p> <hr/> <p>calls 7:16,17 11:8,10 capital 9:23 car 6:25 7:19 10:12 Cargo 7:25 carrying 6:1 cars 6:14 10:22 11:11 case 4:7,13,18,25 14:1 cases 12:21 Center 10:1 chance 8:5 children 6:4 close 7:16,17 11:8, 10 15:4 collision 11:5 collisions 6:19 7:14, 16 commented 9:11 comments 4:15 5:11,15 8:10 9:20 Commissioners 4:19 completely 6:12 7:9 concern 6:21 10:14 concerned 6:3 concluded 15:7 confirmed 6:10 considered 4:17 contacted 12:24 conversation 13:12 coordination 14:25 correct 5:17 county 4:9,11 5:1,9 8:10 9:3,16 12:8,15, 18,20 court 15:2 covered 6:8</p>	<p>created 13:8 cross 7:8 crossing 4:5 5:4 10:3 13:3,14,15 crossings 5:11,16, 23,24 6:16 7:6,20 12:25 13:9 Cut 7:24</p> <hr/> <p align="center">D</p> <hr/> <p>D-O-U-G 9:23 D-U-R-B-I-N 12:14 Daycare 7:25 decision 4:20 Den 12:16 deputy 12:14 difference 9:10 dir 11:2 direction 11:3 discussed 5:24 district 4:25 11:21 districts 13:20 doors 6:13 Doug 9:22 drive 6:23 drivers 9:7 due 13:10 Durbin 4:25 12:7,13, 14 14:17,18</p> <hr/> <p align="center">E</p> <hr/> <p>easier 11:24 emails 14:25 end 7:18 engineer 4:9 12:8, 15 engineer's 5:1 12:10 engineering 12:23 events 8:20 Examiner 4:13 7:13 8:9,14,23 9:4,13,19 10:17,21 11:1,6,12 12:5 13:22 14:13,16, 19 exempt 7:5,7 11:21 13:4,6 exempted 9:8 exemption 4:15,16 9:21 exemptions 13:21</p> <hr/> <p align="center">F</p> <hr/> <p>fact 6:15 fatal 7:2 feel 7:9,11 9:12 filed 14:1 final 4:20 finally 4:7</p>	<p>find 6:14 fine 5:14 flow 7:8 formal 14:6 fully 13:19</p> <hr/> <p align="center">G</p> <hr/> <p>G-L-Y-N-N 9:23 gave 13:15 grass 11:22 grassy 6:8 group 4:22 grouping 7:21 growing 6:7 11:22 guess 4:3</p> <hr/> <p align="center">H</p> <hr/> <p>happened 11:7,10 hazard 7:10 hazardous 6:1 13:8 head-on 11:5 hear 4:13 hearing 4:14 15:7 helping 14:2 highway 4:4 hill 11:16 home 8:18 14:5 honest 6:23 hours 8:24 hurt 7:4</p> <hr/> <p align="center">I</p> <hr/> <p>imagine 5:14 impatient 6:17 incline 10:4,19,20 11:14 included 6:2 13:18 including 9:9 12:2 industrial 7:24 involve 8:19 involved 4:5 13:13 involves 4:10 issues 8:15</p> <hr/> <p align="center">J</p> <hr/> <p>Jim 4:12 Johnson 4:6 7:23 jurisdiction 12:19, 20</p> <hr/> <p align="center">K</p> <hr/> <p>kids 10:7 kind 11:15</p> <hr/> <p align="center">L</p> <hr/> <p>large 4:22 law 5:25 6:11 7:6 12:22</p>	<p>left 10:22 letter 13:17,18 14:1, 3 lights 6:12 listed 5:9 listen 6:13 live 10:7 local 4:4 5:21 9:25 lot 11:24 Lynn 4:12 7:13 8:9, 14,23 9:4,13,19 10:17,21 11:1,6,12 12:5 13:22 14:13,16, 19</p> <hr/> <p align="center">M</p> <hr/> <p>M-A-L-L-O-Y 5:19 M-C 9:23 made 4:1,8 9:21 11:20 12:12 14:10 Mahoning 4:9 12:8, 15 Main 5:21 make 4:20 11:24,25 Malloy 5:7,17,18,19 7:15 8:12,22,25 9:6 12:24 14:2,11,12 materials 6:2 Mcglynn 9:15,18,22, 23 10:20,24 11:4,9,13 14:14,15 meeting 13:16 mention 4:24 14:4 met 9:7 middle 6:7 mine 7:22 Mm-hmm 9:18</p> <hr/> <p align="center">N</p> <hr/> <p>needed 14:7 needing 13:11 North 4:6 note 13:23 noticed 9:7 number 10:6,12</p> <hr/> <p align="center">O</p> <hr/> <p>obvious 13:7 office 5:1 12:10 14:5 official 4:18 Ohio 5:22 10:1 12:17,22 one's 7:23 open 6:12 opinion 13:2,15 opposite 11:3 Oyster 8:12</p>
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<p align="center">P</p> <p>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</p>	<p>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 sync 14:21</p>	<p align="center">W</p> <p>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</p> <p align="center">Y</p> <p>years 11:19 Youngstown 12:17</p>	
<p align="center">R</p> <p>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</p>	<p align="center">T</p> <p>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</p>		
<p align="center">S</p> <p>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</p>	<p align="center">U</p> <p>understand 6:17 unused 5:24 6:5,16</p> <p align="center">V</p> <p>veer 7:19 viewed 13:1 Village 4:2,3 13:25</p>		