

~~~~~

1  
2  
3  
4 IN THE MATTER OF AN EXEMPTION REQUEST  
5 BY THE TRUMBULL COUNTY ENGINEER  
6 FOR THE YOUNGSTOWN BELT RAILROAD CROSSING  
7 CASE NO: 23-165 RR RCP  
8  
9

~~~~~

10  
11  
12 Transcript of  
13 Public hearing  
14

May 22, 2023

2:00 p.m.

Taken at:

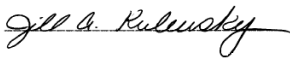
Trumbull Law Library

120 High street NW

Warren, Ohio

18  
19 Jill A. Kulewsky, RPR, Notary Public  
20  
21  
22  
23  
24  
25

<p style="text-align: right;">Page 2</p> <p>1 MARCELLETTI: Good afternoon. The  2 Public Utilities Commission of Ohio has assigned  3 for hearing in Case Number 23-165 RR RCP, which  4 is captioned as In the matter of the request by  5 the Trumbull County Engineer for an exemption  6 from stopping for school Buses and hazardous  7 material vehicles at the intersection of South  8 Leavitt Road and West Market Street in Trumbull  9 County, Ohio.</p> <p>10 My name is Izzy Marcelletti, and I'm  11 the Attorney Examiner assigned by the Commission  12 to hear this case. The purpose of the hearing  13 today is to receive public comments regarding  14 the request made by the Trumbull County Engineer  15 to classify the South Leavitt Road and West  16 Market Street railroad crossings as exempt.</p> <p>17 For those in attendance who wish to  18 testify, your testimony will be considered as  19 part of the official record in this case, and it  20 will be reviewed by the Commission before it  21 makes its final decision.</p> <p>22 I will call the witness forward and  23 swear you in. The court reporter will record  24 your statement. So please speak plainly and  25 clearly so they will be able to write down</p>	<p style="text-align: right;">Page 4</p> <p>1 crossings declared exempt and provided that  2 documentation to them.</p> <p>3 I would like the record to reflect  4 that I've also been working with our Township  5 Trustees, and our Trustees were actually able to  6 successfully get the owner of the southern most  7 railroad crossing where the railroads no longer  8 exist, they have been ripped up. They got the  9 owner of that railroad location to actually take  10 down their crossbuck signs. So now there's only  11 one set of crossbucks up, and they are the ones  12 on the northern most part of the road, and they  13 still have railroad crossings there.</p> <p>14 I've been with the LaBrae Board for  15 12 years. Those railroads have never been  16 active during those 12 years. They do pose  17 quite a hazard as in our buses are required to  18 stop, and every time that our buses stop, we  19 face impatient drivers in front of us and behind  20 us, and you get in many cases people who will  21 pass the bus and go around.</p> <p>22 So our primary concern is, number  23 one, safety for drivers and traffic from  24 railroads that are basically mothballed and not  25 active, and of course, our secondary concern</p>
<p style="text-align: right;">Page 3</p> <p>1 everything.</p> <p>2 Please provide us your name and  3 state your address. After that, state why you  4 think the request should or should not be  5 granted. I may ask you some questions after you  6 are finished with your testimony.</p> <p>7 So with that, if you could please  8 raise your right hand.</p> <p>9 ANTHONY J. CALDERONE  10 of lawful age, called for examination, as  11 provided by the Ohio Rules of Civil Procedure,  12 being first duly sworn, as hereinafter  13 certified, said as follows:</p> <p>14 MARCELLETTI: Thank you. You may  15 proceed.</p> <p>16 MR. CALDERONE: My name is Anthony  17 J. Calderone, that's spelled C-a-l-d-e-r-o-n-e.  18 I'm the Superintendent of the LaBrae Local  19 Schools, and our place of operation is at 1001  20 North Leavitt Road, and Leavitt is spelled  21 L-e-a-v-i-t-t, and that's in Leavittsburg, Ohio,  22 physical zip code is 44430.</p> <p>23 I had submitted a request to the  24 County to solicit their help with the Public  25 Utilities Commission in getting two railroad</p>	<p style="text-align: right;">Page 5</p> <p>1 would be by creating an exemption status makes  2 us a little more efficient. While it's not  3 excessively timely for us to stop there, it  4 definitely slows down the timing of our routes,  5 and we could be slightly more efficient if we  6 didn't have to stop in both directions.</p> <p>7 So our primary concern is to enhance  8 safety of the traffic so that drivers aren't  9 going to become impatient and pass us rather  10 than cooperating with us, and we know by  11 declaring those exempt, we would create a more  12 consistent flow of traffic, eliminate that need  13 for impatient drivers to pass us and create a  14 safer thoroughfare for our buses and other  15 traffic.</p> <p>16 Other than that, that's our reason  17 for making this request.</p> <p>18 MARCELLETTI: Thank you. I don't  19 have any questions at this time. I just wanted  20 to make sure that you knew that this was for one  21 crossing because you already mentioned the  22 crossing that had been ripped up.</p> <p>23 MR. CALDERONE: Yeah, the timing of  24 it, they took it out, and so now we're down to  25 one. I would assume PUCO has been made aware of</p>

<p style="text-align: right;">Page 6</p> <p>1 that, correct?</p> <p>2 MARCELLETTI: Yes. That was my only</p> <p>3 clarifying thing, that you understood that the</p> <p>4 original request was two railroad exemptions,</p> <p>5 but we're only going to do the one because the</p> <p>6 one was already taken care of. So thank you for</p> <p>7 your time.</p> <p>8 Jill, we'll go off the record for a</p> <p>9 few minutes. Thank you.</p> <p>10 (Recess taken.)</p> <p>11 MARCELLETTI: I do want to note for</p> <p>12 the record that it's 2:15, and we wanted to wait</p> <p>13 to make sure folks had a chance if they were</p> <p>14 running late, but seeing that no other folks are</p> <p>15 present and we have no other questions from the</p> <p>16 public, we are done for the afternoon.</p> <p>17 I would like to thank Trumbull</p> <p>18 County Law Library for allowing us to use its</p> <p>19 facilities. Thank you to the court reporter.</p> <p>20 The case will be submitted to the record, and</p> <p>21 the Commission will issue its decision in due</p> <p>22 course.</p> <p>23 (Public Hearing Concluded.)</p> <p>24 - - - - -</p> <p>25</p>	
<p style="text-align: right;">Page 7</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3</p> <p>4 I, Jill A. Kulewsky, do hereby</p> <p>5 certify that as such Reporter I took down in</p> <p>6 Stenotypy all of the proceedings had in the</p> <p>7 foregoing transcript; that I have transcribed my</p> <p>8 said Stenotype notes into typewritten form as</p> <p>9 appears in the foregoing transcript; that said</p> <p>10 transcript is the complete form of the</p> <p>11 proceedings had in said cause and constitutes a</p> <p>12 true and correct transcript therein.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 </p> <p>17 JILL A. KULEWSKY, Notary Public</p> <p>18 within and for the State of Ohio</p> <p>19 My commission expires August 31, 2025.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

<b>1</b>	<b>august</b> 7:19	<b>complete</b> 7:10	<b>definitely</b> 5:4
<b>1001</b> 3:19	<b>aware</b> 5:25	<b>concern</b> 4:22	<b>directions</b> 5:6
<b>12</b> 4:15,16	<b>b</b>	4:25 5:7	<b>documentation</b> 4:2
<b>120</b> 1:17	<b>basically</b> 4:24	<b>concluded</b> 6:23	<b>drivers</b> 4:19,23
<b>2</b>	<b>belt</b> 1:6	<b>considered</b> 2:18	5:8,13
<b>2023</b> 1:14	<b>board</b> 4:14	<b>consistent</b> 5:12	<b>due</b> 6:21
<b>2025</b> 7:19	<b>bus</b> 4:21	<b>constitutes</b> 7:11	<b>duly</b> 3:12
<b>22</b> 1:14	<b>buses</b> 2:6 4:17	<b>cooperating</b> 5:10	<b>e</b>
<b>2224</b> 7:16	4:18 5:14	<b>correct</b> 6:1	<b>e</b> 3:17,17,21
<b>23-165</b> 1:7 2:3	<b>c</b>	7:12	<b>efficient</b> 5:2,5
<b>2:00</b> 1:15	<b>c</b> 3:17	<b>county</b> 1:5 2:5	<b>eliminate</b> 5:12
<b>2:15</b> 6:12	<b>calderone</b> 3:9	2:9,14 3:24	<b>engineer</b> 1:5
<b>3</b>	3:16,17 5:23	6:18	2:5,14
<b>31</b> 7:19	<b>call</b> 2:22	<b>course</b> 4:25	<b>enhance</b> 5:7
<b>4</b>	<b>called</b> 3:10	6:22	<b>examination</b> 3:10
<b>44430</b> 3:22	<b>captioned</b> 2:4	<b>court</b> 2:23 6:19	<b>examiner</b> 2:11
<b>a</b>	<b>care</b> 6:6	<b>create</b> 5:11,13	<b>excessively</b> 5:3
<b>able</b> 2:25 4:5	<b>case</b> 1:7 2:3,12	<b>creating</b> 5:1	<b>exempt</b> 2:16
<b>active</b> 4:16,25	2:19 6:20	<b>crossbuck</b> 4:10	4:1 5:11
<b>actually</b> 4:5,9	<b>cases</b> 4:20	<b>crossbucks</b> 4:11	<b>exemption</b> 1:4
<b>address</b> 3:3	<b>cause</b> 7:11	<b>crossing</b> 1:6 4:7	2:5 5:1
<b>afternoon</b> 2:1	<b>certificate</b> 7:1	5:21,22	<b>exemptions</b> 6:4
6:16	<b>certified</b> 3:13	<b>crossings</b> 2:16	<b>exist</b> 4:8
<b>age</b> 3:10	<b>certify</b> 7:5	4:1,13	<b>expires</b> 7:19
<b>allowing</b> 6:18	<b>chance</b> 6:13	<b>d</b>	<b>f</b>
<b>anthony</b> 3:9,16	<b>civil</b> 3:11	<b>d</b> 3:17	<b>face</b> 4:19
<b>appears</b> 7:9	<b>clarifying</b> 6:3	<b>decision</b> 2:21	<b>facilities</b> 6:19
<b>assigned</b> 2:2,11	<b>classify</b> 2:15	6:21	<b>final</b> 2:21
<b>assume</b> 5:25	<b>clearly</b> 2:25	<b>declared</b> 4:1	<b>finished</b> 3:6
<b>attendance</b> 2:17	<b>code</b> 3:22	<b>declaring</b> 5:11	<b>first</b> 3:12
<b>attorney</b> 2:11	<b>comments</b> 2:13		<b>flow</b> 5:12
	<b>commission</b> 2:2		
	2:11,20 3:25		
	6:21 7:19		

<b>folks</b> 6:13,14	<b>k</b>	<b>mentioned</b> 5:21	<b>people</b> 4:20
<b>follows</b> 3:13	<b>knew</b> 5:20	<b>minutes</b> 6:9	<b>physical</b> 3:22
<b>foregoing</b> 7:7,9	<b>know</b> 5:10	<b>mothballed</b>	<b>place</b> 3:19
<b>form</b> 7:8,10	<b>kulewsky</b> 1:19	4:24	<b>plainly</b> 2:24
<b>forward</b> 2:22	7:4,17	<b>n</b>	<b>please</b> 2:24 3:2
<b>front</b> 4:19	<b>l</b>	<b>n</b> 3:17	3:7
<b>g</b>	<b>l</b> 3:17,21	<b>name</b> 2:10 3:2	<b>pose</b> 4:16
<b>getting</b> 3:25	<b>labrae</b> 3:18	3:16	<b>present</b> 6:15
<b>go</b> 4:21 6:8	4:14	<b>need</b> 5:12	<b>primary</b> 4:22
<b>going</b> 5:9 6:5	<b>late</b> 6:14	<b>never</b> 4:15	5:7
<b>good</b> 2:1	<b>law</b> 1:16 6:18	<b>north</b> 3:20	<b>procedure</b> 3:11
<b>granted</b> 3:5	<b>lawful</b> 3:10	<b>northern</b> 4:12	<b>proceed</b> 3:15
<b>h</b>	<b>leavitt</b> 2:8,15	<b>notary</b> 1:19	<b>proceedings</b>
<b>hand</b> 3:8	3:20,20	7:17	7:6,11
<b>hazard</b> 4:17	<b>leavittsburg</b>	<b>note</b> 6:11	<b>provide</b> 3:2
<b>hazardous</b> 2:6	3:21	<b>notes</b> 7:8	<b>provided</b> 3:11
<b>hear</b> 2:12	<b>library</b> 1:16	<b>number</b> 2:3	4:1
<b>hearing</b> 1:13	6:18	4:22	<b>public</b> 1:13,19
2:3,12 6:23	<b>little</b> 5:2	<b>nw</b> 1:17	2:2,13 3:24
<b>help</b> 3:24	<b>local</b> 3:18	<b>o</b>	6:16,23 7:17
<b>hereinafter</b>	<b>location</b> 4:9	<b>o</b> 3:17	<b>puco</b> 5:25
3:12	<b>longer</b> 4:7	<b>official</b> 2:19	<b>purpose</b> 2:12
<b>high</b> 1:17	<b>m</b>	<b>ohio</b> 1:17 2:2,9	<b>q</b>
<b>i</b>	<b>made</b> 2:14 5:25	3:11,21 7:18	<b>questions</b> 3:5
<b>impatient</b> 4:19	<b>make</b> 5:20 6:13	<b>ones</b> 4:11	5:19 6:15
5:9,13	<b>makes</b> 2:21 5:1	<b>operation</b> 3:19	<b>quite</b> 4:17
<b>intersection</b> 2:7	<b>making</b> 5:17	<b>original</b> 6:4	<b>r</b>
<b>issue</b> 6:21	<b>marcelletti</b> 2:1	<b>owner</b> 4:6,9	<b>r</b> 3:17
<b>izzy</b> 2:10	2:10 3:14 5:18	<b>p</b>	<b>railroad</b> 1:6
<b>j</b>	6:2,11	<b>p.m.</b> 1:15	2:16 3:25 4:7,9
<b>j</b> 3:9,17	<b>market</b> 2:8,16	<b>part</b> 2:19 4:12	4:13 6:4
<b>jill</b> 1:19 6:8 7:4	<b>material</b> 2:7	<b>pass</b> 4:21 5:9	<b>railroads</b> 4:7
7:17	<b>matter</b> 1:4 2:4	5:13	4:15,24

<b>raise</b> 3:8 <b>rather</b> 5:9 <b>rcp</b> 1:7 2:3 <b>reason</b> 5:16 <b>receive</b> 2:13 <b>recess</b> 6:10 <b>record</b> 2:19,23 4:3 6:8,12,20 <b>reflect</b> 4:3 <b>regarding</b> 2:13 <b>reporter</b> 2:23 6:19 7:5 <b>reporter's</b> 7:1 <b>request</b> 1:4 2:4 2:14 3:4,23 5:17 6:4 <b>required</b> 4:17 <b>reviewed</b> 2:20 <b>right</b> 3:8 <b>ripped</b> 4:8 5:22 <b>road</b> 2:8,15 3:20 4:12 <b>routes</b> 5:4 <b>rpr</b> 1:19 <b>rr</b> 1:7 2:3 <b>rules</b> 3:11 <b>running</b> 6:14	<b>set</b> 4:11 <b>signature</b> 7:16 <b>signs</b> 4:10 <b>slightly</b> 5:5 <b>slows</b> 5:4 <b>solicit</b> 3:24 <b>south</b> 2:7,15 <b>southern</b> 4:6 <b>speak</b> 2:24 <b>spelled</b> 3:17,20 <b>state</b> 3:3,3 7:18 <b>statement</b> 2:24 <b>status</b> 5:1 <b>stenotype</b> 7:8 <b>stenotypy</b> 7:6 <b>stop</b> 4:18,18 5:3,6 <b>stopping</b> 2:6 <b>street</b> 1:17 2:8 2:16 <b>submitted</b> 3:23 6:20 <b>successfully</b> 4:6 <b>superintendent</b> 3:18 <b>sure</b> 5:20 6:13 <b>swear</b> 2:23 <b>sworn</b> 3:12	<b>testimony</b> 2:18 3:6 <b>thank</b> 3:14 5:18 6:6,9,17,19 <b>thing</b> 6:3 <b>think</b> 3:4 <b>thoroughfare</b> 5:14 <b>time</b> 4:18 5:19 6:7 <b>timely</b> 5:3 <b>timing</b> 5:4,23 <b>today</b> 2:13 <b>took</b> 5:24 7:5 <b>township</b> 4:4 <b>traffic</b> 4:23 5:8 5:12,15 <b>transcribed</b> 7:7 <b>transcript</b> 1:12 7:7,9,10,12 <b>true</b> 7:12 <b>trumbull</b> 1:5 1:16 2:5,8,14 6:17 <b>trustees</b> 4:5,5 <b>two</b> 3:25 6:4 <b>typewritten</b> 7:8	<b>v</b>
			<b>v</b> 3:21 <b>vehicles</b> 2:7
			<b>w</b>
			<b>wait</b> 6:12 <b>want</b> 6:11 <b>wanted</b> 5:19 6:12 <b>warren</b> 1:17 <b>west</b> 2:8,15 <b>wish</b> 2:17 <b>witness</b> 2:22 <b>working</b> 4:4 <b>write</b> 2:25
			<b>y</b>
			<b>yeah</b> 5:23 <b>years</b> 4:15,16 <b>youngstown</b> 1:6
			<b>z</b>
			<b>zip</b> 3:22
<b>s</b>		<b>u</b>	
<b>safer</b> 5:14 <b>safety</b> 4:23 5:8 <b>school</b> 2:6 <b>schools</b> 3:19 <b>secondary</b> 4:25 <b>seeing</b> 6:14	<b>t</b>	<b>understood</b> 6:3 <b>use</b> 6:18 <b>utilities</b> 2:2 3:25	
	<b>t</b> 3:21,21 <b>take</b> 4:9 <b>taken</b> 1:16 6:6 6:10 <b>testify</b> 2:18		