

FILE

PUBLIC UTILITIES COMMISSION OF OHIO

PUBLIC HEARING

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CASE NUMBER: 14-379-RR-UNC

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TUESDAY, JULY 15, 2014

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Public Utilities Commission of Ohio Local
Public Hearing, In the Matter of a Petition from CSX
Transportation, Inc. to close to vehicular traffic the
Bloominggrove/New Winchester Road Grade Crossing taken at
the Village of Mount Gilead, 72 West High Street, Mount
Gilead, Ohio 43338.

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PUCO

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1 MR. MCKENNEY: At this time we're going
2 to go on the record. The Public Utilities
3 Commission of Ohio calls for hearing at this
4 time and place in case 14-379-RR-UNC.

5 My name is Bryce McKenney, and I'm the
6 attorney examiner assigned by the Public
7 Utilities Commission to hear this case. This
8 case is in the matter of a petition of CSX
9 Transportation, Inc. to close to vehicular
10 traffic the Bloominggrove/New Winchester Road
11 grade crossing. It is DOT No. 262042J, which
12 is located in Washington Township, Morrow
13 County, Ohio.

14 At this time I'd like to take the
15 appearances. I understand there's a
16 representative from the company here with us.

17 MR. EVANS: Yes. Lee Evans with the
18 Dickie McCamey Law Firm in Columbus, Ohio
19 representing CSX in relation to this matter.
20 We're here to listen closely to the evidence
21 provided. I'm not planning to provide any
22 testimony or statements of any kind. I'm
23 here with Amanda DeCesare, a representative
24 of CSX.

25 MR. MCKENNEY: Okay. Thank you. We

1 also have with us today a representative of
2 the Public Utilities Commissions, Public
3 Affairs Department if you'd like to state
4 your name and introduce yourself.

5 MS. SALVATORE: I'm Katie Salvatore. If
6 anybody has any media or public affairs
7 questions, I can take those.

8 MR. MCKENNEY: Thank you. As I've
9 indicated off the record just before we went
10 on the record, the purpose of today's hearing
11 is to take public testimony from the general
12 public on whether there is or is not a
13 demonstrative need for the grade crossing CSX
14 has filed a petition to close.

15 For the record there are nine
16 considerations that are often considered in
17 whether to do a closing grade crossing. The
18 first is the daily vehicular and train
19 traffic of the crossing that is to be closed.
20 The second is the vehicular and train traffic
21 at alternate crossings. The third is the
22 daily increase in vehicular traffic at
23 alternate crossings resulting from the
24 proposed crossing closure.

25 The fourth would be the nature of the

1 roadway adding alternate crossings. The
2 fifth is the total number of crossings within
3 one linear mile of the crossing to be closed.
4 Six, the type of advanced warning devices at
5 the alternate crossings. The seventh is the
6 site distance at any alternate crossing,
7 including any permanent obstruction affecting
8 distance of view.

9 The eighth is the impact of closure on
10 vehicular traffic, emergency vehicles,
11 commercial enterprises, and any other factors
12 pertinent to municipal corporations and other
13 populated areas. And the ninth is any other
14 factor that the Public Utilities Commission
15 of Ohio determines appropriate.

16 At this time I'm going to go ahead and
17 begin with the taking of public testimony. I
18 would like to reiterate that I am not a
19 representative of the company. I'm not here
20 to answer questions this afternoon. However,
21 there is a representative from the company,
22 as we've indicated, and you are welcome to
23 ask questions of the representative from our
24 Public Affairs Department.

25 The first person who arrived this

1 afternoon was Mr. Wilcox, so at this time
2 I'll give Mr. Wilcox the first opportunity to
3 present his statement. Mr. Wilcox, I'm going
4 to ask you to raise your right hand, if you
5 would.

6 WILCOX, sworn.

7 MR. McKENNEY: Thank you. You may
8 proceed.

9 MR. WILCOX: I represent the farming
10 operation that's been there for about 70
11 years or so and we have large structures and
12 whatever. We use that road constantly as far
13 as receiving supplies or maybe traffic in
14 conjunction with our operation as well as
15 myself when I do business in Mansfield or
16 whatever. That is a direct road right over
17 to 19 and Route 2 to Mansfield itself.

18 As far as public safety, I'm sure that
19 will be brought up here in the future by
20 other parties. We do get -- if I was to get
21 the ambulance service or anything or Mutual
22 aid or anything, the fire department in the
23 township, this would be vital as far as time
24 and whatever to begin with.

25 Having been there for 70 years and used

1 that crossing many times -- I used it to get
2 here today even. I think it should not be
3 closed. I think the public itself needs it.
4 And I do know there's other operations on the
5 opposite side of the roads, you might hear
6 about them, down from me, businesses and
7 whatever.

8 Farming operation is a big business,
9 since I've got a couple of them. That's just
10 one I represent there. There's a couple
11 others next to me. That's pretty much, I
12 guess, what I can say, but I don't think it
13 should be closed. I know the schools will
14 speak for themselves and the commissioners
15 will speak on behalf of the public itself and
16 my trustee. So that's what I have to say.
17 Thank you.

18 MR. McKENNEY: Thank you, Mr. Wilcox.
19 Next I have Mr. Creswell. Mr. Creswell,
20 would you like to give a statement then?

21 MR. CRESWELL: Yes, I will.

22 WILLIAM CRESWELL, sworn.

23 MR. McKENNEY: Thank you. Would you
24 please state your name for the record.

25 MR. CRESWELL: I'm William Creswell,

1 C-r-e-s-w-e-l-l. I'm the township trustee
2 in Washington Township, Morrow County where
3 the crossing is located. I have letters from
4 various people. I've got a letter from our
5 engineer that's here. I've got a letter from
6 the school, Northmor School, in Morrow County
7 that is -- that is the school district. I've
8 got a letter from the Iberia Volunteer Fire
9 Department, and I have a letter from the
10 commissioners. All are in favor of keeping
11 this road open as well as the neighbors that
12 you've talked to.

13 The trustees probably started this whole
14 thing. About three years ago, I called the
15 Rail Commission, actually, because there was
16 a problem at the crossing. If anybody is
17 familiar, there's a mound of dirt there. And
18 as you go up, you have to make a right-hand
19 turn. You have to get past that mound of
20 dirt to see if trains are coming and we
21 thought it was a safety issue, especially to
22 snow plows and things like that.

23 So all we asked for was to get that dirt
24 graded down a little bit. And everybody's
25 come out there and now they think it needs to

1 be closed. There is no reason to close it.
2 It could -- with a piece of equipment, you
3 could have that problem that we initially saw
4 fixed in a half an hour. It's nothing that
5 can't be fixed very easily.

6 It's our thinking, as township trustees,
7 that it would be a hardship not only on the
8 people there, but also on actually two school
9 districts. Because it's a county line road,
10 we've got elementary and high school buses
11 from two different schools that run that
12 road, so you've got four bus routes on that
13 road.

14 And the Northmor one, which is in our
15 county, has in their letter indicated how
16 much more time, miles, and everything that
17 includes. It's like 29 hours a year more
18 just by closing that crossing and having to
19 go to the next one. Plus, more danger
20 because there's more intersections that they
21 have to go through and more miles means more
22 danger, of course.

23 The fire department has indicated the
24 same thing there. They're saying how much
25 more time it would take to respond in that

1 area to people because of that being closed.
2 Another issue is that there's a Columbia Gas
3 transmission station that would be harder to
4 get to. You know, like, any gas transmission
5 station, it has certain amount of hazards.
6 The fire department brought up that that
7 would be a major consideration for them
8 because it would take longer to respond to
9 anything in that area.

10 The bottom line is there's really no
11 reason to close it except that the railroad
12 wants to use that site because they don't
13 want to block the one in town. That's where
14 they pull off to let the trains by. It has
15 nothing to do with danger. It has nothing to
16 do with helping the community or helping the
17 county. It's all about helping them and it
18 is wrong.

19 MR. MCKENNEY: All right. Mr. Creswell,
20 if you're willing to part with those letters,
21 we can --

22 MR. CRESWELL: Yes.

23 MR. MCKENNEY: -- introduce them into
24 the public record and then we'll have them
25 filed as an attachment to the testimony

1 today. Thank you.

2 MR. WHISTON: Mr. McKenney, can I ask is
3 it normally your practice to get addresses of
4 persons who are testifying or is that not
5 typical?

6 MS. SALVATORE: I can get those.

7 MR. MCKENNEY: Yes, sir. If we can get
8 your address, too, as well.

9 MR. CRESWELL: Want my personal address
10 or the address of the township?

11 MR. MCKENNEY: I'm sorry?

12 MR. CRESWELL: Want the township's
13 office address or my personal address?

14 MR. MCKENNEY: If you have -- I suppose
15 it doesn't matter. It depends on if you're
16 testifying on behalf -- you know, in your
17 position as trustee or if you're testifying
18 on behalf of yourself.

19 MR. CRESWELL: I'm testifying personally
20 and as a trustee, yes.

21 MR. MCKENNEY: Okay. Then you may
22 provide -- either would work.

23 MR. CRESWELL: The trustee's Post Office
24 Box is 11 Iberia, Ohio. And my address is
25 3763 Township Road 59, Mt. Gilead, Ohio.

1 MR. McKENNEY: Thank you. Mr. Wilcox?

2 MR. WILCOX: You need mine, I take it,
3 then?

4 MS. SALVATORE: Yes, please.

5 MR. McKENNEY: Please.

6 MR. WILCOX: Okay. That's PO Box 356,
7 Galion, Ohio. And the address itself is 5505
8 County Road 8 or County Line Road, whichever
9 you want to refer to it.

10 MR. McKENNEY: Thank you. The next
11 person I have to testify is Harden. Mr.
12 Harden?

13 TOM HARDEN, sworn.

14 MR. McKENNEY: Thank you. Again, I'll
15 ask you to state your name and address as
16 well.

17 MR. HARDEN: Tom Harden, H-a-r-d-e-n,
18 Morrow County Commission. Home address is
19 5823 County Road 121, Mt. Gilead, Ohio 43338.
20 I'm here to testify as an individual, as a
21 county commissioner, and as the former
22 sheriff of Morrow County. I was the sheriff
23 for 24 years. I worked for the sheriff's
24 office almost 40 years. And I am totally
25 opposed to letting the railroad close this

1 crossing.

2 In the 40 years that I served with the
3 sheriff's office, I don't recall ever going
4 to an accident there. You know, there's the
5 possibility there was, but I never was
6 personally called there to investigate any
7 accidents. And to my knowledge, there's
8 never been any there. You know, one of the
9 papers that we read as county commissioners
10 said that the trains run 45 to 50 miles per
11 hour through that crossing.

12 Well, I'm here to say that that crossing
13 is within a mile of the city limits of
14 Galion, Ohio and the City of Galion would not
15 permit a train to pass through there at 45 to
16 50 miles per hour. And where they're talking
17 about, by the time they came out of Galion,
18 there's no way they could reach the speed of
19 45 to 50. And as they're coming into Galion,
20 they couldn't be up to 45 to 50 mile an hour
21 and get slowed down to go through the City of
22 Galion. So I would ask that the railroad
23 prove that, that they're running through
24 there at 45 and 50 miles an hour.

25 The next crossing west of the crossing

1 that we have in question here today, there's
2 one house on that road. It runs north and
3 south. There's one house on that road. And
4 if they wanted to close a crossing for safety
5 or for any other reason, I would think that
6 they would consider that one. There's no
7 crossing gates there and there's one house on
8 that road.

9 If they close this road, it affects -- I
10 counted them. I think there was 26 houses
11 along there that this would affect. And that
12 affects the fire departments, the police, the
13 mailman, the squads. Anyone else that
14 travels on that road, it would affect them.
15 So I don't see that there's a safety factor
16 involved that would permit the railroad to
17 close this road.

18 It's only going to be a hindrance to the
19 citizens of Morrow and Crawford County
20 because it's a county line road and I just
21 wanted to put my objection on file that I
22 object to the fact that this road is being
23 considered to be closed. Thank you.

24 MR. MCKENNEY: Thank you. Next I have
25 Whiston. Mr. Whiston, would you please raise

1 your right hand.

2 TOM WHISTON, sworn.

3 MR. McKENNEY: Thank you. Please state
4 your name and address, please.

5 MR. WHISTON: Tom Whiston, County
6 Commissioner. And my address -- I've got --
7 you've got my business card. My home address
8 is 187 Iberia Street, I-b-e-r-i-a, Mt.
9 Gilead, Ohio 43338.

10 Again, as Tom stated, and I think Dick
11 also concurred, the commissioners have
12 adamantly opposed this. We've never had any
13 direct communication from CSX other than form
14 letters that they sent to us or from the
15 attorneys. They've never offered to come out
16 and meet and discuss the issue as would be
17 germane from the standpoint of an issue. I
18 think it's always good to actually visit a
19 site and see what the real issue is.

20 Morrow County is a growing county, so,
21 obviously, we have concerns from the
22 standpoint if we're looking for access and we
23 need that ability or whether it be a farmer
24 trying to get his equipment across there or
25 whether it's traffic or whether it's a school

1 bus. Everybody we've discussed this with,
2 whether it be from emergency management from
3 safety forces from the engineer's office have
4 discussed this.

5 I think we have a video that indicates
6 the real purpose. And as was stated in the
7 meeting today, you state that there are nine
8 reasons the PUCO can grant a closing for
9 that. The issue is precluded from them being
10 able to do that by the fact that -- and I
11 think it was even in the letter. ORC
12 4907.475 precludes them from doing so on the
13 basis of material benefit to the railroad.

14 And clearly, as the video shows, and the
15 people we've got documented have contacted
16 numerous times, the railroad is using this
17 merely as a staging area for them to be able
18 to store their cars and use it for material
19 gain, which is in direct violation of their
20 billing to close the crossing.

21 So based upon that, I think it should be
22 an easy decision for the PUCO irregardless of
23 the testimony or the sentiment on either side
24 that, in fact, it doesn't qualify based on
25 statute. With that, I'd rest my discussion.

1 Thank you.

2 MR. McKENNEY: Thank you. Next I have
3 Mr. Bush.

4 RANDY BUSH, sworn.

5 MR. McKENNEY: Thank you. Please state
6 your name and address.

7 MR. BUSH: My name is Randy Bush. I'm
8 the Morrow County engineer. 50 East High
9 Street, Mt. Gilead, Ohio 43338. It's amazing
10 how one little question can be so much --
11 bring so much turmoil.

12 About three or four years ago, we met
13 with representatives from ODOT, the railroad.
14 There was some township trustees there, maybe
15 the township trustee from Crawford, Steve
16 Bloomfield, my assistant, and I, we all met
17 to discuss the railroad.

18 And the fella from ODOT made a statement
19 that now I'm going to have to ask this, Mr.
20 Bush. He said this is something that's just
21 part of the normal routine. We have to ask
22 this. It's not any big deal. And he said
23 should this railroad crossing be -- could it
24 be considered for replacement?

25 Well, I've got bat radar. I knew right

1 when he said that this was going to be a
2 headache. I said just for the sake of -- he
3 said, now, it's not -- you know, there's
4 nothing -- you know, he kind of reassured me
5 that this was just a question that they had
6 to ask. And I said, well, I said, we
7 could -- if you want to talk about it, we
8 could consider it. But I said before I would
9 even say that it could be -- I said --

10 I told him then at that time that the
11 fire department should have to be in on it,
12 would have to agree to it, the school board,
13 everything had -- would have to agree to this
14 before it could be considered. And before
15 that, they didn't give me enough time to even
16 consider for snow removal. It was just a --
17 bang, question like that.

18 So -- But in retrospect, snow removal,
19 it's just a dead end. It would have to build
20 some kind of a turnaround or a cul-de-sac for
21 snow removal. It would hamper that. And so
22 before we left, I said if you're asking me
23 right now for an answer, I said I recommend
24 that the railroad be open. And that was my
25 recommendation after we very briefly had a

1 very brief discussion.

2 But I brought up all the parts and all
3 the points about the fire, school buses, and
4 so forth. And I said that I thought that all
5 those would have to be in agreeance before it
6 could be closed. And they said, okay, and
7 that was it. I thought -- I thought that
8 would be the end of it, and, of course, it
9 wasn't the end of it.

10 At this point in time, I still, after
11 carefully considering the snow removal
12 ramifications, plus all the other testimony
13 from the emergency, fire departments, the
14 school boards, and so forth, and the business
15 owners and the residents, I strongly urge
16 that the railroad crossing be kept open.

17 MR. MCKENNEY: Thank you. Next I have
18 Howland. Mr. Howland?

19 MR. HOWLAND: Yeah.

20 MR. MCKENNEY: MR. Howland, would you
21 please raise your right hand?

22 CHARLES HOWLAND, sworn.

23 MR. MCKENNEY: Thank you. Please state
24 your name and your address.

25 I'm the Morrow County prosecuting attorney.

1 My address is 52 East High Street, Mt.
2 Gilead, Ohio.

3 When this matter came up, my
4 investigator and I went up to look at the
5 crossing itself and see what was going on up
6 there. And as we were looking around, we
7 made contact with a mail carrier, and we
8 talked to the mail carrier about it.

9 The mail carrier said, you know, they
10 just close that all the time. They just park
11 their trains there whenever they feel like it
12 and the place is just shutdown for who knows
13 how long. Well, it's one thing to hear a
14 complaint like that. I just was curious and
15 I contacted the Crawford County Sheriff. He
16 sent me a printout going back to 2001 of the
17 times that the railroad has blocked that
18 crossing or other crossings close by,
19 particularly Biddle Road.

20 In 2014 they have stopped trains just in
21 the first 7 months more than 13 times. Now,
22 there's numerous other times when they've
23 stopped trains at the crossing that we're
24 talking about, County Road 8, also, and I've
25 got the sheriff's printout here. Now, the

1 fact that they need someplace to park their
2 train is not a valid reason to shut this
3 down.

4 The railroad's argument is, well, you
5 know, it's only going to be about a mile and
6 a half or two miles of inconvenience. Yeah,
7 that's one thing to say, particularly on a
8 sunny day in July. That's a whole other
9 situation during a yowling snowstorm when EMS
10 is trying to get back into wherever and they
11 need an alternate route.

12 There's something else that nobody seems
13 to be talking about. That particular area,
14 and I would urge -- urge you to view the
15 area. There's a very large park there where
16 the kids run cross country meets and that
17 kind of thing. And there is a genuine need
18 to make sure that every access into that, in
19 case it's blocked or something, remains open
20 so that EMS services can get there.

21 I think a lot of times what happens is
22 you say, well, it's only another mile and a
23 half or so. And that's fine as long as
24 you're not talking about your child or your
25 wife or your loved ones. I think a mile and

1 a half difference, particularly in adverse
2 weather, can be a very serious situation.

3 And furthermore, as Mr. Creswell pointed
4 out, the fact that they need someplace to
5 park their train is not a valid reason to
6 close this crossing. Thank you.

7 MR. MCKENNEY: Thank you, Mr. Howland.
8 If you're willing to part with your
9 sheriff's -- with your documentation, we can
10 have that introduced into the record, if you
11 wish.

12 MR. HOWLAND: I'll tell you what I'll
13 do, sir. I have to leave because a judge up
14 in Crawford County has set a pre-trial that
15 he won't let me out of and I have to go, so
16 I'm going to trust this to Mr. -- my good
17 friend Mr. Edwards and ask him to make a copy
18 and bring it back for me. Would you do that
19 for me, Joe? Thank you. And I appreciate
20 you listening to me this afternoon.

21 MR. MCKENNEY: Yes. Thank you. Next
22 name I have is Edwards.

23 MR. EDWARDS: Yeah, that's me.

24 JOE EDWARDS, sworn.

25 MR. MCKENNEY: Thank you. Would you

1 please state your name and address.

2 MR. EDWARDS: My name's Joe Edwards,
3 Emergency Management Director from Morrow
4 County. My work address 140 South Main
5 Street, Mt. Gilead. I'll refrain from my
6 home address for public safety reasons.

7 MR. MCKENNEY: Sure.

8 MR. EDWARDS: I think everybody here's
9 already spoken pretty much the same way I'm
10 thinking. As the EMA director from a public
11 safety standpoint anything that responds, if
12 you close this road, you just added five
13 minutes on. If you've got a house burning,
14 you've got an EMS issue, you've got a law
15 enforcement issue. Five minutes is a long
16 time when it's somebody's life.

17 On the other side you've got school
18 buses going in and out of there. The
19 gentleman here was saying -- from Washington
20 Township -- those buses now have to take
21 alternate routes. You just added more time
22 on. You're putting more vehicles out on
23 those state routes.

24 These farmers that have these large
25 farms that comes across that crossing farms

1 both sides of those tracks. That \$1 million
2 piece of equipment that he's toting around
3 now has to go back out onto State Route 61,
4 State Route 309. You just put his safety at
5 risk, the general public's safety is now more
6 at risk where he could cross over at this
7 back road.

8 Economic development-wise, there's
9 housing starting to pop up over in that area.
10 If you close the road down, now you're
11 putting more congestion out on some of these
12 other roads. That's not what's needed for
13 the county or the Crawford County area.

14 Disaster-wise it makes a big problem for
15 me as far as bringing in equipment to respond
16 to these disasters. I have to work with
17 Crawford County with regards to the heavy
18 snows. We get a lot of flooding in that
19 area. You close that road, you just make
20 everybody else have to go back around again.

21 As far as the railroad, they're using
22 the -- I don't understand why they don't cut
23 those two roads. State law mandates that a
24 train can sit on that crossing no more than
25 five minutes, but they never cut the crossing

1 when they store their trains.

2 You've got Biddle Road and this road
3 here. It takes that conductor five minutes
4 to walk back there and pull them pins and
5 separate them cars two car lengths apart so
6 traffic can cross over. So now I'm not sure
7 what the issue is with the railroad. That's
8 about all I have to say at this time. I'm in
9 agreement with the other public safety issues
10 that goes along with this.

11 MR. MCKENNEY: Thank you. The next name
12 I have is Wagner. Ms. Wagner, please raise
13 your right hand.

14 RANDA WAGNER, sworn.

15 MR. MCKENNEY: Thank you. If you can
16 please state your name and address.

17 MS. WAGNER: I'm Randa Wagner. I live
18 in Crawford County and I drive down from
19 Crawford County every day. Every day I come
20 down Biddle Road. Every day. And it seems
21 like, especially this year, 2014, the
22 problems with the train stopping is more and
23 more frequent. So you come down Biddle Road,
24 train's there. You cut over to 309, it's
25 sitting there, too. And this happens more

1 and more often. And it isn't just for 10 or
2 15 minutes.

3 I've talked to people there and they
4 say, well, it's still there at 9:30. How can
5 they do that? It is illegal. They do it
6 anyway. And that's fine unless you're in a
7 hurry or you're going to work or -- if you've
8 got an emergency, it's a problem. So coming
9 back in the afternoon if that problem exists,
10 I'm cutting over to this crossing and that's
11 my way through. If it's blocked, now I've
12 got to go way around. I mean way around just
13 to go to north. I just think the problem is
14 becoming more and more frequent.

15 And as far as public safety issue,
16 according to my research, there hasn't been a
17 public safety issue with that crossing. And
18 the fact that a railroad offered the county
19 commissioners a financial incentive to go
20 along with -- concede to closing that
21 crossing doesn't sit well with some folks.

22 It doesn't sit well with me because if
23 it were purely a public safety issue, it
24 would stand on its own merits. If you've got
25 to offer a financial incentive to push

1 something through, maybe it's not as -- maybe
2 it's just not kosher. That's just my
3 opinion. Thank you.

4 MR. McKENNEY: Thank you. The next name
5 that I have is Bloomfield. Mr. Bloomfield?

6 STEVEN BLOOMFIELD, sworn.

7 MR. McKENNEY: Thank you. Mr.
8 Bloomfield, will you please state your name
9 and address.

10 MR. BLOOMFIELD: Steven Bloomfield. 50
11 East High Street. I work for the engineer's
12 office in Mt. Gilead.

13 MR. McKENNEY: Thank you.

14 MR. BLOOMFIELD: I'm the assistant
15 operations supervisor. I travel that road
16 numerous times in a week during the week.
17 The issue there at County Road 8 crossing has
18 been a problem for quite sometime. It's cost
19 our county extra money because our plow
20 trucks have went up there to plow across to
21 go onto the other side and we've had to turn
22 around because the trains are setting there
23 and we can't get through.

24 The biggest issue with this, besides all
25 the safety factors and everything that

1 everybody has spoke about here today, the
2 biggest issue with this crossing is the
3 length of the spur on the north side is not
4 long enough. It needs to be lengthened. It
5 needs to go on past across Township Road 32.

6 I took the time and drew up some
7 drawings. I gave them to the commissioner so
8 they would know what I had done. But
9 regardless what they do at that intersection,
10 until they lengthen that spur on that north
11 side, it's never going to resolve the problem
12 of Biddle Road being blocked or County Road
13 8. The lengthening of that spur, the
14 measurements that I had done, would
15 accommodate probably another 40 to 50 cars if
16 it was lengthened and taken down towards our
17 County Road 31.

18 I'm not so sure it would ever solve the
19 problem at 8, but it would solve the problem
20 at Biddle. So many times the train -- what
21 it is is the traffic. You know, they're not
22 just parking trains there just to park them.
23 It's the traffic coming from the north going
24 south and there's traffic coming from the
25 south going back north, so it takes time for

1 a train to cross.

2 You can't just bring this train through
3 and flip the switch and the other guy's
4 heading back out. There is a delay there.
5 There has to be a delay. I'm not sure what
6 the federal requirements are, but I do know
7 that there has to be a delay in there.

8 The biggest -- you know, they're just
9 not parking them there for prolonged periods
10 of time other than -- I've seen them there
11 where there's been trains that's broke down.
12 I've witnessed the service truck on the rails
13 come in to service the engine.

14 I mean, I'm not -- you know, I'm not
15 trying to help CSX out here a whole lot other
16 than the fact that I'd like to resolve the
17 problem of the train blocking the
18 intersection. But the thing of it is, there
19 are things that do happen that create trains
20 to stop. I think we have to consider that as
21 well as the crossing. As far as the crossing
22 closing, I'm not in agreement with it because
23 it will be a hindrance to this county and the
24 people that live in this area, but I do think
25 they need to resolve the issue of that spur

1 being too short.

2 As far as anything else, I do know that
3 when Rayanne Patterson from your department
4 that met with us there that day on the
5 initial meeting, and it was discussed as far
6 as putting in lights at that intersection,
7 and with all the extra work that needed to be
8 done because of the way that road comes in
9 from the east to the west, it comes and makes
10 a turn across there and there has to be extra
11 arms put on the crossing to allow the red
12 lights to shine back to the east so people
13 can see them. It would be a lot of work to
14 put lights there, but it needs to be done
15 because it is a definite line of sight
16 problem coming up to the crossing there.

17 And a lot of times with the trains
18 setting there on that north spur, I've
19 witnessed people who come up there, and, of
20 course, the train, they can't get across, so
21 they drive out in the middle between the two
22 tracks and they decide to turn around out
23 there in the middle.

24 And one day there was three cars come up
25 there and there's a train coming from the

1 west going -- or from the west going back up
2 north and I'm glad he got off the track
3 before he got hurt. Can't control that. But
4 definitely the spur is the problem and the
5 traffic that's coming down through there I
6 feel is a lot of the problem with that.
7 That's all I have to really say.

8 MR. McKENNEY: Thank you.

9 MR. BLOOMFIELD: Thank you.

10 MR. McKENNEY: That's all the people I
11 have signed up.

12 MR. MILLER: I hadn't signed up because
13 I was fooling with the technology.

14 MR. McKENNEY: Would you like to
15 testify?

16 MR. MILLER: Yes. I'm Dick Miller.

17 RICHARD MILLER, sworn.

18 MR. McKENNEY: Thank you. At this time
19 I will ask you to state your name and your
20 address and then I'll --

21 MR. MILLER: Richard J. Miller, Morrow
22 County Commissioner, private citizen. 7326
23 State Route 19, Unit 3009, Mt. Gilead, Ohio.

24 MR. McKENNEY: Thank you, Mr. Miller.
25 I'd like the record to reflect that Mr.

1 Miller has prepared a video that he would
2 like to show to everyone here this afternoon.
3 We have a projection of the video on the wall
4 here. I believe he intends to use that. So,
5 Mr. Miller, if you'd like to make a
6 statement, you can, or if you would like to
7 play your video, you may do that, too.

8 MR. MILLER: I'd like to do both.

9 MR. MCKENNEY: Sure. The floor is
10 yours.

11 MR. MILLER: The first photo that was up
12 there was an aerial photo of the entire area,
13 but because of the size of the screen, the
14 way we've got this projected, this is a
15 closer up video. Now, this being east and
16 that being west (indicating), the road coming
17 into this side, as I understand from the
18 records at the county, is the township road
19 to this point and then becomes County Road 8
20 over on that side. So we already have the
21 township involved here.

22 And I'd like to put into the record my
23 letter to you, which was dated April 30,
24 2014, with one correction to the letter. And
25 I'll give you this copy. And the next to the

1 last paragraph in there, I had stated that
2 the railroad was tax exempt, it right away
3 was tax exempt. This is not correct.

4 I searched the tax records and I find
5 that the title to the property, which is in
6 New York Central's or some other railroad's
7 name, as it's changed over the years, and it
8 says at the bottom of that also known as CSX.
9 So it was very confusing and that's the
10 reason for the error. So if you would put --
11 and I'll lay these out here as I have them
12 for you, my letter of April 30, 2014.

13 So I'm going to use this photo to
14 demonstrate just a little bit about what's
15 going on here. So you can see the two tracks
16 and the road comes to it is an angle and the
17 Columbia Gas transmission line comes across
18 it in some fashion where they have a
19 regulator station and some other Columbia Gas
20 facility kind of right in this area here
21 (indicating).

22 Now, if you were to grant this petition,
23 what we would have is this would also have to
24 become a township road because the county
25 roads have to be through roads. And then you

1 would have to incur the cost of a cul-de-sac
2 on this side and a cul-de-sac on the other
3 side and that then would have to become a
4 township road.

5 So when you're trying to figure out the
6 just compensation for this taking, you're
7 going to have to look at the cost of
8 reimbursement to the township and the
9 continual inconvenience of a cul-de-sac on
10 each side. The other thing is that there are
11 no houses between here and the next two roads
12 back this way. And there's no electricity
13 down here (indicating).

14 Now, if CSX were required to properly
15 protect this, this railroad, they would have
16 to deal with boring underneath the road or
17 build an electric line over to the other side
18 somewhere to accommodate the electricity to
19 run the flashers and cross signs up and down.
20 So what you have here is CSX dealing with
21 Columbia Gas transmission to either do a
22 direct pour -- you would have to get AEP, the
23 power company, to put electricity over here
24 for you somewhere or another so you can
25 properly protect this side. That's going to

1 be very expensive.

2 Plus the fact that -- I appreciate Mr.
3 Bloomfield's testimony because of his
4 insight. He points out several things that
5 we learn while we were there investigating.
6 People that live back up this lane have told
7 us that the railroad crossing is sometimes --
8 at this point the cross is closed for days at
9 a time and they just kind of give up and go
10 out the other way.

11 So that's my testimony. And that is
12 something that we learned when we were there.
13 Commissioner Harden was with me and
14 Commissioner Whiston. We were all three at
15 that residence when that conversation took
16 place. What's been going on here is CSX has
17 been wrongfully imposing their will on the
18 public and without regard for safety, as Mr.
19 Bloomfield has pointed out, and as a strict
20 enterprise for the railroad.

21 And what we have is -- using this would
22 be kind of the north side or northwest side
23 of this track is being used as a switching
24 yard, a mini-switching yard to the detriment
25 of the public of Morrow County and to the

1 benefit of CSX. So when you look at the
2 economics of this thing, always look where
3 the money is at, this is a very, very
4 lucrative operation for CSX and to the
5 detriment of the people of Morrow County.

6 And the only thing that we have as a
7 benefit from CSX through Morrow County -- we
8 have no railroad station. We have no
9 terminals where they provide any direct
10 benefit to the citizens of Morrow County.
11 Only thing they do is pay a minimal amount of
12 real estate tax for their surface right
13 easement, their right-of-way.

14 They cannot demonstrate that they have
15 anything beyond a descriptive right to the
16 surface of this. And we have, in conclusion
17 here, a road that was in existence prior to
18 the railroad. And then we have two surface
19 rights. And then we have the regulatory
20 authority of PUCO that will have to
21 demonstrate that there is some benefit, I
22 would think, to the people of Morrow County
23 to close this crossing more so than that
24 would outweigh the economic benefits that
25 CSX is getting from the operation.

1 Now, the next little thing that I wanted
2 to show you is a video, if I can get it to
3 move. So here's what we got. My wife and I
4 were up there just at random and we decided
5 to come by there and I took my cell phone and
6 took a little picture. You can see on the
7 other side the crossing is blocked. And this
8 was just a random day when we drove up there.
9 I can't even remember why we were there, but
10 I go down there to see what's going on and
11 this is what I find. There's about three
12 minutes of this.

13 MR. BLOOMFIELD: So you're on the west
14 side of the tracks in this particular --

15 MR. MILLER: No. I'm on the east side.
16 Well, I think this refutes pretty much CSX's
17 claim that they go 40 to 50 miles an hour
18 through county that they said in their
19 letter.

20 What Mr. Bloomfield was saying and Joe
21 Edwards was saying is that they could split
22 the train and open the crossing if they're
23 going to use this thing as a switching yard.
24 It would be more considerate of the public
25 and the safety of people, because, as you

1 said, if they get over across the first
2 track, then they'll get blocked in there.

3 And in this particular day I looked down
4 in there and there were two trains there.
5 You may be able to see this in the video. I
6 was trying to show it. There's another
7 engine down there and another train and there
8 are two trains. And my contention is that
9 CSX has used this as an intricate part of
10 their scheduling of trains and placing these
11 trains on the side tracks and blocking that
12 crossing to their benefit and to the
13 detriment of Morrow County citizens and to
14 the general public.

15 I think it's disingenuous of the
16 railroad to continue to do this, knowingly
17 violating the length of time that that
18 crossing can be blocked. And I think that
19 is -- Mr. Edwards is giving me the
20 five-minute thing. I know it's some shorter
21 period of time than what has been shown here.
22 I don't know about you, but I would not want
23 to live where you had a railroad doing that
24 kind of thing to you continually. I don't
25 know what your experience is. Mr. Beck, have

1 you had any experience that way?

2 MR. BECK: There have been times when I
3 was farming that we just turned around and
4 went the other way because we couldn't get
5 through.

6 MS. WAGNER: Our land goes right up to
7 the crossing.

8 MR. MILLER: So part of the settlement,
9 if you decide to close this, needs to be just
10 compensation to all the people in the
11 neighborhood that are affected by the closing
12 of this track, and that includes the
13 cul-de-sac, that includes damages to the
14 general public in the area.

15 And the last thing is that I have sets
16 of photos that can be made part of the record
17 here. I don't know how many of those you
18 want. And then this is my letter to you,
19 which you have with the correction in the
20 next to the last paragraph.

21 MR. MCKENNEY: Thank you, Mr. Miller.
22 Does that conclude your testimony then?

23 MR. MILLER: Yes.

24 MR. MCKENNEY: All right. Is there
25 anyone else who would like to make a

1 statement this afternoon on the record? Mr.
2 Whiston?

3 MR. WHISTON: Yeah. I'd just like to
4 make a follow-up. And, you know, from a
5 commissioner standpoint, we're not adverse to
6 the railroads. In fact, from my standpoint,
7 the railroads are an integral part of
8 transportation. They are so much cheaper
9 than trucking.

10 And I think, as in most cases, the best
11 resolution to this would have been for CSX to
12 contact the commissioners, present the issues
13 that they have, met with us in person, and
14 resolved an economic development issue from
15 the standpoint of how we can better serve
16 their needs, that they obviously have because
17 they have increased traffic, and whether it
18 would be to build a side spur for them that
19 would benefit Morrow County and the railroad.

20 Again, we're not adverse to the
21 railroad, per se. We're adverse to the basis
22 of their violating the ORC on a routine
23 basis. And you know when they're doing that
24 and then taking the presumption to offer
25 something that would be quite inadequate from

1 a reimbursement standpoint, as Dick has
2 brought up, then that's why we oppose.

3 Again, as the local elected officials,
4 we're elected by the 35 plus thousand
5 residents of the county to represent their
6 views. And I think from a public utilities
7 standpoint, I think we have 35,000 people
8 probably that have the opinion that this
9 isn't the best route to go as opposed to CSX
10 trying to make a short-term easy and
11 financial solution for a long-term problem.

12 So hopefully in this process it will be
13 denied and we'll see from the representations
14 that they have that rather than through a
15 letter, they will set up and have meetings
16 and make resolutions that will have a
17 long-term beneficial impact for Crawford
18 County, for Morrow County, and for the
19 railroad. Thank you.

20 MR. MCKENNEY: Thank you, Mr. Whiston.
21 Anyone else have any statements they'd like
22 to make before we conclude this hearing?
23 Yes, sir.

24 MR. HARDEN: Tom Harden. Did we do a
25 traffic count, Randy?

1 MR. BUSH: I have traffic counts for
2 that.

3 MR. HARDEN: Can you give us that
4 number?

5 MR. McKENNEY: You're both still under
6 oath, so you may make a statement if you
7 wish.

8 MR. BUSH: I've got copies. I can make
9 you copies of what I have.

10 MR. McKENNEY: Do you have copies?

11 MR. BUSH: Yes. I can make copies here,
12 if you'd --

13 MR. McKENNEY: If you would like to
14 introduce them in the record, we can add the
15 copies to the record. They'll be an
16 attachment.

17 MR. MILLER: I've got one here that
18 talks about the traffic, if you'd like me to
19 read that.

20 MR. McKENNEY: If it's --

21 MR. MILLER: Is this the letter you're
22 looking for?

23 MR. McKENNEY: Let's go off the record
24 real quick.

25

- - -

1 (Discussion had off the record.)

2 - - -

3 MR. MCKENNEY: Thank you all for coming
4 this afternoon. As you're aware, this is
5 only one step in the process. Sometime in
6 the future there will be an evidentiary
7 hearing scheduled for this case. At that
8 time CSX will present its case. At this
9 time, seeing there is no one else intending
10 to present testimony this afternoon, we're
11 adjourned. Thank you.

12 - - -

13 (Hearing concluded at 4:00 p.m.)

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1 THE STATE OF OHIO,)

2) SS: NOTARY CERTIFICATE

3 COUNTY OF CUYAHOGA.)

4

5 I, Kerri L. Nestor, a Registered
6 Professional Reporter and Notary Public within and
7 for the State of Ohio, duly commissioned and
8 qualified, do hereby certify that the within-named
9 witnesses, were by me first duly sworn to testify
10 the truth, the whole truth and nothing but the
11 truth in the cause aforesaid; that the testimony
12 then given by him/her was by me reduced to
13 Stenotype in the presence of said witnesses,
14 afterwards prepared and produced by means of
15 Computer-Aided Transcription and that the foregoing
16 is a true and correct transcript of the testimony
17 so given by him/her as aforesaid.

18 I do further certify that this deposition was
19 taken at the time and place in the foregoing
20 caption specified, and was completed without
21 adjournment.

22 I do further certify that I am not a
23 relative, employee of or attorney for any party or
24 counsel, or otherwise financially interested in
25 this action.

26 I do further certify that I am not, nor is
27 the court reporting firm with which I am
28 affiliated, under a contract as defined in Civil
29 Rule 28 (D).

30 IN WITNESS WHEREOF, I have hereunto set my
31 hand and affixed my seal of office at Cleveland,
32 Ohio, on this 24th day of July, 2014.

33

34 _____
35 Kerri L. Nestor RPR, Notary Public
36 My Commission Expires 10-29-17

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PUBLIC UTILITIES COMMISSION OF OHIO

PUBLIC HEARING

- - - -

CASE NUMBER: 14-379-RR-UNC

- - - -

TUESDAY, JULY 15, 2014

- - - -

Public Utilities Commission of Ohio Local
Public Hearing, In the Matter of a Petition from CSX
Transportation, Inc. to close to vehicular traffic the
Bloominggrove/New Winchester Road Grade Crossing taken at
Galion City Hall, 301 Harding Way, East, Galion, Ohio
44833.

- - - -

1 MR. MCKENNEY: Let's go on the record.
2 The Public Utilities Commission of Ohio calls
3 for hearing at this time and place in case
4 14379-RR-UNC being in the matter of the
5 petition of CSX Transportation, Incorporated
6 to close the vehicular traffic of
7 Bloominggrove/New Winchester Road grade
8 crossing, DOT No. 262042J, located in
9 Washington Township, Morrow County, Ohio.

10 My name is Bryce McKenney, and I am the
11 attorney examiner assigned by the Commission
12 to hear this case. At this time I know that
13 there is a representative from the company
14 here, so I'd like to take the appearance for
15 the company.

16 MR. EVANS: Yes. Lee Evans here from
17 Dickey McCamey & Chilcote in Columbus, Ohio.
18 I'm the attorney for CSX Transportation. I'm
19 here with Amanda DeCesare, also, with CSX on
20 behalf of the company.

21 MR. MCKENNEY: Thank you. Purpose of
22 today's public hearing is to take the public
23 testimony from the public about the closing
24 of the Bloominggrove/New Winchester Road grade
25 crossing. The PUCO will consider multiple

1 factors in whether or not to approve of the
2 petition to close the crossing.

3 Some of the factors include the daily
4 vehicular and train traffic of the crossing
5 to be closed. Second is the daily vehicular
6 and train traffic at alternate crossings.
7 The third daily increase in vehicular traffic
8 at alternate crossings resulting from the
9 proposed crossing closures.

10 The fourth is the nature of the roadway
11 at alternate crossings. The fifth is the
12 total number of crossings within one linear
13 mile over the crossings to be closed. The
14 sixth is the type of advanced warning devices
15 at alternate crossings. The seventh is the
16 site distance at the alternate crossings,
17 including any permanent obstruction affecting
18 distance or view.

19 Eight is the impact of closure on
20 vehicular traffic, emergency vehicles,
21 commercial enterprises, and any other factors
22 pertinent to municipal corporations and other
23 populated areas. And ninth is any other
24 factor that the Public Utilities Commission
25 of Ohio determines appropriate.

1 At this time we'll begin with the public
2 testimony. I would like to note that I am
3 not a representative of CSX Transportation,
4 Inc. I do not represent the company. My
5 purpose -- my job here today is just to take
6 the testimony from you and I will not be
7 answering questions that you have regarding
8 the crossing or CSX's petition. We do have a
9 representative from the company here. You
10 may ask questions of them after this hearing.

11 We also do have a representative from
12 the Public Utilities Commission, Public
13 Affairs Department. She would also be
14 willing to talk to you about the proposal to
15 close the crossing. So at this time, we'll
16 begin with the testimony. I'd like to begin
17 with Ms. Rondon, Patricia Rondon. I'm going
18 to ask you to stand. Raise your right hand.

19 PATRICIA RONDON, sworn.

20 MR. McKENNEY: Thank you. You can feel
21 free to testify where you are, but I will ask
22 that you state your name and address for the
23 record.

24 MS. RONDON: Okay. My name is Patricia
25 Rondon. 5827 Monnett, New Winchester Road,

1 Galion. And I represent Polk Township who
2 adjoins right there on the county line,
3 adjoins Morrow County right there. It just
4 happens that the tracks kind of zigzag there
5 and this happens to be in Morrow county.

6 As Polk Township, we're very concerned
7 for many reasons. One is the emergency
8 access to the people that live on the west
9 side of that track because -- I personally
10 have lived there long enough to see Taylor
11 Road and Iberia Road, which are two accesses
12 to County Line Road, completely under water
13 and not accessible.

14 I have been there when one of the houses
15 was struck by lightening. And the only way
16 the fire engine could access that house was
17 down Biddle Road and back across those
18 tracks. So if that was closed, there
19 wouldn't be any way to access.

20 Now, Foxes live right there almost at
21 that the crossing where the track crosses
22 County Line Road. Their house would not be
23 accessible and neither would Britt's, who
24 sits behind me. You would have to go so many
25 miles away to get there that those places

1 would be long gone.

2 And the same for emergency access for
3 ambulance, it would be the same issue. Those
4 roads do tend to flood and be under water and
5 that would cause a lot of problems. And also
6 in the winter, those are other issues with
7 snow plowing up to that track and back.

8 I think one of the things that happened
9 is when you closed -- or not you, but when
10 the railroad closed that second track and
11 tore it out, the railroad tracks weren't that
12 busy at that time, but now you've increased
13 traffic on it and you have this traffic jam
14 of trains on the railroad crossing because
15 there's no double track going all the way
16 over to Marion.

17 It's created this problem that I think
18 you're going to -- potentially somebody's
19 going to pay this price if that track is
20 closed for access, especially for emergency
21 vehicles. Thank you for giving me the
22 opportunity.

23 MR. MCKENNEY: Thank you. Next I have
24 Kim and Rick Fox. Would one of you care to
25 go first? Raise your right hand.

1 KYM FOX, sworn.

2 MR. McKENNEY: Thank you. I'll have you
3 state your name and address for the record.

4 MS. FOX: Okay. My name is Kim Holden
5 Fox. I live at 6040 Crawford, Morrow County
6 Line Road, Galion, Ohio. My husband and I
7 have lived there for over 25 years. We took
8 100-year-old farmhouse and made it our dream
9 house and we're concerned about the issues
10 that we don't know for sure how the track
11 will be used.

12 The railroad has taken a great liberty
13 in the last few years to sit for long periods
14 of time on the tracks now so you can't get
15 across them when you need to. Like Pat
16 alluded to, if fire or ambulance is needed,
17 it will be at a detriment to time. You know,
18 it will take a lot longer to get to our
19 house. That concerns us.

20 We've been there and haven't seen many
21 accidents on the railroad track because -- I
22 know they say how it's whopperjawed. You
23 can't put proper gating down. We haven't
24 seen that to be an issue. We're just
25 concerned about the unknowns, you know? If

1 you do shut the track, will you still
2 maintain the road that comes to just our
3 house? We live on a farm, so it's about 140
4 acres.

5 We don't have a lot of neighbors, so
6 we're the only people on that stretch from
7 Taylor to the track. It's only our house, so
8 that will mean that the township will still
9 maintain that road? Will they pave it? You
10 know? Will they keep it up to snuff? So
11 those are some of the things that we're
12 concerned about.

13 MR. MCKENNEY: Thank you. Mr. Fox, did
14 you also want to make a statement?

15 MR. FOX: Sure.

16 MR. MCKENNEY: I'll ask you also to
17 raise your right hand.

18 RICK FOX, sworn.

19 MR. MCKENNEY: Thank you.

20 MR. FOX: Okay. I'm Rick Fox. I live
21 at 6040 Crawford, Morrow County Line Road. I
22 think my wife's touched on quite a few things
23 that we both feel about. I think the only
24 other thing, you know, I do want to stress is
25 that in the 25 years that I've -- that we've

1 lived there, you know, I have had the fire
2 department out twice on the farm, one time
3 for a tractor that caught fire.

4 And, you know, it's a -- it's quite a
5 process, or, you know, quite a feeling when
6 you're waiting for that fire truck to come
7 and they've always come out the County Line
8 Road and crossed the tracks to come to our
9 house, which to me means that that was the
10 shortest route to get to our house, which in
11 common sense kind of tells me that, but that
12 does concern me, you know, if a loved one
13 would need an ambulance or something. By all
14 means, you know, you want them to get there
15 in the shortest possible time.

16 I think the other issue is we do run a
17 small farm, and I know we're in a heavy
18 agricultural area, and the alternate routes
19 to get out of that area to get the big grain
20 trucks out to the highway, there's some very
21 tight corners, you know, intersections there
22 that semi trucks would have a very hard
23 time -- the farm trucks would have a hard
24 time negotiating to get there.

25 I think the farmers, it would really put

1 an undue burden on them to be able to get
2 their grain out and get it to where it needs
3 to be. Of course the other thing that Pat
4 alluded to was the snow and the flooding,
5 which is a big concern of mine. So, you
6 know, if we get into those situations and you
7 do need help, I don't know how it gets there.
8 That's all I have.

9 MR. MCKENNEY: Thank you. Next I have
10 Mr. Britt. Please raise your right hand.

11 SHAWN BRITT, sworn.

12 MR. MCKENNEY: Thank you. Would you
13 state your name and address for the record,
14 also.

15 MR. BRITT: My name's Shawn Britt. I
16 live at 5815 County Road 8 or Crawford Morrow
17 County Line Road. I just happen to live on
18 the Morrow County side of the road. I guess
19 a lot of my concerns are the same as Rick
20 Fox, medical and fire. And Rick touched base
21 a little bit on the grain trucks and stuff.

22 I work for an excavating company. On
23 occasion I've got to bring a semi home. My
24 only way in and out is off of 309 to come
25 across those tracks and then all the way out

1 to 100 because the other arteries there,
2 there's no way to even get a semi on them,
3 let alone -- even a dump truck and a tag
4 trailer, you're not going to get turned off
5 them roads. I've tried it and I was able to
6 do it, but it's hard to do. It's just a lot
7 easier coming across them tracks.

8 No offense if -- that doesn't affect me
9 that much anymore. I don't drive the truck
10 that much anymore, but, in fact, there's was
11 a guy taking off wheat right beside my house
12 last week. When they left the field, I
13 happened to leave the house and they followed
14 me all the way to 100 to get out to where
15 they had to go. I know it's not just an
16 issue for me. It's an issue for all the
17 other farmers. And as far as the snow in the
18 winter, I know that's a factor. I've had to
19 deal with it before.

20 In fact, from Taylor Road to their
21 house, I couldn't even get a tractor up the
22 road. I had to wait for the township to come
23 out with a road grader and V plow to even
24 open the road up. If we can't get through
25 with a tractor, they're not going to get

1 through with any of their stuff without them
2 going across the tracks, so I feel that the
3 closing is unnecessary and the unknown as
4 well is bothering me, too. So that's about
5 all I can add right now.

6 MR. MCKENNEY: Thank you. Next I have
7 David Keller. Mr. Keller, would you raise
8 your right hand.

9 DAVID KELLER, sworn.

10 MR. MCKENNEY: Thank you. Would you
11 state your name and address, also.

12 MR. KELLER: Yes. My name is Dave
13 Keller. I'm here representing the
14 prosecutor's office for Crawford County and
15 our offices are 112 East Mansfield Street in
16 Bucyrus.

17 I had several things that I felt
18 important for the Commission to realize
19 regarding this. The nearest crossings on
20 either side are northwest roads. This is an
21 east/west road. This road travels almost the
22 entire county line of the line between
23 Crawford and Morrow County and this is going
24 to cut it in two. And, you know, this is the
25 only one that crosses going east/west. I

1 believe that's important.

2 I think, you know, in looking at what is
3 the demonstrable need to cross -- or to close
4 this crossing, it concerns me what is the
5 demonstrable need? If it's -- what has been
6 expressed by CSX as the need for closing this
7 crossing? Because if it's anything other
8 than we need this as a siting, then I think
9 they're being -- they're just not being
10 forthcoming. As the prosecutor for the
11 county, I have, in the last two months,
12 prosecuted CSX 12 times for blocking this
13 crossing as well as the two next to it.
14 Okay? And on at least one occasion blocking
15 all three at the same time.

16 Okay? So it appears to me, and I think
17 Morrow County pointed this out in their
18 response, that, yeah, the reason we're
19 closing is so they can park their trains on
20 this crossing. Okay? That's not a
21 legitimate reason to close a crossing,
22 especially when it's impacting the residents
23 of Crawford and Morrow Counties and limiting
24 their access to get to town, to get an
25 ambulance there, to get a fire truck there,

1 to get their grain to market.

2 You know, we want to be good neighbors.

3 I'm sure everybody benefits from trains.

4 Okay? But let's share the burden here.

5 Okay? They're already bearing a big burden.

6 Their crossings are being blocked constantly.

7 If we have three crossings and they're

8 blocking two, well, maybe we've got one open.

9 Now if we only have two crossings and they're

10 blocking both of those, we don't have any of

11 them open. Okay? So the more crossings the

12 better, especially if they keep blocking

13 them.

14 All right? To me at some point it just

15 seems ridiculous that we'd be considering

16 rewarding them for bad behavior, blocking

17 crossings. All right? That appears to be

18 what they're asking for. And I would say

19 that that's not a good reason, because we

20 need to park our trains here.

21 Okay? If they need to park their trains

22 on a crossing, they're supposed to break the

23 train. Move it off the crossing, move this

24 one off this crossing, let the traffic

25 proceed. The community is already being

1 burdened by them constantly blocking
2 crossings. We don't mind sitting for 10
3 minutes, but for a half an hour, an hour,
4 that's ridiculous. It doesn't need to be
5 that way. And again, if we have fewer
6 crossings getting blocked, that means now we
7 have fewer options to get around the blocked
8 crossing, so that's our position. And my
9 main concern is, again, they're not regarding
10 the law as it is. Thank you.

11 MR. McKENNEY: Thank you. Next name I
12 have is Mr. Weisenauer. Say it right this
13 time?

14 MR. WEISENAUER: Close enough.
15 Weisenauer.

16 MR. McKENNEY: Sorry. Mr. Weisenauer,
17 please raise your right hand.

18 DOUG WEISENAUER, sworn.

19 MR. McKENNEY: Thank you. Would you
20 please state your name and address for the
21 record.

22 MR. WEISENAUER: I'm Doug Weisenauer,
23 Crawford County Commissioner. Address is 112
24 East Mansfield Street, Bucyrus, Ohio.

25 MR. McKENNEY: Thank you.

1 MR. WEISENAUER: I attended the hearing
2 earlier this afternoon in Morrow County. I
3 want to thank you for this opportunity for
4 the residents of Crawford County to come here
5 this evening and testify, also. Everything
6 everyone has said so far, I believe has been
7 the truth.

8 The crossing is blocked. The railroad
9 made an offer to Morrow County, which is
10 extremely insultingly low. If the road was
11 closed, the cost of cul-de-sacs on both sides
12 is substantially higher than what was
13 offered. And I believe the roads were put in
14 the counties and the townships to benefit the
15 residents, you know, hundreds of years ago --
16 a hundred plus years ago.

17 The residents' needs should be
18 considered first. If CSX needs a place to
19 park their trains, they can put an overpass
20 in or break the train. You know, that's the
21 bottom line, I think. You know, I believe
22 the rights of the citizens should be
23 considered before the rights of CSX. There
24 is a park within a half a mile. There's not
25 a lot of traffic on a daily basis to and from

1 that park, but occasionally there is a lot of
2 traffic.

3 The EMS response should be taken into
4 consideration as well. I believe other
5 people have stated their case and I don't
6 think I can have anything to add, so thank
7 you for this opportunity.

8 MR. MCKENNEY: Thank you. That
9 concludes the names that I have signed up to
10 testify. I know some people came in after
11 the sign-in sheet.

12 Did any of you want to testify as well
13 and make a statement on the record?

14 MR. SAUTTER: The only thing I -- do I
15 have to swear in?

16 MR. MCKENNEY: I do.

17 RICHARD SAUTTER, sworn.

18 MR. MCKENNEY: All right. State your
19 name and address for the record, please.

20 MR. SAUTTER: What I got to say is --

21 MR. MCKENNEY: Sir, can I ask you to
22 state your name and your address?

23 MR. SAUTTER: Richard Sautter. 4890
24 Ross Dock Road, the other end of County Line
25 Road.

1 MR. MCKENNEY: How do you spell Sautter?

2 MR. SAUTTER: S-a-u-t-t-e-r.

3 MR. MCKENNEY: Thank you. Go ahead.

4 MR. SAUTTER: Well, just to show what
5 you have is Memorial Day weekend, the
6 railroad closed 309. And it wasn't really a
7 bypass available very early for people to
8 know it was going to be done. Closed on a
9 Friday and then it set until Monday and never
10 did nothing. And they blocked that secondary
11 road around there where the people were
12 trying to go around, that they blocked it and
13 sent semis down those side roads, out in them
14 county line roads, and they tried to cross --
15 make them turns out there and they drove
16 through ditches and everything else and
17 that's what you got.

18 I mean whenever you close 309, what are
19 you going to have with that closed? People
20 used to come around -- I don't know. What is
21 it? Taylor Road? Taylor Road and bypass at
22 309. Shutdown. But they blocked that. The
23 city people, I mean going to work, the people
24 want to go down 309 to Marion or Mt. Gilead,
25 they'll cut down Taylor Road there around

1 there if there's anything wrong at the 309
2 exit.

3 You know, they close that on a holiday
4 weekend and let it set. It just made chaos
5 out there. And them truckers come in there
6 and they hit the railroad on 309 and then
7 they get their GPS out and cut down them
8 county line roads and they weren't made for
9 them trucks to make them turns. That's all I
10 got to say. That's what's going to happen if
11 they close it.

12 MR. MCKENNEY: Thank you for your
13 testimony, sir. Couple other people walked
14 in. Did you intend to testify? Did you want
15 to make a statement?

16 MS. SAUTTER: Yes.

17 SANDRA SAUTTER, sworn.

18 MR. MCKENNEY: Thanks. Please state
19 your name and address.

20 MS. SAUTTER: My name's Sandra Sautter.
21 My residence is 4890 Ross Dock Road. We also
22 own the woodlands on the south side of where
23 the switching -- the trains switch. Our
24 woodlands is located on Township Road 32 and
25 a lot of times those trains sit there for

1 hours with the subject crossing being
2 blocked. We have noticed trash being thrown
3 along the tracks. Haven't physically seen
4 anyone that's setting in the train doing it,
5 but trash right there in that area where the
6 train sets for hours.

7 I think that by closing that crossing,
8 we put an increase demand on the traffic
9 situation on Township Road 32. There was
10 reference in the Morrow County paper about
11 the railroad had made an offer to upgrade
12 that crossing if they were able to get County
13 Road 8 closed. I was just wondering what
14 type of upgrade they were referring to. Are
15 they talking lights and gates, or, you know,
16 it's -- like, I agree with everyone else so
17 far.

18 It's the unknown that we don't know.
19 They want it closed, but what's going to
20 happen next? I'm totally against it because
21 people do rely on that crossing to get over
22 to State Route 309. And, you know, the
23 school buses all cross there. There's never
24 been an accident there and I don't see the
25 need to close that -- that closing on that

1 road. That's all I have to say at this time.

2 MR. McKENNEY: Thank you. Ma'am, would
3 you like to make a statement?

4 MS. VERMILLION: Yes.

5 MR. McKENNEY: Would you raise your
6 right hand?

7 JENNY VERMILLION, sworn.

8 MR. McKENNEY: Would you state your name
9 and address for the record, also?

10 MS. VERMILLION: Jenny Vermillion,
11 Crawford County Commissioner. 112 East
12 Mansfield Street, Bucyrus, Ohio. The only
13 thing that I would like to add to is the fact
14 that this crossing that's going to be
15 impacted, what is being proposed is the
16 crossing at the county line be closed,
17 traffic be diverted to Brandt Road in
18 Crawford County or to 309. And as Mr.
19 Sautter stated, 309 was closed. That would
20 lead Brandt Road as the alternate route to
21 go.

22 When we lose that crossing, we are
23 losing access to the rest of our county, not
24 only Crawford, but as well as Morrow. And I
25 need to be politically correct and not my

1 brutal self. What is troubling is the fact
2 that Marrow County was approached with this
3 prospect when Crawford County is bearing the
4 brunt of the rest of the traffic.

5 Neither the engineer's office or the
6 commissioners were contacted. I appreciate
7 the fact that you are here, that our voice
8 has been heard, and that we are given the
9 opportunity to express our concerns. And
10 that's all I need to say. Thank you.

11 MR. MCKENNEY: Thank you. Is there
12 anyone else that did not provide a statement
13 that would like to? All right. Well, seeing
14 no one -- yes, ma'am?

15 MS. RONDON: Can you say anything after
16 you've already stood and said something?

17 MR. MCKENNEY: I'll give you a chance to
18 do that, yes. Of course. You are still
19 under oath, so I'll remind you. If you would
20 like to stand and make an additional
21 statement, you may.

22 MS. RONDON: I don't have to be sworn in
23 again?

24 MR. MCKENNEY: No. You're still under
25 oath.

1 MS. RONDON: Okay. I mean all of us are
2 going to feel this terrible impact. Polk
3 Township will because if that road dead ends,
4 all that equipment has to turn around at that
5 point on both sides and return, so it's going
6 to be a horrible inconvenience. And not only
7 that, it could be a dangerous situation, too.

8 My thinking is is this problem is really
9 created because they ripped out that second
10 track. I don't know why the railroad with
11 the -- obviously, they have a lot more train
12 traffic than they had five years ago. Why
13 they don't lay that second track back down
14 and avoid this whole thing.

15 I think eventually it's inevitable
16 they're going to have to do that. That's why
17 they can't handle the trains. It's because
18 it's a single track coming up and they ripped
19 out the second track and they're all trying
20 to get into this double track again. It's
21 one waiting for the other and that's what's
22 created this whole problem.

23 I mean to me the solution is obvious,
24 but for some reason we're trying to close a
25 crossing just to avoid what to me is going to

1 be inevitable with the train traffic. I
2 don't think this is a crossing that -- if it
3 doesn't impact someone today or soon, it will
4 with a real problem because when you dead end
5 something like that with no access, either
6 way, and you're closing all these crossings,
7 eventually somebody's going to pay for it
8 with their life or one of the farm people are
9 going to have a bad accident and nobody can
10 get to them or they get to them too late.

11 So if the railroad company feels it's
12 more important not to lay that track back
13 down and block this crossing and close it,
14 then that -- then I'm sure that's what
15 they'll decide to do.

16 MR. MCKENNEY: Thank you. Is there
17 anyone else that wanted to make an additional
18 statement? All right. Seeing none, I'd like
19 to thank you all for coming. As you may know
20 this is only one step in the process. The
21 next step will be for an evidentiary hearing
22 to take place and that will be scheduled at a
23 subsequent date to take place at the
24 Commission.

25 And during that evidentiary hearing, the

1 company will make its case before the
2 Commission and then the Commission will make
3 its decision in this case. Seeing there is
4 nothing further at this time, we are
5 adjourned. Thank you.

6 - - -

7 (Hearing concluded at 6:35 p.m.)

8 - - -

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1 THE STATE OF OHIO,)

2) SS: NOTARY CERTIFICATE

3 COUNTY OF CUYAHOGA.)

4

5 I, Kerri L. Nestor, a Registered
6 Professional Reporter and Notary Public within and
7 for the State of Ohio, duly commissioned and
8 qualified, do hereby certify that the within-named
9 witnesses, were by me first duly sworn to testify
10 the truth, the whole truth and nothing but the
11 truth in the cause aforesaid; that the testimony
12 then given by him/her was by me reduced to
13 Stenotype in the presence of said witnesses,
14 afterwards prepared and produced by means of
15 Computer-Aided Transcription and that the foregoing
16 is a true and correct transcript of the testimony
17 so given by him/her as aforesaid.

18 I do further certify that this deposition was
19 taken at the time and place in the foregoing
20 caption specified, and was completed without
21 adjournment.

22 I do further certify that I am not a
23 relative, employee of or attorney for any party or
24 counsel, or otherwise financially interested in
25 this action.

26 I do further certify that I am not, nor is
the court reporting firm with which I am
affiliated, under a contract as defined in Civil
Rule 28 (D).

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my seal of office at Cleveland,
Ohio, on this 24th day of July, 2014.

19

20 Kerri L. Nestor RPR, Notary Public
21 My Commission Expires 10-29-17

22

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24

25

26

IBERIA VOLUNTEER FIRE CO. INC.

3450 State Rt. 309 / P. O. Box 46
Iberia Ohio 43325 / 419-468-7555

DIRECTORS

Robert S Hoffman, Pres.	Jerry Waters
Rodney Whited, V. Pres.	Stan Cooperider
Steven F Smith, Sec. /Treas.	Roger Wellman
Keith Beck, Chief	

04-01-14

Gentlemen

We are writing this letter to express our concern about the closing of the crossing on Crawford, Morrow County Line Road.

We are concerned that the closing will cause undue delays responding to the seven houses, six out buildings and three large barns in our fire district, plus the numerous residents in Crawford County that we provide mutual aid for.

This crossing is also the main route for Whetstone Fire Department that provides mutual aid for us.

The current route is State Route 309 E. to County Line Road W. and is 6.1 miles and takes us 8 minutes to respond to the afore mentioned structures using this crossing.

The second route is State Route 309 E. to County Road 30 N. to County Road 31 W. to County Road 32 N. to County Line Road and is 4.4 miles and takes us 7 minutes and includes four turns and an incline to cross the tracks. This incline proves an issue in the winter when the road is covered with snow and ice. This road is narrow and only has one house on it, therefore it is not the top priority for getting plowed.

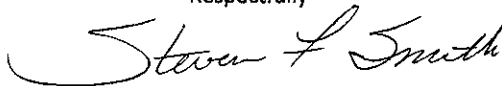
The third route is State Route 309 W. to State Route 100 N. To County Line Road E. and is 6.4 miles and takes us 8 minutes and involves going out of our county and one Rail Road crossings.

While the second route is 1.7 miles closer the response time is about the same due to all the turns. Please note that these times are on dry pavement. This closing not only affects us but also the local Emergency Medical Service, Galion Fire Department and Whetstone Fire Department.

On the West side of the crossing is a Columbia Gas transmission station also that needs to be considered. If this crossing is closed we would need to take one of the other routes and this would be at the end of the road with little or no room to turn around the big trucks.

We understand that improving the crossing would cost a lot of money. We would rather leave the crossing the way it is instead of closing it.

Respectfully



Steven F Smith

Asst. Chief / Secretary / Treasurer

419 - 565 - 5855

sfsmith403@gmail.com

Northmor Local Schools

Dr. Brent L. Winand, Superintendent
Tina Gabler, Treasurer

(419) 946-8861
FAX: (419) 947-6255

Mr. William Creswell
Washington Township Trustee
3763 County Road 59
Mt. Gilead Ohio 43338

March 28, 2014

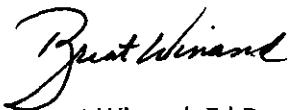
Dear Mr. Creswell,

Please accept this letter on behalf of the Northmor Local School District and the District's opposition to the proposed closing of the CSX Railroad Crossing on Morrow County Road 8. This crossing is within the Northmor Local School District and closing of this crossing would impact the District's bus routes. Unfortunately, due to the number of trains that have stopped and blocked this crossing during the past several years, we are familiar with the impact a permanent closing would cause.

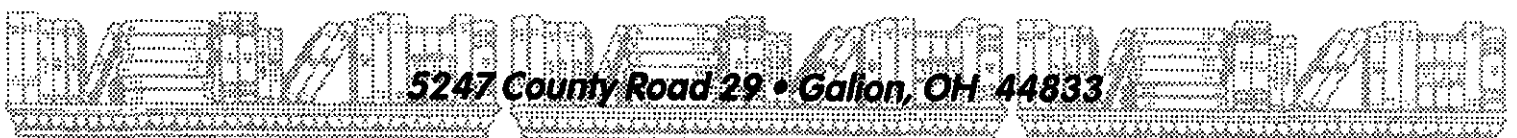
If this crossing were to be closed it is estimated the added length of time to our bus routes would be approximately 1,750 minutes (29 hours) per year. The additional mileage would be approximately 1,225 miles per year. The closing of the crossing would of course result in two "dead ends" for each bus route and would require difficult and potentially dangerous turnarounds.

Please include these considerations as you make your decision regarding the potential closing of the Morrow County Road 8 CSX Railroad Crossing.

Sincerely,



Brent Winand, Ed.D.
Superintendent
Northmor Local School District





RANDY BUSH P.E. & P.S.

Morrow County Engineer
50 East High St.
Mt. Gilead, Ohio 43338

Co. Engineers Office
419-947-4530
Fax: 419-947-4540

Co. Garage
419-946-4941

April 18, 2014

Washington Township Trustees
C/O Mr. Bill Creswell
P.O. Box 11
Iberia, OH 43325

RE: Railroad Crossing Closure on C.R. 8 (County Line Road) in Washington Township

Dear Mr. Creswell:

Several years ago I met, along with Steve Bloomfield, my Assistant Road Superintendent, with representatives from the State, the Railroad, and Township Trustees at the above described site.

The representatives from the State and Railroad stated that part of each review was to ask the question, if the railroad crossing could be considered for possible closing. It was my understanding at that meeting that any discussion about the closing of the crossing would be inclusive of all concerned parties (my office, the Township Trustees, County Commissioners, land owners, fire departments, EMS services, school districts, etc.) and that all would have to be in agreement for such a closing to happen.

I feel that the closing would negatively impact my department's maintenance activities on the road and would also impact the community in an adverse way.

Therefore, I recommend the railroad crossing remain open for the traveling public.

Thank you.

Sincerely,



L. Randy Bush, P.E. & P.S.
Morrow County Engineer

ksc/cr8rrcrossing

April 30, 2014

The Ohio Public Utilities Commission
Bryce A. McKenney, Attorney Examiner
180 East Broad Street
Columbus, Ohio 43215

Re: Case No. 14-379-RR-UNC

Dear Mr. Bryce,

I am writing to discuss your findings with regard to Case No. 14-379-RR-UNC. While the actual name of the road is Bloominggrove/New Winchester, it is important to understand this is the "County Line Road" between Morrow and Crawford Counties. When the Commission is considering the demonstrable need for the crossing, it would appear necessary to take into account the significant impact on both counties. The crossing services two of everything - School Districts, Fire Departments, Emergency Squads as well as other enterprises in the area.

The findings are rather myopic in that only surface rights are addressed while the findings are silent on other rights that have accrued to the County in an established road right of ways. Dominance of title is not an issue here, however best evidence is that the County Road was in existence prior to the railroad.

The allowable uses in County Road right of ways has evolved over the years and they have become transportation corridors for more than vehicular surface traffic. Counties routinely grant utility companies subsurface and aerial easements for their purposes as long as they don't incommode the county road. When two entities occupy the same surface area, each accruing additional rights over time, special clarity is needed in the event that one of the entities no longer has the right to occupy the subject surface area. This is to say that if the petition is granted, it does not or should not extinguish the County's rights that have accrued and that the subsurface and aerial rights remain.

Railroads in general are not the most responsive/cooperative organization when it comes to crossing their right of way. Given this fact, in the event that the petition is granted, appropriate documents should accompany the settlement that guarantee the accrued rights to the County. Again, this is to say that the County shall be able to grant easements for utility purposes as if their surface rights remained.

While it is true that this is a low volume crossing, the activity and use of this location goes beyond a typical two lane rural crossing. There are two sets of tracks, a main line and a side track that is used by CSX as a small switching yard to accommodate main line East and West traffic. Local residents report that the crossing is blocked for hours and days at a time which of course is a major overreach by CSX.

With regard to typical train speed being 55 to 60 miles per hour and 20 trains per day. Given the proximity to the City of Galion, we believe that train traffic rarely reached that speed and the crossing at County Line Road is often blocked by slow moving trains for more than the allowable time limit.

When considering "no demonstrable need", it is difficult to relate the angle of the road and the distance between tracks to the need to cross.

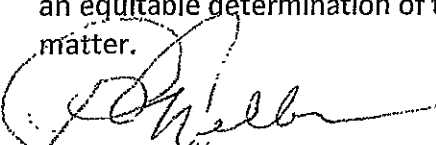
What is at issue here is "the value of the right to cross" and "just compensation" for the additional burden placed on the Citizens of Morrow and Crawford Counties and the County of Morrow in the event that the Commission grants the closure petition. While I believe that there is a "demonstrable need" for the crossing, it would appear that the burden rests with CSX to prove the contrary.

As I investigate the petition request several matters require further study. If the Commission grants the request in favor of CSX, County Road 8 must become a Washington Township Road as county roads cannot have cul-de-sacs. This of course shifts the burden of long term road maintenance and brings the Township into the settlement mix.

The cul-de-sac on the West side of the crossing will be more of a round-about with two exits to accommodate a Columbia Gas Transmission Facility and a private drive. The additional burden of engineering and land acquisition to create an appropriate turnaround may require additional compensation to the township.

CSX like other railroads conduct business as if they hold fee simple title to the right of way while they demonstrate only prescriptive surface right. The CSX right of way is real estate tax exempt and provides no direct benefits to the citizens of Morrow County and Washington Township. The only expectation of the County is that CSX maintain safe road crossings to the benefit the general public.

The County Line Road Crossing has been in existence since the 1800's and time is not of the essence in the resolution of the subject petition. Fairness would dictate that after the Public Hearing, time could be set aside by the Commission to hear further testimony in order to draw an equitable determination of the facts resulting in an appropriate resolution of this important matter.



Richard J. Miller
Morrow County Commissioner
Comments as a Private Citizen

Subject: Traffic counts for C.R.8 at the R/R Crossing

I was requested to do a traffic count on C.R. 8 west of the R/R crossing, starting on February 1, 2014 and left the counter up until Feb 12, 2014. During this time I would monitor, and change batteries to keep the counter functioning. After picking up the counter, and downloading the information. I came back to the office to process. Here are the results from the tabulations:

Traveling West	1019
Traveling East	1147
Total Vehicles	2166

Taking this total of 2166 by dividing that by 11 days gives you a daily total of 197 actual. Then multiplying it by the Seasonal Adjustment Factors determined by ODOT. This adjustment factor is 1.183. This factor gives you the Actual Average Daily Travel. By taking the count 196 actual vehicles per day, and multiplying with the 1.183 gives you a AADT of 233. The last time I counted this section, I had a AADT of 185. So there is an increase of 48 vehicles.

In regards to the closing of this crossing. When Randy Bush and Myself initially met with the representatives of CSX, Rand Patterson of the PUCO about two years ago. The crossing was online to be upgraded with lights and gates. The angle in which this road crosses, will create the need for extra arms with lights to warn the traffic sooner when traveling East to West, which causes the extra costs for this project. I know at the time CSX was not in favor of this upgrade. One of the other reason that CSX wants to close this crossing is due to the fact, the time between trains cannot be shortened when they pass each other, so the trains are

setting longer than the 5 minute rule for blocking crossings. With the pictures I have taken you will see two trains setting on the west bound section waiting for on coming train traffic to the east. This is a common occurrence at this crossing. This problem could be helped if they would move the switch section farther west, of Twp 32 towards C.R.31. By doing this the added length of the spur would handle the trains and then Biddle and C.R. 8 would not be blocked as much. By doing this they would add an additional 3,360 feet to the spur. This would enable approximately 40 railroad cars to move forward helping to unblock the intersection at C.R. 8 By blocking the intersection at Twp 32, this would only affect 1 home owner, south of the tracks. By blocking C.R. 8 it affects 12-15 property owners. If you have any questions about any of the information in the folder, you can contact me.

Stephan Bloomfield
Assistant Superintendent
Morrow County Engineer
419-560-5865

April 30, 2014

The Ohio Public Utilities Commission
Bryce A. McKenney, Attorney Examiner
180 East Broad Street
Columbus, Ohio 43215

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With regard to typical train speed being 55 to 60 miles per hour and 20 trains per day. Given the proximity to the City of Galion, we believe that train traffic rarely reached that speed and the crossing at County Line Road is often blocked by slow moving trains for more than the allowable time limit.

When considering "no demonstrable need", it is difficult to relate the angle of the road and the distance between tracks to the need to cross.

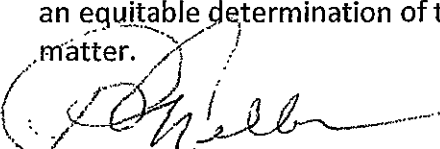
What is at issue here is "the value of the right to cross" and "just compensation" for the additional burden placed on the Citizens of Morrow and Crawford Counties and the County of Morrow in the event that the Commission grants the closure petition. While I believe that there is a "demonstrable need" for the crossing, it would appear that the burden rests with CSX to prove the contrary.

As I investigate the petition request several matters require further study. If the Commission grants the request in favor of CSX, County Road 8 must become a Washington Township Road as county roads cannot have cul-de-sacs. This of course shifts the burden of long term road maintenance and brings the Township into the settlement mix.

The cul-de-sac on the West side of the crossing will be more of a round-about with two exits to accommodate a Columbia Gas Transmission Facility and a private drive. The additional burden of engineering and land acquisition to create an appropriate turnaround may require additional compensation to the township.

CSX like other railroads conduct business as if they hold fee simple title to the right of way while they demonstrate only prescriptive surface right. The CSX right of way is real estate tax exempt and provides no direct benefits to the citizens of Morrow County and Washington Township. The only expectation of the County is that CSX maintain safe road crossings to the benefit the general public.

The County Line Road Crossing has been in existence since the 1800's and time is not of the essence in the resolution of the subject petition. Fairness would dictate that after the Public Hearing, time could be set aside by the Commission to hear further testimony in order to draw an equitable determination of the facts resulting in an appropriate resolution of this important matter.

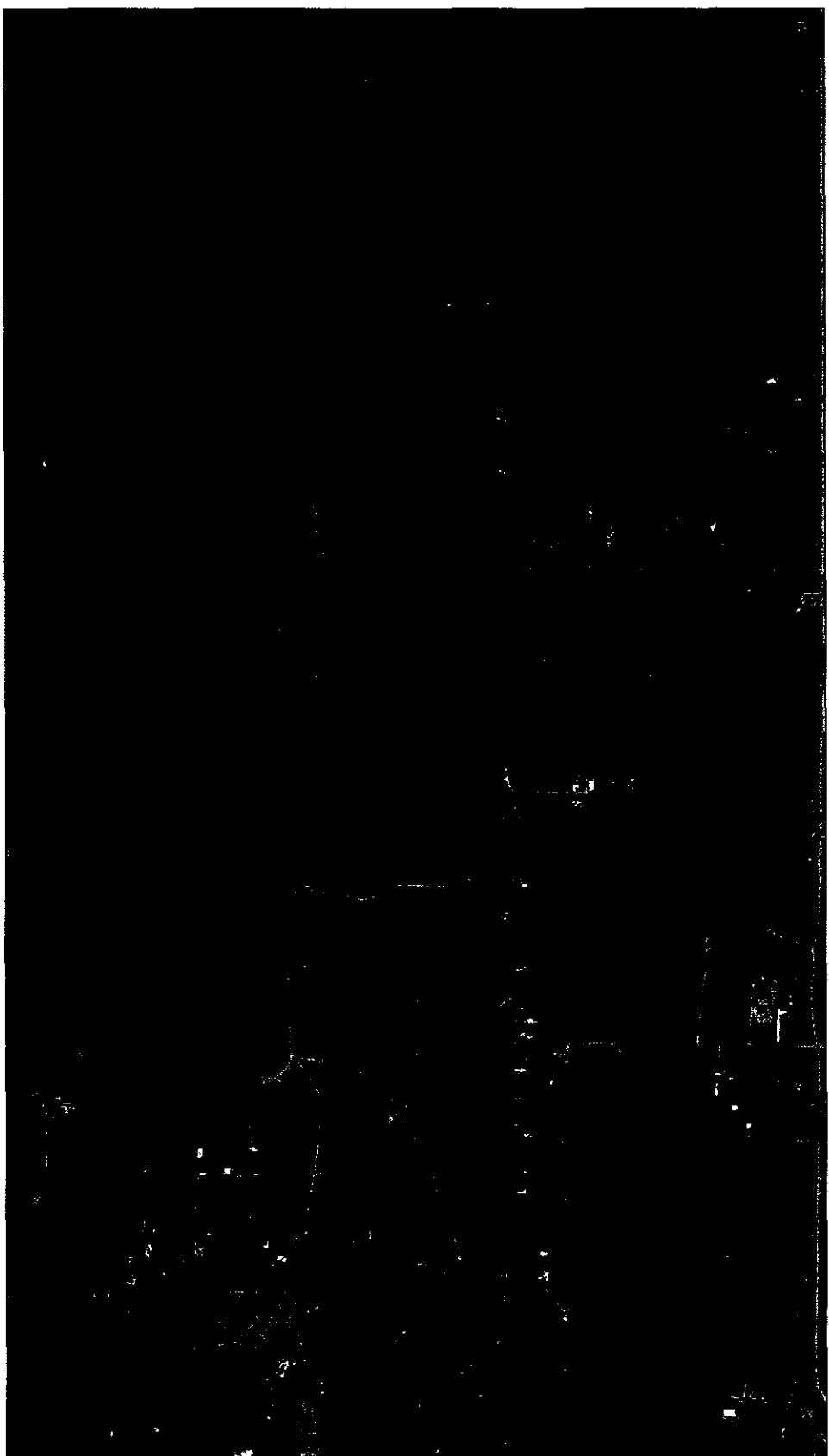


Richard J. Miller

Morrow County Commissioner
Comments as a Private Citizen



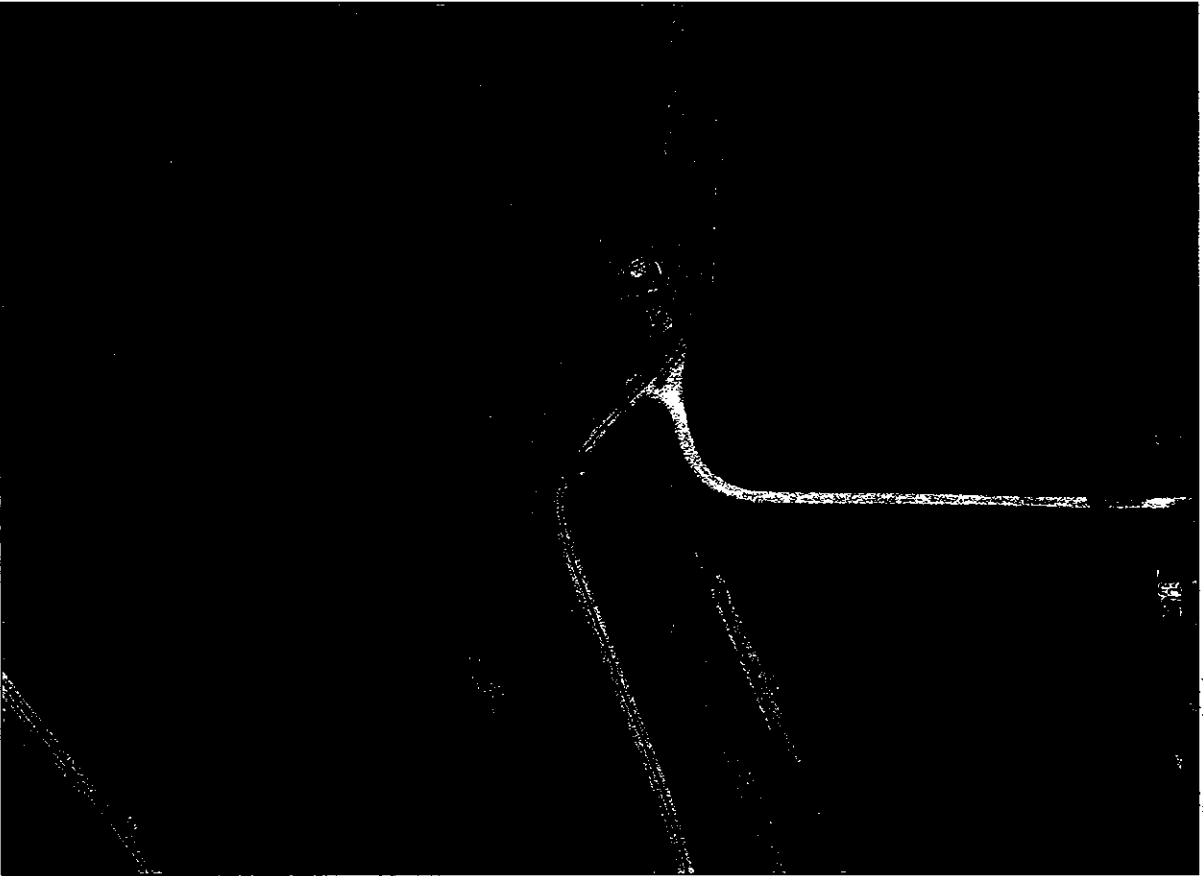
County Rd. 8 Washington Township Railroad Grade Crossing



Legend
— Road



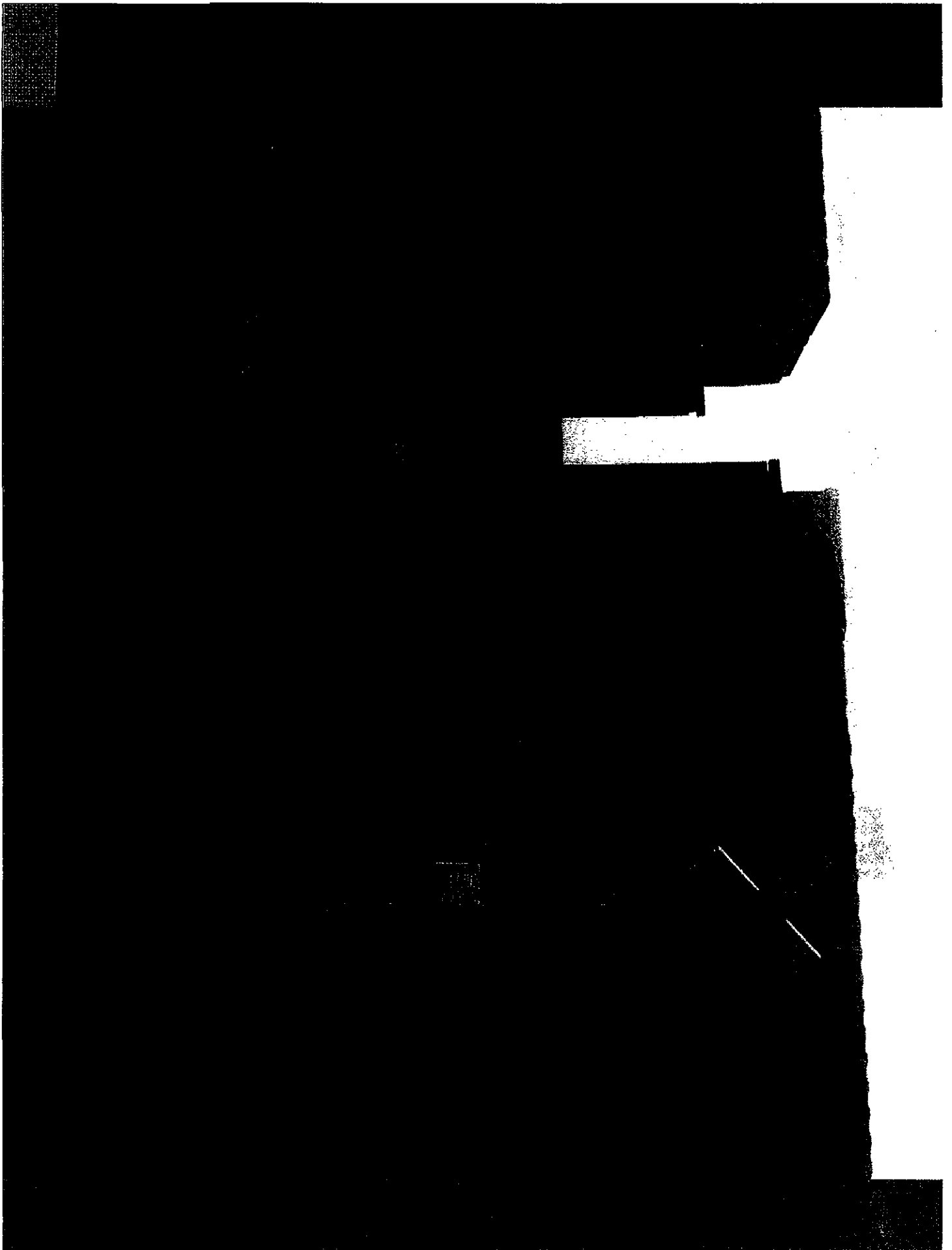
Map Prepared by: David Gentile
Morris County Planning Office
planning@morriscounty.info
Map Data from various sources



Datum: D North American 1983
Projection: Lambert Conformal Conic

0 70 140 280 Feet

Created by: D. Gault
Source: County Planning Office
at: 1984-1985
Planning@mcgill.ca



60 East High Street
Mt. Gilead OH 43338



(419) 947-5515
FAX: (419) 947-5205
E-Mail: mcprosecutor@rrohio.com

**MORROW COUNTY PROSECUTOR'S OFFICE
CHARLES S. HOWLAND
PROSECUTING ATTORNEY**

July 8, 2014

Sheriff Scott M. Kent
Crawford County Sheriff's Office
3613 Stetzer Road
Bucyrus, OH 44820

Re: CSX Railroad crossing issues on County Line Road

Dear Sheriff Kent:

I have received your fax of July 7, 2014 concerning the railroad issues on County Line Road. I thank you for taking time to help with this matter. Should my office be able to assist your office in the future, please give us a call.

Yours sincerely and respectfully,

A handwritten signature in black ink, appearing to read "CSH", is written over a horizontal line.

Charles S. Howland
Morrow County Prosecutor

Sheriff Scott M. Kent
Crawford County S.O.
3613 Stetzer Road
Bucyrus, Ohio 44820

Re: CSX RR crossing issues on County Line Road

Dear Sheriff Kent;

I have received your Fax of July 7th, 2014 concerning rail road issues on county line road. I thank you for taking time to help with this matter. Should my office be able to assist your ~~department~~ in the future please give us call.

your office
Yours sincerely and respectfully,

C.S.H.

**SCOTT M. KENT, SHERIFF****CRAWFORD COUNTY SHERIFF'S OFFICE****3613 STETZER ROAD****BUCYRUS, OHIO 44820****Phone: 419-562-7906 • Fax: 419-562-7912****FAX****Date: July 7, 2014****Page 1 of 14****To: Morrow County Prosecutor's Office****Fax number: (419) 947-5515 5205****From: Sheriff Scott Kent****RE: Asst. Pros. Charles Howland**

Here is a list of our involvement dating back to 2001. Look at the location. Biddle Rd. is going to be the crossing NE from the County Line Rd. crossing.

☐ URGENT☐ FOR REVIEW☐ PLEASE
COMMENT☐ PLEASE
REPLY☐ PLEASE
RECYCLE**COMMENTS: If you need anything else, please do not hesitate to call.**

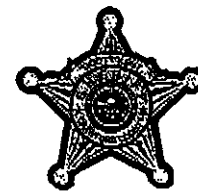
A handwritten signature in cursive script that reads "Scott Kent".

**** CONFIDENTIALITY NOTICE ****

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CRAWFORD COUNTY SHERIFF'S OFFICE**INVOLVEMENT SHEET**

7/07/2014 4:00 PM

CSX

No Photo Available

Address: 500 WATER ST C6073 JACKSONVILLE Florida 32250

DOB: / / Age: 0 to 0

Height:

Race: Business - Not Applicable

Sex: Male

Weight: 0

SSN/ID:

Nationality:

Res. Status:

Hair:

Ethnicity: Non-Hispanic

Eye Color: BRO

Gang:

Tattoo:

Tattoo:

Source	Party Type	Incident Type	Incident No.	Date/Time	Incident Location	Arrested
Reporting Officer	Arresting Officer	Arrest Location				
Enforcer	Offender	Train Complaint	1-14-00001388	08/16/2014 1840	0 BIDDLE RD, POLK TWP, Ohio 44833	NO
MOSER, SCOTT						
Charge: 5589.21	Obstruction of Public Roads by RR Companies	Charge Date: 08/16/2014	Issue Date: 08/16/2014	Counts: 1	Disp: Closed	
Responder	Complainant	Train Crossing Equip Malfunction	14-00009938	08/14/2014 2239	0 STATE ROUTE 598/CRESTLINE RD, JEFFERSON TWP, C	
Responder	Complainant	Road Closed	14-00003746	06/02/2014 0041	100 N SELTZER ST, CRESTLINE, Ohio 44827	
Responder	Complainant	Train Complaint	14-00008610	09/28/2014 1219	217 BIDDLE RD, POLK TWP, Ohio 44833	
Enforcer	Offender	Train Complaint	1-14-00001002	05/02/2014 1245	0 BIDDLE RD, SANDUSKY TWP, Ohio 44827	NO
WINDBIGLER, JEFFERY						
Enforcer	Offender	Train Complaint	1-14-00000981	04/17/2014 1134	0 BIDDLE/RR TRACKS, Ohio	NO
BALDOSSER, SCOTT						
Charge: 5589.21	Obstruction of Public Roads by RR Companies	Charge Date: 04/17/2014	Issue Date: 04/17/2014	Counts: 1	Disp: Closed	
Charge: 5589.21	Obstruction of Public Roads by RR Companies	Charge Date: 04/17/2014	Issue Date: 04/17/2014	Counts: 1	Disp: Closed	
Responder	Involved Business	Train Complaint	14-00006099	04/17/2014 1134	0 BIDDLE/RR TRACKS, Ohio	
Enforcer	Cited Person	Train Complaint	1-14-00000644	04/12/2014 1820	217 BIDDLE RD, POLK TWP, Ohio 44833	NO
MCCRACKEN, JEREMIAH						
Charge: 5589.21	Obstruction of Public Roads by RR Companies	Charge Date: 04/12/2014	Issue Date: 04/12/2014	Counts: 1	Disp: Closed	
Enforcer	Offender	Train Complaint	1-14-00000777	04/04/2014 0741	227 BIDDLE RD, POLK TWP, Ohio 44833	NO
WINDBIGLER, JEFFERY						
Enforcer	Offender	Train Complaint	1-14-00000784	04/01/2014 1454	0 STATE ROUTE 309/ RR CROSSING, POLK TWP, Ohio 44	NO
BALDOSSER, SCOTT						
Enforcer	Offender	Train Complaint	1-14-00000740	03/31/2014 1208	217 BIDDLE RD, POLK TWP, Ohio 44833	NO
BALDOSSER, SCOTT						
Charge: 5589.21	Obstruction of Public Roads by RR Companies	Charge Date: 03/31/2014	Issue Date: 03/31/2014	Counts: 1	Disp:	
Enforcer	Offender	Train Complaint	1-14-00000696	03/18/2014 0831	0 BIDDLE/RR CROSSING, Ohio	NO
WINDBIGLER, JEFFERY						
Responder	Complainant	Train Crossing Equip Malfunction	14-00003990	03/12/2014 0908	0.6 PORTLAND, Ohio	
Enforcer	Suspect	Train Complaint	1-14-00000481	03/02/2014 1102	217 BIDDLE RD, POLK TWP, Ohio 44833	NO
BALDOSSER, SCOTT						
Charge: 5589.21	Obstruction of Public Roads by RR Companies	Charge Date: 03/02/2014	Issue Date: 03/02/2014	Counts: 1	Disp:	
Enforcer	Offender	Train Complaint	1-14-00000390	02/18/2014 1047	0 BIDDLE RD/RR CROSSING, Ohio	NO
BALDOSSER, SCOTT						
Charge: 5589.21	Obstruction of Public Roads by RR Companies	Charge Date: 02/18/2014	Issue Date: 02/18/2014	Counts: 1	Disp:	

CRAWFORD COUNTY SHERIFF'S OFFICE**INVOLVEMENT SHEET**

7/07/2014 4:00 PM

CSX

No Photo Available

Address: 500 WATER ST C6073 JACKSONVILLE Florida 32250**DOB:** / / **Age:** 0 to 0**Height:****Race:** Business - Not Applicable**Sex:** Male**Weight:** 0**SSN/ID:****Nationality:****Res. Status:****Hair:****Ethnicity:** Non-Hispanic**Eye Color:** BRO**Gang:****Tattoo:****Tattoo:**

<u>Source</u>	<u>Party Type</u>	<u>Incident Type</u>	<u>Incident No.</u>	<u>Date/Time</u>	<u>Incident Location</u>	<u>Arrested</u>
<u>Reporting Officer</u>		<u>Arresting Officer</u>	<u>Arrest Location</u>			
Enforcer WOZNAK, BRIAN	Victim	Property Damage	1-14-00000374	02/16/2014 1248	0 CRESTLINE RD, JEFFERSON TWP, Ohio 44827	NO
Responder	Complainant	Train Crossing Equip Malfunction	14-00001217	01/22/2014 1048	771 PORTLAND S WAY, GALION, Ohio 44833	
Responder	Involved Business	Train Crossing Equipment Malfunction	13-00009483	12/31/2013 1427	0 E MAIN ST/WASHINGTON ST, CRESTLINE, Ohio 44827	
Responder		Train Crossing Equipment Malfunction	13-00008201	11/13/2013 0837	0 STATE ROUTE 598, JEFFERSON TWP, Ohio 44833	
Responder		Fire Department - Misc.	13-00007253	10/09/2013 1414	0 MIDDLETOWN RD, CRESTLINE, Ohio 44827	
Responder		Train Crossing Equipment Malfunction	13-00006071	08/27/2013 1454	0 WILEY/RAILROAD, Ohio	
Enforcer HETZEL, ROGER	Offender	Train Complaint	1-13-00001852	08/14/2013 0726	0 BIDDLE RD/CRAWFORD MORROW LINE RD, POLK TWP NO	
Charge: 5589.21 Obstruction of Public Roads by RR Companies Charge Date: 08/14/2013 Issue Date: 08/27/2013 Counts: 1 Disp: Closed						
Enforcer MCCRACKEN, JEREMIAH	Involved Business	Train Complaint	1-13-00001651	07/23/2013 1807	0 NAZOR RD, JEFFERSON TWP, Ohio 44827	NO
Charge: 5589.21 Obstruction of Public Roads by RR Companies Charge Date: 07/23/2013 Issue Date: 07/23/2013 Counts: 1 Disp: Closed						
Enforcer MCCRACKEN, JEREMIAH	Offender	Train Complaint	1-13-00001460	07/03/2013 1953	0 NAZOR RD, JEFFERSON TWP, Ohio 44833	NO
Charge: 5589.21 Obstruction of Public Roads by RR Companies Charge Date: 07/03/2013 Issue Date: 07/03/2013 Counts: 1 Disp:						
Enforcer MCCRACKEN, JEREMIAH	Owner Of Vehicle (Property Damage	1-13-00000831	05/10/2013 1653	0 PORTLAND S WAY, GALION, Ohio 44833	NO
Enforcer MCCRACKEN, JEREMIAH	Owner Of Vehicle (Property Damage	1-13-00000882	05/05/2013 1817	0 MIDDLETOWN/RR TRACKS, Ohio	NO
Responder	Complainant	Train Crossing Equip Malfunction	13-00004800	04/11/2013 0804	0 STATE ROUTE 598, JEFFERSON TWP, Ohio 44827	
Responder	Involved Business	Train Crossing Equipment Malfunction	13-00002188	03/28/2013 1018	0 S WILEY ST/WOOD ST, CRESTLINE, Ohio 44827	
Responder	Complainant	Train Crossing Equip Malfunction	13-00000948	01/21/2013 1718	0 PORTLAND S WAY, GALION, Ohio 44833	
First Due	Owner	Good Intent Call, Other	12-12-00000435	11/23/2012 2334	NAZOR RD POLK TWP, Ohio 44833	
Responder	Complainant	Train Crossing Equip Malfunction	12-00015565	10/20/2012 0612	0 SANDUSKY AVE, CHATFIELD, Ohio 44825	
Responder	Complainant	Train Crossing Equip Malfunction	12-00014039	09/21/2012 0837	0 MIDDLETOWN RD, JACKSON TWP, Ohio 44827	
Responder	Complainant	Train Crossing Equip Malfunction	12-00012954	09/21/2012 1342	0 MAIN ST, NORTH ROBINSON, Ohio 44827	

CRAWFORD COUNTY SHERIFF'S OFFICE**INVOLVEMENT SHEET**

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Address: 500 WATER ST C6073 JACKSONVILLE Florida 32250**DOB:** / / **Age:** 0 to 0**Height:****Race:** Business - Not Applicable**Sex:** Male**Weight:** 0**SSN/ID:****Nationality:****Res. Status:****Hair:****Ethnicity:** Non-Hispanic**Eye Color:** BRO**Gang:****Tattoo:****Tattoo:**

<u>Source</u>	<u>Party Type</u>	<u>Incident Type</u>	<u>Incident No.</u>	<u>Date/Time</u>	<u>Incident Location</u>	<u>Arrested</u>
<u>Reporting Officer</u>		<u>Arresting Officer</u>	<u>Arrest Location</u>			
Responder	Involved Business	Train Crossing Equipment Malfunction	12-00007149	08/28/2012 0903	0 E MAIN ST/WASHINGTON ST, CRESTLINE, Ohio 44827	
Responder	Complainant	Train Crossing Equip Malfunction	12-00012102	08/17/2012 2159	0 PORTLAND WAY/RAILROAD, , Ohio	
Responder	Involved Business	Train Crossing Equipment Malfunction	12-00006303	07/26/2012 0842	0 W BUCYRUS ST/SELTZER ST, CRESTLINE, Ohio 44827	
First Due	Person/Entity	False Alarm And False Call, Other	12-12-00000270	07/20/2012 0746	123 E ATWOOD ST GALION, Ohio 44833	
Responder	Complainant	Traffic Complaint-Incl ATV/MC/Etc	12-00009875	07/12/2012 2033	0 MIDDLETOWN RD, CRESTLINE, Ohio 44827	
Responder	Complainant	Investigate Complaint	12-00009849	07/12/2012 1155	0 MIDDLETOWN RD, JEFFERSON TWP, Ohio 44833	
Responder	Involved Business	Train Crossing Equipment Malfunction	12-00005930	07/12/2012 1145	0 MIDDLETOWN RD/COLBY RD, CRESTLINE, Ohio 44827	
Responder	Complainant	Train Crossing Equip Malfunction	12-00009446	07/03/2012 1612	0 BIDDLE RD, JEFFERSON TWP, Ohio 44827	
Responder	Complainant	Train Complaint	12-00009441	07/03/2012 1452	0 BIDDLE RD, FOLK TWP, Ohio 44833	
Responder	Complainant	Train Crossing Equip Malfunction	12-00009325	07/01/2012 1942	0 MIDDLETOWN RD/COLBY RD, JACKSON TWP, Ohio 448	
Responder	Complainant	Train Crossing Equip Malfunction	12-00007949	08/11/2012 1945	0 STATE ROUTE 588/RR CROSSING, , Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	12-00007297	05/28/2012 0801	0 NAZOR, , Ohio	
Responder	Involved Business	Train Crossing Equipment Malfunction	12-00004457	05/24/2012 1147	0 W BUCYRUS ST/SELTZER ST, CRESTLINE, Ohio 44827	
Enforcer CRAMER, ADAM	Complainant	Train Complaint	12-00001150	05/24/2012 1030	0 NAZOR RD, GALION, Ohio 44833	NO
Responder	Complainant	Train Complaint	12-00006675	05/24/2012 1030	0 NAZOR RD, GALION, Ohio 44833	
Responder	Complainant	Fire - Field, Trees, Brush, Grass	12-00004398	05/22/2012 1318	0 S WILEY ST/WOOD ST, CRESTLINE, Ohio 44827	
Responder	Involved Business	Train Crossing Equipment Malfunction	12-00003757	05/01/2012 1333	0 WILEY@ MOISERS, , Ohio	
Responder	Involved Business	Train Crossing Equipment Malfunction	12-00003716	04/29/2012 1838	0 S WILEY/CARLISLE ST, CRESTLINE, Ohio 44827	
Responder	Complainant	Train Crossing Equip Malfunction	12-00004793	04/12/2012 0808	0 PORTLAND N WAY/HARDING W WAY, GALION, Ohio 448	
Responder	Involved Business	Train Crossing Equipment Malfunction	12-00002812	04/03/2012 1742	0 COUNTY LINE/BEAM, , Ohio	

CRAWFORD COUNTY SHERIFF'S OFFICE**INVOLVEMENT SHEET**

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<u>Source</u>	<u>Party Type</u>	<u>Incident Type</u>	<u>Incident No.</u>	<u>Date/Time</u>	<u>Incident Location</u>	<u>Arrested</u>
<u>Reporting Officer</u>		<u>Arresting Officer</u>	<u>Arrest Location</u>			
Responder	Complainant	Train Crossing Equip Malfunction	12-00003888	03/23/2012 1506	0 MIDDLETOWN RD., Ohio	
Responder	Involved Business	Train Crossing Equipment Malfunction	12-00002222	03/13/2012 0843	0 S WILEY ST/WOOD ST, CRESTLINE, Ohio 44827	
Responder	Involved Business	Notification	12-00002090	03/09/2012 0715	0 HARDING E WAY, GALION, Ohio 44833	
Responder	Involved Business	Train Crossing Equipment Malfunction	12-00001801	02/16/2012 0801	0 S WILEY ST, CRESTLINE, Ohio 44827	
Responder	Involved Business	Train Crossing Equipment Malfunction	12-00001329	02/10/2012 1414	0 SR 598 @ COUNTRY STAR, Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	12-00000930	01/20/2012 2324	0 KNORR RD., Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	12-00000098	01/03/2012 0939	0 PORTLAND S WAY, GALION, Ohio 44833	
Responder	Complainant	Train Crossing Equip Malfunction	11-00016754	12/08/2011 0800	0 S PORTLAND, Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	11-00011851	08/04/2011 1925	0 PORTLAND S WAY, GALION, Ohio 44833	
Responder	Complainant	Train Crossing Equipment Malfunction	11-00008146	08/18/2011 1738	0 S WILEY ST, CRESTLINE, Ohio 44827	
Responder	Involved Business	Train Crossing Equipment Malfunction	11-00007812	08/08/2011 1155	0 E MAIN ST/WASHINGTON ST, CRESTLINE, Ohio 44827	
Responder	Complainant	Train Crossing Equip Malfunction	11-00010432	08/08/2011 2047	0 PORTLAND S WAY, GALION, Ohio 44833	
Responder	Complainant	Train Crossing Equip Malfunction	11-00009714	07/23/2011 1825	0 PORTLAND S WAY, GALION, Ohio 44833	
Responder	Complainant	Train Crossing Equipment Malfunction	11-00007291	07/23/2011 1125	0 WILEY @ MOISERS, CRESTLINE, Ohio 44827	
Responder	Involved Business	Train Crossing Equipment Malfunction	11-00006819	07/10/2011 0927	0 WILEY @ MOISERS, Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	11-00008867	07/07/2011 0943	0 NAZOR RD, VERNON TWP, Ohio 44827	
Responder	Complainant	Assist - Other	11-00006491	06/29/2011 1508	0 W LIVINGSTON AVE/COLUMBUS ST, CRESTLINE, Ohio 4	
Responder	Involved Business	Shots Fired	11-00006302	06/23/2011 1834	0, Ohio	
Responder	Involved Business	Train Crossing Equipment Malfunction	11-00005926	06/11/2011 1402	0 BEAM/COUNTY LINE, Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	11-00006628	06/26/2011 1758	0 NAZOR RD, POLK TWP, Ohio 44833	

CRAWFORD COUNTY SHERIFF'S OFFICE**INVOLVEMENT SHEET**

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Hair:

Ethnicity: Non-Hispanic

Eye Color: BRO

Gang:

Tattoo:

Tattoo:

Source	Party Type	Incident Type	Incident No.	Date/Time	Incident Location	Arrested
Reporting Officer	Arresting Officer	Arrest Location				
Responder	Complainant	Train Crossing Equip Malfunction	11-00006518	05/23/2011 1006	0 PORTLAND WAY SOUTH, , Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	11-00006511	05/23/2011 0818	0 NAZOR RD, GALION, Ohio 44833	
Responder	Complainant	Assist - Other	11-00006401	05/21/2011 0254	0 PORTLAND WAY SOUTH, , Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	11-00005783	05/08/2011 0138	0 KNORR RD, , Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	11-00004811	04/17/2011 2243	0 NAZOR RD, POLK TWP, Ohio 44833	
Responder	Involved Business	Train Complaint	11-00003462	03/19/2011 0933	227 S BIDDLE RD, GALION, Ohio 44833	
Responder	Complainant	Train Complaint	11-00002898	03/08/2011 0048	1388 NAZOR RD, GALION, Ohio 44833	
Responder	Complainant	Train Crossing Equip Malfunction	11-00002854	03/05/2011 0809	0 BIDDLE RD, POLK TWP, Ohio 44833	
Responder	Complainant	Train Crossing Equip Malfunction	11-00001869	02/13/2011 1408	0 PORTLAND WAY SOUTH, , Ohio	
Responder	Involved Business	Train Crossing Equipment Malfunction	11-00001628	02/13/2011 1304	0 N WASHINGTON ST/RAILROAD AVE, CRESTLINE, Ohio 4	
Responder	Complainant	Train Crossing Equipment Malfunction	11-00001688	02/12/2011 1331	100 N SELTZER ST, CRESTLINE, Ohio 44827	
Responder	Complainant	Train Crossing Equipment Malfunction	11-00000388	01/12/2011 1517	0 WASHINGTON/RAILROAD, , Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	11-00000470	01/12/2011 0630	0 PORTLAND WAY SOUTH, , Ohio	
Responder	Involved Business	Train Complaint	10-00018814	12/28/2010 1304	0 CRAWFORD MORROW LINE RD, POLK TWP, Ohio	
Enforcer	Involved Party	Train Complaint	1-10-00003028	12/29/2010 1029	0 BIDDLE RD, POLK TWP, Ohio	NO
	MCCRACKEN, JEREMIAH					
Responder	Complainant	Train Complaint	10-00018827	12/24/2010 1032	0 NAZOR RD, JACKSON TWP, Ohio	
Responder	Involved Business	Train Crossing Equipment Malfunction	10-00009521	12/22/2010 1622	0 E MAIN ST/N WASHINGTON ST, CRESTLINE, Ohio 44827	
Enforcer	Offender	Property Damage	1-10-00002828	12/02/2010 1243	0 BIDDLE RD, POLK TWP, Ohio	NO
	WINDIGLER, JEFFERY					
Responder	Complainant	Train Crossing Equip Malfunction	10-00013444	10/13/2010 2237	0 SR 181, CRESTLINE, Ohio 44827	
Enforcer	Suspect	Train Complaint	1-10-00002382	10/09/2010 1618	0 ALBRIGHT RD, WHETSTONE TWP, Ohio	NO
	BALDOSSER, SCOTT					

CRAWFORD COUNTY SHERIFF'S OFFICE**INVOLVEMENT SHEET**

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Weight: 0

SSN/ID:

Nationality:

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Hair:

Ethnicity: Non-Hispanic

Eye Color: BRO

Gang:

Tattoo:

Tattoo:

Source	Party Type	Incident Type	Incident No.	Date/Time	Incident Location	Arrested
Reporting Officer	Arresting Officer	Arrest Location				
Enforcer	Offender	Train Complaint	1-10-00002336	10/07/2010 1104	0 NAZOR RD, GALION, Ohio 44833	NO
MCCRACKEN, JEREMIAH						
Charge: 5889.21	Obstruction of Public Roads by RR Companies	Charge Date: 10/07/2010	Issue Date: 10/07/2010	Counts: 1	Drop: Closed	
Responder	Complainant	Train Crossing Equip Malfunction	10-00012947	10/03/2010 0210	0 NAZOR RD, , Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	10-00012523	09/24/2010 0701	0 CRAWFORD MORROW COUNTY LINE RD, , Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	10-00011094	08/27/2010 0741	0 NAZOR RD, POLK TWP, Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	10-00010280	08/09/2010 2340	0 PORTLAND WAY SOUTH, , Ohio	
Responder	Complainant	Train Crossing Equipment Malfunction	10-00006660	07/30/2010 1649	0 S WILEY ST, CRESTLINE, Ohio 44827	
Responder	Complainant	Traffic Signal - Repair/Missing/Etc	10-00009477	07/24/2010 0220	0 KNORR RD, , Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	10-00008643	07/07/2010 2301	0 TAYLOR RD, POLK TWP, Ohio	
Responder	Involved Business	Train Crossing Equipment Malfunction	10-00004760	07/03/2010 1019	0 S WILEY ST/WOOD ST, CRESTLINE, Ohio 44827	
Responder	Involved Business	Investigate Complaint	10-00004124	06/13/2010 0038	0 S WILEY ST/WOOD ST, CRESTLINE, Ohio 44827	
Responder	Involved Business	Business Check	10-00003734	05/28/2010 2238	108 N THOMAN ST, CRESTLINE, Ohio 44827	
Responder	Complainant	Train Crossing Equip Malfunction	10-00006076	05/19/2010 2153	0 KNORR RD, POLK TWP, Ohio	
Responder	Involved Business	Train Crossing Equipment Malfunction	10-00003036	05/02/2010 0348	0 W BUCYRUS ST/S SELTZER ST, CRESTLINE, Ohio 44827	
Responder	Complainant	Train Crossing Equipment Malfunction	10-00002984	04/30/2010 0531	0 WASHINGTON/RAILROAD AVE, CRESTLINE, OH 44827	
Responder	Involved Business	Train Crossing Equipment Malfunction	10-00002657	04/20/2010 1715	0 BEAM RD, CRESTLINE, OH 44827	
Responder	Complainant	Train Crossing Equipment Malfunction	10-00002391	04/10/2010 0855	0 W BUCYRUS ST/S SELTZER ST, CRESTLINE, Ohio 44827	
Responder	Involved Business	Nature Unknown	10-00001647	03/12/2010 1532	100 N SELTZER ST, CRESTLINE, Ohio 44827	
Responder	Complainant	Train Crossing Equip Malfunction	10-00002797	03/07/2010 0507	0 PORTLAND WAY SOUTH, , Ohio	
Responder	Involved Business	Traffic - Complaint - All Vehicles	10-00001457	03/06/2010 0244	0 W BUCYRUS ST, CRESTLINE, Ohio 44827	

CRAWFORD COUNTY SHERIFF'S OFFICE**INVOLVEMENT SHEET**

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Address: 500 WATER ST C6073 JACKSONVILLE Florida 32250

DOB: / / Age: 0 to 0

Height:

Race: Business - Not Applicable

Sex: Male

Weight: 0

SSN/ID:

Nationality:

Res. Status:

Hair:

Ethnicity: Non-Hispanic

Eye Color: BRO

Gang:

Tattoo:

Tattoo:

Source	Party Type	Incident Type	Incident No.	Date/Time	Incident Location	Arrested
Reporting Officer	Arresting Officer	Arrest Location				
Responder	Involved Business	Train Crossing Equipment Malfunction	10-00001337	03/01/2010 1837	0 W LIVINGSTON AVE, CRESTLINE, Ohio 44827	
Responder	Complainant	Train Crossing Equip Malfunction	10-00002089	02/17/2010 1803	0 PORTLAND WAY SOUTH, , Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	10-00001139	01/28/2010 1517	0 PORTLAND WAY S, GALION, Ohio 44833	
Responder	Involved Business	Train Crossing Equipment Malfunction	10-00000320	01/14/2010 1639	0 LIVINGSTON AVE/S COLUMBUS ST, , Ohio	
Responder	Involved Business	Train Crossing Equipment Malfunction	10-00000138	01/07/2010 0330	0 WASHINGTON/RAILROAD ST, , Ohio	
Responder	Complainant	Train Crossing Equip Malfunction	10-00000130	01/04/2010 1757	0 KNORR RD, POLK TWP, Ohio	
Responder	Involved Business	Train Crossing Equipment Malfunction	09-00004377	12/31/2009 1901	0 8 WILEY ST/WOOD ST, CRESTLINE, Ohio 44827	
Responder	Complainant	Train Crossing Equip Malfunction	09-00014638	12/25/2009 1709	0 NAZOR RD, JACKSON TWP, Ohio	
Responder	Complainant	Train Crossing Equipment Malfunction	09-00004091	12/18/2009 2049	100 N SELTZER ST, CRESTLINE, Ohio 44827	
Responder	Involved Business	Suspicious - Person	09-00003817	12/05/2009 0205	0 STATE ROUTE 698, CRESTLINE, Ohio 44827	
Responder	Complainant	Train Crossing Equipment Malfunction	09-00003805	12/04/2009 1745	0 6T RT 598/CO RD 35 RD, CRESTLINE, OH 44827	
Responder	Involved Business	Train Crossing Equipment Malfunction	09-00003645	11/28/2009 1123	0 WASHINGTON AVE/RAILROAD ST, CRESTLINE, OH 44827	
Responder	Complainant	Train Crossing Equipment Malfunction	09-00002990	11/02/2009 0520	0 WILEY/RAILROAD ST, CRESTLINE, OH 44827	
Responder	Complainant	Train Complaint	09-00010759	09/18/2009 0140	0 NAZOR RD RR CROSSING, , Ohio	
Responder	Involved Business	Investigate Complaint	09-00001702	09/09/2009 2053	100 N SELTZER ST, CRESTLINE, Ohio 44827	
Responder	Involved Business	Train Crossing Equipment Malfunction	09-00001180	08/20/2009 1538	0 E MAIN ST, CRESTLINE, Ohio 44827	
Responder	Involved Business	Theft - From Vehicle	09-00000887	08/10/2009 1257	108 N THOMAN ST, CRESTLINE, Ohio 44827	
Responder	Complainant	Train Derailment	09-00002290	02/27/2009 0541	0 CSX RR TRACKS, , Ohio	
Enforcer	Involved Party	Train Crossing Equip Malfunction	1-09-00004283	09/26/2008 0515	0 SR 598, BUCYRUS, Ohio	NO
Enforcer	Involved Party	Train Complaint	1-09-00002570	08/29/2008 1742	0 BIDDLE RD, GALION, Ohio	NO

CRAWFORD COUNTY SHERIFF'S OFFICE**INVOLVEMENT SHEET**

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No Photo Available

Address: 500 WATER ST C6073 JACKSONVILLE Florida 32250

DOB: / / Age: 0 to 0

Height:

Race: Business - Not Applicable

Sex: Male

Weight: 0

SSN/ID:

Nationality:

Res. Status:

Hair:

Ethnicity: Non-Hispanic

Eye Color: BRO

Gang:

Tattoo:

Tattoo:

Source	Party Type	Incident Type	Incident No.	Date/Time	Incident Location	Arrested
Reporting Officer		Arresting Officer		Arrest Location		
Enforcer MARTIN, CHRISTOPHER	Victim	Train Complaint	1-08-00002727	06/24/2008 1458	0 BIDDLE RD, GALION, Ohio	NO
Enforcer	Involved Party	Train Complaint	1-08-00001840	04/19/2008 0114	0 OLDFIELD RD/CRAWFORD RICHLAND, CRESTLINE, Ohio	NO
Enforcer	Involved Party	Train Crossing Equip Malfunction	1-08-00000918	03/05/2008 0559	0 SR 598, CRESTLINE, Ohio	NO
Enforcer TAYLOR, KEVIN	Involved Party	Train Complaint	1-07-00006441	12/08/2007 0828	0 NAZOR RD, CRESTLINE, Ohio	NO
Enforcer	Involved Party	Train Complaint	1-07-00006383	10/26/2007 1146	0 ALBRIGHT RD, BUCYRUS, Ohio	NO
Enforcer LEY, TIMOTHY	Involved Party	Train Complaint	1-07-00006616	10/26/2007 0831	0 BIDDLE RD, GALION, Ohio	NO
Enforcer MCCRACKEN, JEREMIAH	Involved Party	Train Complaint	1-07-00006162	10/12/2007 2028	0 NAZOR RD, BUCYRUS, Ohio	NO
Enforcer MUTCHLER, TIMOTHY	Involved Party	Investigate Complaint	1-07-00003108	08/24/2007 0120	0 NATIONAL LIME & STONE, BUCYRUS, Ohio	NO
Enforcer EASTERDAY, CHRIS	Involved Party	Train Crossing Equip Malfunction	1-07-00002710	08/01/2007 1854	0 SR 309 AND SR 61 RR TRACKS, GALION, Ohio	NO
Enforcer EASTERDAY, CHRIS	Involved Party	Train Crossing Equip Malfunction	1-07-00001833	04/12/2007 1834	0 PORTLAND WAY, GALION, Ohio	NO
Enforcer MCCRACKEN, JEREMIAH	Involved Party	Train Complaint	1-07-00001084	03/07/2007 0403	0 SR 308/SR 61, GALION, Ohio	NO
Enforcer JONES, JOLENA	Involved Party	Train Crossing Equip Malfunction	1-07-00001050	03/02/2007 1249	0 NAZOR RD, GALION, Ohio	NO
Enforcer	Involved Party	Train Crossing Equip Malfunction	1-07-00000828	02/21/2007 0009	0 SR 308, GALION, Ohio	NO
Enforcer BALDOSSER, SCOTT	Involved Party	Train Complaint	1-07-00000665	02/08/2007 1058	0 BEAM RD, CRESTLINE, Ohio	NO
Enforcer	Involved Party	Train Complaint	1-07-00000163	01/07/2007 0757	0 CRAWFORD MORROW CO LN RD, GALION, Ohio	NO
Enforcer LACEY, AYNDRIA	Involved Party	Train Complaint	1-06-00005927	12/03/2006 1750	0 NAZOR RD, CRESTLINE, Ohio	NO
Enforcer BALDOSSER, SCOTT	Victim	Investigate Complaint	1-06-00005386	11/04/2006 1407	0 NAZOR AND KNORR, GALION, Ohio	NO
Enforcer MCCRACKEN, JEREMIAH	Involved Party	Train Complaint	1-06-00004557	08/18/2006 1138	0 BIDDLE RD, BUCYRUS, Ohio	NO
Enforcer MOSE, CRAIG	Involved Party	Train Crossing Equip Malfunction	1-06-00003858	08/12/2006 0445	0 CRAWFORD MORROW CO LN, GALION, Ohio	NO
Enforcer BALDOSSER, SCOTT	Involved Party	Train Complaint	1-06-00003182	07/09/2006 1228	0 MORROW CO LINE EAST OF TAYLOR, GALION, Ohio	NO

CRAWFORD COUNTY SHERIFF'S OFFICE**INVOLVEMENT SHEET**

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Address: 500 WATER ST C6073 JACKSONVILLE Florida 32250**DOB:** / / **Age:** 0 to 0**Height:****Race:** Business - Not Applicable**Sex:** Male**Weight:** 0**SSN/ID:****Nationality:****Res. Status:****Hair:****Ethnicity:** Non-Hispanic**Eye Color:** BRO**Gang:****Tattoo:****Tattoo:**

<u>Source</u>	<u>Party Type</u>	<u>Incident Type</u>	<u>Incident No.</u>	<u>Date/Time</u>	<u>Incident Location</u>	<u>Arrested</u>
<u>Reporting Officer</u>		<u>Arresting Officer</u>	<u>Arrest Location</u>			
Enforcer	Involved Party	Train Complaint	1-06-00000828	02/09/2008 0457	0 OLDFIELD RD/RR CROSSING, CRESTLINE, Ohio	NO
Enforcer	Involved Party	Train Complaint	1-05-00004390	10/25/2005 1840	0 NAZOR RD., BUCYRUS, Ohio	NO
SCHOENFELT, JOHN						
Enforcer	Involved Party	Train Complaint	1-05-00003024	08/05/2005 1826	0 OLDFIELD RD, BUCYRUS, Ohio	NO
KENT, SCOTT						
Enforcer	Involved Party	Train Complaint	1-05-00002703	07/14/2006 0300	0 PARCER RD, BUCYRUS, Ohio	NO
BEEBE, SELENA						
Enforcer	Involved Party	Train Complaint	1-06-00002310	06/20/2005 1532	0 ALBRIGHT RD, BUCYRUS, Ohio	NO
BUTTERWORTH, JOHN						
Enforcer	Involved Party	Train Crossing Equip Malfunction	1-05-00002127	06/09/2005 1841	0 PORTLAND WAY SOUTH, BUCYRUS, Ohio	NO
WINDBIGLER, JEFFERY						
Enforcer	Involved Party	Train Complaint	1-06-00001321	04/18/2005 1714	0 NAZOR RD, BUCYRUS, Ohio	NO
EASTERDAY, CHRIS						
Enforcer	Involved Party	Train Complaint	1-05-00001141	04/06/2005 0012	0 NORTH ROBINSON, NORTH ROBINSON, Ohio	NO
MOSER, CRAIG						
Enforcer	Involved Party	Train Complaint	1-06-00000580	02/16/2005 1150	0 KNORR RD, GALION, Ohio	NO
BALDOSSER, SCOTT						
Enforcer	Involved Party	Train Complaint	1-06-00000478	02/03/2005 0915	0 BIDDLE RD, GALION, Ohio	NO
TAYLOR, KEVIN						
Enforcer	Involved Party	Train Complaint	1-06-00000477	02/02/2005 1311	0 CRAW-MORROW CO LINE RD, GALION, Ohio	NO
TAYLOR, KEVIN						
Enforcer	Involved Party	Train Complaint	1-05-00000334	01/27/2005 1134	0 NAZOR RD, BUCYRUS, Ohio	NO
TAYLOR, KEVIN						
Enforcer	Involved Party	Train Complaint	1-05-00000188	01/14/2005 1911	0 SR 308 E, BUCYRUS, Ohio	NO
KENT, SCOTT						
Enforcer	Involved Party	Train Complaint	1-04-00000086	12/30/2004 1438	0 PARCER RD, BUCYRUS, Ohio	NO
BALDOSSER, SCOTT						
Enforcer	Involved Party	Train Complaint	1-04-00000614	12/30/2004 1119	0 NAZOR MIDDLETOWN/SR 308, GALION, Ohio	NO
BALDOSSER, SCOTT						
Enforcer	Involved Party	Train Crossing Equip Malfunction	1-04-00004971	12/20/2004 1154	0 SR 598, BUCYRUS, Ohio	NO
JONES, JOLENA						
Enforcer	Involved Party	Train Complaint	1-04-00005101	12/20/2004 1051	0 NAZOR RD, GALION, Ohio	NO
LUTZ, AMY						
Enforcer	Involved Party	Train Complaint	1-04-00004989	12/05/2004 1055	0 NAZOR RD, GALION, Ohio	NO
RUDD, MATTHEW						
Enforcer	Involved Party	Train Complaint	1-04-00004812	12/04/2004 1056	0 NAZOR RD, GALION, Ohio	NO
BALDOSSER, SCOTT						
Enforcer	Involved Party	Train Complaint	1-04-00004580	11/18/2004 1244	0 NAZOR RD, CRESTLINE, Ohio	NO
BALDOSSER, SCOTT						

CRAWFORD COUNTY SHERIFF'S OFFICE**INVOLVEMENT SHEET**

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Address: 500 WATER ST C6073 JACKSONVILLE Florida 32250**DOB:** / / **Age:** 0 to 0**Height:****Race:** Business - Not Applicable**Sex:** Male**Weight:** 0**SSN/ID:****Nationality:****Res. Status:****Hair:****Ethnicity:** Non-Hispanic**Eye Color:** BRO**Gang:****Tattoo:****Tattoo:**

<u>Source</u>	<u>Party Type</u>	<u>Incident Type</u>	<u>Incident No.</u>	<u>Date/Time</u>	<u>Incident Location</u>	<u>Arrested</u>
<u>Reporting Officer</u>		<u>Arresting Officer</u>	<u>Arrest Location</u>			
Enforcer	Involved Party	Train Complaint	1-04-00004202	10/24/2004 1539	0 SR 61/ 309 #262-040 V, GALION, Ohio	NO
Enforcer	Involved Party	Train Complaint	1-04-00003991	10/08/2004 1851	0 BIDDLE RD, BUCYRUS, Ohio	NO
FILLIATER, CHAD						
Enforcer	Involved Party	Train Complaint	1-04-00003749	09/21/2004 1406	0 BIDDLE RD, GALION, Ohio	NO
TAYLOR, KEVIN						
Enforcer	Involved Party	Train Complaint	1-04-00003513	08/23/2004 1420	0 NAZOR RD, BUCYRUS, Ohio	NO
Enforcer	Involved Party	Train Complaint	1-04-00003267	08/02/2004 1548	0 NAZOR RD, GALION, Ohio	NO
WINDBIGLER, JEFFERY						
Enforcer	Involved Party	Train Complaint	1-04-00002781	06/28/2004 1250	0 BECK RD, CRESTLINE, Ohio	NO
TAYLOR, KEVIN						
Enforcer	Involved Party	Train Complaint	1-04-00002109	05/23/2004 1833	0 NAZOR, BUCYRUS, Ohio	NO
FILLIATER, CHAD						
Enforcer	Involved Party	Train Complaint	1-04-00001901	05/09/2004 0851	0 SR 598 & CR 35, CRESTLINE, Ohio	NO
TAYLOR, KEVIN						
Enforcer	Involved Party	Train Complaint	1-04-00001736	05/06/2004 1922	0 KNORR RD RR CROSSING, BUCYRUS, Ohio	NO
KENT, SCOTT						
Enforcer	Involved Party	Train Complaint	1-04-00001785	04/23/2004 1025	0 NAZOR RD, GALION, Ohio	NO
LUTZ, AMY						
Enforcer	Involved Party	Train Complaint	1-04-00001292	04/03/2004 0023	0 PARCHER RD, BUCYRUS, Ohio	NO
KENT, SCOTT						
Enforcer	Involved Party	Train Crossing Equip Malfunction	1-04-00001039	03/13/2004 0831	0 NORTH ROBINSON, NORTH ROBINSON, Ohio	NO
Enforcer	Involved Party	Train Complaint	1-04-00000848	02/14/2004 1051	0 NAZOR RD, GALION, Ohio	NO
LUTZ, AMY						
Enforcer	Involved Party	Train Complaint	1-04-00000658	02/07/2004 0257	0 CSX TRACKS IN GALION, BUCYRUS, Ohio	NO
METZEL, ROGER						
Enforcer	Involved Party	Train Complaint	1-03-00005582	12/21/2003 1400	0 SR 309, GALION, Ohio	NO
JONES, JOLENA						
Enforcer	Involved Party	Train Complaint	1-03-00005333	12/08/2003 2346	0 KNORR RD, BUCYRUS, Ohio	NO
WINDBIGLER, JEFFERY						
Enforcer	Involved Party	Train Complaint	1-03-00005235	12/03/2003 0325	0 CRESTLINE HEADED TOWARDS GALIO, BUCYRUS, Ohio	NO
MOSER, CRAIG						
Enforcer	Involved Party	Train Complaint	1-03-00005201	12/01/2003 1450	0 ALBRIGHT RD, BUCYRUS, Ohio	NO
LUTZ, AMY						
Enforcer	Involved Party	Train Complaint	1-03-00004988	11/16/2003 0010	0 KNORR RD RR CROSSING, GALION, Ohio	NO
WINDBIGLER, JEFFERY						
Enforcer	Involved Party	Train Complaint	1-03-00004891	11/07/2003 1519	0 WHETSTONE ST, BUCYRUS, Ohio	NO
PATTON, LARRY						

CRAWFORD COUNTY SHERIFF'S OFFICE**INVOLVEMENT SHEET**

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Address: 500 WATER ST C6073 JACKSONVILLE Florida 32250**DOB:** / / **Age:** 0 to 0**Height:****Race:** Business - Not Applicable**Sex:** Male**Weight:** 0**SSN/ID:****Nationality:****Res. Status:****Hair:****Ethnicity:** Non-Hispanic**Eye Color:** BRO**Gang:****Tattoo:****Tattoo:**

<u>Source</u>	<u>Party Type</u>	<u>Incident Type</u>	<u>Incident No.</u>	<u>Date/Time</u>	<u>Incident Location</u>	<u>Arrested</u>
<u>Reporting Officer</u>		<u>Arresting Officer</u>		<u>Arrest Location</u>		
Enforcer MOSEY, CRAIG	Offender	Train Complaint	1-01-00000661	02/15/2001 1247	0 SR 598, CRESTLINE, Ohio	NO
Enforcer EASTERDAY, CHRIS	Offender	Train Crossing Equip Malfunction	1-01-00000638	02/08/2001 1240	0 CRESTLINE RD, BUCYRUS, Ohio	NO