

FILE

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petition of CSX  
Transportation, Inc. to Close to Vehicular  
Traffic the Bloominggrove-New Winchester  
Road (Crawford-Morrow County Line Road)  
Crossing in Washington Township, Morrow  
County, Ohio

Case No. 14-0379-RR-UNC

PUCO

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\* \* \*

**NOTICE OF FILING OF THE DEPOSITION TRANSCRIPT OF RICK FOX  
IN LIEU OF LIVE TESTIMONY AT THE HEARING SCHEDULED FOR MARCH 3, 2015**

Now comes CSX Transportation, Inc. ("CSXT"), pursuant to Section 4901-1-21 of the Ohio Administrative Code and the Attorney Examiner's Entry dated February 2, 2015, and hereby notifies the Commission and the Hearing Examiner that it has filed the deposition transcript of Rick Fox.

CSXT has obtained the agreement of the representatives of Crawford and Morrow Counties to file this deposition transcript in lieu of live testimony at the Evidentiary Hearing scheduled for March 3, 2015, including the use of any exhibits identified therein. (See Correspondence with Mr. Charles Howland and Mr. Robert Kidd of the Morrow County and Crawford County Prosecutors offices, respectively, confirming this agreement, contemporaneously filed with this deposition). No other<sup>1</sup> parties have moved to intervene pursuant to the Commission's February 9, 2015 deadline, and no parties object to the use of this transcript and any related exhibits in lieu of the live testimony from Mr. Fox.

<sup>1</sup> Based upon a review of the PUCO docket, it also does not appear that Morrow and Crawford Counties have moved to intervene to the extent such intervention is required and is contemplated by the Attorney Examiner.

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CSXT is filing the deposition transcript of Rick Fox with the Docketing Division of the Public Utilities Commission of Ohio pursuant to Rule 4901-1-21(N) of the Ohio Administrative Code.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Leland Evans", written over a horizontal line.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing *Notice Filing Deposition Transcript of Rick Fox In Lieu of Live Testimony* was served by mailing same, regular U.S. mail, postage prepaid, this 25<sup>th</sup> day of February, 2015 upon the following:

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Mount Gilead, Ohio 43338

Matthew R. Dietrich  
Executive Director  
Ohio Rail Development Commission  
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Columbus, Ohio 43223

Sandra Coffey  
Public Utilities Commission of Ohio  
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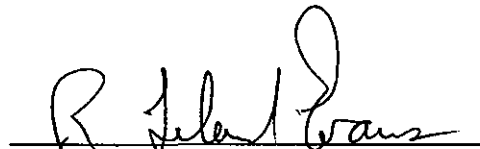
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Iberia, Ohio 43325

  
R. Leland Evans

**In the Matter Of:**  
**PETITION OF CSX TRANSPORTATION**

14-0379-RR-UNC

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**RICHARD FOX**

*October 02, 2014*

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BEFORE THE PUBLIC UTILITIES  
COMMISSION OF OHIO

IN THE MATTER OF THE PETITION  
OF CSX TRANSPORTATION INC., TO  
CLOSE TO VEHICULAR TRAFFIC THE  
BLOOMINGROVE-NEW WINCHESTER ROAD  
(CRAWFORD-MORROW COUNTY LINE ROAD)  
CROSSING IN WASHINGTON TOWNSHIP,  
MORROW COUNTY, OHIO

Case No.  
14-0379-RR-UNC

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DEPOSITION OF RICHARD FOX

Thursday, October 2, 2014  
Commencing at 1:15 p.m.  
Taken at the Galion Public Library  
123 North Market Street  
Galion, Ohio 44833  
Before Sharon Deliberato, Court Reporter

1 APPEARANCES:

2 MR. LEE EVANS  
3 MR. ERIC D. THOMPSON  
4 Dickie, McCamey & Chilcote, P.C.  
5 2109 Stella Court  
6 Columbus, Ohio 43215  
7 (614) 258-6000

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Appearing on behalf of the Petitioner,

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RICHARD FOX	
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1 RICHARD FOX, of lawful age, a witness  
2 herein, called by the Petitioner for purposes  
3 of Discovery, pursuant to the Rules of Civil  
4 Procedure, being first duly sworn according to  
5 law, was examined and testified as follows:

6 MR. EVANS: The record should just  
7 reflect this is the deposition of  
8 Richard Fox and that it's being taken  
9 pursuant to Notice and I guess you also  
10 got a subpoena, I suppose --

11 A Yeah.

12 MR. EVANS: -- to make it formal. It is  
13 being taken in the matter pending before  
14 the Public Utilities Commission  
15 involving the potential closing of the  
16 CSX grade crossing at Crawford Morrow  
17 County Line Road.

18 EXAMINATION OF RICHARD FOX

19 BY MR. EVANS:

20 Q Just for the record, Mr. Fox, will you state  
21 your full name just for the record?

22 A Richard G. Fox.

23 Q As you can see, Mr. Fox, the testimony that  
24 you're giving today is being taken down by the  
25 court reporter. I'll be asking you a very



1 small series of questions really. You'll  
2 recall I'm sure that you made comments or  
3 provided some testimony, also sworn testimony  
4 at the public hearing or one of the public  
5 hearings held on this matter and I think we  
6 briefly met that night. Our purpose here  
7 today is primarily to follow up, ask you a few  
8 more questions in depth that we're allowed  
9 through this proceeding that we can do now,  
10 but we couldn't do then. In terms of the  
11 deposition it's a question and answer session.  
12 I will ask questions and you can give an  
13 answer if you have one if you know. I'll try  
14 not to talk over you and you try not to talk  
15 over me and it makes our court reporter's job  
16 much easier. If any question is not clear or  
17 if for some reason you don't hear the  
18 question, let me know that and I'll restate it  
19 or somehow fix the problem.

20 A Okay.

21 Q You have to respond verbally. She can't take  
22 down nods of the head and actually uh-huhs and  
23 huh-uhs don't translate well in writing. If  
24 you can stick to the applicable yes and no  
25 that will be great.

1 A I will.

2 Q You can expand on the answer. As opposed to  
3 uh-huh and huh-uh, yes and no will be better.  
4 Just for the record also what is your address?

5 A 6040 Crawford Morrow County Line Road.

6 Q And your house, the 6040, the house located at  
7 6040 Crawford Morrow County Line Road is  
8 located immediately adjacent to the grade  
9 crossing we're here to talk about?

10 A Yeah, that would be my driveway right there.

11 Q Let's go ahead and mark this Fox Exhibit 1.

12 (Fox Exhibit 1, was marked for  
13 identification.)

14 Q Since you pointed to it in your answer which  
15 is absolutely fine, I marked as Exhibit 1 an  
16 aerial photograph that I understand to be an  
17 aerial picture of the tracks and the crossing  
18 as well as what I think you identified a  
19 moment ago as your white cement driveway that  
20 comes off the County Line Road and leads back  
21 to your residence?

22 A Yes.

23 Q You live there with your wife; correct?

24 A I do.

1 Q Remind me of her name?

2 A Kym, K-y-m.

3 Q How long have you lived at that location?

4 A You know we're in our 25th year.

5 Q Did you build that residence?

6 A Well, it was a farm when we moved there. We  
7 remodeled it several times.

8 Q It's a beautiful property.

9 A Thank you.

10 Q How many acres do you have?

11 A You know, we have 140, right around 140 now.

12 Q Some of that is obviously occupied by a house  
13 and I think there is a barn back there?

14 A Yes.

15 Q Do you actively farm a portion of that  
16 property?

17 A Yeah, we raise cattle and hay. So I think we  
18 have 71 acres.

19 Q On which you're growing hay?

20 A Either hay or pasture.

21 Q Grazing?

22 A Yes, grazing.

23 Q And do you do the farming work yourself or do  
24 you lease that out to somebody?

25 A No, I actually I have a gentleman that helps

1 me half a day -- about four hours, five days a  
2 week that helps me, but I actually cut the hay  
3 and bale it myself and he helps me with the  
4 cattle.

5 Q Are you otherwise employed?

6 A Yes.

7 Q What do you do?

8 A I'm a plant manager at Covert Manufacturing.

9 Q Is it C-o-v-e-r-t?

10 A Yes.

11 Q It's on your shirt?

12 A Yes.

13 Q I've heard of them. Are they located in that  
14 general area?

15 A Yeah, here in Galion, yeah.

16 Q We appreciate you coming over here I assume on  
17 a lunch break or something from your regular  
18 job. If I recall just in some of the  
19 conversations we had or at least I was present  
20 for after it was in conjunction with the  
21 public hearing, it might have been right  
22 after, I believe I recall you or your wife  
23 indicating that you have I think it was two  
24 sons?

25 A Three. We have three.

1 Q You have three sons?

2 A Yeah.

3 Q You or your wife were recalling that once they  
4 got their license and they drove in and around  
5 where you live and like any parent driving in  
6 general you worry about your kids, but if I  
7 understood what you were saying, correct me if  
8 I'm wrong, this particular crossing being near  
9 your house with your sons and when they got to  
10 driving age at times would be a  
11 concern for you?

12 A Well, yes, I agree. You're always concerned  
13 about them driving, but yes, it's a  
14 concern.

15 Q I think you've indicated that in the time that  
16 you've lived there you're not aware of any  
17 grade crossing accident, motor vehicle train  
18 accidents that have occurred at that  
19 particular crossing near your house?

20 A That's correct.

21 Q But having said that I assume you're a  
22 licensed driver yourself; correct?

23 A Uh-huh.

24 Q You have to say yes or no?

25 A Yes, I am.

1 Q And so you're familiar with going across  
2 various grade crossings in and around Galion  
3 and elsewhere; correct?

4 A Yes.

5 Q As grade crossings go this one because of the  
6 terrain and the curve in the road would you  
7 agree it presents a little bit more challenge  
8 than some other crossings?

9 A Yes, I would.

10 Q If you're coming from east to west on the  
11 County Line Road there is sort of a mound or  
12 small hill in the earth that kind of blocks  
13 your view of the tracks until you kind of make  
14 that last turn before going across?

15 A Yes.

16 Q And coming from either direction you're kind  
17 of paralleling the tracks if there would be a  
18 train coming behind you it's hard for you to  
19 see?

20 A That's correct.

21 Q Then there is I think it's been measured  
22 around 52, 53 feet gap between one set of  
23 tracks to the other set of tracks?

24 A There is a gap there, yes.

25 Q Did you ever have occasion you or to your

1 knowledge a family member got across one track  
2 and there was a train and you were trapped in  
3 the middle?

4 A I don't recall that. No, you know, we had an  
5 incident a few years ago some kids actually  
6 got their car on the tracks there messing  
7 around there.

8 Q It got stuck somehow?

9 A Yeah, I don't know if they decided to go down  
10 the tracks or whatever. Later I was asked to  
11 go to court on a DUI matter on that, but I  
12 think it was resolved before it went to court.

13 Q So the record is completely clear, the DUI did  
14 not involve you, it involved the kids?

15 A Yes, absolutely the kids.

16 Q Having said that, we've talked a little bit  
17 about what some of the challenges a motor  
18 vehicle driver is presented with at this  
19 crossing, but having lived there as long as  
20 you have and based upon your understanding of  
21 the lack of accident history, I assume you  
22 would agree if a driver is paying attention  
23 and being careful that you can safely  
24 negotiate that crossing?

25 A Yes, I believe, yes.

1 Q Your family has done it despite whatever  
2 worries you had about your teenage kids and  
3 whatever?

4 A Yes.

5 Q Now, so I'm picking up on and asking a few  
6 questions about a couple of concerns as I  
7 understood you had based upon the testimony  
8 that you provided previously at the public  
9 hearing?

10 A Okay.

11 Q One of those concerns I think was fire or EMS  
12 response time; correct?

13 A Correct.

14 Q I know you testified that for one reason or  
15 another in the past they've been to your  
16 property I think your recollection was twice?

17 A Twice, yes.

18 Q And if I represent to you which I am that Fire  
19 Chief Jackson from Galion actually was sitting  
20 in that chair an hour or so ago and testified  
21 about routes to this location and alternate  
22 routes to this location and if I ask you to  
23 assume that he testified from his knowledge  
24 and experience as fire chief that he would not  
25 have any concern from the standpoint of being



1 adequately and timely to respond to a  
2 situation at your residence, would that or  
3 does that at least in part allay any of your  
4 concerns in that regard?

5 A You know, I believe that they can. I believe  
6 they can get to my house. I think maybe one  
7 of the concerns that we had was we had an area  
8 down the road this way. We have some bad  
9 drifts from time to time that might be an  
10 issue for the Fire Department at the right  
11 time of year, but you know, the only other  
12 concern I had is naturally these are tighter  
13 intersections at Taylor Road and Monnett New  
14 Winchester where it connected. I think a fire  
15 truck coming at rescue speed is a different  
16 intersection, one to negotiate than the one  
17 down at 309 and 61 which is wide and plenty of  
18 visibility.

19 Q The Chief testified and of course, his  
20 testimony will speak for itself and stand  
21 separate and apart from anything that I say.  
22 First of all he testified in responding to  
23 addresses on the County Line Road that would  
24 be west of you that they would typically go  
25 out -- I'll have to find the road, Galion New

Winchester Road and which would intersect with Taylor and Iberia and several other roads and the typical route so folks living west of you living on County Line Road would be from that direction either down Taylor or down one of those other roadways depending where the address was?

A Yes.

Q In terms of your concerns with respect to the route that would involve ultimately coming down Taylor and making a left to your house, if the Chief feels that's a route that can be taken, does that at least again in part allay some of your concerns about that?

A Yeah, and I would think today if I was a fireman that's the way I would come. I come home from work a lot because the tracks are blocked by the railroad, but that's the way I learned to come home.

Q The Chief agreed with I think the route that if we assume for the moment this crossing was closed, they then had to come to your residence they would come down 309 to --

A Monnett New Winchester.

Q To Taylor and left down to your residence?

1 A Yes.

2 Q One of the advantages you have there you're  
3 not dealing with any grade crossing to get  
4 there?

5 A Okay.

6 Q In terms of whether it's a stopped train or  
7 moving train temporarily blocking the  
8 crossing, if from your knowledge of the  
9 territory would you agree that route would not  
10 involve a grade crossing whereas the one  
11 coming along County Line Road?

12 A A grade crossing is a railroad crossing?

13 Q Yes.

14 A Yes, I would agree. What I mentioned before  
15 the things that concern me are the actual road  
16 crossings. They're not the widest roads, but  
17 as far as staying away from the railroad I  
18 agree with you, that makes sense to me.

19 Q If the Chief feels in terms of his trucks and  
20 fire trucks he could negotiate those corners  
21 that are north and west of the tracks then you  
22 would be satisfied with that?

23 A Absolutely.

24 Q Okay. One of your other concerns was as a  
25 farmer and having to do -- so you grow hay?

1 A Uh-huh.

2 Q Is that for use with your livestock or is some  
3 of it sold?

4 A We probably use a third of it and sometimes  
5 two-thirds of it.

6 Q I'm not a farmer. I don't know exactly when  
7 the hay gets planted and when you harvest it.  
8 Is it a certain time of year?

9 A We try to get three cuttings a year and our  
10 hay is not planted every year. It's something  
11 that continues to come up just like grass in  
12 your yard. So you know, my concern was that  
13 when we have somebody come in we make a  
14 five-foot diameter, four-foot wide bales, some  
15 guys would pick up I think what the most I put  
16 on a big trailer would probably be between 15  
17 and 20 bales. They like to get the most they  
18 can when they come and legal to haul.

19 Q When they come in to pick up, are folks  
20 picking up this hay that they would take and  
21 resell or are they taking it up for their own  
22 use?

23 A I think it's mostly their own use.

24 Q So are these other farmers purchasing your  
25 hay?

1 A Uh-huh.

2 Q You have to say yes?

3 A Yes, I'm sorry.

4 Q It's common. So what types of trucks do they  
5 tend to come in with to pick that up?

6 A Most of them are like a big souped up pickup  
7 trucks, one ton pulling a trailer with it.

8 Q They're pulling a trailer and some of the hay  
9 may go in the bed of the pickup truck?

10 A Most of them go on the gooseneck trailer, but  
11 they need a fairly heavy trailer to pull that.

12 Q What I'm impressed with when I go out there I  
13 guess that's a cement driveway?

14 A Yes.

15 Q I'm assuming they don't drive down your cement  
16 driveway?

17 A They do, yes.

18 Q That shows you what I know. Is there  
19 somewhere there they turn around?

20 A Down behind our barn is where we keep our hay  
21 and there is a place they can turn around and  
22 we load them and they come straight and out.

23 Q They would be pulling in head first into your  
24 driveway and be able to turn around and  
25 they're coming out head first onto the

1 roadway?

2 A Yes.

3 Q Your concern with respect to the movement of  
4 those trucks or trailers attached to the  
5 pickup trucks more of it goes back to some of  
6 the other corners down at Taylor Road and some  
7 other location perhaps where you're just  
8 wondering if it would be just be as easy for  
9 them to negotiate those?

10 A That's correct.

11 Q Once they get to your property whether they  
12 we're assuming the crossing is open, if  
13 they're coming from east to west on County  
14 Line Road they would go across the crossing  
15 and need to make that right turn into your  
16 driveway; correct?

17 A That is correct.

18 Q If they're coming down County Line Road it's a  
19 bit of a left just because of the curve in the  
20 road it's a little closer to a straight line  
21 in your drive?

22 A That's correct.

23 Q Are there also farms located -- I'm sorry, did  
24 you want to add something?

25 A No.

1 Q Are there also farms located west of you along  
2 County Line Road?

3 A Well, I know there is a farm. You know,  
4 there's a gentleman Mike Kocher that farms all  
5 of this ground which would be on the south  
6 side of County Line Road.

7 Q Between that and the tracks?

8 A Yeah, and I know that they farm a little  
9 further past Taylor Road. There are farm  
10 fields on the north side also and then from  
11 there up to out to all the way out to Route  
12 100 there are farms on both sides.

13 Q Do you have any idea what you said the fellow  
14 Kocher?

15 A Mike Kocher.

16 Q Do you know what he usually farms there?

17 A Between corn, beans and wheat. He usually  
18 puts one of the three in.

19 Q Does he own the property or lease it?

20 A Actually I think Dick Beck still owns that  
21 ground and he leases it all to Mike Kocher.

22 Q Any idea how many acres he has?

23 A No, I hate to tell you. I think this farm it  
24 goes down quite a ways. So I never heard how  
25 many acres that is.

1 Q You said there are some other farms down past  
2 Taylor Road and on out to 100 I guess?

3 A Yes.

4 Q Any idea what kind of farming they did?

5 A It's mostly grain farming. Like I said, it's  
6 between corn, grain and wheat.

7 Q Would those farms excluding Mr. Kocher's  
8 operation here be similar to yours in the  
9 sense they would have somebody coming in at  
10 harvest time and trucks -- let me finish that  
11 question, and trucks to pick up the harvest?

12 A Yes.

13 Q In your case it sounds like it's often pickup  
14 trucks and trailers. I've certainly seen big  
15 farming operations where you're talking about  
16 a semi?

17 A I know Mike uses semis and I've seen them down  
18 the road. So yeah, this farming from here  
19 down probably uses a little larger equipment.  
20 Yes, I agree with that.

21 Q Again, I'm not a farmer. My understanding  
22 when semis are involved they typically when  
23 they come in they will actually go out into or  
24 onto some portion of the field where they get  
25 loaded and are able then to kind of turn



1 around and able to pull back out onto the  
2 roadway?

3 A I would agree. Of course, that is weather  
4 optional, but when the ground is hard and they  
5 could get in there they like to get in the  
6 field. I've seen the trucks parked at New  
7 Winchester and they auger it out from the  
8 field into the semi.

9 Q I guess it's not your operation obviously so,  
10 you know, I wouldn't expect you to have a lot  
11 of information on it, but to the extent that  
12 these farms that are, for example, west of  
13 Taylor Road going onto 100 grain farms or  
14 whatever else is out there, the semis that are  
15 getting to those locations to help them load  
16 the harvest they're getting there somehow off  
17 of those roads out there?

18 A Yes, I agree they're doing it now.

19 Q Let's see if I have anything else here to ask  
20 you. I know you testified I believe at the  
21 public hearing I heard some statements you  
22 made both on the record at the public hearing  
23 and perhaps, you know, before or after the  
24 public hearing. So I won't necessarily say  
25 for sure you were talking about this on the

1 record. I think you're aware of a pipeline  
2 that runs underneath your property?

3 A That's correct.

4 Q And what pipeline -- well, was that pipeline  
5 there when you bought the property?

6 A Yes.

7 Q So it's been there at least 25 years that  
8 you've owned the property?

9 A Yes.

10 Q Similarly just along that same line when you  
11 bought the property it was already a farm and  
12 a farmhouse; correct?

13 A Yes.

14 Q And you've improved upon that I can tell, but  
15 these tracks that were here that we're talking  
16 about were also there when you bought the  
17 property?

18 A Yes.

19 Q The pipeline was there, you can see it on  
20 Exhibit 1 to your deposition. This little  
21 square area kind of directly across from your  
22 driveway I understand to be some type of  
23 substation, I'll use that term, related to the  
24 pipeline, is that your understanding?

25 A Yes, that natural gas pipeline comes at this

1           angle right here and I'm going to say ten, 15  
2           years ago they put a power generating plant  
3           off of South Street down in Galion. This is  
4           the tap for that generating plant and they ran  
5           the pipe down along the tracks and across and  
6           over and feeds that power generating plant.

7       Q     Just so you're pointing, I want the record to  
8           kind of try to indicate what you just said.  
9           The main pipeline, if you will, or the  
10          original pipeline that passes through your  
11          property kind of goes roughly from the bottom  
12          left corner of Exhibit 1 up to where the  
13          substation is located and then up onto your  
14          property?

15       A     That's correct. From this one, that pipeline  
16           is laying just misses our -- as a matter of  
17           fact, it just goes right behind our sugar  
18           shack and right down through. You used to be  
19           able to see -- well, I think this is the  
20           right-of-way right here. You can see they  
21           keep that clear through the property that  
22           straight line. So that gas line is running  
23           just about like that.

24       Q     Let's go ahead and mark this Exhibit 2 to your

1 deposition.

2 (Fox Exhibit 2, was marked for  
3 identification.)

4 Q What I marked as Exhibit 2 to your deposition  
5 another aerial photograph. You'll agree with  
6 me it shows the same area of Exhibit 1, but  
7 taken from a higher vantage point?

8 A Yes.

9 Q Can you see all of your property on Exhibit 2?

10 A Yes.

11 Q Do you own out to Taylor Road?

12 A Yes. So we own from right about right in here  
13 out over down back -- I'm going too far. This  
14 is Monnett New Winchester. We own to about  
15 where this dragway cuts in and it does this  
16 and comes out this way.

17 Q So there is kind of a fairly large stand of  
18 trees there. You own some portion of the  
19 trees, but not all of the trees?

20 A That's correct.

21 Q Within those trees there is a cleared, you can  
22 kind of see it on the picture, a cleared  
23 right-of-way as I understand it the pipeline  
24 is passing?

25 A That's correct.

1 Q That cleared area is that part of your  
2 property?

3 A Yes. And there are a couple houses as a  
4 matter of fact where that crosses Monnett New  
5 Winchester. We have a little frontage right  
6 there, too. That's about where the gas line  
7 meets. I think there are three or four  
8 properties along here and they all have an  
9 acre, acre and a half and a gentleman has ten  
10 acres here and we have this corner property.

11 Q You don't have any drive access or road access  
12 to Monnett to this road here?

13 A I don't pave. I have trails from the woods.  
14 I can get from this house to this house going  
15 through the woods, just a pass.

16 Q Nothing like a driveway?

17 A Yeah.

18 Q Just to complete your testimony before --

19 A Here's where our bales are stored. You can  
20 see the white wrapped bales. Right now the  
21 trucks could come down and follow this lane  
22 and we load the hay and back up and out.

23 Q Is that a pond?

24 A Yes.

25 Q How many years ago did you say this substation

1           went in?

2    A       I'm just guessing. I'm going to say at least  
3           ten years ago.

4    Q       Your understanding is that I mean that was not  
5           there when this was just the pipeline passing  
6           through?

7    A       Right.

8    Q       That went in in connection with the other  
9           development?

10   A       They ran a tap in here and ran a line down.  
11           They actually had to clear an area in our  
12           woods to drill an area and it comes down here  
13           and it runs through a big right-of-way, cuts  
14           in here and it runs along the tracks to get  
15           back.

16   Q       Do you ever from time to time see -- strike  
17           that. Do you know who it is that owns and  
18           operates either of these pipelines and this  
19           particular substation?

20   A       Well, I know the big one is Columbia Gas and  
21           Columbia Gas Transmission and they've been out  
22           to talk to us and whenever they're going to  
23           clear they will come and say we have people  
24           clearing on my easement. I'm not allowed to  
25           put up a fence. Anytime I want to do

1 something I call and check with them and they  
2 send somebody else and say yes, you can do  
3 this or we'll watch while you do this.

4 Q That was an easement that existed when you  
5 purchased the property?

6 A That is correct.

7 Q Did you grant an additional easement on your  
8 property, the other line that heads to the  
9 direction where the development is?

10 A Yes.

11 Q Is it a factory of some sort, did you say?

12 A If I remember right when I originally  
13 purchased it I think PG&E had built that and I  
14 think it generates when one utility turns too  
15 much, Galion can turn it on to generate power.  
16 It was kind of a supplemental generator.

17 Q You from time to time see PG&E people out at  
18 this substation?

19 A I've seen some people there not very often.

20 Q Have you been advised in any respect by either  
21 Columbia Gas Transmission or anybody at PG&E  
22 that the presence of this station, my term,  
23 whatever they would call it creates any  
24 greater hazard to you or anybody in the  
25 vicinity than just the existence of the

1 pipeline itself, if you understand what I'm  
2 saying?

3 A No, I don't know.

4 Q I guess I'm trying to find out has anybody  
5 ever indicated to you that any risks of any  
6 natural gas problem in this vicinity are  
7 somehow different or greater?

8 A No, they made it when they initially talked to  
9 us about an easement, they talked about how  
10 safe it would be and so I'm assuming --

11 Q You haven't had any great concerns about a  
12 problem with the natural gas being transported  
13 in that area subsequent to the installation of  
14 this facility than you had just from the fact  
15 that you have a pipeline there in the first  
16 place?

17 A No.

18 Q When the trucks that come to your facility or  
19 your home farm to pick up hay come in, do you  
20 know do some of them come from the west along  
21 County Line Road as well as coming from the  
22 east?

23 A Yes.

24 Q Your property in its entirety is located  
25 within Crawford County; correct?



1 A Correct.

2 Q Of course, we're sitting here today in Galion.  
3 I was about to say Mount Gilead. I knew that  
4 wasn't right and I think you indicated your  
5 employment, your job is located up in this  
6 area?

7 A In Galion, yes.

8 Q I guess what I'm trying to find out, given  
9 where you live and I guess to some extent  
10 where you work, when you or your wife need to  
11 go to grocery store, go to whatever fast food  
12 place for food, where do you generally head?  
13 Do you tend to be more centered towards up  
14 this way in Galion because of where you live  
15 and where you work or do you tend to head down  
16 to Mount Gilead or somewhere else?

17 A We do like to do our grocery shopping if it's  
18 something small we'll do it in Galion. Most  
19 of the times we go to the box stores in  
20 Ontario. When we do that, naturally the  
21 shortest way for us is to go this way, but the  
22 way we usually end up going is the back way.  
23 These tracks are blocked a lot of the times.  
24 So we like go to Columbus to dine out or  
25 whatever and of course, anytime you want to go

1 to Columbus we would naturally come this way  
2 to 61 to get to Columbus. My general thinking  
3 every day when I pull out of my drive to go to  
4 work if these tracks are open I'll cross the  
5 tracks. It's my shortest way to go to work.  
6 When I come home I look down the tracks and  
7 you can usually see if there is a light there  
8 and at that point I'll cross 61 and go down  
9 Monnett New Winchester. I probably come that  
10 way nine out of ten times.

11 Q The fire chief as he looked at those routes to  
12 your residence from using 309 to County Line  
13 Road and cross the existing crossing as  
14 compared to Monnett?

15 A Monnett New Winchester, yes.

16 Q To Taylor to your residence, I think he  
17 determined that the difference, this is from  
18 the fire station, obviously, in Galion is  
19 about an extra mile. Do you have any reason  
20 to dispute that?

21 A I know from like from my garage to this corner  
22 going this way is a mile. So I guess I can  
23 understand the distance, yeah, I would say.

24 Q Somewhere in that vicinity?

25 A It seems logical to me.

1 Q We talked about going to Galion if you were at  
2 your residence and if this crossing is  
3 currently blocked as apparently it is more  
4 than you would like and you were trying to go  
5 to Mount Gilead or go to Columbus for  
6 something, is there a route that you would  
7 take to get you started more south or would  
8 you tend to go up and around or how do you do  
9 that?

10 A Well, that's a good question. Yeah, we  
11 probably --

12 Q I know there are routes that go south?

13 A I would go down to Iberia Road and across.

14 Q That's what you probably would do?

15 A Yes.

16 Q As we sit here today are you opposed to the  
17 closure of the crossing?

18 A Well, I think as my wife and I said during  
19 this, it's really the unknown things. I'm all  
20 for progress and I'm certainly for safety. We  
21 really promote safety at our plant and I can  
22 see pros and cons both ways, too. This has  
23 always been a dump. I have always claimed I  
24 knew how long it took to eat a Big Mac and  
25 fries from McDonald's because the trash is

1 dumped there.

2 Q By motor vehicle drivers?

3 A Yes, we've had couches, televisions and  
4 refrigerators and things dumped at this  
5 intersection. It's a great place to come and  
6 dump stuff. I'm thinking if the intersection  
7 is closed, I don't know whether that will stop  
8 or increase if it's a place to go back. So  
9 that I guess either way we're going to live  
10 with that either way. You know, I mean I  
11 guess when I mentioned these farm trucks if  
12 something comes down here and can't negotiate  
13 this corner and is stuck, I'm stuck, you know,  
14 until that's cleared up. It can take hours  
15 and hours when you have a truck in the ditch  
16 or something. Naturally I would like to have  
17 two possibilities to go if possible. That's  
18 all hypothetical stuff and so I have to say  
19 that on the other hand, it might really be  
20 private out here. I might really enjoy that.  
21 So --

22 Q As you said at the start of your comment there  
23 are pros and cons?

24 A Absolutely.

25 MR. EVANS: I don't think I have any

1                   other questions for you. I just want to  
2                   take the opportunity to make sure we  
3                   understand your comments and appreciate  
4                   you taking time from work obviously and  
5                   that's it. This will be probably almost  
6                   assuredly typed up into writing so we  
7                   can refer back to it. You as a witness  
8                   you have the right to review it once  
9                   it's transcribed to make sure it's  
10                  accurate. You just need to indicate on  
11                  the record if you would like to do so.

12       A           I think I'm fine.

13                   MR. EVANS: You can waive it. It's your  
14                   choice.

15       A           Yeah, I think I'll be all right.

16                   (Deposition concluded.)

17                   - - - - -

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1 STATE OF OHIO     )  
                              )   SS.  
2 COUNTY OF WAYNE )

3                   CERTIFICATE OF NOTARY PUBLIC

4           I do hereby certify the witness, whose  
5 attached testimony was taken in the above matter, was  
6 first duly sworn to tell the truth. The testimony  
7 contained herein was reduced to writing in the  
8 presence of the witness, by means of stenography;  
9 afterwards transcribed; and is a true and complete  
10 transcript of the testimony given. I further certify  
11 that I am not connected by blood or marriage with any  
12 parties, their attorneys or agents, and that I am not  
13 interested directly, indirectly or financially in the  
14 matter of controversy.

15           In witness whereof, I have hereunto set my  
16 hand this day, October 11, 2014, at West Salem, Ohio,  
17 County of Wayne, State of Ohio.

18  
19                               *Sharon Deliberato*

20                               Sharon Deliberato  
21                               Notary Public  
22                               Wayne County, Ohio  
23                               My Commission expires: 6-8-2019  
24  
25

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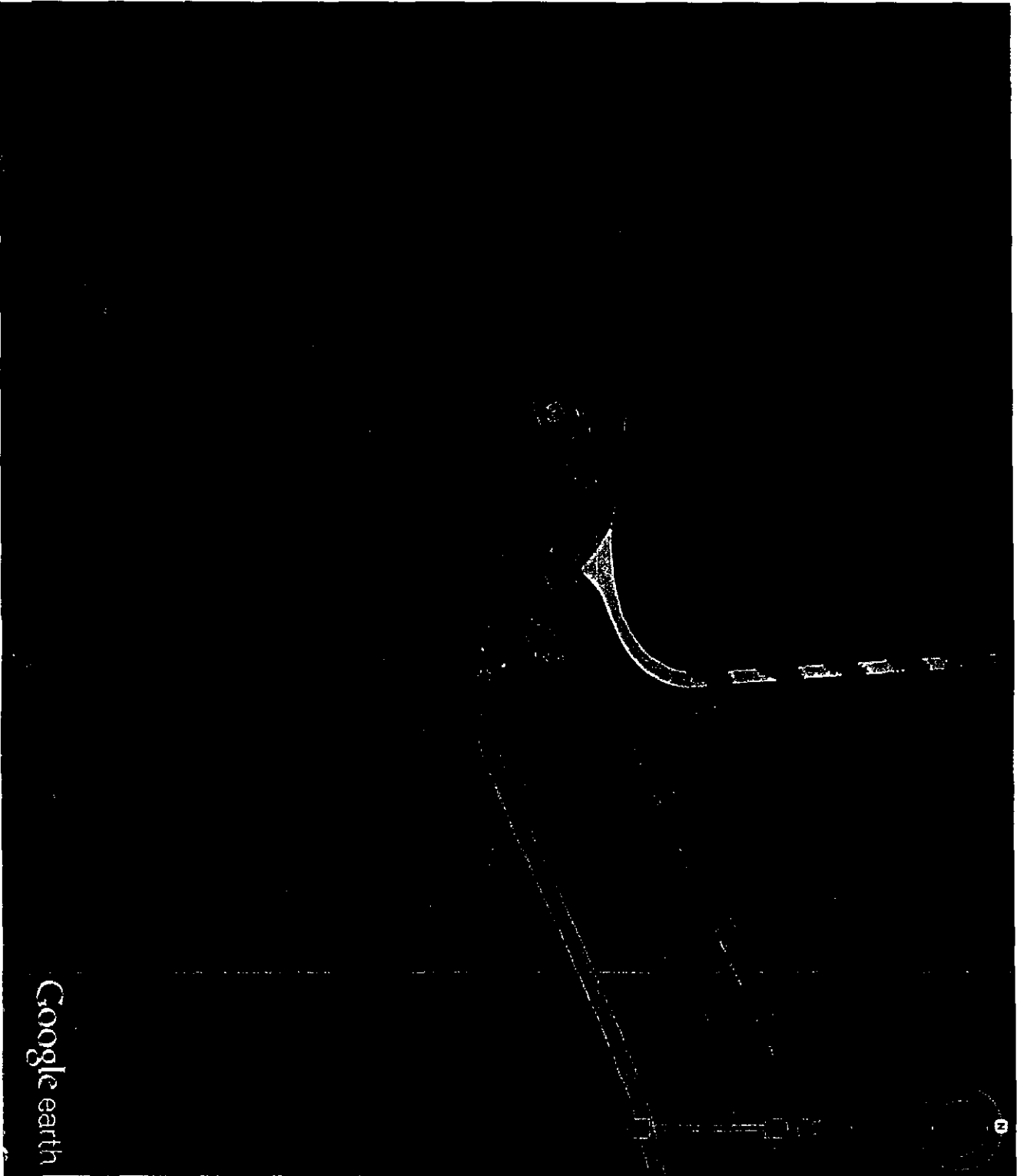
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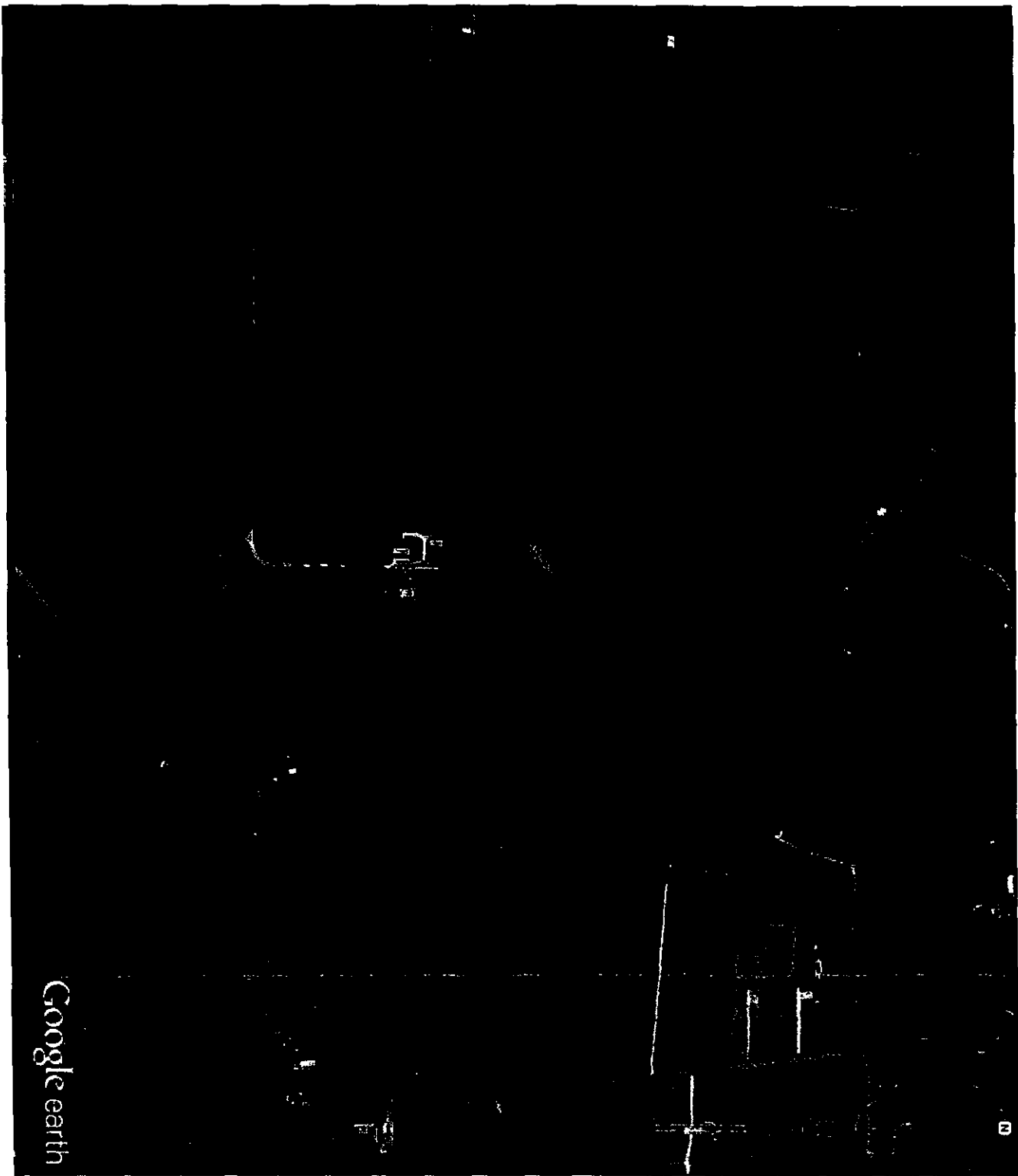




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