

PUBLIC UTILITIES COMMISSION OF OHIO

PUBLIC HEARING

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CASE NUMBER:

15-2114-RR-RCP

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Thursday, March 3, 2016

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Public Utilities Commission of Ohio

Local Public Hearing, In the Matter of a petition
by the City of Wadsworth for an exempt crossing
designation at East Bergey Street, DOT No.
920907D.

1 MR. MCKENNEY: The Public Utilities
2 Commission of Ohio calls for hearing at
3 this time and place Case No.
4 15-2114-RR-RCP, being in the Matter of a
5 petition by the City of Wadsworth for an
6 exempt crossing designation at East
7 Bergey Street, DOT No. 920907D.

8 My name is Brice McKenney and I'm
9 the attorney examiner assigned by the
10 Commission to hear this case.

11 At this time we're here for a
12 public hearing. We're going to begin
13 taking testimony regarding the exemption
14 for the Bergey Street crossing.

15 Mr. Hiscock, would you like to go
16 first?

17 MR. HISCOCK: Yes. Good afternoon.

18 MR. MCKENNEY: I'm going to ask you
19 to raise your right hand. I need to
20 swear you in.

21 - - - - -

22 MATTHEW G. HISCOCK,

23 After having been first duly sworn, as
24 hereinafter certified, was examined and testified
25 as follows:

1 MR. MCKENNEY: Thank you. Please
2 state your name.

3 MR. HISCOCK: My name is Matthew
4 Hiscock. Last name is spelled
5 H-I-S-C-O-C-K.

6 I am the director of the public
7 safety for the City of Wadsworth, which
8 is the local highway authority which
9 railroad crossing AAR DOT No. 920970D is
10 currently located in.

11 I became aware of this crossing
12 eight years ago when I began as Director
13 of Public Safety. This particular
14 crossing, at that time, served a private
15 manufacturing facility. I think it's
16 commonly referred to as a spur off one
17 of the lines that runs through town.

18 That facility at that time was
19 actually winding down operations and had
20 all but ceased operations. For a period
21 of time, that particular manufacturing
22 facility was vacant. And more recently,
23 it has been sold to a business in town,
24 Luke Engineering, that has actually

25 removed any of the siderails to the

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1 actual crossing. So right now what
2 exists at that particular railway
3 crossing is just strictly rail across
4 the asphalt payment right now.

5 Over time we've also received here
6 at the City some complaints about the
7 crossing and some concerns about the
8 crossing. I would generally
9 characterize those complaints as citizen
10 complaints as to why they must stop
11 behind buses or some trucks that stop at
12 that particular crossing. And the
13 frustration that has been expressed by
14 those callers has been in regards to
15 their knowledge that there are no trains
16 in the vicinity, and that, actually, the
17 line does not even connect to the area
18 of the rails across the roadway.

19 The particular roadway is known as
20 East Bergey Street here in the City of
21 Wadsworth. The speed limit on that
22 particular roadway is 35 miles per hour
23 in that particular section. In

24 addition, that is a two-lane roadway,
25 which I would say can be described as

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1 somewhat of a collector street within
2 the City of Wadsworth.

3 It came to my knowledge that buses
4 were stopping pursuant to law at that
5 particular crossing. I had reached out
6 and talked to representatives of the
7 school district about any concerns that
8 they may have with the crossing. They
9 also echoed concerns that there might be
10 safety risks of buses, for instance,
11 stopping at that crossing with no
12 appearance to other motoring public of
13 any rail crossings at the time, and they
14 feared that there would be either a
15 potential for rear end accidents with
16 the bus or any type of driver trying to
17 avoid that bus from stopping and passing
18 that bus.

19 As a result of that, we talked
20 internally about presenting an
21 application to the PUCO for
22 consideration of exempting that crossing

23 pursuant to Revised Code 4511.63. And
24 that is the reason we're here today.

25 As the local highway authority

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1 representative, I'm available to answer
2 any questions that you might have at
3 this time.

4 MR. MCKENNEY: Mr. Hiscock, are you
5 aware of who operates the railroad at
6 that crossing?

7 MR. HISCOCK: I believe the
8 railroad track closest to that crossing
9 is operated by the Akron/Barberton
10 Cluster Railway.

11 MR. MCKENNEY: Is it your opinion
12 that this crossing presents a safety
13 hazard to motorists?

14 MR. HISCOCK: It is my opinion that
15 there is a safety hazard.

16 MR. MCKENNEY: Is closing this --
17 or granting the exemption would
18 alleviate that safety concern?

19 MR. HISCOCK: It would.

20 MR. MCKENNEY: Thank you very much.

21 MR. HISCOCK: Thank you.

22 MR. MCKENNEY: Who would like to go
23 next?

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25 HERB SHANKLIN,

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1 After having been first duly sworn, as
2 hereinafter certified, was examined and testified
3 as follows:

4 MR. MCKENNEY: Thank you.

5 MR. SHANKLIN: I'm Herbert A.
6 Shanklin. I am the -- sorry. Years of
7 others things. I'm the general manager
8 of the ABC Railway. I took over about
9 ten months ago for the preceding general
10 manager, which was Leslie Ashley.

11 On June 3rd of 2015 it came to my
12 attention that the switch going into the
13 Unimin Company was having some issues.
14 After some further investigation, I
15 found that it would be easier to
16 straight rail the switch out of my main
17 line, because the cost of repairing it
18 and maintaining it outweighed the cost
19 of keeping the switch in the main line,
20 which runs to Rittman.

21 The Unimin Company has not received
22 any rail services in several years. The
23 company is closed and does not look to
24 receive rail service in the near future.
25 This does not mean that the facility

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1 will never want rail service again, so
2 we do not we shall to remove the
3 crossing itself. But I have no issue
4 with granting East Bergey Street
5 crossing an exemption. Thank you.

6 MR. MCKENNEY: Do you know the last
7 time a train used East Bergey Street
8 crossing?

9 MR. SHANKLIN: I do not.

10 MR. MCKENNEY: I have no further
11 questions. Thank you.

12 MR. SHANKLIN: Alright. Thank you.

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14 JOSEPH MAGNACCA,

15 After having been first duly sworn, as
16 hereinafter certified, was examined and testified
17 as follows:

18 MR. MAGNACCA: I am Joseph
19 Magnacca. I am the Director of

20 Facilities in Wadsworth City Schools.
21 I'm here on behalf of the Wadsworth City
22 Schools, which is the local school
23 system for the community of Wadsworth.

24 I echo much of Matt's -- his
25 comments. We did have several

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1 discussions regarding this stop. We are
2 a little concerned as a district, as our
3 buses do have to stop with vehicles
4 pulling up behind and being rear ended.
5 So that is an opportunity for an
6 accident to occur. We do, this year,
7 have two buses that cross that road; one
8 in the a.m., one in the p.m., with you
9 students on the bus in the morning, not
10 in the afternoon. Because they've
11 already done their drop and they're
12 heading back to the transportation. So
13 one happens at about 7:12 a.m., the
14 other one happens at about 3:07 p.m.

15 So I do echo what Mr. Hiscock said,
16 again, for safety purposes of kids that
17 are on the bus, and the safety of our
18 driver, that it's not necessary. We

19 would appreciate if we could be exempt
20 from the crossing.

21 MR. MCKENNEY: Thank you.

22 Mr. Magnacca, is it your understanding
23 that bus routes do occasionally change,
24 depending on where the students live or
25 are located?

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1 MR. MAGNACCA: They -- the routes
2 change infrequently. Not as often as
3 you would think. Kids change, but
4 they're still in that same development
5 and same area because they're still
6 coming to a school.

7 MR. MCKENNEY: Is it your opinion
8 that this crossing presents a safety
9 concern?

10 MR. MAGNACCA: I do.

11 MR. MCKENNEY: Is it your opinion
12 that granting the exemption would
13 alleviate that safety concern?

14 MR. MAGNACCA: I do.

15 MR. MCKENNEY: Thank you very much.

16 MR. MAGNACCA: Thank you.

17 MR. MCKENNEY: Ms. Miller?

18 MS. MILLER: No. He did it all.

19 MR. MCKENNEY: Alright. Is there
20 anyone else here today that would like
21 to present testimony?

22 Alright. Thank you everyone for
23 coming. At this time we'll go off the
24 record.

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1 (Thereupon, a brief recess was had.)

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3 MR. MCKENNEY: Back on the record.

4 Seeing nothing further, we are
5 adjourned. Thank you.

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7 (Adjourned at 2:24 p.m.)

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I do further certify that I am not a
12 relative, employee of, or attorney for any of the
parties in the above-captioned action; I am not a
13 relative or employee of an attorney for any of
the parties in the above-captioned action; I am
14 not financially interested in the action; I am
not, nor is the court reporting firm with which I
15 am affiliated, under a contract as defined in

16 Civil Rule 28(D); nor am I otherwise interested
in the event of this action.

17 IN WITNESS WHEREOF I have hereunto set my
hand and affixed my seal of office at Cleveland,
18 Ohio on this 6th day of July, 2012.

19

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22

23 Katrina L. Dearborn, Notary Public
In and for the State of Ohio.
24 my commission expires 11-02-15.

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Summary: Transcript Hearing held in Wadsworth Ohio on March 3, 2016 at 2:00 p.m.
electronically filed by Ms. Katrina Dearborn on behalf of Dearborn Reporting Services