

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the :  
Petition of Ohi-Rail Corp. :  
to Close to Vehicular : Case No.  
Traffic the W. Plain Street : 15-1714-RR-UNC  
Grade Crossing Located in :  
the Village of Minerva, Ohio, :  
Carroll County. :

- - -

PROCEEDINGS

Before Jim Lynn, Attorney Examiner, held at the  
Public Utilities Commission of Ohio, 180 East  
Broad Street, Hearing Room 11-D, Columbus, Ohio,  
on Tuesday, April 5, 2016, at 1:00 P.M.

- - -

Armstrong & Okey, Inc.  
222 East Town Street, 2nd Floor  
Columbus, Ohio 43215  
(614) 224-9481 - (800) 223-9481  
Fax - (614) 224-5724

- - -

1 APPEARANCES:

2 Mr. Shawn M. Blake  
3 4110 Sunset Boulevard  
4 Steubenville, Ohio 43952

5 On behalf of Ohi-Rail Corp.

6 - - -  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX TO WITNESSES		
- - -		
	DIRECT	ATT. EXAM.
OHI-RAIL CORP. WITNESSES		
Denny Varian	6/75	47/79
Neil Youngman	31	

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX TO EXHIBITS

- - -

OHI-RAIL CORP. EXHIBITS	MARKED	ADMT.
1      Aerial Photograph	8	79
2      Aerial Photograph	15	79
3      Expert Testimony	28	79

- - -

1 Tuesday Afternoon,  
2 April 5, 2016.

3 - - -

4 ATTORNEY EXAMINER: The Public  
5 Utilities Commission of Ohio as assigned for  
6 evidentiary hearing at this time and place Case  
7 No. 15-1714-RR-UNC In the Matter of the Petition  
8 of the Ohi-Rail Corporation to Close Vehicular  
9 Traffic on the West Plain Street Grade Crossing  
10 located in the Village of Minerva, Carroll  
11 County.

12 I am Jim Lynn, the Attorney Examiner  
13 assigned to hear this case. At this time we  
14 will have the appearances of the parties  
15 beginning with Ohi-Rail Corporation.

16 MR. BLAKE: Shawn M. Blake, attorney  
17 for Ohi-Rail Corporation. With me is Richard  
18 Delatore, Vice President of Ohi-Rail, Neil  
19 Youngman who is compliance manager for Ohi-Rail  
20 and Denny Varian, General Manager.

21 ATTORNEY EXAMINER: Thank you. I  
22 will note for the record at this time we are  
23 starting shortly after 1:00 o'clock and there  
24 are no community members from the Village of  
25 Minerva present. However, they will have the

1 opportunity to speak if they do show up.

2 With that having been said, Mr.  
3 Blake, if you would like to put you first  
4 witness on the stand, please.

5 MR. BLAKE: Sure. I will call  
6 Denny Varian to the stand

7 (WITNESS SWORN)

8 - - -

9 DENNY VARIAN

10 called as a witness, being first duly sworn,  
11 testified as follows:

12 ATTORNEY EXAMINER: Mr. Varian,  
13 thank you again for being in attendance today.  
14 It always helps considerably when testimony like  
15 this is filed. Please go ahead.

16 MR. BLAKE: That you.

17 DIRECT EXAMINATION

18 By Mr. Blake:

19 Q. Denny, would you state your full  
20 name for the record?

21 A. Dennis D. Varian.

22 Q. And where are you currently  
23 employed?

24 A. Ohi-Rail Corporation.

25 Q. In what capacity are you employed

1       there?

2               A.     I am the General Manager.

3               Q.     How many years have you been in the  
4       railroad business?

5               A.     About 30 years in the aggregate.

6               Q.     During the course of your  
7       employment with various railroads have you had  
8       occasions to deal with closings of various  
9       crossings over roadways?

10              A.     Yes.   I have been involved with  
11      closings.

12              Q.     Now, in particular Ohi-Rail is  
13      situated in Minerva, Ohio; is that correct?

14              A.     Yes.

15              Q.     And there is a rail line that goes  
16      through the Village of Minerva; is that also  
17      correct?

18              A.     Yes.

19              Q.     And there are certain segments along  
20      that way that has various crossings; is that  
21      true?

22              A.     Yes.

23              Q.     And over a one-mile span how many  
24      crossings are contained in a one-mile span of  
25      your line?

1           A.     In this subject area, nine.

2           Q.     Nine. Okay. In a 500 foot range in  
3 this subject area how many crossings are there?

4           A.     In 550 feet there are five  
5 crossings.

6           MR. BLAKE: Mr. Lynn, do you want me  
7 to present -- what's best for you?

8           ATTORNEY EXAMINER: Well, I actually  
9 have -- that was submitted, I believe, with  
10 the expert testimony, that particular sketch, or  
11 photograph I should say. So, I have a copy of  
12 that.

13          MR. BLAKE: Would I present that as  
14 an exhibit?

15          ATTORNEY EXAMINER: Yes. I have  
16 that, thank you. That will be called Ohi-Rail  
17 Exhibit 1.

18          MR. BLAKE: Thank you.

19          Q.     For the record, this is just a  
20 aerial photograph of -- well, it includes Market  
21 Street grade crossing, Plain Street and Main  
22 Street crossing as well.

23                 (EXHIBIT HEREBY MARKED FOR  
24 IDENTIFICATION PURPOSES)

25          Q.     Denny, I am showing you what has



1     been marked as Exhibit 1. Are you familiar with  
2     that photograph?

3             A.     Yes.

4             Q.     And what is that a photograph of?

5             A.     That is a photograph of the Market  
6     Street, Plain Street, Main Street area where our  
7     railroad segments through.

8             Q.     And if I can look on the right-hand  
9     side, or this is taken in a northerly direction,  
10    is that correct, north is at the top, south is  
11    at the bottom; is that true?

12            A.     Yes.

13            Q.     And so we are looking over here on  
14    the east side of this photograph. What roadway  
15    is this going north and south?

16            A.     Market Street.

17            Q.     And if you go to the far left side  
18    of the photograph, or the west side, what road  
19    is going north and south there?

20            A.     Main Street.

21            Q.     And in the middle part of that going  
22    east and west, which road is there?

23            A.     Plain Street.

24            Q.     And is there a business also located  
25    on the corner of Plain Street and Market Street?

1 A. Actually it's on Market Street.

2 Q. And what business is that called?

3 A. Normandy Inn.

4 Q. Now, on this photograph there are  
5 two red lines associated here. Do you see  
6 those?

7 A. Yes.

8 Q. And what do those red lines  
9 designate?

10 A. They designate the railroad  
11 right-of-way or property line.

12 Q. Is it true that Ohi-Rail actually  
13 uses that space in there?

14 A. Yes.

15 Q. And the Normandy Inn does not own  
16 this parking space, these parking spaces that  
17 they have there?

18 A. Not within the red lines.

19 Q. And did the Normandy Inn come under  
20 new ownership in the past three years?

21 A. Yes.

22 Q. And was that an issue that came to  
23 light?

24 A. Yes.

25 Q. Did you approach the Normandy Inn

1 owner?

2 A. Yes.

3 Q. And what arrangement did Ohi-Rail  
4 make with the Normandy Inn owner?

5 A. Actually I should clarify I  
6 approached the original owner and found out his  
7 intentions to sell within the week, then I  
8 contacted the new owner.

9 Q. And then when you contacted the new  
10 owner did the issue of your ownership of this  
11 parking lot come up?

12 A. Yes.

13 Q. And what arrangement was made  
14 between Ohi-Rail and the Normandy Inn?

15 A. Ohi-Rail offered a low lease for the  
16 property.

17 Q. You say a low lease. What do you  
18 mean by that?

19 A. Like a dollar a year.

20 Q. So --

21 A. Non-equitable lease.

22 Q. So for a dollar a year you are  
23 leasing this parking lot to the Normandy Inn; is  
24 that true?

25 A. Yes.

1                   ATTORNEY EXAMINER: Mr. Varian, you  
2 are referring to the lot that is right next to  
3 the Normandy Inn?

4                   THE WITNESS: That's correct. And  
5 also we also gave him some property on the other  
6 side within that.

7                   ATTORNEY EXAMINER: The other side  
8 of the tracks as well. That triangular shape,  
9 that is included with the lease?

10                  THE WITNESS: Yes.

11                  ATTORNEY EXAMINER: Okay.

12                  Q. And I notice on this aerial map it  
13 appears to have barriers, if you will, on either  
14 side of the railroad line; is that true?

15                  A. That's correct.

16                  Q. And are those barriers that you put  
17 up?

18                  A. Yes.

19                  Q. Are those cement barriers?

20                  A. Yes.

21                  Q. What was the cause of placing cement  
22 barriers along the railroad tracks?

23                  A. For any agreements with the Normandy  
24 Inn parking there were clients, delivery trucks,  
25 people parking in and they were in such close

1 proximity to the railroad tracks that we  
2 actually had to stop rail traffic to get them to  
3 move.

4 Q. And did an accident occur?

5 A. Yes. One guy parked too close and  
6 was not in -- the vehicle was unoccupied, he was  
7 in the Normandy Inn, and we struck the vehicle.

8 ATTORNEY EXAMINER: Mr. Varian, how  
9 high are those barriers?

10 THE WITNESS: They are standard  
11 Jersey barriers. I believe their height is 38  
12 inches.

13 ATTORNEY EXAMINER: Thank you.

14 Q. So were there before these barriers  
15 were placed cars parked along the railroad  
16 tracks?

17 A. Yes.

18 Q. And in this particular situation  
19 where an accident occurred was the vehicle that  
20 was struck actually on the railroad track?

21 A. Yes. It was fouling the track.

22 Q. And did that cause Ohi-Rail concern  
23 from the liability standpoint?

24 A. Yes.

25 Q. In addition to that how many trains

1 go through this rail line on a weekly basis?

2 A. Presently six, approximately six.

3 ATTORNEY EXAMINER: Mr. Varian, what  
4 is the speed of those trains?

5 THE WITNESS: Ten miles per hour.

6 ATTORNEY EXAMINER: That is six per  
7 week did you say?

8 THE WITNESS: At this time.

9 Q. And is there other business  
10 opportunities currently happening where the  
11 entire railway is going to show an increase in  
12 traffic of trains?

13 A. Yes. We are on the verge of signing  
14 a contract that will literally double the amount  
15 of trains.

16 Q. So you estimate on a weekly basis  
17 there to be between ten and twelve trains going  
18 through there?

19 A. Yes.

20 Q. Does that cause you concern from a  
21 safety standpoint regarding crossings?

22 A. Yes.

23 Q. Now, let's deal specifically with  
24 what we are petitioning the PUCO for. Number  
25 one, along Market Street there, is that a

1 crossing that I am looking at with the railroad  
2 track in the Market Street?

3 A. Yes.

4 Q. And are there gates put up there,  
5 flashing lights and so forth?

6 A. Presently there are only warning  
7 lights.

8 Q. Okay. And is there going to be  
9 anything additional to that?

10 A. This crossing has been selected as  
11 an upgrade to mechanical gates and warning  
12 devices, and a light upgrade, newer lights.

13 MR. BLAKE: Okay. Mr. Lynn, I can  
14 give you a copy of this.

15 (EXHIBIT MARKED FOR PURPOSES OF  
16 IDENTIFICATION)

17 Q. I will mark that as Exhibit No. 2.  
18 That will be Ohi-Rail Exhibit 2. And this is --  
19 you can describe that for the court reporter.

20 And, Denny, would you take a look at  
21 what I am showing you marked as Exhibit 2? Are  
22 you familiar with that?

23 A. Yes.

24 Q. And what is that a photograph of?

25 A. It's a photograph of the greater

1 downtown area of Minerva

2 Q. So is this an enlarged view compared  
3 with what we just looked at on Exhibit 1?

4 A. Yes.

5 Q. And again this goes the northerly  
6 part being at the top of this page; is that  
7 true?

8 A. Yes.

9 Q. And on the bottom left-hand side, is  
10 that, and there is a couple orange marker points  
11 there. Can you describe what those orange  
12 marker points are?

13 A. Yes. The one in the lower left is  
14 the crossing, Plain Street crossing over our  
15 railroad. And the other marker is just marking  
16 actually Plain Street up next to Market.

17 Q. And if we just go in truly a  
18 diagonal viewpoint on this map is that  
19 the railroad line that goes from the bottom left  
20 of the page all the way to the top right of  
21 the page, that diagonal line there?

22 A. Yes.

23 Q. Is that the railroad track?

24 A. Yes.

25 Q. And on the very top right there is a



1 designation that says fire department. Is that  
2 the location of the fire department in Minerva?

3 A. Yes.

4 Q. And on the left-hand side and more  
5 towards the top it says Police Department. Is  
6 that where the Police Department is located?

7 A. Yes.

8 Q. Now, in both instances  
9 whether for the fire department or for the  
10 police department is there a main thoroughfare  
11 in which the fire department or the police  
12 department would respond to a certain  
13 area? What are the main streets that they  
14 would go to?

15 A. Well, obviously Market Street is  
16 the main street. That is the only State Route  
17 north and south through Minerva.

18 Q. Is the road system in Minerva set up  
19 in such a way as a grid?

20 A. Yes. It's pretty much a square box  
21 grid.

22 Q. And if let's say that there was some  
23 issue south of Plain Street, based on what you  
24 can see on this map, the fire department or  
25 the police department had to respond, which

1 route would they have to take to go in a  
2 southerly direction?

3 A. Market Street.

4 Q. Could they also take Main Street if  
5 they so desired?

6 A. Yes.

7 Q. And also to access in a westerly  
8 direction which way would they have to go?

9 A. Line Street is one of the major  
10 ones.

11 Q. So if I can refer back to Exhibit  
12 1. And really use these exhibits together here.  
13 Obviously if you are asking to block off this  
14 Plain Street and put up a barrier over that  
15 crossing; is that true?

16 A. Yes.

17 Q. What kind of barrier are you talking  
18 about putting up?

19 A. There are a couple of choices. And  
20 would probably leave that up to the town  
21 themselves. Either a guardrail, standard type  
22 roadside guardrail, or the extension of these  
23 Jersey barriers.

24 Q. So let's deal with hypotheticals  
25 now. If I am going on -- driving north on

1 Market Street I will be able to access Plain  
2 Street and these three particular homes on Plain  
3 Street; is that true?

4 A. Yes.

5 Q. And likewise if I am going in a  
6 southerly direction I can still access Plain  
7 Street and access those three homes; is that  
8 true?

9 A. Yes.

10 ATTORNEY EXAMINER: Access them from  
11 Market Street?

12 THE WITNESS: Yes.

13 Q. Additionally regarding the Normandy  
14 Inn, because this issue came up at the hearing  
15 in December, correct, regarding the Normandy  
16 Inn, the business?

17 A. Yes.

18 Q. That is a parking lot that is shown  
19 there just south of the Normandy Inn; is that  
20 true?

21 A. Yes.

22 Q. And that is a restaurant, the  
23 Normandy Inn is a restaurant; right?

24 A. Yes.

25 Q. And if for some reason that had to

1 be accessed from Market Street can that done in  
2 a northerly or southerly direction?

3 A. Yes.

4 Q. And if I can just refer you over to  
5 the westerly side of those railroad tracks, will  
6 patrons from the Normandy Inn also be able to  
7 exit and enter from Plain Street this time on  
8 the westerly side of Plain Street from Main  
9 Street?

10 A. Yes.

11 Q. So that will not be cut off; is that  
12 true?

13 A. That's correct. That access will  
14 remain open.

15 Q. Okay. So if you entered the  
16 Normandy Inn parking lot from Market Street on  
17 the east side of the Normandy Inn you could  
18 actually drive through the parking lot or park  
19 there, and then actually exit on the west side?

20 A. That is correct.

21 Q. Okay. And from a safety standpoint  
22 regarding the fire department entering there or  
23 the police department, again is there any  
24 restriction there accessing the Normandy Inn or  
25 accessing these homes?

1 A. No.

2 Q. From Market Street?

3 A. No.

4 Q. Okay. Did yourself and Neil  
5 Youngman, I should say Neil Youngman, did he  
6 actually conduct a traffic study on Plain  
7 Street?

8 A. Yes. An abbreviated study, yes.

9 Q. And over -- do you know how many  
10 days he did that? I can ask him.

11 A. Yes.

12 Q. That is fine. And do you know how  
13 many vehicles went across the railroad tracks on  
14 Plain Street?

15 A. No. I don't have that information.

16 Q. Okay. Has it come to your attention  
17 that as a train approaches the Market Street  
18 crossing that vehicles would see the train  
19 coming from an easterly direction and head down  
20 Plain Street to beat the train?

21 A. We have witnessed cars, vehicular  
22 traffic, trying to, you know, bypass that  
23 crossing to beat a train, yes.

24 Q. Now, once these gates are installed  
25 on Market Street do you believe that there will

1 be a greater occurrence of that happening,  
2 meaning that if I am traveling north on Market  
3 Street and I see a train coming and now  
4 the gates go closed, that people could actually  
5 drive down Plain Street, go through that  
6 crossing, and beat the train?

7 A. Yes. That is one of my concerns.

8 Q. Do you believe that to be dangerous?

9 A. Yes.

10 Q. Why do you believe it to be  
11 dangerous?

12 A. Plain Street does not have any  
13 automatic warning devices, and there is also a  
14 vision problem there.

15 Q. What kind of vision problem is  
16 there?

17 A. Well, over from the one direction  
18 there is a house, from the western side there is  
19 a house that is hard to see around. And from  
20 the eastern side you would be looking 270  
21 degrees or so to your rear. You would be  
22 looking towards your blind spot of your car.

23 ATTORNEY EXAMINER: Mr. Varian,  
24 your concern about vehicles trying to avoid  
25 the train at Market Street, again tell me the

1 direction those typically would be coming from?  
 2 Is that vehicles going north on Market Street, I  
 3 assume?

4 THE WITNESS: Yes. North on Market  
 5 and turning west on to Plain.

6 ATTORNEY EXAMINER: West on Plain.  
 7 Okay. And then you mentioned something about  
 8 vehicles going east as well as west on Plain  
 9 Street. Okay. I can't recall what I needed to  
 10 ask there. So, all right.

11 So, as far as the safety issue of  
 12 vehicles trying to avoid Market Street, it would  
 13 be the ones traveling north on Market and turn  
 14 in west on Plain?

15 THE WITNESS: That's correct.

16 ATTORNEY EXAMINER: Okay. Okay.  
 17 Mr. Blake, go ahead.

18 Q. Regarding the closure, potential  
 19 closure of the crossing on Plain Street, what is  
 20 the next option for another crossing along your  
 21 rail line? How far away? Is that on Market,  
 22 as far as a crossing?

23 A. Yes. It's Market or Main Street.

24 Q. So maybe it's better to kind of look  
 25 at this Exhibit 2 map. Can you, because this is

1 set up as a grid, and if that road is closed  
2 there, that crossing is closed on Plain Street,  
3 can you access the other side in a quick  
4 fashion?

5 A. Yes.

6 Q. Can you give me an estimate of how  
7 quickly you can get to where you wish to go?  
8 Obviously if I am going on Plain Street in a  
9 westerly direction, going Market to Main, Plain  
10 Street is open, I can get there in a matter of  
11 seconds; correct?

12 A. Yes.

13 Q. But if that's closed what would be  
14 the time line that you would be looking at to  
15 access the same point? For instance, where  
16 would you have to go?

17 A. You can go up to Line Street. There  
18 is an alley behind Normandy Inn, and also Market  
19 Street does turn and access Main Street. It  
20 does make a loop. It's just off this map.

21 And can I add something? That  
22 people knowing that this street is closed would  
23 know ahead of time to turn onto Main. So they  
24 would probably have no increased time.

25 Q. Right. So you raise a good point



1     there. You refer to this alley just north of  
2     the Normandy Inn. That is the one you are  
3     describing?

4             A.     Yes.

5             Q.     Okay. And as you just stated, in a  
6     southernly direction on Market that actually  
7     loops around and connects into Main Street?

8             A.     That is correct.

9             Q.     So from a time standpoint would you  
10    say you could be adding on just a matter of a  
11    handful of seconds?

12            A.     Yes.

13            Q.     And do you see any concern by  
14    blocking this off, this crossing off, from a  
15    safety standpoint, again from fire or police,  
16    any sort of reporting that needs to occur here?  
17    Maybe it's best to look at this Exhibit 2, where  
18    they had to access anything along Market Street,  
19    really around Plain Street. Do you see any  
20    issue there?

21            A.     No, I do not.

22            Q.     Do you see a multitude of  
23    alternatives that they can get to these streets  
24    here that are directly north of Plain Street?

25            A.     Yes.

1           Q.    They could access over to Main  
2 Street?

3           A.    Yes.

4           ATTORNEY EXAMINER:   Question, Mr.  
5 Varian.   The distance between the crossing at  
6 Market and crossing at Plain, about how far is  
7 that distance between the two crossings?

8           THE WITNESS:   I believe it's 35  
9 feet.

10          ATTORNEY EXAMINER:   That is straight  
11 down the track or --

12          THE WITNESS:   Yes.

13          ATTORNEY EXAMINER:   Okay.   And  
14 the distance between say the crossing at Main  
15 and crossing at Plain Street, that distance  
16 is --   about how far would that be?

17          THE WITNESS:   I am sorry.   Can you  
18 repeat the question?

19          ATTORNEY EXAMINER:   The crossing at  
20 Plain Street, which you are proposing to close,  
21 and the crossing at Main Street, what's the  
22 approximate distance of that?

23          THE WITNESS:   Oh, that is 35 feet.  
24 I thought that was the same question.

25          ATTORNEY EXAMINER:   I will state my

1 question again if it wasn't clear. Between  
2 Market and Plain what would the distance between  
3 the two crossing be there?

4 THE WITNESS: I believe --

5 ATTORNEY EXAMINER: Approximately?

6 THE WITNESS: I believe that is  
7 about 80 feet.

8 ATTORNEY EXAMINER: And that is  
9 straight down the track?

10 THE WITNESS: Yes.

11 ATTORNEY EXAMINER: And then Plain  
12 to Main, you are saying is about 35?

13 THE WITNESS: Yes.

14 ATTORNEY EXAMINER: Okay. Thank  
15 you. And Main Street, is that solely just  
16 cross-bucks right now?

17 THE WITNESS: Yes.

18 ATTORNEY EXAMINER: And Market  
19 actually has flashers, and that is the one that  
20 is proposed for upgrade to flashers and  
21 cantilevers as well as gates?

22 THE WITNESS: Yes. That has  
23 actually been approved. That will happen.

24 ATTORNEY EXAMINER: Thank you.

25 Q. At the hearing in December of 2015

1     there were some comments given at the public  
2     hearing. Did you refer to the transcript before  
3     you wrote this expert report?

4             A.     Yes.

5             MR. BLAKE: By the way, I should say  
6     that is part of the -- do I need to introduce  
7     those?

8             ATTORNEY EXAMINER: Yes,  
9     particularly because I have some questions about  
10    it too.

11            MR. BLAKE: As an exhibit?

12            ATTORNEY EXAMINER: Yes.

13            Q.     So, Denny, I am showing you what has  
14    been marked as Ohi-Rail's Exhibit No. 3.

15            (EXHIBIT HEREBY MARKED FOR  
16    IDENTIFICATION PURPOSES)

17            Q.     Are you familiar with what this  
18    document is?

19            A.     Yes.

20            Q.     What is this document?

21            A.     This is our testimony for this  
22    hearing.

23            Q.     And is it titled expert testimony?

24            A.     Yes.

25            Q.     And I am just going to count here.

1 There are four typed pages on this. Okay?

2 A. Yes.

3 Q. You see those. And also, I am  
4 sorry, Your Honor, is this something that you  
5 submitted to the PUCO?

6 A. Yes.

7 Q. And are these your words here that  
8 you prepared?

9 A. Yes.

10 Q. And so on this there is another  
11 sheet that says this was electronically filed;  
12 correct?

13 A. Yes.

14 Q. And then finally a letter that was  
15 sent, and that is page No. 6, that is something  
16 that you signed on Ohi-Rail letterhead?

17 A. Yes.

18 Q. And that is where you submitted the  
19 expert testimony report; is that correct?

20 A. Yes.

21 Q. And just to be real general, there  
22 is -- everything contained in this expert  
23 testimony report is something that you here now  
24 under oath believe to be true and accurate?

25 A. Yes.

1           Q.    And you stand by these opinions that  
2   you made, these factual statements that you made  
3   hear; is that true?

4           A.    Yes.

5           Q.    Okay.  Some of the issues that came  
6   up regarding the comments at the December 17th  
7   public hearing were from various members of  
8   the community.  David Hart, Aaron Stoller, Gary  
9   Ruff and Billy Roe.

10                  Did you review that testimony, that  
11   transcript?

12          A.    Yes.

13          Q.    And did many of the concerns relate  
14   to that being the Normandy Inn?

15          A.    Yes.

16          Q.    After reading that testimony do you  
17   believe that those concerns should be otherwise  
18   alleviated considering that the access point  
19   wouldn't be cut off at the Normandy Inn?

20          A.    Yes.  I believe most the concerns  
21   thought we were going to cut off the west access  
22   route for Normandy Inn parking lot.

23          Q.    Is it true that you do not believe  
24   anything is going to change here if this Plain  
25   Street crossing is blocked off and closed?

1 A. No.

2 Q. And I say that in regard to the  
3 Normandy Inn.

4 A. Yes. I believe it will not affect  
5 the Normandy Inn.

6 Q. Okay. And is that because you can  
7 still access the parking lot from either Mrket  
8 Street or Main Street?

9 A. Yes.

10 MR. BLAKE: Okay. Mr. Lynn, I do  
11 not believe I have anything further of Mr.  
12 Varian right now.

13 ATTORNEY EXAMINER: Thank you. I  
14 have some questions for Mr. Varian.

15 Let's go off the record for a  
16 minute though.

17 (DISCUSSION OFF THE RECORD)

18 ATTORNEY EXAMINER: Could you call  
19 your next witness, please?

20 MR. BLANK: I would call Neil  
21 Youngman to the stand, please.

22 (WITNESS SWORN)

23 - - -

24 NEIL YOUNGMAN  
25 called as a witness, being first duly sworn,

1 testified as follows:

2 DIRECT EXAMINATION

3 By Mr. Blake:

4 Q. Mr. Youngman, would you state your  
5 full name for the record?

6 A. Neil Youngman.

7 Q. And where are you currently  
8 employed?

9 A. I am a part-time consultant for  
10 Ohi-Rail Corporation in Minerva.

11 Q. Do you handle their compliance with  
12 various administrative --

13 A. My official title is Compliance  
14 Manager.

15 Q. Okay. Did you assist Mr. Varian in  
16 preparing this expert testimony report?

17 A. Yes, I did.

18 Q. And one of, there are several points  
19 in here, one of which is looking to the goals of  
20 the Federal Railroad Administration as well as  
21 the goals of the Public Utilities Commission  
22 Ohio is to do what?

23 A. Establish closure of unnecessary  
24 railroad crossings for the safety of the public  
25 primarily.



1           Q.    If we can just back up quickly.  
2    Your past history, employment, what did you do  
3    in your life?

4           A.    Well, while I was going to school at  
5    Ohio State I worked on the railroad for five  
6    years.  Went in the Air Force for 27 years.

7                    When I retired from the Air Force I  
8    went to work for the Ohio Central Railroad  
9    System with Mr. Varian, so I have been with the  
10   railroad for probably 15 years total in my life.

11          Q.    What was your rank in the Air Force?

12          A.    I retired as a colonel.

13          Q.    And as a colonel did you have the  
14   occasion to deal with issues such as compliance  
15   and so forth?

16          A.    I did as a commander of a couple  
17   units, and then as part of my flying career I  
18   was a flight examiner.  So I spent a lot of time  
19   doing compliance oriented things.

20          Q.    And likewise when you worked with  
21   Ohio Central, now Ohi-Rail, was that part of  
22   your capacity regarding compliance?

23          A.    Yes.

24          Q.    And have you zeroed in on this  
25   issue, showing you Exhibit 1 and 2, are you

1 familiar with those aerial photographs?

2 A. Yes, I am.

3 Q. And did you zero in on an issue,  
4 that being the Plain Street crossing?

5 A. Yes.

6 Q. And what has been your concern or  
7 what has been your opinion on that crossing?

8 A. Safety is a primary concern right  
9 there. Just by the situation, and as Mr. Varian  
10 has already mentioned, the fact that it becomes  
11 a short cut, especially when they put the gates  
12 in there it will become more of a short cut.

13 And then also the access from  
14 the south parking lot over to the Normandy Inn,  
15 again he talked about the barriers. But again  
16 safety is my primary thing and compliance with  
17 the mandates of the FRA and the issue of closing  
18 unnecessary crossings.

19 ATTORNEY EXAMINER: Mr. Youngman,  
20 when you refer to gates going on that one --

21 THE WITNESS: Market Street, yes,  
22 sir. Automatic warning device upgrade.

23 Q. Now, did you have an occasion, I  
24 know it's written in this expert testimony  
25 report, to conduct a traffic study?

1           A.    Yes, I did.

2           Q.    And how often did you conduct that  
3 study?

4           A.    Purely from memory, but I think I  
5 was out 9 or 10 times at various hours during  
6 the business day.

7           Q.    And you are obviously familiar with  
8 Minerva. This is not a large place?

9           A.    Not a large place.

10          Q.    And the Ohi-Rail yard is not that  
11 far from where you are looking here at Normandy  
12 Inn; is that correct?

13          A.    No.

14          Q.    I should say Plain Street. So, for  
15 you to go and basically set up camp and look at  
16 Plain Street, is that what you did?

17          A.    Yes.

18          Q.    And did you count cars?

19          A.    Yes, I did.

20          Q.    And what did you find after those  
21 different studies?

22          A.    Over the course of I think the hours  
23 I went where like 8 o'clock to 4:30 because that  
24 is when trains would normally run across. Crews  
25 come on duty at 7:00 o'clock. So the earliest

1 they would transit that area would be 8:00  
2 o'clock. And they are usually done well before  
3 4:30.

4 But the average over that 8 and a  
5 half hours time was less than three cars per  
6 hour. Sometimes zero, but I have given you the  
7 average.

8 Q. That is going across Plain Street?

9 A. Going across Plain Street east and  
10 west.

11 Q. Do you believe that if this was  
12 closed that those on average three cars would  
13 have another way to access whichever way they  
14 were going? Meaning, if they went in an  
15 easterly direction or westerly direction, is  
16 there another route they can take?

17 A. There are ample ways to go around  
18 that.

19 Q. Can you just describe those for Mr.  
20 Lynn?

21 A. Well, obviously I think we already  
22 talked about State Route 183 or Market Street,  
23 not on the picture here, which bends around west  
24 of there. And that would be the obvious way to  
25 go. Or this also alley behind the Normandy Inn.

1 Q. Okay.

2 A. And again I point out what I think  
3 has already been stated, but once people know  
4 that this crossing would be closed they wouldn't  
5 hesitate to use it. It's a small town.

6 Q. I understand. So you are referring  
7 to that Market Street, if the gates go up your  
8 concern is people would go across Plain Street  
9 to beat the train?

10 A. Right. Just human nature. See the  
11 gate start down, I am not going to go that way,  
12 so I will duck across Plain Street.

13 Q. Were you familiar as well with the  
14 accident that occurred?

15 A. Yes.

16 Q. And that was before those barriers  
17 were placed there?

18 A. Yes.

19 Q. And did that involve a truck  
20 being -- the back end being across the railroad  
21 track?

22 A. A Ford F 250 was parked too close to  
23 the railroad track. My concern also from a  
24 safety standpoint is, and I mentioned it in the  
25 testimony, we mentioned it in the testimony,

1     that by virtue of the track layout a crew member  
2     often times is required to ride the side of a  
3     car, a railroad car, going out towards Baird,  
4     and the concern is that vehicles, that puts him  
5     at risk, with vehicles parked too close. That's  
6     one of the reasons again we put up the barriers.

7             Q.     What barriers do you foresee along  
8     Plain Street there, if that is closed?

9             A.     If that is closed, as Mr. Varian  
10    mentioned, I would think we, again depends what  
11    the Village of Minerva prefers, but I would see  
12    a standard roadside guardrail or maybe an  
13    extension of Jersey barriers. I think that is  
14    pretty much their call.

15            Q.     You have also looked -- you printed  
16    these maps off?

17            A.     Yes.

18            Q.     And one of the things you looked at  
19    was issues regarding safety regarding the fire  
20    department and the police department?

21            A.     Right.

22            Q.     Do you see any issue from a safety  
23    standpoint, fire or police, when that Plain  
24    Street crossing is closed off from the vicinity,  
25    meaning the whole area around there, different

1 homes around there, do you see any issue  
2 regarding the police department or the fire  
3 department?

4 A. Absolutely none.

5 Q. And why is that?

6 A. Well, from the fire department in  
7 the upper right-hand corner of Exhibit 2 here, I  
8 think -- I can see no reason why they would even  
9 want to use Plain Street to get to a fire.  
10 Because, you know, causes them to make  
11 additional turns.

12 If I was going there I would use  
13 either Market Street or Main Street. In fact, I  
14 would probably use Main Street so I wouldn't  
15 have to go through the middle of downtown.

16 But Plain Street would strike me,  
17 unless it happens to be one of the two  
18 residences that are located on Plain Street,  
19 that would be the only reason why I went down  
20 Plain Street. And by closing Plain Street  
21 crossing it doesn't affect your access to those  
22 two residences.

23 ATTORNEY EXAMINER: Mr. Youngman, I  
24 would like to ask a question. How many  
25 residences are there on Plain Street?

1 THE WITNESS: There are actually  
2 two with the address. The one that -- the third  
3 one that you see, I think its address is  
4 actually on Market Street. The one that is to  
5 the east side.

6 ATTORNEY EXAMINER: All right.  
7 Thank you.

8 THE WITNESS: There are two  
9 residences.

10 ATTORNEY EXAMINER: And for my own  
11 information, you were also mentioning, and Mr.  
12 Varian mentioned also, the alley.

13 I will describe this for the  
14 reporter. As I look north on Main Street I can  
15 see a place you can actually turn off to the  
16 right.

17 You were mentioning an alley behind  
18 the Normandy Inn and it's at a right angle from  
19 Main Street, and you are saying does that alley  
20 go all the way through to Market Street?

21 THE WITNESS: It goes all the way  
22 through, yes.

23 ATTORNEY EXAMINER: Okay.

24 THE WITNESS: And it probably is  
25 named. I just don't know what the name of it



1 is.

2 ATTORNEY EXAMINER: All right.

3 Okay. Thank you.

4 Q. To your knowledge, speaking about a  
5 lease, was there an alley actually running  
6 through in a north to south direction next to  
7 the Normandy Inn?

8 A. There was an alley directly to the  
9 west. You can see there is a garage built right  
10 there, and it was apparently vacated sometime  
11 before our time.

12 And also on the south side of Plain  
13 Street you can see where a garage or something  
14 was built in there also. But that at one time  
15 was an alley.

16 Q. And that got vacated?

17 A. If you look over the old plats for  
18 the village of Minerva and that shows an alley  
19 located right there.

20 ATTORNEY EXAMINER: But because of  
21 the presence of that garage it's not possible --

22 THE WITNESS: It's not possible to  
23 get through on either -- access from the south  
24 or access from the north.

25 ATTORNEY EXAMINER: Thank you for

1 making that clearer.

2 Q. There was comment made regarding a  
3 remapping from the fire department. Did that  
4 deal with 911?

5 A. Yes. I think they said we would  
6 have to redo our 911 mapping.

7 ATTORNEY EXAMINER: Redo it if the  
8 Plain Street crossing is closed?

9 THE WITNESS: Closed. Apparently  
10 their 911, it says how do we get to this point.  
11 There is a possibility, I don't know that for a  
12 fact, but it would say go on this route. And  
13 they would have to take that crossing out of  
14 their mapping.

15 ATTORNEY EXAMINER: They take that  
16 into consideration?

17 THE WITNESS: Yes.

18 Q. And even if that occurred do you  
19 believe there to be a time restriction from the  
20 police department or the fire department given  
21 the distance in which they are right now in  
22 accessing points to the west or to the south?

23 A. No.

24 Q. Of Plain Street?

25 A. If it is it's one second. But again

1 I don't know why you would use Plain Street as  
2 access anyway.

3 Q. Even if let's look at one of those  
4 houses on Plain Street, that appears can be  
5 accessed still on Plain Street even if that is  
6 blocked off; is that true?

7 A. That's right. Yes.

8 ATTORNEY EXAMINER: It could be  
9 accessed from Market Street?

10 THE WITNESS: The access to Market  
11 Street will not be affected.

12 ATTORNEY EXAMINER: Okay. That is  
13 to get to the residences on Plain fire or police  
14 you are indicating would come off of Market  
15 Street?

16 THE WITNESS: I would assume that  
17 is what they would do, yes.

18 ATTORNEY EXAMINER: Okay.

19 THE WITNESS: I mean, granted we  
20 are not going to -- they would still, if you  
21 were a fireman, you would still have access, you  
22 could park on Main Street and your hoses would  
23 stretch to those residents on Plain Street also.

24 ATTORNEY EXAMINER: You could just  
25 put those across the closed crossing?

1                   THE WITNESS: Right. And Mr.  
2     Varian will certainly, if that happens, will  
3     certainly get with the fire department and  
4     police department and let them know if you have  
5     to do that, call our emergency number, which  
6     happens to be his number, or his -- whoever  
7     happens to be taking his place, and say we are  
8     stretching hoses across for the fire department,  
9     we will stop any train traffic that we have.

10                  ATTORNEY EXAMINER: I see.

11                  THE WITNESS: Which that is sort of  
12     common.

13                  Q. And regarding the Normandy Inn, and  
14     I recognize that is technically not on Plain  
15     Street, that is on Market.

16                  A. Yes.

17                  Q. But again, just from, because this  
18     was bought up at the hearing, from a safety  
19     standpoint do you see any issue accessing the  
20     Normandy Inn from Market due to the closure of  
21     the crossing on Plain Street?

22                  A. There is no impact whatsoever.

23                  Q. And even if for some reason they  
24     have to go on Plain Street to access the  
25     Normandy Inn, again do you see any issue there?

1           A.    There is no issue whatsoever.  It  
2   doesn't change anything from them, except  
3   the only thing, and Mr. Varian mentioned it,  
4   right now from a safety standpoint anybody  
5   traveling west on Plain Street has to look back  
6   over their right shoulder to be able to see any  
7   train traffic coming in.  And again taking out  
8   that crossing, again safety issue, makes it much  
9   safer.

10           Q.   So you are referring to, if you are  
11   heading in a westerly direction on Plain Street,  
12   and to determine whether or not a train is  
13   coming, you should have to turn to the right in  
14   your car, and it's an awkward turn to the right?

15           A.    It is.

16           Q.    Because you are at an odd angle.

17           A.    Odd angle.  It's worse if you are  
18   driving in a delivery truck, very difficult to  
19   see.

20           Q.    Yes.  And likewise the same  
21   questions, if you are on Plain Street and you  
22   had to access some portion of Plain Street from  
23   Main Street you can still do that even if this  
24   crossing is closed?

25           A.    If you want to access from the

1 parking lot of the Normandy Inn, you certainly  
2 can.

3 Q. Is there anything else contained in  
4 this report that you would like to add to Mr.  
5 Lynn this afternoon that I have not asked you  
6 about?

7 A. I don't think so.

8 ATTORNEY EXAMINER: Just for my  
9 information, this expert testimony, was that  
10 prepared by -- are those the words of Mr. Varian  
11 or you, Mr. Youngman and Mr. Varian both?

12 THE WITNESS: Both of us.

13 ATTORNEY EXAMINER: Both of you.  
14 I see. Okay. All right.

15 I have no more questions for you  
16 right now, but I may later as we go further  
17 along. Thank you.

18 THE WITNESS: Thank you.

19 ATTORNEY EXAMINER: Mr. Blake, do  
20 you have additional witnesses?

21 MR. BLAKE: Did you want to ask Mr.  
22 Varian --

23 ATTORNEY EXAMINER: Actually I do  
24 have some, yes. Mr. Varian can come back up  
25 here for a minute.

1                   I will remind you that you are still  
2 under oath. Just have a seat. Go off the  
3 record for a minute.

4                   (DISCUSSION OFF THE RECORD)

5                   DENNY VARIAN

6 recalled as a witness, being previously duly  
7 sworn, testified further as follows:

8                   EXAMINATION

9 By the Attorney Examiner:

10               Q.    Actually, I will direct my questions  
11 to Mr. Varian. If it turns out that this  
12 testimony prepared by Mr. Youngman, he is better  
13 prepared to answer that particular part of  
14 the testimony, fine. But again, as I understand  
15 it you both collaborated on the expert  
16 testimony?

17               A.    Yes.

18               Q.    Thank you.

19               MR. BLAKE: I apologize. They  
20 collaborated. He technically submitted it, he  
21 wrote it, submitted it, but they both  
22 collaborated.

23               ATTORNEY EXAMINER: Thank you.

24               Q.    Mr. Varian, I will go down  
25 page-by-page. I had a number of questions to

1 sort of fill in the details for me.

2 In part 1 of your testimony, or  
3 Paragraph No. 1, you are mentioning that the  
4 State had mandated that the crossisng on Market  
5 Street, State Route 183, be upgraded to  
6 mast-mounted lights and gates.

7 And when did that requirement of the  
8 state, when was that handed down to the folks in  
9 management, approximately?

10 A. I believe it was approved in  
11 December of last year, or thereabouts.

12 Q. Thank you. And so late in 2015  
13 then?

14 A. Yes.

15 Q. And you have a sentence in there  
16 about, I guess the next to the last sentence in  
17 No. 1, "However, in order for the upgraded  
18 warning system to operate effectively, reliable,  
19 and optimally, two grade crossings south of  
20 Market Street will have to be rehabilitated."

21 How was it determined that, I am  
22 not a locomotive engineer, but how was it  
23 determined that to have the crossing improvement  
24 at Market Street you had to look at the other  
25 two crossings as well? How is that all tied



1 together? If you can help me on that.

2 A. Yes. I must go back and give you a  
3 little history of this crossing. We have been  
4 with the company about two and a half years, and  
5 we have had a lot of trouble at Market Street  
6 with the present crossing circuits, what we call  
7 false activation.

8 That doesn't mean that when a train  
9 comes it doesn't work. It just means they come  
10 on on their own. And these circuits are based  
11 on resistance in the rails.

12 These crossing surfaces, both Main,  
13 which I might add, in that project is getting  
14 changed, and there is nothing wrong with  
15 the crossing, because of the resistance surface  
16 is asphalt between the two rails. That is not  
17 conducive to automatic warning devices because  
18 moisture travels through asphalt.

19 They normally use wood or rubber  
20 insulating properties between the rails. And  
21 Plain Street has the same thing.

22 So we have to remove Plain and Main  
23 just to put these signals in to do the rail work  
24 to get rid of that resistance.

25 Q. So, again, for my own information

1 and better understand the big picture, actually  
2 Market Street already has the proper surface.  
3 Apparently it's not blacktop or something?

4 A. Yes. Market Street has a concrete  
5 surface, and it is set up properly for it. And  
6 it was redone just not too long ago. I believe  
7 about 12 years.

8 Q. So when you say that Main and Plain  
9 crossings need to be rehabbed at this time, it's  
10 actually a different surface for cars to drive  
11 over. Am I correct?

12 A. Yes.

13 Q. Help me out with a little detail.

14 A. There also has to be -- the track  
15 needs to be raised. It's not -- it's  
16 laying down and kind of wet. Want to raise it  
17 up about four inches. There is a lot of foreign  
18 debris.

19 When they were parking at Normandy  
20 Inn over our tracks they filled that in so they  
21 could walk over it, not known to the railroad,  
22 with dirt, which is very not conducive. When  
23 dirt gets wet -- you have rainy weather those  
24 lights -- we almost have to take them out of  
25 service, flag these crossings.

1           Q.    So again rehabilitate basically you  
2   are saying that you would raise the rails, I  
3   guess, and/or take out blacktop is what I will  
4   call it, and put down, use concrete or wood or  
5   something?

6           A.    Yes.   The whole reason for our  
7   rehabilitation of track is to reduce resistance  
8   which allows the crossing surface to work  
9   better, crossing circuits.

10          Q.    This problem came up you are saying  
11   like blacktop and water and not conducting?

12          A.    Yes.   Salt, from road salt is a  
13   conductor.   Salt is a huge conductor.   Water.  
14   Wet seasons it will actually touch the rails  
15   together.

16          Q.    And that will cause light and  
17   flashers to come on unnecessarily?

18          A.    Falsely activate, yes.

19          Q.    Okay.   Thank you.   If you go on to  
20   No. 2, then you are indicating about the  
21   crossing surface of Main and Plain and so forth.  
22   And why up until now were those not already  
23   repaired or improved or changed in a way that  
24   that resistance issue I guess wouldn't be there?

25          A.    Could you ask that question again?

1           Q.    Sure.  You are indicating that there  
2   is this, No. 2, unreliable grade crossing  
3   warning system with high resistance in the  
4   circuits.  And you are mentioning crossing  
5   surfaces of asphalt, no timbers and so forth.  
6   And I just want to know, up to this point, say  
7   prior to having all this tied with the Market  
8   Street improvement, why wasn't there any  
9   improvement made previously?

10           A.   It probably was not as big an issue  
11   because there were crossing lights and many  
12   people could -- you can pass through crossing  
13   lights.  You can come up kind of both ways and  
14   you can go through.  Although it's illegal they  
15   still do it.

16           Q.    Crossing lights at --

17           A.    Market, yes.  And when the state  
18   approached me about upgrading these signals I  
19   said you are going to have to upgrade  
20   the circuit because now you have gates, they  
21   don't want do -- won't be able to get around.

22           Q.    If I am understanding this correctly  
23   then, the whole system in a sense is tied  
24   together.  That is to have any improvements at  
25   Market Street properly you have to have the

1 correct kind of crossing surface at Main and  
2 Plain also?

3 A. That is correct.

4 Q. Let me ask this question again. If  
5 you were to -- if you close Main Street as far  
6 as closing to vehicular traffic will you still  
7 be making some changes to Plain Street surface  
8 itself so this resistance issue, conduction  
9 issue, is not a problem?

10 A. You said close Main.

11 Q. I am sorry. I misspoke. Close  
12 Plain?

13 A. Yes.

14 Q. Say you closed Plain Street as far  
15 as vehicles going over that crossing. Will you  
16 still be making some changes, some improvements,  
17 to Plain Street as far as the surface on either  
18 side of the rail, raising the rails, whatever,  
19 so you don't have conduction or resistance  
20 problems?

21 A. Yes. The whole -- the circuits off  
22 of Plain Street is 440 feet long. We are going  
23 to make track repairs, surfacing, which means  
24 raising the track, and also some drainage issues  
25 are going to be taken care of during that time

1 to reduce the water at the track level so these  
2 crossings will operate much better.

3 Q. So improvements you are mentioning  
4 there at Main, would that extend on up into  
5 where the Plain crossing is?

6 A. No. The Main Street surface is  
7 scheduled to be replaced. The Plain Street  
8 crossing surface was not scheduled to be  
9 replaced or removed, which I brought as a  
10 problem to the state, and then --

11 Q. I was wondering if --

12 A. They offered me to close the  
13 crossing is what they said.

14 Q. If Plain Street is left as is do you  
15 foresee a problem with the improvements at Main  
16 and Market, you don't see problems?

17 A. Yes. I actually see two problems.  
18 We cannot properly -- this track has -- this is  
19 actually the worst piece of track in downtown  
20 Minerva. We have a lot of the other pieces.  
21 Line Street was rebuilt a number of years ago.

22 On the north side of Market was part  
23 of Line. And this is probably the last piece of  
24 track in downtown that's not been rebuilt, so we  
25 are taking this opportunity to rebuild it.

1 Q. Rebuild the track again where?

2 A. Between Market Street, clear down  
3 the circuits over Main, through Plain, through  
4 Main, and down to west, just shy of --

5 Q. So basically you can close to  
6 vehicular traffic, there will be improvements  
7 made to that track and that crossing, whatever  
8 would be done to make sure that the Market and  
9 Main improvements were proper?

10 A. Normally in track surface there is  
11 not this many crossings. And we have to raise  
12 this track. You can't just raise Main and  
13 Market. You have to raise everything.

14 Q. It would include --

15 A. Might I add here, if I could, this  
16 includes also improvements to Line Street to get  
17 reliability. This is actually a very expensive  
18 project that the state is kind of saying it was  
19 very expensive to get rid of all these problems.  
20 And they did not want to do Plain Street, but  
21 it's --

22 Q. But it's all part of the same  
23 circuit is what you are saying?

24 A. Yes. This is a lot more than they  
25 normally do.

1           Q.    Thank you.  That was I know a lot of  
2   questioning and answers.  If you go down to No.  
3   4, please.  Let's see, Mr. Varian.  For my own  
4   information, 4a you are mentioning the angle of  
5   the crossing and the angle of the track on the  
6   Plain Street crossing.  And trains are moving  
7   from northwest to southeast.  And that would be  
8   an issue for a driver apparently going west on  
9   Plain Street.

10           A.   Yes.  It serves a number of  
11   problems.  No. 1, many times especially if they  
12   stop an improper distance from Main Street they  
13   stop on our crossing, make the stop at a stop  
14   sign at Main Street, which is another safety  
15   issue.

16           Q.    How about this.  You mentioned here  
17   the problem is worse when the vehicle is a  
18   truck.  It's the last sentence there in 4a.

19           A.    Yes.

20           Q.    So you are saying if you are in a  
21   truck going west on Plain, you are  
22   approaching the crossing.  And if you could  
23   explain the reason to me, even more an issue or  
24   problem than if you are driving a car, I guess?

25           A.    Normally like a delivery van doesn't



1 have the windows out the back for blind spots.  
2 You are looking at approximately 270 degrees  
3 behind you over your right shoulder.

4 Q. And the windows out the back or  
5 along the side?

6 A. Yes. So they depend on their  
7 mirrors. And that is exactly the area where the  
8 mirrors don't pick up.

9 Q. And 4b, let's see. Due to the  
10 proximity of the Plain Street to Main Street.  
11 You are mentioning distance from the clearance  
12 point of the grade crossing is only 50 feet.  
13 I assume the clearance point is where the  
14 vehicle will be driving over?

15 A. Yes.

16 Q. Okay. And it says there have been  
17 instances where vehicles were stopped or forced  
18 to stop on a grade crossing with a train  
19 approaching while trying to enter or cross Main  
20 Street.

21 Do you know how often that has  
22 occurred? Again you are indicating vehicles  
23 apparently would stop sometimes on the tracks of  
24 Plain Street, am I correct, when they are  
25 approaching Main?

1           A.    Yes.

2           Q.    And again the reason for that is --  
3   help me out on that, please.

4           A.    They stop for the stop sign on Main  
5   Street.  There is a stop sign.  To get from  
6   Plain on to Main you have to stop for a stop  
7   sign.

8           Q.    Actually where you cross the track  
9   from Plain Street, that is very close to a stop  
10  sign for Main Street?

11          A.    Yes.

12          Q.    And do you have an estimate of how  
13  many feet that would be?

14          A.    It mentions 50 foot from the  
15  clearance point, but I would say it would be  
16  more like about 25 to 30 feet from the actual  
17  clearance where a train could not contact a car.

18          Q.    Say that one more time, please.

19          A.    From the clearance of where the  
20  train would go through, we call the fouling  
21  point.  A fouling point is where a train would  
22  hit something if it was coming down the track.

23          Q.    How do you spell that?

24          A.    Like fouling, like a foul, like  
25  basketball.

1 Q. F-O-U-L-I-N-G?

2 A. Correct.

3 Q. So, from the point on that crossing  
4 on Plain where a train could hit that car to the  
5 stop sign on Main, at Main, you are saying that  
6 is only maybe perhaps 25 feet or so?

7 A. Yes. I would say it's closer to 25  
8 feet. That is based on the distance between  
9 the crossings too that I know from the track.

10 Q. And how many instances have there  
11 been or over a period of time? Do you have any  
12 idea how many that has ever occurred where the  
13 vehicle has actually been on the tracks?

14 A. Obviously, your Honor, we have  
15 testified there is not that much traffic on  
16 there already. But we have noticed, I have  
17 actually operated trains myself through there  
18 and have seen this happen from a distance. We  
19 just --

20 Q. Where vehicles were actually stopped  
21 on the tracks?

22 A. Actually stopped.

23 Q. Because of the stop sign on Plain  
24 and Main?

25 A. Yes. And obviously I can't say that

1 it happens a lot because we just testified that  
2 there is not that much traffic. But it happens  
3 every time that they stop. So whatever cars are  
4 there have to do it every time.

5 Q. And you are saying your observations  
6 are not the instances of where you have operated  
7 a train yourself. You have had reports about  
8 that kind of thing?

9 A. Yes.

10 Q. And it happens periodically. There  
11 is not a lot of traffic. Ever had any  
12 collisions or anything?

13 A. The only collision that we had in  
14 that area was the pick-up truck.

15 Q. That was a truck that was parked in  
16 the lot at the Normandy Inn?

17 A. Yes.

18 Q. Okay. Let's see.

19 A. I would like to add too, if I could,  
20 at this time, there has been times where our  
21 trains have stopped because of cars in this  
22 area. Not so much just Plain Street, but in  
23 that parking area at Normandy before we put  
24 those things up. Our trains are smaller trains.  
25 Of course, we are always traveling at 10. Train

1 size is due to increase too. So we are not  
2 going to be able to do that.

3 Q. Do you anticipate speed of  
4 the trains increasing?

5 A. No, but tonnage of the train is  
6 going to quadruple.

7 Q. Because of more cars on --

8 A. Yes. We can't run, don't slow down  
9 as quick or as readily. And as we slow down  
10 there for people here we are obviously blocking  
11 other crossings with a mile-long train.

12 So it's exasperated by the fact that  
13 we want to keep these trains moving at this 10  
14 mile an hour to not cut it down very long.

15 Q. And you were indicating that you  
16 signed some sort of an agreement that you  
17 anticipated an increase in train -- number of  
18 cars on a train or train -- number of trains,  
19 number of cars on the train, or both?

20 A. Yes. Both.

21 Q. And that agreement, I know you  
22 mentioned before, help me out again, what was  
23 that involving? Whom was it with? A business  
24 or something?

25 A. Yes. A business down the line, down

1 our line.

2 Q. I see. And again some basic  
3 questions so I can understand. Traffic on this  
4 track, mentioning maybe expect that to increase.  
5 That will be running both directions on the  
6 track?

7 A. That's correct.

8 Q. I see. That is whatever, south to  
9 north. Okay.

10 A. Your Honor, actually I forgot we  
11 have light movements through there for that  
12 train. That will actually -- those numbers will  
13 actually be closer to 20. I apologize for this,  
14 but I just -- we are just in the process of  
15 doing the operating procedure for this. They  
16 are going to have to run locomotive movements,  
17 it won't be a complete train, but movements  
18 where that crossing will be closer to 20.

19 Q. Light movements would just be the  
20 locomotive itself?

21 A. Yes.

22 Q. That will probably still be just 10  
23 miles an hour?

24 A. Yes. Everything will be 10 at this  
25 time.

1           Q.    Okay.  Now I will ask a question and  
2           probably tie to some testimony you have already  
3           given.  If you go to the third page.  It's that  
4           portion of No. 1 that is on the top of the third  
5           page.

6                     The last sentence there you are  
7           mentioning the access to the restaurant fire and  
8           ambulance is not affected by closing the  
9           crossing.

10                    I believe you touched on this  
11           already, but just to make sure it's on the  
12           record.

13                    Lee's see.  I think you have  
14           addressed the matter of police, fire and the  
15           Normandy Inn.  And there are two residences on  
16           Plain Street.  Is there anyone, any other entity  
17           that would be affected by closing that crossing?

18           A.    I had a conversation with the fire  
19           chief last night and he indicated that he has  
20           seen no safety issues, just procedural issues.  
21           And his -- after I cleared it up, he thought we  
22           were going to cut Plain Street off right at  
23           Main.  So that would limit access.  If you  
24           noticed on the -- can I stand up for a second?

25           Q.    Sure.

1           A.    Okay.  Everybody -- the police and  
2   everybody thought we were going to cut Main  
3   Street off, I am going to show you guys, here.  
4   We are leaving this portion of Plain Street in  
5   so they can get into this parking lot.  He was  
6   worried with a fire he may need to come in here  
7   and come in here (indicating).

8           Q.    And that will still be possible?

9           A.    Yes.  And my question to him was is  
10  this going to affect your times to get to this  
11  during a fire, and he said, no, it won't.

12          Q.    And he was thinking of the time to  
13  get to the Normandy Inn, I suppose?

14          A.    Yes.  He thought we were going to  
15  block the crossing.  I explained to him we were  
16  not going to do that.

17                ATTORNEY EXAMINER:  For the for  
18  record then, Mr. Varian was pointing to Exhibit  
19  2, I believe, the large Exhibit 2.

20                THE WITNESS:  It's the blowup of  
21  Exhibit 1.

22                ATTORNEY EXAMINER:  Blowup of  
23  Exhibit 1.  And according to him the fire  
24  chief --

25                THE WITNESS:  Aaron Stoller.



1                   ATTORNEY EXAMINER: Was concerned  
2                   that the closure of Plain Street crossing would  
3                   actually involve blocking Plain Street right at  
4                   Main Street.

5                   THE WITNESS: That's correct.

6                   Q. And, Mr. Varian is saying, no, what  
7                   we did do is, correct me if I am wrong, you  
8                   would place barriers on either side of the  
9                   tracks or Plain.

10                  A. Yes.

11                  Q. But you could still access a small  
12                  portion of Plain from Main Street.

13                  A. If you, your Honor, if you will look  
14                  at Exhibit 1 you would see extension of the  
15                  concrete barriers, the gray. You can see that  
16                  would allow more than adequate access, one lane,  
17                  single lane, but still they could get in.

18                  Q. In other words, there is a small  
19                  portion of Plain Street west of the tracks, west  
20                  of the tracks, small portion of Plain Street  
21                  between Main and the tracks would remain open?

22                  A. That's correct.

23                  Q. Okay. All right. Let's see. And  
24                  of you go down to No. 3 there, there is a  
25                  discussion about the cement barriers on both

1 sides of the track. Again, you indicated  
2 earlier the barriers were 38 inches high,  
3 approximately?

4 A. Yes. 36 to 38 inches high.

5 Q. And you are indicating that if you  
6 get the approval to close the Plain Street  
7 crossing that you would put barriers on either  
8 side of the railroad tracks on Plain Street and  
9 it would either be a guardrail or maybe one of  
10 these higher barriers, 36 inches-type?

11 A. That's correct.

12 Q. What were you calling those?

13 A. They are called Jersey barriers.  
14 That is the slang name for them.

15 Q. Jersey barriers. Okay. Let's see  
16 now. And also in No. 3 on Page 3 you are  
17 mentioning that before the Jersey barriers were  
18 in place restaurant patrons routinely trespassed  
19 on the railroad by crossing the tracks to get to  
20 the restaurant, the Normandy Inn.

21 And then the delivery trucks in  
22 there too. And there was an unimproved  
23 crossing.

24 So my impression then is that  
25 actually that portion of the tracks where you

1 now have the Jersey barriers is actually --

2 A. They could drive from one lot to  
3 the other for the whole length of the property.

4 Q. I see. Okay.

5 A. You can see it's not quite the full  
6 length, but at least two-thirds of that area.

7 Q. All right. And was that trespassing  
8 quite common or --

9 A. Yes. That was almost a weekly  
10 issue.

11 Q. Was anyone injured or --

12 A. No one was injured. The truck was  
13 unoccupied.

14 Q. That's the pick-up truck involved?

15 A. He was actually eating in the  
16 Normandy Inn.

17 Q. Okay. Let's see. And if you go  
18 further down in No. 3 on page 3, next to the  
19 last paragraph, you were talking about the  
20 constant crossing of the tracks by the Normandy  
21 Inn delivery trucks tended to fill in the  
22 flangeways of the rail and that increased the  
23 possibility of a derailment and so forth.

24 And once you indicated earlier,  
25 there was testimony then that is part of that

1 Market and Main Street improvement, you will be  
2 making improvements along -- for the rail that  
3 whole distance between Market and Main and,  
4 therefore, some of those possible derailments  
5 you were mentioning at Plain Street, that should  
6 be eliminated?

7 A. Yes.

8 Q. Okay. And just stay there for just  
9 a second. Mr. Varian, I do have a few other  
10 questions for you. And if it turns out that  
11 these are questions that you need to defer to  
12 Mr. Youngman, so be it. Let me know.

13 Is it your belief that if there was  
14 closure at Plain Street vehicles would end up  
15 using I guess Market or Main; am I right about  
16 that? Those would be the nearest crossings?

17 A. Yes.

18 Q. Okay. And Market and Main, do you  
19 have any knowledge of how many vehicles go over  
20 either of those two crossings?

21 A. No, I do not.

22 Q. And the roadway surface at the two  
23 crossings, I believe you were indicating Market  
24 is actually a good surface to be begin with; am  
25 I right?

1           A.    That's correct.

2           Q.    And again at Main, that's a crossing  
3 where you will be making improvements to  
4 the surface?

5           A.    Yes.

6           Q.    And again those improvements you  
7 would be putting in either concrete or raising  
8 the rail or wood, or is it all the above?

9           A.    There will be no concrete. It will  
10 be a full timber crossing. And, yes, we will  
11 raise the rail to get out of the water.

12          Q.    It's all part of that Market  
13 Street-Main Street improvement?

14          A.    Yes.

15          Q.    Okay. I see. And I believe I have  
16 asked this already. Just to make sure. Market  
17 Street already has flashing lights and that will  
18 be changed to lights and gates.

19                And then Main Street is currently  
20 cross-bucks and that gets just flashing lights?

21          A.    No. Main Street stays passive, what  
22 we call --

23          Q.    Cross-bucks?

24          A.    Just cross-bucks, yes.

25          Q.    And let's see. You mentioned the

1 concern about particularly if someone is going  
2 west on Plain Street and a train is coming south  
3 towards you they would have to look over their  
4 right shoulder to be able to see the train.

5 Are there any concerns or any  
6 thoughts about sight distances at say Market or  
7 Main Street? Has there ever been any issues  
8 come up about that as far as say if you are  
9 going north or south on Market or Main, there  
10 been any issues there with the ability to see  
11 oncoming trains?

12 A. Main Street, going north on Main  
13 Street, there is a building in each of the  
14 guardants. That would be the I guess east, that  
15 would be southwest and southeast quadrants, if  
16 you will. And those buildings do present a  
17 little bit of obstruction.

18 But I do want to bring up that those  
19 have stop signs for that crossing so they have  
20 to stop and look both ways. That has pretty  
21 much alleviated the problem there.

22 Q. Stop sign as well as cross-bucks?

23 A. Yes. And the angle is not as great.  
24 It's still an angle looking over the left  
25 shoulder, but you are looking right out the

1 driver's window, which you have unimpaired  
2 vision. And the other one helps out. It's out  
3 of the corner of the windshield. That angle  
4 actually helps.

5 Q. To the right. And, Mr. Varian, just  
6 for the record, was referring to the crossing at  
7 Main Street which he indicated has stop signs  
8 now as well as cross-bucks; am I right about  
9 that?

10 A. There are stop signs there. We put  
11 stop signs there. I am sorry. I have to  
12 retract that. I have to check on that.

13 Q. All right. So we know at Main  
14 Street there are cross-bucks, and it's either a  
15 yield or a stop sign?

16 A. Yes.

17 Q. But Mr. Varian is indicating that as  
18 you are traveling north on Main Street there  
19 will be a train coming from I guess southwest  
20 direction, but he is suggesting that train could  
21 be very easily seen by the driver because it  
22 will be coming along the driver's side of the  
23 vehicle.

24 A. Yes. Slightly over his left  
25 shoulder.

1           Q.    And then the train coming from  
2   the northeast direction toward Main Street, your  
3   thought is really there are no obstructing  
4   buildings or anything of that nature?

5           A.    I believe the buildings are far  
6   enough back that pulling up to the yield sign  
7   you can see.

8           Q.    Have there been any what I will call  
9   close calls at Main Street, potential being --

10          A.    There has been a few, I wouldn't  
11   call them close calls, there have been a few  
12   uncomfortable for me distances where they went  
13   across in front of the train.

14          Q.    All right.

15          A.    Reported to me.

16          Q.    All right. Reported to you. Okay.  
17   Let's see now. All right.

18                Mr. Varian, we discussed, you know,  
19   your concern or the concerns of the fire  
20   department. What about any feedback from the  
21   police department as far as accessing homes or  
22   businesses in this area?

23          A.    I had a conversation both phone and  
24   I believe sat down with Bob First, the police  
25   chief, who is about to retire very quickly, like



1 within the next month, and he seemed to think no  
2 safety issues. And it was my indication he  
3 agreed with the closing as a safety --

4 Q. You are saying he did not indicate  
5 any major issues that came up as far as police  
6 response at closing that crossing?

7 A. He did not indicate anything to me,  
8 yes.

9 Q. Okay. An additional question, then  
10 again if it's better for Mr. Youngman to better  
11 answer this just let me know, but as far as the  
12 time involved for fire or police department to  
13 get to this part of Plain Street, I am looking  
14 at the map in Exhibit 2, it looks as though  
15 there is quite a distance certainly for fire and  
16 somewhat of a distance for the police.

17 Do you have any idea how many  
18 minutes it would typically take for them to  
19 respond to say a house on Plain Street? Did  
20 that happen to come up?

21 A. That did not come up in  
22 conversation. The only question, if I may, the  
23 only question I asked was is there any  
24 additional time, extended time, to get by  
25 closing this crossing and the answer was no.

1           Q.    But as far as miles or minutes or  
2 whatever you don't really have an estimate?

3           A.    I would say it's probably  
4 three-quarters of a mile to a half a mile. I  
5 can't --

6           Q.    For police?

7           A.    For fire department. And I am going  
8 to say, you know, two to three minutes. They  
9 would have to go through red lights to get  
10 there. And that always slows them down a little  
11 bit.

12          Q.    It looks as though the fire  
13 department, the fire department is located,  
14 might they travel on US 30 to perhaps Market  
15 Street to access the area we are concerned  
16 about?

17          A.    Yes.

18          Q.    And then the police apparently  
19 would -- US 30 appears to be a major  
20 thoroughfare, and the police department would, I  
21 would assume, actually get Short Street  
22 initially and then just go west on Market?

23          A.    If I might add, the police  
24 department, Minerva is big enough that they have  
25 24-7 on patrol so they are already -- they would

1 not necessarily be dispatched from the police  
2 department.

3 Q. That is there is always somebody --

4 A. My experience I think they said  
5 there is always somebody on patrol 24-7.

6 ATTORNEY EXAMINER: All right. Mr.  
7 Varian, thank you. I don't have any other  
8 questions for you at this time.

9 Mr. Blake, given some of my  
10 questions of Mr. Varian did you have any  
11 follow-up questions yourself?

12 MR. BLANK: I really don't. But  
13 just only because it would be more definitive  
14 than anything else.

15 REDIRECT EXAMINATION

16 By Mr. Blake:

17 Q. But do you have anything else that I  
18 didn't ask?

19 A. I believe I went over most of them.  
20 I do want to say that we did reach out to both  
21 the fire and the police department. And  
22 actually the police department prior to even  
23 filing this. I had a little trouble getting a  
24 hold of the fire department, it is a volunteer  
25 fire department.

1                   But the chief works out of town, he  
2                   is not there but in the evenings and had a  
3                   little bit of issues, but we finally got  
4                   together.

5                   Q.    I mean, from the Ohi-Rail's  
6                   standpoint, I am not trying to put words in your  
7                   mouth, but all along has your, from Ohi-Rail's  
8                   standpoint, has it been that of safety and  
9                   reaching out to these community people?

10                  A.    Yes.

11                  Q.    As it relates to this crossing of  
12                  the Plain Street crossing?

13                  A.    Yes. Yes, as far as you mean --

14                  Q.    Were you trying to bring everybody  
15                  together to make them understand what was going  
16                  on here?

17                  A.    Yes.

18                  Q.    And likewise the only reason we  
19                  brought the issue of the Normandy Inn when that  
20                  all happened was again to help out the Normandy  
21                  Inn. You put up those barriers, not actually  
22                  shut down their parking lot.

23                  A.    Yes. As you can see on the drawing  
24                  we could have -- we actually own their entrance  
25                  doors to the build. That was an old railroad,

1 that's why it's angled on the property line.

2 And we could have easily probably  
3 just about put them out of business. And when I  
4 got a hold of the Normandy Inn about the cars on  
5 the tracks and the owner said he was going to  
6 sell in less than seven days. Then I asked him  
7 who the new owner was.

8 And I did talk to him before he  
9 bought the property and we worked things out  
10 with Mr. Delatore before the purchase was made.

11 And I do want -- we only charge them  
12 a dollar a year, so it's not like a money maker  
13 for us. It costs us more money to get the legal  
14 fees. We don't want to affect any of the  
15 businesses.

16 It does seem like everybody in town  
17 was worried about the Normandy Inn, but I can't  
18 see how anything we do here on Plain Street is  
19 going to affect their business. In fact, I  
20 think it's going to make more parking to be  
21 honest with you.

22 ATTORNEY EXAMINER: You are  
23 indicating those barriers, and judging from the  
24 photographs, your Exhibits 1 or 2, the barriers  
25 go up fairly close to where the crossing is now.

1 THE WITNESS: Yes.

2 ATTORNEY EXAMINER: That is probably  
3 within a few yards perhaps.

4 THE WITNESS: Yes. These are the  
5 same barriers when you see them divide a road  
6 for maintenance work. They are like a T.

7 ATTORNEY EXAMINER: In other words,  
8 they are narrower at the top and wider towards  
9 the bottom?

10 THE WITNESS: Yes. We didn't have  
11 nothing painted on them, nobody graffitied them,  
12 but they are not very sightly. I think that  
13 is -- we did it for safety. I would rather be  
14 safe and not like what they look like than put  
15 in harms way.

16 ATTORNEY EXAMINER: Thank you. You  
17 can take your seat. Thank you for all your  
18 explanations.

19 Mr. Blake, do you have anymore  
20 questions for Mr. Youngman?

21 MR. BLAKE: I do not. I would just  
22 ask for these to be submitted.

23 ATTORNEY EXAMINER: Yes. Thank  
24 you. Okay. I will note for the record there is  
25 nobody here, and no one from the village of

1 Minerva is here, just folks from the railroad.

2 And, therefore, we will admit into  
3 evidence Exhibit, Ohi-Rail Exhibits 1, 2 and 3.  
4 1 and 2 being the smaller and larger  
5 photographs, aerial photographs of the area in  
6 question.

7 And No. 3 is the testimony filed by  
8 Mr. Varian, and it's actually the testimony  
9 prepared by Mr. Varian and Mr. Youngman.

10 (EXHIBITS ADMITTED INTO  
11 EVIDENCE)

12 ATTORNEY EXAMINER: Let's go off the  
13 record for a minute to make sure I don't have  
14 any other questions remaining. Thank you.

15 (RECESS TAKEN)

16 FURTHER EXAMINATION OF MR. VARIAN

17 By the Attorney Examiner:

18 Q. Mr. Varian, I will ask hopefully a  
19 final question. You were indicating that there  
20 is a stop sign that sometimes causes vehicles to  
21 stop on the Plain Street tracks if they are  
22 going west on Plain toward Main Street.

23 And again about how close would you  
24 estimate that stop sign is to the tracks?

25 A. This car is probably 12 feet.

1 Probably 25 to 30 feet from the clearance  
2 point. Probably 40 feet.

3 Q. So the stop sign isn't right at the  
4 corner of Main and Plain then?

5 A. It sits back a little bit. That's  
6 what makes the curve, not a direct angle.

7 Q. I see. So, the stop sign isn't  
8 right at Plain and Main Street. And you are  
9 saying that because of that sometimes vehicles  
10 are actually stopping on the tracks on Plain  
11 Street as they approach this sign?

12 A. Yes. They are near the tracks.

13 Q. Are they ever actually sticking out  
14 over the tracks?

15 A. I have seen cars pull in the  
16 Normandy from that way that couldn't make the  
17 turn and kind of -- couldn't make the turn and  
18 kind of went back. They used to turn, before we  
19 put the barriers up, they used to turn and go  
20 across the track there. And they actually  
21 damaged the track, had to actually fix the track  
22 in that area.

23 Q. You are saying now because with the  
24 barriers they have to turn closer to where  
25 the track actually meets Plain Street?



1           A.    That's correct.

2           Q.    And in addition though sometimes  
3 vehicles, help me out on this, may actually stop  
4 on the track at that stop sign to Main Street?

5           A.    Near the track. We witnessed them  
6 being near the tracks.

7           Q.    How many feet perhaps?

8           A.    Maybe 10 to 15 feet.

9           Q.    I see. There haven't been any  
10 collisions or anything of that kind?

11          A.    I did witness one time, believe it  
12 or not, two vehicles at the same time on Plain  
13 Street and one stopped on the tracks. There was  
14 no train there at the time. I happened to be  
15 there doing measuring track or something. But I  
16 noticed that happened.

17          Q.    And again as far as the improvements  
18 on Plain Street and Main Street, and I asked  
19 earlier, you know, why weren't some of those  
20 improvements approved earlier. You were saying  
21 the improvements on Market Street hadn't come  
22 up.

23          A.    That's correct.

24                ATTORNEY EXAMINER: I see. All  
25 right. I don't believe I have any other

1 questions. I want to thank you for coming and  
2 attending and being well prepared.

3 Mr. Blake, thank you so much for  
4 your attendance and bringing witnesses and for  
5 asking these questions. Also the fact that you  
6 had testimony filed in advance. And also for  
7 Mr. Varian and Mr. Youngman working on the  
8 testimony. It was helpful to read through that  
9 and have questions perhaps before you got here.

10 So, with that we will close the  
11 hearing. And thank you all for attending.

12 (At 2:30 P.M. the hearing was  
13 concluded)

14 - - -

CERTIFICATE

I do hereby certify that the foregoing  
is a true and correct transcript of the  
proceedings taken by me in this matter on April  
5, 2016, and carefully compared with my original  
stenographic notes.

\_\_\_\_\_  
Michael O. Spencer,  
Registered Professional  
Reporter.

- - -

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/15/2016 11:06:13 AM**

**in**

**Case No(s). 15-1714-RR-UNC**

Summary: Transcript In the matter of the Petition of Ohi-Rail Corp. to Close to Vehicular Traffic the W. Plain Street Grade Crossing Located in the Villiage of Minerva, Ohio, Carroll County, hearing held on April 5, 2016 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.