

PUBLIC UTILITIES COMMISSION OF OHIO
HEARING RE: CASE NO. 16-1216-RR-RCP, ET AL

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED that the hearing of the
above-entitled cause taken by me, Debra M. Moore, at
the Jackson Township Hall, 10613 Mahoning Avenue,
North Jackson, Ohio, on the 14th Day of July, 2016,
before JAMES M. LYNN, HEARING OFFICER, the following
proceedings were had:

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PRESENT

- Mr. Michael M. Stipetich, Mahoning County Engineer
- Mr. Thomas M. Frost, Jackson Township Trustee
- Ms. Patty Lloyd, Jackson-Milton School District

1 THE HEARING OFFICER: Let's go on
2 the record at this time. The Public Utilities
3 Commission of Ohio has assigned for a hearing at this
4 time and place three cases. Case 16-1216-RR-RCP, a
5 request for an exemption by the Mahoning County
6 Engineer from stopping for school buses and hazardous
7 materials vehicles at the Palmyra Road-County Road 136
8 crossing located right here in Mahoning County, Ohio.

9 We also have another request by the Mahoning
10 County Engineer. This is Case 16-1217-RR-RCP, a
11 request for an exemption by the Mahoning County
12 Engineer from stopping for school buses and hazardous
13 materials vehicles at South Duck Creek Road, also
14 known as County Road 33, and that crossing is here in
15 Mahoning County.

16 And finally, we have a request by the Jackson
17 Township Trustees for an exemption by the -- exemption
18 request by the trustees from stopping for school buses
19 and hazardous materials vehicles at Blott Road-
20 Township Road 160 crossing, and that's finally, of
21 course, here in Mahoning County.

22 I'm Jim Lynn. I'm the attorney examiner assigned
23 to hear this case. And the purpose of today's hearing
24 is to receive public comments regarding the exemption
25 requests made by the Mahoning County Engineer and the

1 Jackson Township Trustees.

2 Your testimony will be considered part of the
3 official record for the case and will be reviewed by
4 the commissioners at the PUCO before we make a final
5 decision. And I'll start by calling each of you as
6 witnesses, and the court reporter will record your
7 statements. And please indicate your name and address
8 and tell the reporter why you believe the request for
9 the exemption should or should not be granted.

10 I don't see anyone here from commission staff or
11 from the railroad, for that matter, so we'll begin
12 with Mr. Mike Stipetich.

13 MR. STIPETICH: Stipetich, that's
14 correct.

15 THE HEARING OFFICER: Stipetich.
16 Thank you very much, Mr. Stipetich. If you would
17 raise your right hand.

18 WHEREUPON,
19 MICHAEL M. STIPETICH,
20 being duly sworn or affirmed,
21 testified as follows:

22 THE HEARING OFFICER: Thank you. If
23 you could go into some detail about why the county
24 engineer made this request for an exemption at the two
25 crossings that I mentioned, which are Palmyra Road and

1 South Duck Creek Road?

2 MR. STIPETICH: Okay. Some time ago
3 ODOT and a representative from the PUCO met on
4 Rosemont discussing a site review, and at such time
5 ODOT requested to get some information regarding
6 school buses crossing. So I contacted Darlene Pellin,
7 school superintendent for Jackson-Milton School
8 District. She gave me the information and inquired
9 why I needed it. And I explained to her it was a site
10 review meeting. And she brought it to our attention
11 that on Palmyra and Duck Creek there are crossings,
12 and these crossings are paved over so the tracks are
13 not visible. And she was wondering if we could file
14 letters with the PUCO to get these crossings exempt,
15 because school buses and HazMat vehicles still must
16 stop there.

17 So we went out and did a field review of the site
18 and found that they are paved over. Duck Creek has a
19 speed limit of 55. Palmyra has a speed limit of 40
20 miles an hour. I sat and talked to the county
21 engineer, and the office feel was that it's an unsafe
22 condition for vehicles to be stopping in the middle of
23 the road. Even though most of the drivers using it
24 know that the tracks aren't there, a HazMat vehicle or
25 school bus stopping, someone not paying attention may

1 cause a rear-end collision.

2 So we filed the letters on -- really on behalf of
3 the school, but we concur with the -- that these
4 tracks are inactive and should be exempt.

5 THE HEARING OFFICER: For the
6 commission's information, have there been any
7 accidents or collisions to this point?

8 MR. STIPETICH: No. We don't know
9 of that.

10 THE HEARING OFFICER: Don't know of
11 any?

12 MR. STIPETICH: I did not do any
13 research on any of the accidents.

14 THE HEARING OFFICER: All right.
15 Thank you. Any other thoughts on the request then?

16 MR. STIPETICH: No. It's just that
17 representatives from Norfolk Southern did state that
18 these tracks are inactive. There is no train on it,
19 on these tracks from Rosemont in Jackson Township to
20 Ohio Avenue or Alliance-Sebring Road in Smith
21 Township. And I did take a field review of a lot of
22 these. A lot of these crossings are paved over, so,
23 you know, a lot of the ones south of here are inactive
24 also.

25 THE HEARING OFFICER: So you

1 mentioned a starting point and an ending point, two
2 roads there.

3 MR. STIPETICH: Yes.

4 THE HEARING OFFICER: And these two
5 crossings are between those two points?

6 MR. STIPETICH: That is correct,
7 yes.

8 THE HEARING OFFICER: Thank you.

9 MR. STIPETICH: You're welcome.

10 THE HEARING OFFICER: I don't have
11 any more questions for you at this time. We can move
12 on to our gentleman from Jackson Township. Now, if
13 you'd raise your right hand, please.

14 WHEREUPON,

15 THOMAS M. FROST,

16 being duly sworn or affirmed,

17 testified as follows:

18 THE HEARING OFFICER: Thank you.

19 And could you explain -- oh, state your name, please,
20 and also your reasons for making the request.

21 MR. FROST: I'm Tom Frost. I live
22 on Rosemont Road in North Jackson, and I'm a Jackson
23 Township Trustee. And we made the request also on
24 behalf of the school. We do feel, too, as Mike, I
25 think, summed it up very well, that it's a hazard for

1 anybody stopping in the middle of the road.

2 I too have looked at the tracks. I wasn't
3 required, I guess, but I do my travels. I looked, and
4 I saw many of these roads paved over. And then just
5 to add to that, the tracks happen to run through our
6 family farm, and I can witness a stretch of about
7 eight to ten feet of track that's been cut out. So I
8 don't think any trains will be traveling that rail for
9 quite some time.

10 THE HEARING OFFICER: So you're
11 indicating the Blott Road and Township Road 160
12 crossing is also paved over then?

13 MR. FROST: Yes, it is.

14 THE HEARING OFFICER: And have you
15 -- and do you have any knowledge of issues coming up
16 with school buses and near collisions with drivers and
17 so forth?

18 MR. FROST: I have not heard of any
19 of those.

20 THE HEARING OFFICER: Okay. But it
21 is a potential risk, is what you're indicating?

22 MR. FROST: It's a potential. It's
23 a very straight road. Our speed limit there is 35.

24 THE HEARING OFFICER: I'm glad you
25 mentioned that. I needed to know.

1 MR. FROST: Yeah, it's a very
2 straight road, so it has the potential for speeders.
3 And I'm sure we've caught speeders there before. But
4 it's -- I think it has the potential for some serious
5 accidents there.

6 THE HEARING OFFICER: Fine. Okay,
7 thank you.

8 MR. FROST: You're welcome.

9 THE HEARING OFFICER: No more
10 questions. And then we have someone here representing
11 the school district. And if you could state your
12 name?

13 MS. LLOYD: Patty Lloyd.

14 THE HEARING OFFICER: Last name,
15 ma'am?

16 MS. LLOYD: Lloyd, L-L-O-Y-D.

17 THE HEARING OFFICER: Lloyd, okay.

18 And Miss Lloyd, you're with the school district.

19 You're with the transportation part of the school
20 district?

21 MS. LLOYD: Yes, sir.

22 THE HEARING OFFICER: Thank you.

23 And what comments might you have as far as the request
24 that was made here?

25 MS. LLOYD: I think it would be

1 really wonderful if they could get -- if they could be
2 exempt. Because being in a school bus and having cars
3 come up behind you and they're not paying attention,
4 almost getting rear-ended. Over on South Duck Creek,
5 it's -- the railroad track, it's up on a small hill.
6 And you have a 40-foot school bus and people wanting
7 to get to school or to work. They see you stop and
8 they go out around, somebody coming, it's not good.

9 THE HEARING OFFICER: The drivers
10 want -- the vehicle drivers want to get going?

11 MS. LLOYD: Yes, the cars do.

12 THE HEARING OFFICER: And so they'll
13 go around the school bus that is stopping at the
14 tracks, is what you're indicating?

15 MS. LLOYD: Yes, it's a grand
16 inconvenience for them.

17 THE HEARING OFFICER: Okay. And our
18 other two gentlemen who have spoken so far have
19 indicated they weren't aware of any accidents to this
20 point or collisions to this point, but nonetheless,
21 it's a potential problem, what you're indicating?

22 MS. LLOYD: It is, because I go from
23 our high school in North Jackson to Western Reserve
24 High School, and I travel South Duck Creek. And I've
25 had many cars come up, and I'm stopped, and they fly

1 around me.

2 THE HEARING OFFICER: So you're
3 indicating even you've stopped at the crossing
4 yourself?

5 MS. LLOYD: Yes.

6 THE HEARING OFFICER: I see. But
7 cars go past you no matter what. Okay.

8 MS. LLOYD: Right.

9 THE HEARING OFFICER: And finally,
10 we have a gentleman here -- you're from -- did you
11 have any testimony at all? You're from the volunteer
12 fire department, I believe? Off the record for a
13 minute.

14 (Discussion off the record)

15 THE HEARING OFFICER: Although we've
16 sworn in a couple witnesses, I neglected to ask for
17 their addresses. Mr. Stipetich?

18 MR. STIPETICH: It's 940 Bears Den
19 Road, Youngstown, Ohio, 44511.

20 THE HEARING OFFICER: Okay. And
21 then Mr. Frost?

22 MR. FROST: Would you like my home
23 address or my business address here?

24 THE HEARING OFFICER: Business
25 address.

1 MR. FROST: It's on the card that I
2 gave you if you want to take it from that.

3 (Whereupon the reporter got the address from the
4 business card: 10613 Mahoning Avenue, North Jackson,
5 Ohio).

6 THE HEARING OFFICER: Thank you.
7 And then the offices for the school district, your
8 address, ma'am?

9 MS. LLOYD: 13910 Mahoning Avenue,
10 North Jackson.

11 THE HEARING OFFICER: It's North
12 Jackson? Okay, fine.

13 MS. LLOYD: 44451. It's still Lake
14 Milton, sorry.

15 THE HEARING OFFICER: Thank you. I
16 don't have any further questions for you at this time.
17 We'll go off the record just for a minute.

18 (Discussion off the record)

19 THE HEARING OFFICER: We're back on
20 the record. We've waited about ten minutes or so
21 since the three witnesses have spoken. No one else
22 has appeared. And I'll note for the record that we
23 had someone speak regarding each of the three
24 crossings that was at issue here for the exemption
25 request.

1 Therefore, although there were some township
2 officials contacted for townships within the
3 Jackson-Milton Schools, the remaining folks who did
4 not appear were for -- were from townships that did
5 not have crossings for which an exemption request was
6 made. So really we've had testimony on behalf of all
7 three crossings that were -- for which the exemption
8 request took place.

9 With that in mind, I'll thank everyone for
10 appearing, and we'll close the hearing for today.
11 Have a good afternoon.

12 (Proceedings concluded at 12:49 p.m.)

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REPORTER'S CERTIFICATE

I HEREBY CERTIFY that the above and
foregoing
is a true and correct transcript of all the testimony
introduced and proceedings had in the taking of the
testimony in the above-entitled matter, as shown by my
stenotype notes taken by me at the time said testimony
was taken.

Debra M. Moore
Registered Merit Reporter

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/26/2016 2:00:42 PM

in

Case No(s). 16-1216-RR-RCP

Summary: Transcript HEARING RE: CASE NO. 16-1216-RR-RCP, held at 10613 Mahoning Avenue, North Jackson, Ohio, on the 14th Day of July, 2016.
electronically filed by Ms. Katrina Dearborn on behalf of Dearborn Reporting Services