

FILE

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1 THE PUBLIC UTILITIES COMMISSION OF OHIO
2
3 IN THE MATTER OF THE REQUEST FOR AN
4 EXEMPTION BY PROVIDENCE TOWNSHIP Case No.:
5 FROM STOPPING FOR SCHOOL BUSES AND 16-1608-RR-RCP
6 HAZARDOUS MATERIALS VEHICLES AT FIVE
7 TOLEDO LAKE ERIE & WESTERN RAILROAD
8 CROSSINGS IN LUCAS COUNTY, OHIO.
9
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11 * * * * *
12 DATE OF HEARING: Thursday, September 1, 2016
13 TIME: 1:30 p.m.
14 PLACE OF HEARING: Providence Township Hall
15 13257 Perry Road
16 Grand Rapids, Ohio 43552
17 REPORTER: KRISTIE L. BIRCH
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Technician A Date Processed 11/11/16

1 APPEARANCES:
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FOR INFORMATION
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ATTORNEY EXAMINER: Kerry Sheets

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1 Thursday Afternoon Session
2 September 1, 2016
3 2:17 p.m.

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5 ATTORNEY EXAMINATION SHEETS: Public
6 Utilities Commission set for hearing at
7 this time and place. Case No.
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8 16-1608-RR-RCP in the matter of the request
9 for an exemption for the crossing located
10 on State Route 295, that's ODOT Number
11 475261M, the Berkey-Southern Road.

12 My name is Kerry Sheets, I'm an
13 Attorney Examiner for the Commission and
14 I've been assigned to conduct this hearing.

15 We'll just start off here and go
16 around the circle and give your name,
17 occupation and address. Go ahead.

18 MR. KOCH: Okay. Adam Koch,
19 superintendent Otsego Schools. Our address
20 is 18505 Tontogany Creek Road, Tontogany,
21 Ohio, 43565.

22 ATTORNEY EXAMINATION SHEETS: Go ahead
23 and present your testimony.

24 MR. KOCH: Oh, you know, we
25 were, you know, we were here last month to

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1 discuss all the railroad stops that we had
2 at the unused railroad tracks formerly
3 known as the Bluebird Train. We were
4 stopping at these tracks about 42 times per
5 day, um, and this is an additional stop
6 that we have to make along with the other
7 ones.

8 We were granted exemption status on
9 those 12 other crossings last, earlier this
10 month, and we're just requesting that we
11 get exemption status on 295 in Lucas County

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13 for those same reasons as safety. Um, most
14 people aren't prepared for us to stop at
15 these unused tracks and we have to do ten
16 different procedures at these stops and we
17 believe that it would increase the safety
18 of our community if our buses and other
19 vehicles would not have to make stops on
those railroad tracks.

20 In total with what we got exempt then
21 and now it would save us about 45 minutes a
22 day on all these stops. So, that's about
23 all I got.

24 ATTORNEY EXAMINER SHEETS: Okay. Go
25 ahead.

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1 MR. BEHRMAN: Aaron Behrman, I'm
2 an engineer with the Ohio Department of
3 Transportation. Our address is 2317 East
4 Poe Road, Bowling Green, Ohio, 43402.

5 I'm the one who petitioned the PUCO
6 for the exemption. We had received a
7 letter from Otsego Schools basically
8 requesting the exemption and since it is a
9 State Route, you know, they came to us to,
10 to basically put forward the request.

11 After some, looking at the situation
12 ODOT basically did not see any reason why
13 not to move forward with that. There was
14 some evidence at the time that there were
15 some tracks that were not, that were some
16 tracks missing and due to that and helping

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17 out the schools a little bit we felt we
18 should move forward with the request.

19 That's all I have.

20 ATTORNEY EXAMINER SHEETS: Go ahead.

21 MR. WATERFIELD: Chris Waterfield,
22 traffic engineer with ODOT. 317 East Poe
23 Road.

24 I've had discussions with Aaron, have
25 had discussions with Eva about the tracks,

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1 we've had similar crossings in our district
2 that we've got exemptions for that were
3 either unused for very infrequently used.
4 And for us, our concern is just increased
5 crash risk. If there's vehicles that stop
6 other vehicles are not expecting buses,
7 tanker trucks to stop at the crossings on a
8 tangent section of road. Um, if there's,
9 if there's no conflict with train traffic
10 there's no reason from our standpoint to
11 incur the actual risk.

12 ATTORNEY EXAMINER SHEETS: Is that
13 all?

14 MR. WATERFIELD: Yes, sir.

15 ATTORNEY EXAMINER SHEETS: Go ahead.

16 MS. VASHER: Eva Vasher, I'm
17 director of transportation for Otsego
18 Schools. 18505 Tontogany Creek Road,
19 Tontogany, Ohio.

20 Our buses, as you know, we have the

21 exemption^{k090116a} on the other tracks. It is
22 really impeding our route time, some of our
23 students that ride along time, so 45
24 minutes will make a difference for us
25 without the constant stopping. And the

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1 safety factor is our biggest concern.
2 Several times the drivers have said, you
3 know, I almost got rear-ended and motorists
4 are just not expecting us to stop.

5 ATTORNEY EXAMINER SHEETS: Thank you.

6 MS. VASHER: And that's the end
7 of my testimony.

8 MR. OLES: Frank Oles, I'm
9 with Toledo Lake Erie & Western Railway and
10 Museum, Incorporated. It's P.O. Box 168,
11 Waterville, Ohio, 43566 zip code.

12 And two weeks ago we did replace the
13 crossing at on 295, so it has a new
14 crossing in there. Since then we have had
15 motorcars going over it but not a
16 locomotive yet. People working on the
17 track, plus we're going to have a motorcar
18 rally coming up, we haven't scheduled yet,
19 working on some of the brush issues before
20 we do that, but in the next month we plan
21 on having motorcars going across that,
22 probably on a weekend.

23 Once we get the locomotive running,
24 has battery issues right now that's
25 stopping us from starting a locomotive,

1 that will be crossing 295, I can't say it
2 will be later this year, we're hoping it
3 will be still the next month or so, but we
4 are volunteers so takes a little bit
5 longer. The passenger train itself will
6 not run till next year. We are going to be
7 starting a siding rail daily so we can
8 rearrange our cars so we don't have to haul
9 everything on the train.

10 So, our official stance is that we
11 object to it becoming exemption. One of
12 our officers is a railroad engineer for one
13 of the major railroads and he thinks it
14 will get truck drivers confused when they
15 don't have to stop here, this is more of a
16 hazardous waste, don't have to stop here
17 but when they're crossing the tracks
18 elsewhere in Wood County or wherever he
19 takes his train through and maybe decide
20 they don't have to stop there either
21 because don't have to stop here in Lucas
22 County. I think that's where he's coming
23 from.

24 There are signals at 295, so when the
25 locomotive does come through they'll be

1 working and the gates will come down, so
2 that should stop buses and hazardous waste.

3 I think we've only had gates hit once,
4 years ago when they put them up.
5 So, that's what I have, my input.
6 ATTORNEY EXAMINER SHEETS: Okay. Go
7 ahead, sir.
8 MR. BORROR: I am Curtis
9 Borrer, I'm with Toledo Lake Erie &
10 Western, also, and my occupation is I'm
11 actually retired, but I've also been a
12 conductor on our train.
13 And I am worried about people running
14 across a railroad when they say they exempt
15 they probably won't be looking either way
16 and there's a couple railroads that just
17 plain have the crossbucks and it still says
18 yield. And I, I think it's a bad idea to
19 scatter these exempt signs around.
20 And that's all I have to say.
21 ATTORNEY EXAMINER SHEETS: Is that
22 all? Anything else to add?
23 MR. OLES: You did get our
24 letter that our president -- vice president
25 sent you on August 18th objecting?

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1 ATTORNEY EXAMINER SHEETS: You want to
2 submit that or --
3 MR. OLES: I have a copy
4 here, yes.
5 MS. VASHER: I do have one
6 comment I'd like to add.
7 ATTORNEY EXAMINER SHEETS: Let me --
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8 did you file this already? Did you send it
9 in?

10 MR. OLES: He sent it in.

11 ATTORNEY EXAMINER SHEETS: This looks
12 familiar, I think I read it on the, on my
13 computer screen.

14 MR. OLES: Okay. Just wanted
15 to make sure you did have it.

16 ATTORNEY EXAMINER SHEETS: I think
17 it's in the case file already.

18 MR. OLES: Okay. You can
19 have that copy.

20 ATTORNEY EXAMINER SHEETS: It's a
21 letter from you to me and Duane Karam and
22 let's see --

23 MR. OLES: Richard Westphal.

24 ATTORNEY EXAMINER SHEETS: Right.
25 It's already in the file. Okay. Thank

9

11

1 you.

2 well, at this time --

3 MR. KOCH: You wanted to --

4 MS. VASHER: I did, I wanted to
5 add something.

6 As far as people being confused by
7 exempt signs, when you hold your CDL and
8 you get an endorsement of a school bus and
9 passenger and Hazmat endorsement on your
10 license, it is part of the test and is
11 stated very clear what an exempt sign

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means, meaning that only railroad crossings
13 marked as exempt you do not have to stop.
14 So, there should be no confusion with any
15 professional driver that holds a CDL what
16 an exempt crossing is and what a non-exempt
17 crossing is.

18 ATTORNEY EXAMINER SHEETS: Thank you.

19 MR. OLES: It's a, you know,
20 currently we have seen in the past year or
21 so trucks blowing through some of our
22 crossings, hazardous waste ones, not school
23 buses, even though they currently don't
24 have an exempt sign on them. So, I think
25 that's part of where our vice president was

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1 coming from.

2 ATTORNEY EXAMINER SHEETS: Okay.

3 well, does that conclude, I mean,
4 everybody's done speaking?

5 Okay. well, I thank you for
6 presenting testimony and we'll consider
7 this matter submitted on the record and
8 we'll await to see what the Commission's
9 decision is on it.

10 Thank you all for coming.

11 (WHEREUPON, the hearing
12 concluded at 2:28 p.m.)
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1 STATE OF OHIO :
2 COUNTY OF LUCAS : C-E-R-T-I-F-I-C-A-T-E

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4 I, KRISTIE L. BIRCH, Notary Public in and for the
5 State of Ohio, duly commissioned and qualified, do hereby
6 certify that the foregoing is a full, true and correct
7 transcript of my notes taken in the above-styled case and
8 thereafter transcribed by me.

9 I do further certify that I am not a relative,
10 employee or counsel of any of the parties hereto, and
11 further that I am not a relative or employee of any
12 attorney or counsel employed by the parties hereto, or
13 financially interested in the action.

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

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my seal of office at Toledo, Ohio, on this 14th
19 day of September, 2016.

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KRISTIE L. BIRCH
Notary Public in and for the
State of Ohio.

My Commission Expires: September 30, 2020.

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STATE OF OHIO :

COUNTY OF LUCAS : C-E-R-T-I-F-I-C-A-T-E

I, KRISTIE L. BIRCH, Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the foregoing is a full, true and correct transcript of my notes taken in the above-styled case and thereafter transcribed by me.

I do further certify that I am not a relative, employee or counsel of any of the parties hereto, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Toledo, Ohio, on this 14th day of September, 2016.



KRISTIE L. BIRCH

Notary Public in and for the
State of Ohio.

My Commission Expires: September 30, 2020.