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PUBLIC UTILITIES COMMISSION OF OHIO

PUBLIC HEARING

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CASE NUMBER: 16-1599-RR-RCP

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SEPTEMBER 19, 2016

VAN WERT, OHIO

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In the Matter of an Exemption Request at  
the grade crossing at US-224 and 127, DOT No.  
934702B in Van Wert County, Ohio.

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## APPEARANCES

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3 Nicholas Walstra, HEARING OFFICER.

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1           MR. WALSTRA: The Public Utilities  
2           Commission of Ohio is called for hearing  
3           at this time and place Case No.  
4           16-1599-RR-RCP, being in the Matter of  
5           an Exemption Request at the grade  
6           crossing at US-224 and 127, DOT No.  
7           934702B in Van Wert County, Ohio.

8           My name is Nick Walstra. I'm the  
9           attorney examiner assigned by the  
10          Commission to hear this case. This is  
11          the opportunity for the citizens to  
12          share their thoughts with the Commission  
13          about the proposed matter. I'll just --  
14          people can step forward say what they  
15          want. And that will all be -- it's  
16          being recorded now. We'll get that  
17          transcribed. It will be part of the  
18          official record that the Commission will  
19          look over before making their decision.  
20          So whoever wants to go first, I'll swear  
21          you in. Say your name and address and  
22          go ahead. Do we have any volunteers?

23          MR. HEITZ: I guess I could start.

24          MR. WALSTRA: Okay. You can just  
25          take a seat.

1           MR. HEITZ: Just sit there in the  
2           seat?

3           MR. WALSTRA: Yeah.

4           MR. HEITZ: All right.

5           MR. WALSTRA: It will record  
6           better.

7           MR. HEITZ: All right.

8           - - - - -

9           KEVIN HEITZ,

10           After having been first duly sworn, as  
11   hereinafter certified, was examined and testified  
12   as follows:

13           MR. WALSTRA: Go ahead.

14           MR. HEITZ: Yeah. I am a HAZMAT  
15   driver. And I guess -- to me, I guess  
16   the way the sign is out there now, you  
17   know. There is no trains crossing 127.  
18   And I just feel, you know, for school  
19   buses and all HAZMAT vehicles, for  
20   basically being a dead set of tracks,  
21   that, you know, they should be exempted  
22   to prevent rear end collisions. And I  
23   guess, also, being a HAZMAT driver, I  
24   look at stop signs like I do railroad  
25   crossing signs, you know, they're all

1           stopposable, you know, in my shoes. And  
2           it's just something that needs to be  
3           taken care of. And you know, hopefully  
4           we'll get them exempt.

5           MR. WALSTRA: What was your -- what  
6           was your name?

7           MR. HEITZ: It's Kevin Heitz.

8           MR. WALSTRA: Thank you. Is that  
9           all?

10          MR. HEITZ: That's it.

11          MR. WALSTRA: All right.  
12          Appreciate it.

13                       - - - - -

14                       TIM KITSON

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

18          MR. WALSTRA: Say your name and go  
19          ahead.

20          MR. KITSON: I'm Tim Kitson. I'm  
21          with the Van Wert County Port Authority,  
22          which we own part of the spur leading  
23          out there --

24          MR. WALSTRA: Okay.

25          MR. KITSON: -- that is in service.

1 And this part is still out of service.

2 I guess my main question and kind of the

3 Port Authority's question was, if you

4 exempt this crossing, if train traffic

5 gets heavy out there, can you unexempt

6 it? I mean, that's way down the road.

7 I understand.

8 MR. WALSTRA: I think that's

9 something that would have to -- I can't

10 really answer questions. I'm not the

11 expert. But I think that's something to

12 be addressed down the line.

13 MR. KITSON: Okay. But that was

14 one of the main concerns of the Port

15 Authority --

16 MR. WALSTRA: Okay.

17 MR. KITSON: -- if they exempted it

18 -- let's say GM builds out there -- we

19 all hope -- and the train traffic would

20 get heavy, do you -- can you unexempt

21 it?

22 MR. WALSTRA: I believe so.

23 MR. KITSON: Okay.

24 MR. WALSTRA: And if I -- again,

25 I'm not an expert in that.

1           MR. KITSON: That's the only  
2 concern we had.

3           MR. WALSTRA: Okay.

4           AUDIENCE MEMBER: I just came here  
5 to listen.

6           MR. WALSTRA: Anyone else that  
7 wants to speak?

8           AUDIENCE MEMBER: We don't have  
9 anything related to the exemption.

10          MR. WALSTRA: Okay. Hearing  
11 nothing else -- I will point out that  
12 the staff report from the -- from the  
13 Commission was filed. I know it  
14 appeared on the docket this morning. So  
15 that's available online. Other than  
16 that, we adjourned. Thank you.

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1 The State of Ohio, )  
                               ) SS: CERTIFICATE  
 2 County of Cuyahoga. )

3 I, Katrina L. Dearborn, Notary Public within  
and for the State of Ohio, duly commissioned and  
4 qualified, do hereby certify that the within-  
named witnesses were first duly sworn to testify  
5 the truth, the whole truth, and nothing but the  
truth in the cause aforesaid; that the testimony  
6 then given by him/her was by me reduced to  
stenotypy in the presence of said witnesses,  
7 afterwards transcribed on a computer, and that  
the foregoing is a true and correct transcript of  
8 the testimony so given by him/her as aforesaid.

9 I do further certify that this arbitration  
was taken at the time and place in the foregoing  
10 caption specified and was completed without  
adjournment.

11 I do further certify that I am not a  
12 relative, employee of, or attorney for any of the  
13 parties in the above-captioned action; I am not a  
14 relative or employee of an attorney for any of  
15 the parties in the above-captioned action; I am  
16 not financially interested in the action; I am  
not, nor is the court reporting firm with which I  
am affiliated, under a contract as defined in  
Civil Rule 28(D); nor am I otherwise interested  
in the event of this action.

17 IN WITNESS WHEREOF I have hereunto set my  
hand and affixed my seal of office at Cleveland,  
18 Ohio on this 23rd day of November, 2016.

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23                   Katrina L. Dearborn, Notary Public  
In and for the State of Ohio.  
my commission expires 11-02-20.

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

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 16-1599-RR-RCP**

Summary: Transcript in the matter of an exemption request at the grade crossing at US-224 and 127, DOT No. 934702B in Van Wert County, Ohio electronically filed by Ms. Donielle M Hunter on behalf of PUCO Staff