

In The Matter of:
PUCO - Mahoning County

Transcript of Proceedings

October 19, 2018

PUCO Hearing

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF:
EXEMPTION FROM STOPPING FOR
SCHOOL BUSES AND HAZARDOUS
MATERIALS VEHICLES AT THE
DIEHL ROAD, BAILEY ROAD AND
ELLSWORTH ROAD GRADE CROSSINGS
IN MAHONING COUNTY AND CASE NOS.
EXEMPTION FROM STOPPING FOR 18-1114-RR-RCP AND
SCHOOL BUSES AND HAZARDOUS 18-1278-RR-RCP
MATERIALS VEHICLES AT THE
STATE ROUTE 14, STATE ROUTE
534 AND THE U.S. ROUTE 224
GRADE CROSSINGS IN MAHONING
COUNTY

- - - -

HEARING HELD BEFORE
ATTORNEY EXAMINER JAMES M. LYNN,
AT WEST BRANCH HIGH SCHOOL,
14277 SOUTH MAIN STREET, BELOIT, OHIO,
ON FRIDAY, OCTOBER 19, 2018,
COMMENCING AT 2:30

- - - -

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Court Reporters

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1 APPEARANCES:

2 James M. Lynn, Attorney Examiner
3 Public Utilities Commission of Ohio
4 180 East Broad Street
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6 614.466.0451
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8 ALSO PRESENT:

9 Ms. Sherri Malloy, West Branch School District
10
11 Mr. Larry Poage, Ohio Department of
12 Transportation, Mahoning County
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14 Thomas Mather, Marlinton School District
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1 ATTORNEY EXAMINER LYNN: The
2 Public Utilities Commission of Ohio has
3 assigned for a hearing at this time and
4 place two cases: The first one is Case No.
5 18-1114-RR-RCP, In the Matter of request by
6 the Mahoning County Engineer for an
7 exemption from stopping for school buses
8 and hazardous materials vehicles on Diehl
9 Road, Bailey Road and Ellsworth Road grade
10 crossings in Mahoning County.

11 Second case is 18-1278-RR-RCP,
12 Request by the Ohio Department of
13 Transportation for an exemption from school
14 buses and hazardous materials vehicles from
15 stopping on State Route 14, State Route 534
16 and U.S. Route 224 grade crossings in
17 Mahoning County.

18 I'm Jim Lynn. I'm the Attorney
19 Examiner assigned to hear this case. And
20 the purpose of our hearing today is we have
21 -- or I should say to receive public
22 comments regarding request made by the
23 Mahoning County Engineer and the Ohio
24 Department of Transportation.

25 Okay. So your testimony will be

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1 considered part of the official record for
2 this case and will be reviewed by the
3 Commissioners I work for before they make a
4 final decision.

5 So I'll summarize what goes on in
6 today's hearing, submit it to the
7 Commissioners I work for, and they make a
8 final choice. I don't expect there to be
9 any opposition so I don't think that will
10 be a problem. Really it just takes some
11 time.

12 Anyway, we'll go one at a time.
13 Miss Malloy, how about if you go first. If
14 you would just indicate your name, your
15 position with the schools, the address of
16 the school and any information you had
17 about any of these crossings.

18 There is a total of six of them
19 actually. You know, some of them you may
20 be more familiar with than others. It's up
21 there in that first couple of paragraphs.

22 MS. MALLOY: Okay. My name is
23 Sherri Malloy, S-h-e-r-r-i M-a-l-l-o-y.
24 I'm the Transportation Supervisor at West
25 Branch Local Schools, 14277 South Main

1 Street, Beloit, Ohio, 44609.

2 What we have all gathered is the
3 information that pursuant to 4511.63.
4 Stopping at gate crossings is something
5 that we are required to do in a school bus,
6 in a commercial school bus. And we find it
7 very hazardous and not safe to keep
8 continuing to stop at railroad crossings
9 that are not currently being used and we
10 know for a fact that they're being closed.

11 We are asking that they be exempt
12 or signage be removed, one or the other.
13 And that will allow us to be able to safely
14 cross these railroad tracks without
15 stopping.

16 Because oncoming traffic and
17 traffic behind us does not know why we're
18 stopping because they're not required to.
19 And they also -- it's public knowledge that
20 they are not usable tracks.

21 Which ones did you want me to go
22 over, or all the data that I have?

23 HEARING OFFICER LYNN: I would say
24 all -- any information you have --

25 MS. MALLOY: Okay.

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1 HEARING OFFICER LYNN: -- on any
2 of the crossings. We would just be
3 covering the six that I mentioned today.

4 MS. MALLOY: But will we be able
5 to keep our data?

6 HEARING OFFICER LYNN: Oh, sure.

7 MS. MALLOY: Okay.

8 HEARING OFFICER LYNN: And then I
9 know you were interested in some other
10 crossings. That would be the subject of a
11 different case.

12 MS. MALLOY: Okay.

13 HEARING OFFICER LYNN: The
14 additional information -- I think the
15 County Engineer asked for like an
16 additional six or so.

17 MS. MALLOY: Yes.

18 HEARING OFFICER LYNN: That will
19 be in a separate case. We'll need to have
20 a different hearing for that. But any,
21 anything -- any information you have on
22 these particular crossings, these six that
23 I mentioned.

24 MS. MALLOY: Okay. Can you help
25 me?

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1 HEARING OFFICER LYNN: It's up
2 there in the top two paragraphs actually.

3 MS. MALLOY: Okay.

4 MR. POAGE: These ones up here.

5 MS. MALLOY: Okay. I don't have
6 any on Diehl Road, Bailey Road. I don't
7 have those.

8 MR. POAGE: Ours are Route 534, 14
9 and 224.

10 MS. MALLOY: Okay. State Route
11 14, I can tell you that West Branch buses
12 cross that six times a day. And it's a
13 non-active state route -- it's on a state
14 route that is non-active railroad.

15 HEARING OFFICER LYNN: So six
16 times a day. That's both, what, morning
17 and -- or start of the day and end of the
18 school day total?

19 MS. MALLOY: Yes, that's correct.

20 HEARING OFFICER LYNN: Okay.

21 MS. MALLOY: I currently do not
22 have any on 534 or 224 with the exception
23 of this is the -- if this is the route that
24 we travel to Canfield, then it would be
25 four times a day, two buses two times, if

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1 we choose to go this way to our technical
2 center.

3 But this is technically out of our
4 district. But field trips and
5 extracurricular activities, we do cross
6 those frequently. And that is, that is a
7 hazard because we are required to stop.

8 Did you want me to continue with
9 the ones I have?

10 HEARING OFFICER LYNN: Yes --
11 well, actually -- well, let's go back.

12 MS. MALLOY: Okay.

13 HEARING OFFICER LYNN: The other
14 information you have, is it for crossings
15 that I didn't happen to mention today?

16 MS. MALLOY: Yes, it is.

17 HEARING OFFICER LYNN: Okay.
18 Well, keep that information because we'll
19 have another hearing for the additional
20 crossings you're interested in.

21 MS. MALLOY: Okay.

22 HEARING OFFICER LYNN: Okay?
23 Thanks for gathering that information.

24 MS. MALLOY: Yes. And I have it
25 all -- some of the ones are, you know.

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1 HEARING OFFICER LYNN: Thank you.

2 Okay. Now --

3 MS. MALLOY: Some are quite --

4 HEARING OFFICER LYNN: -- you
5 mentioned the crossings and the school
6 buses going over them morning and evening,
7 you know, beginning of the day, end of the
8 day?

9 MS. MALLOY: Yes, mm-hmm.

10 HEARING OFFICER LYNN: You also
11 mentioned that these buses will sometimes
12 travel over these crossings for
13 after-school activities as well, the
14 athletic teams and so forth.

15 MS. MALLOY: That's correct.

16 HEARING OFFICER LYNN: Can you
17 give a little detail on that.

18 MS. MALLOY: Yeah. We do travel
19 to out-of-district schools for various
20 things, non-routine things. Which anything
21 non-routine is anything that is not to and
22 from school. Okay. That could be an
23 athletic trip, that could be an academic
24 trip, that could be anything from Academic
25 Challenge to volleyball.

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1 HEARING OFFICER LYNN: Okay.

2 MS. MALLOY: But we do travel.

3 And I do about 19,000 miles annually for
4 non-routine. So there is a good chance
5 that I will be crossing these tracks at
6 some point.

7 HEARING OFFICER LYNN: Again, the
8 tracks for which you had information today?

9 MS. MALLOY: State Route 534.

10 HEARING OFFICER LYNN: 534 and --

11 MS. MALLOY: 14.

12 HEARING OFFICER LYNN: -- 14
13 and --

14 MS. MALLOY: 224.

15 HEARING OFFICER LYNN: -- 224.

16 Okay. That's fine. Thank you. Do you
17 have any other thoughts you were
18 interested --

19 MS. MALLOY: I can tell you if you
20 were interested in Bailey Road, that would
21 be Jackson-Milton Schools, Darlene Pellin,
22 P-e-l-l-i-n. She would have to -- she
23 would give you input on that.

24 HEARING OFFICER LYNN: I see.

25 Okay. Thank you. We can speak again as

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1 need be.

2 MS. MALLOY: Sure.

3 HEARING OFFICER LYNN: And we'll
4 turn it over to Larry. And your last name
5 again?

6 MR. POAGE: Larry Poage, last name
7 is P-o-a-g-e.

8 HEARING OFFICER LYNN: And you're
9 with the Mahoning County Engineer?

10 MR. POAGE: No. I am with the
11 Ohio Department of Transportation --

12 HEARING OFFICER LYNN: Got it,
13 thank you.

14 MR. POAGE: -- of Mahoning County.

15 HEARING OFFICER LYNN: Could you
16 indicate your address there.

17 MR. POAGE: It is 401 West Main,
18 Canfield, Ohio, 44406.

19 HEARING OFFICER LYNN: And the
20 crossings that ODOT requested were I guess
21 the same ones that Miss Malloy was talking
22 about, correct?

23 MR. POAGE: Right, yes.

24 HEARING OFFICER LYNN: Okay. What
25 thoughts would you have? Anything else you

1 could add to what she had mentioned?

2 MR. POAGE: Well, the Route 14
3 crossing, there are no signs anymore.
4 There are no lighted cross bucks. There
5 was two accidents, separate accidents
6 that's taken them cross bucks out. They've
7 removed the, the railroad warning signs
8 ahead. The only thing we have left are
9 pavement markings.

10 Now, we'll keep painting those on
11 there as long as it takes. Now that
12 crossing is already paved over. So as Miss
13 Malloy said, trucks coming up behind the
14 buses have no indication that those people
15 are stopping.

16 And if they have like their
17 smaller vans that aren't the actual school
18 buses stopping, they're -- it's more
19 harmful for them to stop than for them to
20 go. We know that that crossing is not
21 used.

22 I got ahold of one of the signal
23 maintainers for Norfolk Southern and talked
24 to him about the cross bucks being down.
25 He said they used to have to inspect them

1 every month. However, just to the south
2 side of the Alliance-Sebring crossing they
3 removed a ten-foot section of rail, okay,
4 and placed it in the center. So we know
5 that no trains are going to be coming from
6 the Alliance area to use that Lordstown
7 secondary.

8 HEARING OFFICER LYNN: And this is
9 on -- this is State Route 14?

10 MS. MALLOY: 14, yeah, that's
11 correct.

12 HEARING OFFICER LYNN: All right,
13 okay.

14 MR. POAGE: Yep.

15 HEARING OFFICER LYNN: Do you have
16 any comments about the other two Mahoning
17 County state routes?

18 MR. POAGE: 534 and U.S. 224 also
19 are not being utilized. They have not been
20 paved over yet. There still are warning
21 signs, but I mean we know that they're not
22 being used.

23 HEARING OFFICER LYNN: And you
24 were mentioning an accident, I believe,
25 more than one accident between a bus and

1 vehicles following the bus.

2 MR. POAGE: Well, no. I'm saying
3 there could be an accident. If the bus
4 stops on 14 for a crossing that's already
5 been paved over that nobody knows exists,
6 it's more dangerous for them.

7 HEARING OFFICER LYNN: Okay.

8 MR. POAGE: Two days ago I was
9 just out on 14, there was -- a car hit a
10 deer. And it was just to the west of those
11 railroad tracks. I backed up the wrecking
12 company with my lights on. The semi behind
13 me had his trailer brakes locked up. Even
14 with warning lights on my truck and the
15 wrecker, it's still dangerous.

16 HEARING OFFICER LYNN: Okay. And
17 did you have any, any comments about the --
18 these other three crossings that were
19 the -- a request by the Mahoning County
20 Engineer, Diehl, Bailey or Ellsworth Road;
21 do you have any knowledge of any of those?

22 MR. POAGE: I went across them,
23 some of them. There is some that's already
24 been. And I can't say if it's one of the
25 three. But I went down Bailey Road and I

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1 made a left on Palmyra and went across that
2 one. It's already been paved over and has
3 the exempt signs placed. It is the same
4 line that we're talking about.

5 HEARING OFFICER LYNN: Okay.

6 MR. POAGE: The one on U.S. 224,
7 that route is where all our wide loads go
8 is what -- they do a wide load permit out
9 of Columbus. That's the route they use.

10 HEARING OFFICER LYNN: Okay. All
11 right. Thank you.

12 Mr. Mather?

13 MR. MATHER: Apparently I didn't
14 do my homework because these guys got it
15 all written down.

16 HEARING OFFICER LYNN: Well, you
17 can give me your thoughts about --

18 MR. MATHER: I've been in jury
19 duty all week.

20 HEARING OFFICER LYNN: Well, then
21 I'd say you have a very good reason not to
22 have it written down. Actually I'm
23 surprised you could make it today. Thank
24 you though.

25 MR. MATHER: I got a double-edged

1 sword though. I'm also a fireman and EMT
2 with Damascus Fire. And we handle a lot of
3 accidents out on 14. I also drive truck.
4 And I do carry hazardous materials
5 endorsements.

6 HEARING OFFICER LYNN: State Route
7 14, okay.

8 MR. MATHER: And it's like
9 everybody's been saying, the local traffic
10 doesn't even slow down.

11 HEARING OFFICER LYNN: Okay.

12 MR. MATHER: And then here you
13 come with a load of gasoline or hazardous
14 materials and all at once they see markings
15 on the road so they start slowing down
16 making their stop. Well, the local traffic
17 doesn't think anybody is going to stop
18 because they know that the tracks have been
19 paved over.

20 HEARING OFFICER LYNN: Okay. You
21 mentioned that for State Route 14. But
22 that would also be true for 534?

23 MR. MATHER: Four, correct.

24 HEARING OFFICER LYNN: And 224?

25 MR. MATHER: And Alliance-Sebring,

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1 but that's the one they haven't mentioned
2 yet.

3 HEARING OFFICER LYNN: Okay. And
4 do you have any familiarity with the
5 crossings on Diehl, Bailey or Ellsworth
6 Roads?

7 MR. MATHER: No. That's a little
8 north of our township.

9 HEARING OFFICER LYNN: Okay. All
10 right. And you are -- and you mentioned
11 you drive a hazardous materials vehicle, I
12 believe?

13 MS. MALLOY: I have a hazardous --
14 hazardous materials endorsement. And if I
15 should have to drive one, I would be one of
16 the people that would have to stop and
17 check in my mirrors to make sure nobody
18 rear ended me.

19 HEARING OFFICER LYNN: All right.
20 And then again with the Marlinton Schools,
21 I think maybe initially we didn't get
22 your --

23 MR. MATHER: My name is Thomas
24 Mather.

25 HEARING OFFICER LYNN: Yes. And

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1 your position with the schools again, just
2 for the court reporter?

3 MR. MATHER: I'm a mechanic. I
4 was an onboard instructor, just one of the
5 people that instruct school bus drivers
6 that they have to stop at railroad
7 crossings.

8 HEARING OFFICER LYNN: Okay. And
9 the --

10 MS. MALLOY: And before that you
11 were -- I'm sorry to interrupt. But before
12 that you were a transportation supervisor.

13 MR. MATHER: Transportation
14 supervisor with Salem City Schools.

15 HEARING OFFICER LYNN: I see.

16 MR. MATHER: Salem City Schools
17 would be traveling 14 to go to anything
18 east of them -- or west of them.

19 HEARING OFFICER LYNN: And just
20 for our court reporter too, the address
21 that you work out of?

22 MR. MATHER: I believe that's 1050
23 Moulin Avenue, Alliance, Ohio.

24 MS. MALLOY: I know it's Moulin
25 Avenue, Alliance.

1 HEARING OFFICER LYNN: All right.

2 Thank you very much.

3 Do any of you have any additional
4 thoughts to add about any of these
5 crossings at all?

6 MR. MATHER: The particular
7 crossing he's mentioned there on 14,
8 they've knocked the cross bucks down. And
9 not only have they knocked the cross bucks
10 down, but -- now the abutment that the
11 cross buck is in is probably three feet in
12 diameter. And it's laying that (Witness
13 indicating) far off the white line of the
14 road. Sooner or later somebody is going to
15 smack that puppy.

16 HEARING OFFICER LYNN: So really
17 there is not even any signs that would
18 indicate to drivers they do need to stop?

19 MR. POAGE: There is nothing.
20 Looks like it should -- the advance warning
21 sign that says Railroad is not even there
22 anymore.

23 HEARING OFFICER LYNN: I see.

24 MS. MALLOY: What he's saying with
25 accidents, it's been car accidents that

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1 have actually sheared off the pole. And
2 what they have done is just have left it
3 there. Because it's just -- it's --

4 MR. MATHER: It's iffy ground
5 because it belongs to the railroad.

6 HEARING OFFICER LYNN: So the
7 concern among you really would be because
8 drivers other than the school bus drivers
9 or drivers of hazardous materials vehicles,
10 the ordinary driver in a vehicle or car or
11 something wouldn't know to stop in these
12 crossings. They are rolling right along.
13 And then a school bus or a hazardous
14 materials vehicle in front of them slows
15 down and the drivers nearly collide.

16 MR. MATHER: Correct.

17 MR. POAGE: Correct.

18 MS. MALLOY: Mm-hmm.

19 HEARING OFFICER LYNN: All right.
20 Thank you. I believe there is nothing else
21 that -- you know, if you have nothing else
22 to add, then we appreciate all of you
23 coming.

24 Thank you for your testimony,
25 thank you for your research and for showing

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1 up today. And I believe we'll draw the
2 hearing to a close. Can we go off the
3 record for just a minute.

4 - - - -

5 (Off the record.)

6 - - - -

7 HEARING OFFICER LYNN: We have no
8 more witnesses. I want to thank you all
9 for coming. And have a good trip home.

10 - - - -

11 (Hearing concluded at 2:44 p.m.)

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C E R T I F I C A T E

I, Dawn L. Wiebrecht, a Notary Public
within and for the State of Ohio, do hereby
certify that I attended the foregoing hearing in
its entirety, that I wrote the same in stenotypy,
and that this is a true and correct transcript of
my stenotype notes.

IN WITNESS WHEREOF, I have hereunto set my
hand and seal of office, at Cleveland, Ohio, this
30th day of October A.D. 2018.

Dawn L. Wiebrecht
Notary Public, State of Ohio
My commission expires April 30, 2022

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Commission of Ohio Docketing Information System on

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in

Case No(s). 18-1114-RR-RCP, 18-1278-RR-RCP

Summary: Transcript in the matter of: Exemption from Stopping for School Buses and Hazardous Materials Vehicles at the Diehl Road, Bailey Road and Ellsworth Road Grade Crossings in Mahoning County and Exemption from stopping for School Buses and Hazardous Materials Vehicles at the State Route 14 and the U.S. Route 224 Grade Crossings in Mahoning County electronically filed by Ms. Barbara Marinelli on behalf of Mehler & Hagestrom