

PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REQUEST FOR
EXEMPTION OF A RAIL CROSSING IN
FORT RECOVERY, OHIO, AT BROADWAY
STREET AND SR 49

CASE #22-324-RR-RCP

- - -

The following PUBLIC HEARING was held
before Administrative Law Judge Jesse Davis.

- - -

Date and Time: Tuesday, February 7, 2023

2:00 p.m.

Place: St. Henry Consolidated Local
Schools
391 East Columbus Street
Media Room
St. Henry, Ohio 45883

Reporter: Susan E. Ingraham, RPR,

Midwest Reporting Service
419-733-0987

www.midwestreportingservice.com

I N D E X

Page

Randy Diller 3

- - -

February 7, 2023

2:00 p.m.

JUDGE DAVIS: We're on the record.

Good afternoon, everyone. The Public Utilities Commission of Ohio is set for public hearing at this time and place, case number 22-324-RR-RCP, which is captioned In the Matter of the Exception Request by the Village of Fort Recovery, for the RJ Corman railroad crossing at Broadway Street and State Route 49, DOT number 47-70X in Mercer County, Ohio.

My name is Jesse Davis. I'm the attorney examiner assigned to this case by the Commission.

The purpose of our hearing today is to provide public comments regarding the request made by the Village of Fort Recovery to classify the Broadway Street/State Route 49 crossing as exempt.

In the petition, the Village Administrator of Fort Recovery, explained that the crossing has not been utilized by rail traffic for many years and its exemption would increase safety for school buses and hazmat vehicles by eliminating the need for them to stop.

1 So, for those in attendance,
2 testimony will be considered as part of the
3 official record in the case and it will be
4 reviewed by the Commission before making a final
5 decision.

6 We're going to start by calling each
7 witness, swearing them in and the court reporter
8 will record your statement, so please speak
9 plainly and clearly, so she can get everything.

10 What I want you to do is state, spell
11 your name, state your address and after that, why
12 you think the request should be granted or not,
13 so, Mr. Diller, we'll start with you.

14 - - -

15 RANDY DILLER,
16 Being first duly sworn/affirmed, testified as
17 follows:

18 - - -

19 JUDGE DAVIS: Please state and spell
20 your name for the record.

21 MR. DILLER: Randy Diller, R-A-N-D-Y,
22 D-I-L-L-E-R. I'm the Village Administrator for
23 Fort Recovery, 201 South Main Street, Fort
24 Recovery, Ohio, 45856.

25 JUDGE DAVIS: Thank you.

1 MR. DILLER: As stated in the
2 original petition letter, our number one reason
3 for requesting the upgrade crossing exception is
4 safety.

5 As a reviewer/inspector has stated in
6 his report, this crossing is along an embargoed
7 area of the rail, which means it's not being used
8 and can't be used for safety purposes, and they
9 have no future plans at this point to make any
10 improvements to said rail, which, in itself, lends
11 it to being exempt.

12 The location of the crossing is such
13 that it is on a 55-mile-an-hour speed limit area,
14 which is coming into town. Although it is located
15 in town, the speed limit does not drop until after
16 you cross the rail crossing. And there's also the
17 issue of having a curve and an elevation change
18 when approaching from the north.

19 It is also very near the intersection
20 of Railroad Street, which handles a large daily
21 traffic count, specifically trucks, because it is
22 an industrial area with a lot of employees and
23 it's also the daily path for a lot of local tanker
24 companies, both fuel, propane, and even some
25 chemicals for industry.

1 And lastly, and not least, is a lot
2 of school buses cross that. The school bus
3 fueling station is located along Railroad Street,
4 meaning every bus has to go out there and
5 typically has to come back into town by turning
6 off of Railroad Street onto 49 heading south,
7 which then they have to make an immediate stop for
8 the crossing.

9 By immediate, I mean, I'm not sure
10 they can get even across the yellow line
11 completely before they have to stop for that
12 crossing grade. So it can be very problematic for
13 a lot of reasons, but certainly due to the fact
14 that it's a 55-mile-an-hour speed limit, vehicles
15 are coming and they're trying to get out, then
16 they have to stop, so it becomes an issue.

17 We can say that we have had no
18 serious accidents at this crossing for at least
19 the past 20 years. I know there's been a death
20 there and accidents there when trains were using
21 it, but since it hasn't been used, there have been
22 none.

23 But we have had a lot of reported
24 near-miss issues there mostly from traffic coming
25 into town from the north, not seeing the traffic

1 stopped at the railroad because of either a bus or
2 a tanker and the vehicles backed up behind them,
3 and they've had to leave the roadway to miss the
4 vehicles in front of them. We've had those
5 reported. Who, again, I don't know. But we've
6 not had anything serious happen there in many
7 years, but we'd like to avoid that.

8 Obviously, by exempting that crossing
9 for the buses and tanker trucks, we eliminate the
10 need for them to stop and back up traffic and
11 being able to not create that safety issue.

12 It also should be noted that the
13 crossing signal on that rail crossing has been
14 missing on the southbound lane for a number of
15 years. There's not even a railroad crossing
16 signal and it's been down for two to three years
17 anyway, if not more, which obviously means they
18 have no intentions of using it for trains.

19 In my capacity as the Village
20 Administrator, I've heard from various local fuel
21 companies and other industry with trucks that use
22 this location that don't have to stop and still
23 say what a problematic area this is for all
24 traffic because of the buses and because of the
25 tanker trucks that have to stop and people trying

1 to get on and off of Railroad Street and people
2 coming into town at a higher speed, so it's just
3 been an issue that has been a problem.

4 I've received substantial feedback
5 over the years and more recently from the bus
6 drivers who have to do that because they,
7 obviously, look in their rearview mirror and see
8 what's coming up behind them and it can be scary.

9 So at this point, I guess, from the
10 Village of Fort Recovery's perspective and for
11 public safety, I do not see any reason that
12 approval of this exemption request would create
13 any issues for the railroad, obviously, for the
14 Village, or the traffic using this area -- only
15 make it safer for everyone.

16 So thank you to the PUCO for
17 consideration in this matter.

18 JUDGE DAVIS: Thank you very much for
19 your testimony.

20 With that, that concludes the
21 testimony of the witnesses that we have here
22 today. I thank you for attending and for actually
23 providing your testimony.

24 The Commission would like to thank
25 St. Henry Consolidated Local Schools for the use

1 of their facilities.

2 With that, we are adjourned.

3 (Thereupon, the hearing adjourned at
4 2:10 p.m.)

5 - - -

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

I, Susan E. Ingraham, Registered Professional Reporter and Notary Public in and for the State of Ohio, duly appointed therein, do hereby certify that the foregoing is a true and complete transcript as transcribed by me of the proceedings conducted in that hearing on February 7, 2023, and I do further certify that I was personally present during all of the proceedings so transcribed.

Susan E. Ingraham
Registered Professional Reporter

My Commission Expires: September 1, 2025.

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

2/9/2023 10:23:26 AM

in

Case No(s). 22-0324-RR-RCP

Summary: Transcript for hearing held February 7, 2023 at St. Henry Consolidated Local Schools at 2:00 p.m. in the matter of rail crossing in Fort Recovery, Ohio before Administrative Law Judge Jesse Davis electronically filed by Ms. Donielle M. Hunter on behalf of Susan E. Ingraham, Midwest Reporting Service