

1 IN RE: MATTER OF AN EXEMPTION REQUEST BY THE
2 VILLAGE OF SUGARCREEK FOR THE OHIO CENTRAL
3 RAILROAD, INC. CROSSING AT DOVER ROAD NW/SR 39
4 (DOT #474-267A)

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6 HEARING

7 April 18, 2023

8 2:00 p.m.

9 Taken at:

 Sugarcreek Village Hall

10 410 S. Broadway St.

 Sugarcreek, Ohio

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12 Meghan A. Bobrowski, Notary Public
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1 APPEARANCES:

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3 On behalf of the Public Utilities
4 Commission of Ohio:

5 MATTHEW SANDOR, ESQ.

6 180 E. Broad Street, Floor 11

7 Columbus, Ohio 43215

8 Matthew.sandor@puco.ohio.gov

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10
11 ALSO PRESENT:

12 Connie Bowen, Fiscal Officer

13 Kevin Kaser, Village Administrator

14 Kevin Roberts

15 Justin Johnson

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1 MR. SANDOR: Public Utilities
2 Commission of Ohio is assigned for hearing,
3 case number 22-1066-RR-RCP, which is captioned
4 as in the matter of the requests by the Village
5 of Sugarcreek for an exemption from stopping
6 for school busses and hazardous materials
7 vehicles at the State Route 39 and 3rd Street
8 Northwest railway grade crossings in Tuscarawas
9 County, Ohio.

10 My name is Matt Sandor and I'm the
11 attorney examiner assigned by the commission to
12 hear this case. The purpose of the hearing is
13 to receive public comments regarding the
14 requests made by the Village of Sugarcreek
15 village's administrator to classify the State
16 Route 39 and 3rd Street Northwest railway grade
17 crossings as exempt.

18 In the petitions the village
19 administrator explained that the crossings are
20 rarely used, that school busses and vehicles
21 carrying certain hazardous materials are still
22 affected by the crossings and as safety issues
23 exist as a result for the need for these
24 vehicles to stop at the crossings.

25 For those in attendance who wish to

1 testify, your testimony will be considered part
2 of the official record in this case and it will
3 be reviewed by the Commission before it makes
4 its final decision.

5 I'll start by calling each witness
6 forward and swearing you in. The court
7 reporter will record your statement, so please
8 speak plainly and clearly so she is able to
9 write down everything.

10 Please spell your name and state
11 your address, after that state why you think
12 the request should be or should not be granted.

13 I may ask some questions after you
14 have finished your testimony.

15 All right. Now let's move on to
16 the testimony portion. I believe Mr. Kaser --

17 MR. KASER: Yes.

18 MR. SANDOR: -- is that correct?

19 Please raise your right hand. Do
20 you swear to tell the whole truth?

21 MR. KASER: Yeah.

22 EXAMINATION OF KEVIN KASER

23 BY MR. SANDOR:

24 Q. Thank you. Please state your name
25 for the record.

1 A. Kevin Kaser, K-A-S-E-R.

2 Q. And what's your position with the
3 village and the address.

4 A. Village administrator/chief of
5 police. My address on this would be the large
6 number of traffic and increase over the last
7 several years. And being in conjunction with
8 Beldon Brick in that particular area, and kind
9 of being not necessarily a blanker, but a
10 partial blanker, we've had a lot of issues with
11 stopped traffic in that location. And I see it
12 as a safety issue and things of that nature.

13 Q. Okay. And does the same go for the
14 3rd Street Northwest railway crossing?

15 A. Yes. Being right at the base of
16 the hill, it's kind of a sharp incline, you
17 know, as you approach and then go across it.
18 We have a lot of traffic, a lot of left to
19 center traffic there, just due to the way they
20 approach with the incline of the hill.

21 Certain portions of the day, the
22 morning and the afternoon with school letting
23 in and out, the school being in the location
24 being right on the corner and all the field
25 trucks coming in and out, there is a safety

1 issue as well.

2 Q. Okay. And then off the record
3 there was a conversation about the mayor not
4 being able to attend, is there anything --

5 A. Yeah, so our current mayor, Jeff
6 Stutzman, he would like to note that he is also
7 in favor of closing the crossings and same
8 safety concerns as well.

9 Q. Okay. Thank you.

10 MR. SANDOR: Would anyone else like
11 to testify?

12 MR. ROBERTS: I would. I'd like to
13 make a comment, I guess.

14 MR. SANDOR: Raise your right hand.
15 Do you swear to tell the whole truth?

16 MR. ROBERTS: Yes.

17 EXAMINATION OF KEVIN ROBERTS

18 BY MR. SANDOR:

19 Q. Can you please state and spell your
20 name.

21 A. Kevin Roberts, R-O-B-E-R-T-S.

22 Q. And then what's your official
23 title?

24 A. I'm the transportation supervisor
25 at Garaway Schools.

1 Q. Please go ahead.

2 A. And I guess I personally drive a
3 buss myself and I've had numerous occasions
4 stopping on the railway crossing hill at 39
5 that it's -- to me it's very unsafe when you're
6 doing the crossing and a lot of people are not
7 paying attention. Because I've almost gotten
8 rear ended quite a few times there. And I
9 think people are thinking, to me, when you're
10 looking around, there is a lot of vegetation
11 and it's like not a used railway and they think
12 the busses are not going to stop. But I
13 personally stop with the school vans because we
14 have school vans and just yesterday I almost
15 got rear ended in the school vans just stopping
16 there on 39.

17 So I think it would be beneficial
18 to have it exempt because of the safety reasons
19 for the busses. Because in the evenings when
20 the busses leave and in the mornings when they
21 leave, and even coming in, we have 12 busses
22 going in and out. And it does cause quite a
23 back up, especially in the afternoons when we
24 leave and they are going that direction,
25 stopping and holding traffic up. So I think it

1 will be a little bit better of traffic flow
2 too.

3 Q. Okay. Thank you.

4 MR. SANDOR: And then anyone else?
5 Okay. Hearing none, let's go off
6 the record.

7 (Whereupon, a recess was taken.)

8 MR. SANDOR: Back on the record.

9 I do want to note for the record
10 that it's approximately 2:12. We waited until
11 this time to make sure we had people from the
12 public show up or to see if anyone else from
13 the public would show up if they were running
14 late. We have no other people that did come to
15 the location and since we have no other
16 questions, we are done for the afternoon.

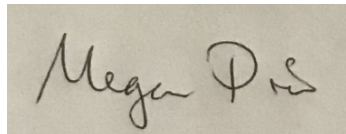
17 I would like to thank the Village
18 of Sugarcreek for allowing us to use its
19 facilities and thank you to our court reporter.
20 The case will be submitted to the record and
21 the commission will issue its decision in due
22 course.

23 Thank you, everybody. We're off
24 the record.

25 (Hearing concluded at 2:13 p.m.)

REPORTER'S CERTIFICATE

I, Meghan A. Bobrowski, do hereby
certify that as such Reporter I took down in
Stenotypy all of the proceedings had in the
foregoing transcript; that I have transcribed
my said Stenotype notes into typewritten form
as appears in the foregoing transcript; that
said transcript is the complete form of the
proceedings had in said cause and constitutes a
true and correct transcript therein.

A rectangular box containing a handwritten signature in dark ink. The signature appears to read "Meghan P. Bobrowski" in a cursive script.

Meghan A. Bobrowski, Notary Public
within and for the State of Ohio

My commission expires May 20, 2027.

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

Case No(s). 22-1066-RR-RCP

Summary: Transcript electronically filed by Litigation Support on behalf of Public
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