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MCILVAIN TRUCKING, INC.
7556 CLEVELAND ROAD
WOOSTER, OHIO 44691

The Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, OH. 43215

RE: Case No. 97-459-RR-UNC



July 16, 1997

To Whom It May Concern:

I attended the hearing in Wooster, Ohio concerning the above case number. At the time of the hearing, I gave my opinion and the Attorney requested that I furnish your office with a copy of the letter written to Ohio Department of Transportation and their response. Please find enclosed said correspondence.

Should you have any questions regarding this matter, please don't hesitate to contact me at your convenience.

Respectfully,

A handwritten signature in dark ink, appearing to read "T. F. Miceli".

Thomas F. Miceli
Director of Safety

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician Ann M. Hix Date Processed July 21, 1997

MCILVAINE TRUCKING, INC.
7556 CLEVELAND ROAD
WOOSTER, OHIO 44691
330-345-7033 EXT: 31

Mr. Jerry Wray
Director, Ohio Department of Transportation
25 South Front
Columbus, Ohio 43215

April 1, 1997

Dear Mr. Wray:

I am writing to you in regards to what may considered a potentially dangerous situation that currently exists in Wooster, Ohio.

There is a railroad crossing on State Route 30, in Wooster, that is currently "non-exempt." This crossing, in my opinion, poses a tremendous hazard to the motoring public, as well as the tractor/trailers that are required to stop at this location. We are a hazardous materials hauler based in Wooster, Ohio and as well, each driver is required to stop. The trucks cannot safely leave the highway to make this stop nor can the traffic adjust properly to this vehicle stopping in front of them. As you well know, this is a widely used portion of highway 30 and can get quite congested, from time to time. Another factor to be considered is the speed that some vehicles are traveling at, on this highway, when they must immediately adjust to the tractor/trailer vehicles being required to stop. Mr. Wray, it is my understanding that this particular track is used once per week and when the train approaches the crossing, they provide a flagman to caution and stop approaching traffic. I feel that the safety factors involved, with this being a "non-exempt" portion of track, far outweighs the need to require these large vehicles to stop and then, slowly blend back in with the traffic.

Any consideration you may give this matter would be greatly appreciated
and I thank you for your time.

Respectfully,

A handwritten signature in black ink, appearing to read 'T. Miceli', with a large, stylized flourish at the end.

Thomas F. Miceli
Director of Safety

re: ODOT/rrx



George V. Voinovich
Governor

OHIO DEPARTMENT OF TRANSPORTATION

25 South Front Street
P.O. Box 899
Columbus, Ohio 43216-0899

May 6, 1997

Thomas F. Miceli, Director of Safety
McIlvane Trucking, Inc.
7556 Cleveland Road
Wooster, Ohio 44691

Dear Mr. Miceli:

Thank you for your April 1, 1997, letter concerning the railroad crossing on US 30 within the City of Wooster. We have completed our investigation and can now reply to your concerns.

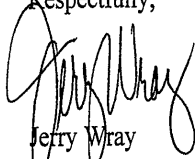
Because the railroad/highway grade crossing referenced in your correspondence is located within the jurisdictional boundaries of the City of Wooster, traffic operation at this location is the responsibility of the City. We have been made aware of the situation outlined in your letter and have contacted the City in an effort to provide information and assistance consistent with the requirements of the Ohio Revised Code.

It is our understanding that the City is currently in contact with the Public Utilities Commission of Ohio, which according to the Ohio Revised Code Section 4511.63, Section (2)(B)(1), has the responsibility to authorize and approve the type of exemption you described in your letter. The City has formally requested that this crossing be declared exempt and are awaiting action by the Public Utilities Commission. If the exemption is approved, the City can then post the appropriate regulatory signs. We have taken the liberty of forwarding a copy of your letter to the Public Utilities Commission so that they will be aware of your concerns.

Also during our conversations with the City, we have discussed several interim traffic control measures that could be implemented to provide additional warning information at the crossing until the exemption is approved. Since the City is responsible for traffic control within their jurisdictional boundaries, they are currently considering their options and will implement the traffic control scheme they feel most appropriate.

Thank you for taking the time to write and for the opportunity to provide this information. Be assured we share your concerns for highway safety. Please feel free to contact us with any future highway safety issues. Your input is always welcome and is valuable to our mission of providing a safe and efficient transportation system to our customers.

Respectfully,



Jerry Wray
Director