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Founded  
December 29, 1899

*Challenging  
the future  
with over a  
century  
of pride!*

# Transportation Communications International Union

Robert A. Scardelletti, *International President*

LEGAL DEPARTMENT

Mitchell M. Kraus, *General Counsel*

Christopher J. Tully, *Assistant General Counsel*

203677

October 5, 2001



## VIA MESSENGER

Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423

**RE: Withdrawal of TCU Petition for Clarification of Decision No. 198  
STB Finance Docket No. 33388**

**CSX Corporation and CSX Transportation, Inc., Norfolk Southern  
Corporation and Norfolk Southern Railway Company – Control  
and Operating Leases/Agreements – Conrail Inc. and  
Consolidated Rail Corp.**

Dear Mr. Williams:

Enclosed for filing please find an original and twenty-five (25) copies of the Withdrawal of the Petition of the Transportation Communications International Union ("TCU") for Clarification of Board Decision 198 in this Finance Docket. Consistent with 49 C.F.R. §1104.12, service has been made by first-class U.S. mail upon all of the parties on the official service list for Finance Docket No. 33388, and, in addition to service by mail, Norfolk Southern Corporation and Norfolk Southern Railway Company has been served (via counsel) by facsimile this afternoon.

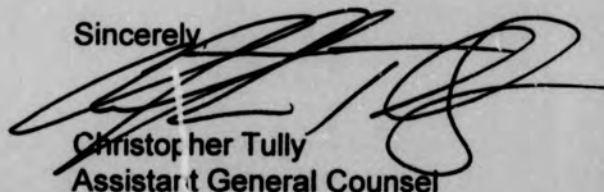
Thank you for your attention in this matter.

ENTERED  
Office of the Secretary

OCT 05 2001

Part of  
Public Record

Sincerely,

  
Christopher Tully  
Assistant General Counsel

Enclosures

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

STB Finance Docket No. 33388

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CSX CORPORATION AND CSX TRANSPORTATION, INC.,  
NORFOLK SOUTHERN CORPORATION AND  
NORFOLK SOUTHERN RAILWAY COMPANY  
– CONTROL AND OPERATING LEASES/AGREEMENTS –  
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

---

**PETITIONER TRANSPORTATION•COMMUNICATIONS  
INTERNATIONAL UNION'S WITHDRAWAL OF PETITION  
FOR CLARIFICATION OF BOARD DECISION NO. 198**

---

On September 18, 2001, the Board issued Decision No. 198 in the above-captioned matter permitting the closing of Hollidaysburg Car Shops and imposing certain enhanced labor protections. By petition dated September 21, 2001, TCU sought a clarification of said decision. The parties have resolved the dispute as to the matters raised in the petition for clarification. Accordingly, TCU hereby withdraws said petition for clarification.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Mitchell M. Kraus".

---

Mitchell M. Kraus  
General Counsel  
Transportation•Communications International  
Union  
3 Research Place  
Rockville, Maryland 20850-3279  
(301) 948-4910

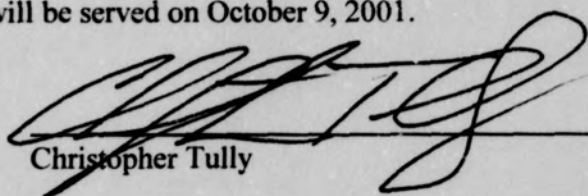
Dated: October 5, 2001



**CERTIFICATE OF SERVICE**

I hereby certify that I have caused to be mailed copies of the Transportation• Communications International Union's Withdrawal of Petition for Clarification of Board Decision No. 198, by prepaid first-class United States mail upon the persons listed on the current official service list in Finance Docket No. 33388. Applicants and as many other parties as possible were served by mail on October 5, 2001, other parties will be served on October 9, 2001.

10/5/01  
Date

  
Christopher Tully

STB

FD-33388

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203614 O'Donnell, Schwartz & Anderson, P.C.  
Counselors at Law

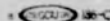
1900 L Street, N.W., Suite 707

Washington, D.C. 20036-5023

ASHER W. SCHWARTZ  
 DARRYL J. ANDERSON  
 MARTIN R. GANZGLASS\*  
 LEE W. JACKSON\*\*  
 ARTHUR M. LUBY  
 ANTON G. HAJJAR\*\*\*  
 SUSAN L. CATLER  
 RICHARD S. EDELMAN\*  
 PETER J. LEFFO  
 MELINDA K. HOLMESOO  
 HOUEIDA SAADOO  
 MURSHED ZAHEEDOOO

(202) 898-1824

FAX (202) 429-8928



JOHN F. O'DONNELL  
 (1907-1993)

1300 L Street, N.W.  
 Suite 1200  
 Washington, D.C. 20005

(202) 898-1707

October 2, 2001

\*ALSO NY BAR  
 \*\*ALSO PA AND MS BAR  
 \*\*\*ALSO MD BAR  
 OALSO VA BAR  
 OALSO PA BAR  
 OOO MA BAR ONLY

The Honorable Vernon A. Williams  
 Secretary  
 Surface Transportation Board  
 Mercury Building, Room 700  
 1925 K Street, N.W.  
 Washington, DC 20423



I

Re: CSX/NS-Conrail F.D. No. 33388-Norfolk Southern Hollidaysburg Car Shop

Dear Secretary Williams:

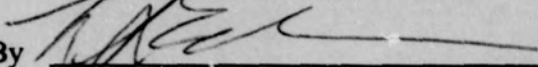
Enclosed please find an original and ten copies of the Amended Joint Motion for Stay Pending Judicial Review and for Establishment of an Expedited Procedural Schedule of the Commonwealth of Pennsylvania and the Unions in the above-referenced matter, along with a 3½ inch floppy disk in WordPerfect format that contains the document.

The Joint Motion has been amended to replace the last four sentences on the bottom of page 5 of the original Joint Motion with the four sentences that begin with the word "Likewise" near the bottom of page 5 and carry over to page 6 of the amended version. Because of format differences on the two computers used to produce the two versions of the Joint Motion, there are places where the lines of the amended version do not appear in the same places on the pages as they did on the original version. However, there have been no changes to the content of the Joint Motion other than to the title and to the four sentences that I mentioned above. For the convenience of all concerned, attached to this letter are the original page 5, and the four sentences that were substituted for those sentences. A copy of the substitute four sentences was sent to counsel for Norfolk Southern on October 1, 2001.

I apologize for any inconvenience that this may cause the Board or any party.

Sincerely,

O'Donnell, Schwartz & Anderson, P.C.

By   
Richard S. Edelman

Enclosures

cc: All parties of record



might sound dreadful, does not constitute an unforeseeable level of operations, particularly when NS contributed to that low level of operations by turning work away and deferring maintenance on its own cars, as Pennsylvania and the Unions have demonstrated. The failure to address that evidence was arbitrary in any event, under any conceivable legal standard of when carriers might be relieved from their promises.

Pennsylvania also submits that it was arbitrary and capricious, and contrary to law (including the law established by the Board itself in the ordering paragraph of Decision No. 89 approving the Conrail control transaction), for the Board to permit closure of the Shops on the ground that the employees there could be transferred elsewhere. As the Board has recognized, Pennsylvania relied on the promises made by NS regarding the Shops, and imposed by the Board in Decision No. 89. With due respect and regard for the employees of the Shops, their transfer elsewhere, while it might guarantee them future employment, does nothing to address the economic loss to Pennsylvania of their departure. This loss is detailed in the attached Affidavit of Martin J. Marasco, which is discussed further in the section on irreparable harm below. Likewise, it was arbitrary and capricious, and contrary to law, for the Board to reason that other NS repair shops in other states might suffer employment losses if the Hollidaysburg Shops were not closed. At a minimum, the Board should have examined whether the maintenance and use of those other shops in other states was the subject of promises made by NS to those states and localities. If not, the Board should have enforced Decision No. 89 and ordered NS to maintain the Shops where it promised it would. There would be nothing to prevent NS from cutting employment at other locations, so long as no promises were made concerning those locations.



Likewise, it was arbitrary and capricious, and contrary to law, for the Board to refuse to enforce its order based on the supposition that NSR employees in other states might suffer employment losses if the Hollidaysburg Shops were not closed. The issue here was whether NSR's plan to close the HCS was contrary to representations to which it was bound by STB order. The Board should have enforced Decision No. 89 and ordered NS to maintain the Shops as it promised it would. Whether there was anything to prevent NS from cutting employment at other locations would be a matter to be addressed in another case.

23614

BEFORE THE  
SURFACE TRANSPORTATION BOARD

Finance Docket No. 33388



CSX Corporation et al., Norfolk Southern Corp., et al. - Control and Operating  
Leases/Agreements - Conrail Inc. and Consolidated Rail Corp.

**AMENDED**

**JOINT MOTION FOR STAY PENDING JUDICIAL REVIEW AND FOR  
ESTABLISHMENT OF AN EXPEDITED PROCEDURAL SCHEDULE**

The Commonwealth of Pennsylvania ("Pennsylvania"), jointly with The Transport Workers of America, National Council of Firemen and Oilers/SEIU; International Association of Machinists and Aerospace Workers, International Brotherhood of Boilermakers and Blacksmiths, International Brotherhood of Electrical Workers, Sheet Metal Workers' International Association, Transportation Communications International Union (collectively referred to herein as "the Unions") respectfully move the Board to stay the effectiveness of its order served September 19, 2001 in *CSX Corp. et al., Norfolk Southern Corp. et al. - Control and Operating Leases/Agreements - Conrail, Inc. et al.*, STB Finance Docket No. 33388 (Decision No. 198). In addition, Pennsylvania and the Unions request that the Board establish an expedited schedule under which replies to this motion will be due next Tuesday, October 2 and the Board would issue its decision by Thursday October 4. This would enable Pennsylvania and the Unions to know of the Board's ruling in time to seek a stay, if necessary, from the United States Court of Appeals, prior to the date on which Norfolk Southern ("NS") would be entitled to close the Hollidaysburg car repair shops ("the Shops"). Although the date on which NS will be able to close the Shops is not yet

known precisely, it is expected to be in mid-October following the conclusion of presently ongoing arbitration, and provision by NS of 15 days notice of the closure of the Shops.

I. A Stay Is Warranted Given the Large Irreparable Harm to Movants, the Questionable and Marginal Harm to NS, the Likelihood of Success on the Merits, and the Clear Public Interest.

A. Standards for Granting a Stay

The standards for granting a stay pending judicial review of agency action are familiar. To summarize the leading case of Washington Metropolitan Area Transit Commission v. Holiday Tours, 559 F.2d 841, 843, 844 (D.C. Cir. 1977)(hereinafter "WMATA"), those standards are as follows: (1) Are the movants likely to succeed on the merits of their petition for judicial review, or have they at least raise questions that constitute a "fair ground for litigation and thus for more deliberative investigation"? (2) Without the stay, will movants suffer irreparable injury? (3) Would issuance of the stay substantially harm other parties interested in the proceedings? (4) Where does the public interest lie?

Under these standards, the Board should grant a stay in this case.

B. Likelihood of Success on the Merits: Movants Have Raised Substantial Issues

In WMATA, Judge Leventhal made clear that to succeed on a motion for stay, the movant need only raise serious questions about the decision under review, so long as the balance of hardships tips decidedly in favor of the movants:

[I]f the other elements are present (i.e., the balance of hardships tips decidedly toward plaintiff), it will ordinarily be enough that the plaintiff has raised questions going to the merits so serious, substantial, difficult and doubtful, as to make them a fair ground for litigation and thus for more deliberative investigation.

WMATA, 559 F.2d 841, 844, quoting Hamilton Watch Co. v. Benrus Watch Co., 206 F.2d 738, 740 (2d Cir. 1953). Judge Leventhal went on to quote with approval a further decision of the Court of Appeals for the Second Circuit:

One moving for a preliminary injunction assumes the burden of demonstrating either a combination of probable success and the possibility of irreparable injury or that serious questions are raised and the balance of hardships tips sharply in his favor.

WMATA, 599 F.2d at 844, quoting Charlie's Girls, Inc. v. Revlon, Inc., 483 F.2d 953, 954 (2d Cir. 1973).

In this case, although the Board presumably does not issue decisions it believes to be without legal foundation, an objective examination of Decision No. 198 served September 19, 2001 makes clear that there are serious questions about the ability of the decision to withstand a petition for review. First and foremost, the decision is utterly standardless. The decision acknowledges that NS in fact made clear promises to the Unions, Pennsylvania and its leaders specifically to garner their support, and that those promises were reasonably relied upon, yet it permits Norfolk Southern to break those promises. The decision acknowledges that the Board specifically made adherence to all such promises a condition of its approval of Norfolk Southern's acquisition of control of 58% of Conrail, yet the Board abrogates that condition without any explanation of the standards under which it does so.

The essence of arbitrary decisionmaking is for the decisionmaker to make its decision based upon standards that are not apparent. See, e.g., Chemical Mfrs. Ass'n v. EPA, 899 F.2d 344, 359-360 (5th Cir. 1990) (remanding to EPA to



articulate the standards or criteria for determining when quantities of chemical entering the environment, and resulting human exposure, would be deemed "substantial"). Here, the Board articulates no standard governing when promises of merger applicants must be adhered to and when carriers will be excused from their promises. Instead, in Decision No. 198, the Board simply agrees with NS that the economy has deteriorated and that the Shops are unprofitable, and states that "under these circumstances" NS will be allowed to close the shops (slip op. at 7). The STB thus jumps from facts to conclusions without any visible legal reasoning -- the essence of conclusory, opaque, standardless and arbitrary decisionmaking. At most, the Board partially explains why it agrees with NS regarding the **facts** of current economic circumstances, without any effort to articulate the **legal** standards governing the Board's 180-degree reversal of its position on holding the merger applicants to their promises. This shortcoming of the decision is highlighted in Commissioner Clyburn's separate expression commenting on the decision (slip op. at 9).

In the absence of a clearly articulated legal standard for when promises must be kept, it is also difficult if not impossible to determine whether the factual discussion in Decision No. 198 makes any sense. For example, if the legal standard is that carriers can be relieved from their promises when unforeseeable events or circumstances occur, then certain facts in the record, not addressed by the Board in Decision No. 198, loom large. Perhaps most notable is the evidence submitted by Pennsylvania and the Unions that, although the Shops may be operating at only one-third capacity, that is roughly the same level they were

operating at in 1995, the base year used by NS in putting together the information in its merger application. Thus, operating at one-third capacity, while it might sound dreadful, does not constitute an unforeseeable level of operations, particularly when NS contributed to that low level of operations by turning work away and deferring maintenance on its own cars, as Pennsylvania and the Unions have demonstrated. The failure to address that evidence was arbitrary in any event, under any conceivable legal standard of when carriers might be relieved from their promises.

Pennsylvania also submits that it was arbitrary and capricious, and contrary to law (including the law established by the Board itself in the ordering paragraph of Decision No. 89 approving the Conrail control transaction), for the Board to permit closure of the Shops on the ground that the employees there could be transferred elsewhere. As the Board has recognized, Pennsylvania relied on the promises made by NS regarding the Shops, and imposed by the Board in Decision No. 89. With due respect and regard for the employees of the Shops, their transfer elsewhere, while it might guarantee them future employment, does nothing to address the economic loss to Pennsylvania of their departure. This loss is detailed in the attached Affidavit of Martin J. Marasco, which is discussed further in the section on irreparable harm below. Likewise, it was arbitrary and capricious, and contrary to law, for the Board to refuse to enforce its order based on the supposition that NSR employees in other states might suffer employment losses if the Hollidaysburg Shops were not closed. The issue here was whether NSR's plan to close the HCS was contrary to representations to which it was



bound by STB order. The Board should have enforced Decision No. 89 and ordered NS to maintain the Shops as it promised it would. Whether there was anything to prevent NS from cutting employment at other locations would be a matter to be addressed in another case.

**B. Absent the Stay, Movants Will Suffer Serious Irreparable Injury**

Absent the stay, NS intends to close the Shops. An irreversible process will then be set in motion in which employees must begin to plan for transfers to other NS locations and operations at the Shops will cease. Although the employees may obtain jobs with NS elsewhere, they will nonetheless suffer hardship from being forced to move when they do not want to, severing often longstanding school and community ties, and incurring costs and inconveniences not encompassed in the transfer scheme. There would be no redress for such disruptions and costs so long as the closure of the Shops is permitted to occur.

More readily quantifiable from an economic standpoint, and considerably larger in terms of dollar loss, would be the very substantial harm to the Altoona/Blair County area should the Shops be closed. This harm is detailed in the attached Affidavit of Martin J. Marasco, President and CEO of the Altoona Blair County Development Corporation ("ABCD"). According to a July 2001 study performed for ABCD, and attached to Mr. Marasco's affidavit, the loss of union jobs alone from the Shops would result in a loss of some \$13 million in annual wages to the Blair County community. When considering employment in the local economic sectors which support the Shops and their employees and families (e.g., the retail, restaurant, supplier and service sectors), total lost wages

would be approximately \$43,000,000. If non-Union Shops employees are also considered, the lost wages would be \$53,000,000 annually. Mr. Marasco concludes that, even if some Shops employees choose to retire or to sever their ties from NS and remain in Blair County, they would not be earning the same high wage levels paid by NS for the skilled work at the Shops. In Mr. Marasco's opinion, even if some Shops workers remain in Blair County, the economic loss to the Altoona Blair County area will probably exceed \$40,000,000 annually.

As explained by Mr. Marasco, despite substantial efforts by NS and ABCD, no buyer has come forward with serious interest in buying the Shops, either as a going concern for rail car repair or as a site for redevelopment or reuse. Should the Shops be closed and the skilled employees dispersed, the prospect of selling the Shops property for use as such would become nil. In effect, the business, viewed as a stand-alone entity, would be destroyed as a going concern. The prospects of selling the property for redevelopment or reuse are rendered difficult, among other factors, by the special purpose nature of the Shops building and the environmental contamination concerns present whenever it is proposed to redevelop a former heavy industrial site.

It is unlikely that any of the economic losses detailed by Mr. Marasco would be compensable in a court of law, because of the view that the Board has plenary authority in this field.

In sum, once NS closes the Shops, which it will presumably do immediately as soon as the current NS-union arbitration is concluded and it has given 15 days notice, the employees and Pennsylvania will suffer substantial

irreparable harm on the order of \$40,000,000 annually, which will continue to be suffered indefinitely unless and until the Shops site is wholly or partially redeveloped, which could take years and in any case would not likely result in total wages coming close to those at the Shops currently. In addition, even if the Shops site is redeveloped, the localities and Pennsylvania would lose substantial tax revenues now earned on the activity at the site, because the future redevelopment of the site will be encouraged by a near-complete 13-year state and local tax exemption under Pennsylvania's Keystone Opportunity Expansion Zone program, as explained by Mr. Marasco.

C. The Harm to NS, If Any, Would Be Temporary, and Would Be Outweighed by the Harm to Movants.

Although NS submitted evidence, relied on the Board, that it was losing about \$7 million per year by keeping the Shops in operation, the true meaning of that figure is subject to question. As noted above and in the evidence filed by Pennsylvania and the Unions, the current utilization of one-third of the capacity of the shops is similar to the capacity utilization of the Shops in 1995. It is entirely possible that Conrail was losing money on the Shops then, and that NS knew this. Even if NS did not specifically know whether the Shops were profitable on a stand-alone basis, NS can fairly be charged with that knowledge, since NS presumably conducted full due diligence in its acquisition of Conrail. In any case, NS knew that the issue of whether the Shops would be kept open was important to Pennsylvania and its elected officials, as well as the Unions, and NS can hardly be heard to say that they promised to keep the Shops open but they just

didn't understand the financial shape the Shops were in.

In any event, even if NS were losing \$7 million annually on the Shops, and even if this loss were a new and surprising development, a \$7 million annual loss is dwarfed by the approximately \$40 million (or more) annual loss that would result to Blair County from the closure of the Shops and the impact on businesses supporting the Shops and servicing the employees and their families.

Moreover, the harm to NS would be only temporary. It will take only a matter of months for the Court of Appeals to rule on the validity of the Board's September 19 decision. If the Court of Appeals invalidates the Board's decision, NS cannot claim injury from having the legal *status quo ante* reinstated. If the Court of Appeals upholds the Board, NS is free to do what the Board's decision allows it and requires it to do.

The harm to Pennsylvania and its localities, by contrast, would be indefinite, because there is not one serious prospect on the horizon for the reuse or redevelopment of the Shops. The loss of wages and other taxable economic activity would likely take years to overcome.

#### D. The Public Interest Favors Granting the Stay

There is a clear and very substantial public interest in the question when and under what circumstances rail merger applicants will be held to the promises they make in soliciting public support for their proposed mergers. It is no overstatement to say that this question is central to the integrity of, and public trust in, merger proceedings.



In this case, for example, the support of Pennsylvania and its elected officials was one of the key factors enabling NS to build a broad public consensus in favor of its acquisition of control of 58% of Conrail. Clearly, Pennsylvania potentially had much to lose with the demise of Conrail's large corporate headquarters in Philadelphia, and hence NS' repeated promises that other NS facilities, including the Shops, would be kept open, were extremely important in moving Pennsylvania and its officials from opposition to support for NS's application. For the Board to abrogate those promises, which the Board previously directed NS to keep, there should at a minimum be some publicly articulated legal standard regarding what factual circumstances warrant abrogation.

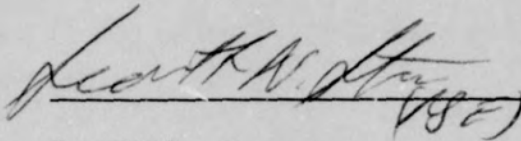
The need for legal standards, and a range of useful suggestions about what the standards should be, were discussed in detail in the comments submitted by the National Industrial Transportation League on July 17, 2001 in this proceeding (NITL-17).

## II. Request for Expedited Procedural Schedule

Pennsylvania and the Unions request that the Board establish an expedited schedule under which replies to this motion will be due next Tuesday, October 2 and the Board would issue its decision by Thursday October 4. This would enable Pennsylvania and the Unions to know of the Board's ruling in time to seek a stay, if necessary, from the United States Court of Appeals, prior to the date on which Norfolk Southern ("NS") would be entitled to close the Hollidaysburg car

repair shops ("the Shops"). Although the date on which NS will be able to close the Shops is not yet known precisely, it is expected to be in mid-October following the conclusion of presently ongoing arbitration, and provision by NS of 15 days notice of the closure of the Shops.

Respectfully submitted,

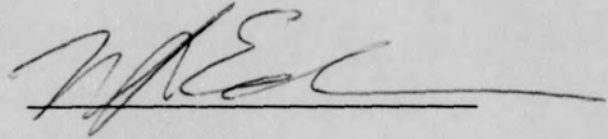


Scott N. Stone  
Patton Boggs, LLP  
2550 M Street, N.W.  
Washington, D.C. 20037  
202-457-6335

Counsel for the Commonwealth  
of Pennsylvania

dated: September 27, 2001

amended: October 2, 2001



Richard S. Edelman  
O'Donnell, Schwartz  
& Anderson, P.C.  
1900 L Street, N.W.  
Washington, D.C. 20036  
202-898-1824

Counsel for the Unions

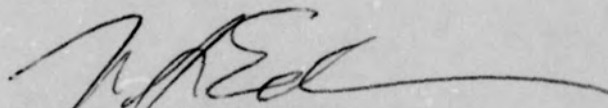


### **CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of October, 2001, copies of this Amended Joint Motion for Stay Pending Judicial Review and For Establishment of a Procedural Schedule was served by hand delivery upon:

Richard A. Allen  
Zuckert, Scoutt & Rasenberger, LLP  
888 Seventeenth Street, NW  
Suite 600  
Washington, DC 20006

I further certify that the foregoing pleading has been served this 2<sup>nd</sup> day of October , 2001 by overnight delivery to parties who responded to the Board's Order in Decision No. 186, and by First Class U.S. Mail, postage prepaid, upon all other known parties of record in Finance Docket No. 33388.

  
Richard S. Edelman

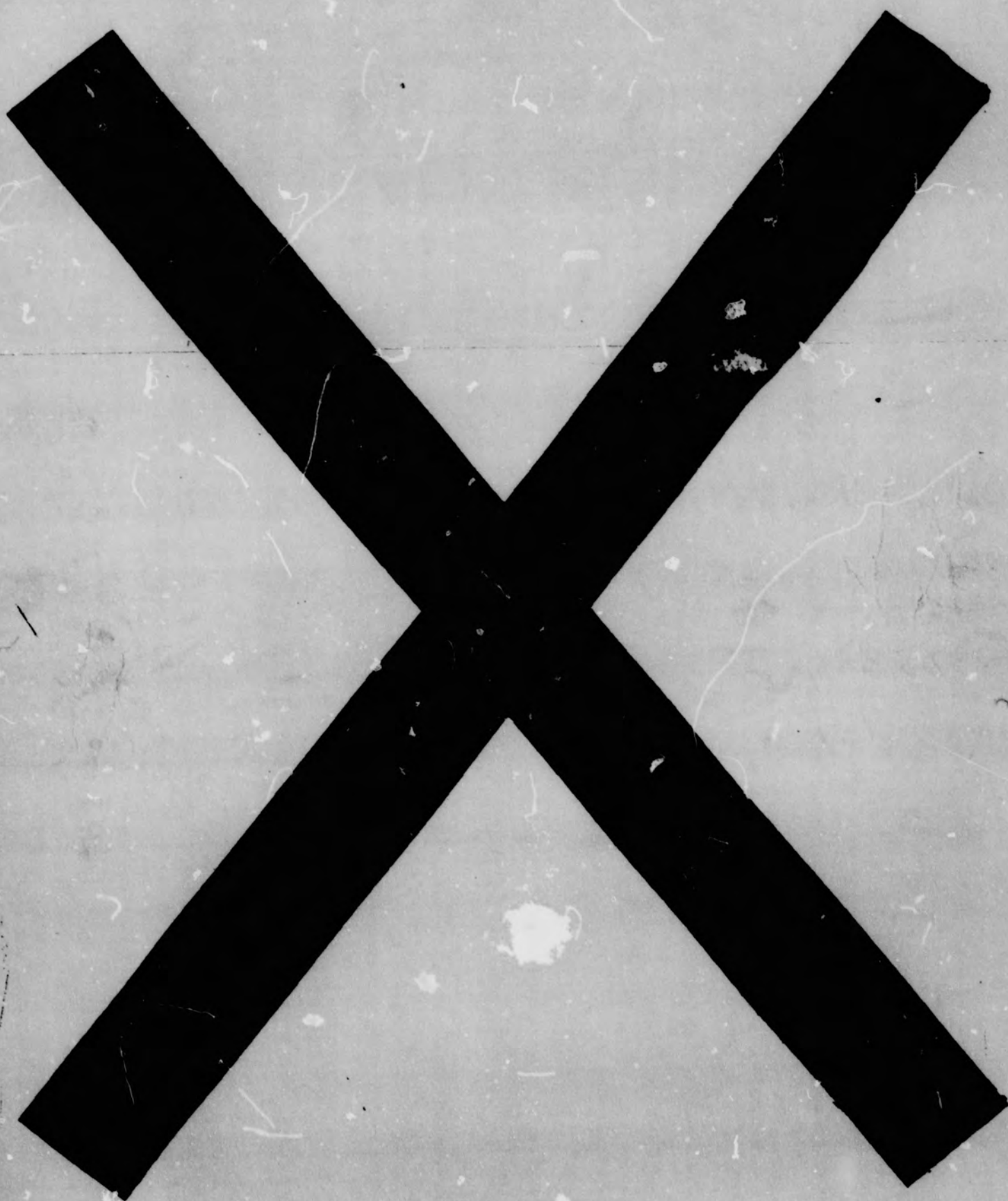
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**PATTON BOGGS LLP**  
ATTORNEYS AT LAW

2550 M Street, NW  
Washington, DC 20037-1350  
202-457-6000

Facsimile 202-457-6315  
www.pattonboggs.com

Scott N. Stone  
202-457-6335  
sstone@pattonboggs.com

September 27, 2001

**BY HAND - EXPEDITED HANDLING REQUESTED**

The Hon. Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, NW Suite 700  
Washington, DC 20423-0001



Re: Finance Docket No. 33388, CSX Corporation et al., Norfolk Southern Corp., et al. –  
Control and Operating Leases/Agreements – Conrail Inc. and Consolidated Rail Corp

Dear Secretary Williams:

Enclosed for filing in this docket are the original and 25 copies of a Joint Motion for Stay Pending Judicial Review and For Establishment of An Expedited Procedural Schedule filed by the Commonwealth of Pennsylvania and the unions representing workers at Norfolk Southern's Hollidaysburg, PA car shops. Also enclosed is a computer diskette containing a copy of this filing in WordPerfect 5.x.

Please acknowledge receipt of this filing by date-stamping the enclosed duplicate copy and returning it with our messenger. Thank you.

Sincerely,

Scott N. Stone

Enclosures

ENTERED  
Office of the Secretary

SEP 27 2001

Part of  
Public Record

BEFORE THE  
SURFACE TRANSPORTATION BOARD

Finance Docket No. 33388



CSX Corporation et al., Norfolk Southern Corp., et al. – Control and Operating  
Leases/Agreements – Conrail Inc. and Consolidated Rail Corp.

**JOINT MOTION FOR STAY PENDING JUDICIAL REVIEW AND FOR  
ESTABLISHMENT OF AN EXPEDITED PROCEDURAL SCHEDULE**

The Commonwealth of Pennsylvania (“Pennsylvania”), jointly with The Transport Workers of America, National Council of Firemen and Oilers/SEIU; International Association of Machinists and Aerospace Workers, International Brotherhood of Boilermakers and Blacksmiths, International Brotherhood of Electrical Workers, Sheet Metal Workers’ International Association, Transportation Communications International Union (collectively referred to herein as “the Unions”) respectfully move the Board to stay the effectiveness of its order served September 19, 2001 in *CSX Corp. et al., Norfolk Southern Corp. et al. – Control and Operating Leases/Agreements – Conrail, Inc. et al.*, STB Finance Docket No. 33388 (Decision No. 198). In addition, Pennsylvania and the Unions request that the Board establish an expedited schedule under which replies to this motion will be due next Tuesday, October 2 and the Board would issue its decision by Thursday October 4. This would enable Pennsylvania and the Unions to know of the Board’s ruling in time to seek a stay, if necessary, from the United States Court of Appeals, prior to the date on which Norfolk Southern (“NS”) would be entitled to close the Hollidaysburg car repair shops (“the Shops”). Although the date on which NS will be able to close the Shops is not yet know

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SEP 27 2001

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precisely, it is expected to be in mid-October following the conclusion of presently ongoing arbitration, and provision by NS of 15 days notice of the closure of the Shops.

I. A Stay Is Warranted Given the Large Irreparable Harm to Movants, the Questionable and Marginal Harm to NS, the Likelihood of Success on the Merits, and the Clear Public Interest.

A. Standards for Granting a Stay

The standards for granting a stay pending judicial review of agency action are familiar. To summarize the leading case of Washington Metropolitan Area Transit Commission v. Holiday Tours, 559 F.2d 841, 843, 844 (D.C. Cir. 1977)(hereinafter "WMATA"), those standards are as follows: (1) Are the movants likely to succeed on the merits of their petition for judicial review, or have they at least raise questions that constitute a "fair ground for litigation and thus for more deliberative investigation"? (2) Without the stay, will movants suffer irreparable injury? (3) Would issuance of the stay substantially harm other parties interested in the proceedings? (4) Where does the public interest lie?

Under these standards, the Board should grant a stay in this case.

B. Likelihood of Success on the Merits: Movants Have Raised Substantial Issues

In WMATA, Judge Leventhal made clear that to succeed on a motion for stay, the movant need only raise serious questions about the decision under review, so long as the balance of hardships tips decidedly in favor of the movants:

[I]f the other elements are present (i.e., the balance of hardships tips decidedly toward plaintiff), it will ordinarily be enough that the plaintiff has raised questions going to the merits so serious, substantial, difficult and doubtful, as to make them a fair ground for litigation and thus for more deliberative investigation.



WMATA, 559 F.2d 841, 844, quoting Hamilton Watch Co. v. Benrus Watch Co., 206 F.2d 738, 740 (2d Cir. 1953). Judge Leventhal went on to quote with approval a further decision of the Court of Appeals for the Second Circuit:

One moving for a preliminary injunction assumes the burden of demonstrating either a combination of probable success and the possibility of irreparable injury or that serious questions are raised and the balance of hardships tips sharply in his favor.

WMATA, 599 F.2d at 844, quoting Charlie's Girls, Inc. v. Revlon, Inc., 483 F.2d 953, 954 (2d. Cir. 1973).

In this case, although the Board presumably does not issue decisions it believes to be without legal foundation, an objective examination of Decision No. 198 served September 19, 2001 makes clear that there are serious questions about the ability of the decision to withstand a petition for review. First and foremost, the decision is utterly standardless. The decision acknowledges that NS in fact made clear promises to the Unions, Pennsylvania and its leaders specifically to garner their support, and that those promises were reasonably relied upon, yet it permits Norfolk Southern to break those promises. The decision acknowledges that the Board specifically made adherence to all such promises a condition of its approval of Norfolk Southern's acquisition of control of 58% of Conrail, yet the Board abrogates that condition without any explanation of the standards under which it does so.

The essence of arbitrary decisionmaking is for the decisionmaker to make its decision based upon standards that are not apparent. See, e.g., Chemical Mfrs. Ass'n v. EPA, 899 F.2d 344, 359-360 (5th Cir. 1990) (remanding to EPA to articulate the

standards or criteria for determining when quantities of chemical entering the environment, and resulting human exposure, would be deemed "substantial").

Here, the Board articulates no standard governing when promises of merger applicants must be adhered to and when carriers will be excused from their promises. Instead, in Decision No. 198, the Board simply agrees with NS that the economy has deteriorated and that the Shops are unprofitable, and states that "under these circumstances" NS will be allowed to close the shops (slip op. at 7). The STB thus jumps from facts to conclusions without any visible legal reasoning -- the essence of conclusory, opaque, standardless and arbitrary decisionmaking. At most, the Board partially explains why it agrees with NS regarding the **facts** of current economic circumstances, without any effort to articulate the **legal** standards governing the Board's 180-degree reversal of its position on holding the merger applicants to their promises. This shortcoming of the decision is highlighted in Commissioner Clyburn's separate expression commenting on the decision (slip op. at 9).

In the absence of a clearly articulated legal standard for when promises must be kept, it is also difficult if not impossible to determine whether the factual discussion in Decision No. 198 makes any sense. For example, if the legal standard is that carriers can be relieved from their promises when unforeseeable events or circumstances occur, then certain facts in the record, not addressed by the Board in Decision No. 198, loom large. Perhaps most notable is the evidence submitted by Pennsylvania and the Unions that, although the Shops may be operating at only one-third capacity, that is roughly the same level they were operating at in 1995, the base year used by NS in putting together the information in its merger application. Thus, operating at one-third capacity, while it

might sound dreadful, does not constitute an unforeseeable level of operations, particularly when NS contributed to that low level of operations by turning work away and deferring maintenance on its own cars, as Pennsylvania and the Unions have demonstrated. The failure to address that evidence was arbitrary in any event, under any conceivable legal standard of when carriers might be relieved from their promises.

Pennsylvania also submits that it was arbitrary and capricious, and contrary to law (including the law established by the Board itself in the ordering paragraph of Decision No. 89 approving the Conrail control transaction), for the Board to permit closure of the Shops on the ground that the employees there could be transferred elsewhere. As the Board has recognized, Pennsylvania relied on the promises made by NS regarding the Shops, and imposed by the Board in Decision No. 89. With due respect and regard for the employees of the Shops their transfer elsewhere, while it might guarantee them future employment, does nothing to address the economic loss to Pennsylvania of their departure. This loss is detailed in the attached Affidavit of Martin J. Marasco, which is discussed further in the section on irreparable harm below. Likewise, it was arbitrary and capricious, and contrary to law, for the Board to reason that other NS repair shops in other states might suffer employment losses if the Hollidaysburg Shops were not closed. At a minimum, the Board should have examined whether the maintenance and use of those other shops in other states was the subject of promises made by NS to those states and localities. If not, the Board should have enforced Decision No. 89 and ordered NS to maintain the Shops where it promised it would. There would be nothing to prevent NS from cutting employment at other locations, so long as no promises were made concerning those locations.

**B. Absent the Stay, Movants Will Suffer Serious Irreparable Injury**

Absent the stay, NS intends to close the Shops. An irreversible process will then be set in motion in which employees must begin to plan for transfers to other NS locations and operations at the Shops will cease. Although the employees may obtain jobs with NS elsewhere, they will nonetheless suffer hardship from being forced to move when they do not want to, severing often longstanding school and community ties, and incurring costs and inconveniences not encompassed in the transfer scheme. There would be no redress for such disruptions and costs so long as the closure of the Shops is permitted to occur.

More readily quantifiable from an economic standpoint, and considerably larger in terms of dollar loss, would be the very substantial harm to the Altoona/Blair County area should the Shops be closed. This harm is detailed in the attached Affidavit of Martin J. Marasco, President and CEO of the Altoona Blair County Development Corporation ("ABCD"). According to a July 2001 study performed for ABCD, and attached to Mr. Marasco's affidavit, the loss of union jobs alone from the Shops would result in a loss of some \$13 million in annual wages to the Blair County community. When considering employment in the local economic sectors which support the Shops and their employees and families (e.g., the retail, restaurant, supplier and service sectors), total lost wages would be approximately \$43,000,000. If non-Union Shops employees are also considered, the lost wages would be \$53,000,000 annually. Mr. Marasco concludes that, even if some Shops employees choose to retire or to sever their ties from NS and remain in Blair County, they would not be earning the same high wage levels paid by NS for the skilled work at the Shops. In Mr. Marasco's opinion, even if some Shops workers remain



in Blair County, the economic loss to the Altoona Blair County area will probably exceed \$40,000,000 annually.

As explained by Mr. Marasco, despite substantial efforts by NS and ABCD, no buyer has come forward with serious interest in buying the Shops, either as a going concern for rail car repair or as a site for redevelopment or reuse. Should the Shops be closed and the skilled employees dispersed, the prospect of selling the Shops property for use as such would become nil. In effect, the business, viewed as a stand-alone entity, would be destroyed as a going concern. The prospects of selling the property for redevelopment or reuse are rendered difficult, among other factors, by the special purpose nature of the Shops building and the environmental contamination concerns present whenever it is proposed to redevelop a former heavy industrial site.

It is unlikely that any of the economic losses detailed by Mr. Marasco would be compensable in a court of law, because of the view that the Board has plenary authority in this field.

In sum, once NS closes the Shops, which it will presumably do immediately as soon as the current NS-union arbitration is concluded and it has given 15 days notice, the employees and Pennsylvania will suffer substantial irreparable harm on the order of \$40,000,000 annually, which will continue to be suffered indefinitely unless and until the Shops site is wholly or partially redeveloped, which could take years and in any case would not likely result in total wages coming close to those at the Shops currently. In addition, even if the Shops site is redeveloped, the localities and Pennsylvania would lose substantial tax revenues now earned on the activity at the site, because the future redevelopment of the site will be encouraged by a near-complete 13-year state and local



tax exemption under Pennsylvania's Keystone Opportunity Expansion Zone program, as explained by Mr. Marasco.

C. The Harm to NS, If Any, Would Be Temporary, and Would Be Outweighed by the Harm to Movants.

Although NS submitted evidence, relied on the Board, that it was losing about \$7 million per year by keeping the Shops in operation, the true meaning of that figured is subject to question. As noted above and in the evidence filed by Pennsylvania and the Unions, the current utilization of one-third of the capacity of the shops is similar to the capacity utilization of the Shops in 1995. It is entirely possible that Conrail was losing money on the Shops then, and that NS knew this. Even if NS did not specifically know whether the Shops were profitable on a stand-alone basis, NS can fairly be charged with that knowledge, since NS presumably conducted full due diligence in its acquisition of Conrail. In any case, NS knew that the issue of whether the Shops would be kept open was important to Pennsylvania and its elected officials, as well as the Unions, and NS can hardly be heard to say that they promised to keep the Shops open but they just didn't understand the financial shape the Shops were in.

In any event, even if NS were losing \$7 million annually on the Shops, and even if this loss were a new and surprising development, a \$7 million annual loss is dwarfed by the approximately \$40 million (or more) annual loss that would result to Blair County from the closure of the Shops and the impact on businesses supporting the Shops and servicing the employees and their families.

Moreover, the harm to NS would be only temporary. It will take only a matter of months for the Court of Appeals to rule on the validity of the Board's September 19

decision. If the Court of Appeals invalidates the Board's decision, NS cannot claim injury from having the legal *status quo ante* reinstated. If the Court of Appeals upholds the Board, NS is free to do what the Board's decision allows it and requires it to do. The harm to Pennsylvania and its localities, by contrast, would be indefinite, because there is not one serious prospect on the horizon for the reuse or redevelopment of the Shops. The loss of wages and other taxable economic activity would likely take years to overcome.

D. The Public Interest Favors Granting the Stay

There is a clear and very substantial public interest in the question when and under what circumstances rail merger applicants will be held to the promises they make in soliciting public support for their proposed mergers. It is no overstatement to say that this question is central to the integrity of, and public trust in, merger proceedings.

In this case, for example, the support of Pennsylvania and its elected officials was one of the key factors enabling NS to build a broad public consensus in favor of its acquisition of control of 58% of Conrail. Clearly, Pennsylvania potentially had much to lose with the demise of Conrail's large corporate headquarters in Philadelphia, and hence NS' repeated promises that other NS facilities, including the Shops, would be kept open, were extremely important in moving Pennsylvania and its officials from opposition to support for NS's application. For the Board to abrogate those promises, which the Board previously directed NS to keep, there should at a minimum be some publicly articulated legal standard regarding what factual circumstances warrant abrogation.

The need for legal standards, and a range of useful suggestions about what the standards should be, were discussed in detail in the comments submitted by the National Industrial Transportation League on July 17, 2001 in this proceeding (NITL-17).

II. Request for Expedited Procedural Schedule

Pennsylvania and the Unions request that the Board establish an expedited schedule under which replies to this motion will be due next Tuesday, October 2 and the Board would issue its decision by Thursday October 4. This would enable Pennsylvania and the Unions to know of the Board's ruling in time to seek a stay, if necessary, from the United States Court of Appeals, prior to the date on which Norfolk Southern ("NS") would be entitled to close the Hollidaysburg car repair shops ("the Shops"). Although the date on which NS will be able to close the Shops is not yet known precisely, it is expected to be in mid-October following the conclusion of presently ongoing arbitration, and provision by NS of 15 days notice of the closure of the Shops.

Respectfully submitted,



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Scott N. Stone  
Patton Boggs, LLP  
2550 M Street, N.W.  
Washington, D.C. 20037  
202-457-6335

Counsel for the Commonwealth  
of Pennsylvania

dated: September 27, 2001



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Richard S. Edelman  
O'Donnell, Schwartz  
& Anderson, P.C.  
1900 L Street, N.W.  
Washington, D.C. 20036  
202-898-1824

Counsel for the Unions

## AFFIDAVIT OF MARTIN J. MARASCO

My name is Martin J. Marasco. I am President and CEO of the Altoona Blair County Development Corporation, which I will refer to in this affidavit as "ABCD." ABCD is a non-profit corporation formed in 1996 as a product of the informal alliance of Altoona Enterprises, Inc., the Greater Altoona Economic Development Corporation and the marketing division of the Blair County Chamber of Commerce. Together, ABCD and its predecessor have been facilitating business growth in Blair County since 1946. ABCD Corporation is now the primary business development corporation dedicated to economic expansion in the I-99 Technology and Industrial Corridor. As President and CEO of ABCD, my responsibilities include the oversight and coordination of those economic development efforts.

My educational background and professional experience are set out in the attached biographical summary.

I am familiar with the plans of Norfolk Southern, originally announced in November 2000, to close its railroad car repair shops located at Hollidaysburg in Blair County. (In this affidavit I will refer to these as "the Shops.") The Shops, which employ a total of approximately 400, including over 300 union workers, are one of the largest industrial employers in Blair County. The purpose of this affidavit is to describe the economic harm that would result if the shops were to be closed.

The first part of this affidavit describes the unsuccessful efforts Norfolk Southern has made to sell the shops as a "going concern." I conclude in that part of my affidavit that to the best of my knowledge there is no current buyer for the shops as a "going concern" and that there is little if any prospect that the shops could be sold as such after they are closed and the skilled



employees dissipate to jobs at other Norfolk Southern locations. I therefore devote the second part of my affidavit to the efforts that have been made to market the Shops and the land they are on for some sort of reuse or redevelopment. In my view, although strong efforts would continue to be made in conjunction with Norfolk Southern, to redevelop and market the site, the site would suffer from the reality or perception attached to most "brownfield" sites occupied by heavy industry, and would be a difficult sell as compared with "greenfield" sites. Finally, in the third part of my affidavit, I comment on the likely effects on the Blair County area of closing the Shops, in terms of the direct and multiplier effect on local employment, economic activity, and tax revenue.

1. Norfolk Southern's Decision to Close the Shops and Efforts to Sell the Shops

Norfolk Southern first announced its intention to close the Shops in early November 2000. I became aware of their intention through the local media and by notification from local officials. Norfolk Southern cancelled the closure two weeks later following pressure exerted by former Congressman Bud Shuster. But in February 2001, shortly after Congressman Shuster announced his imminent retirement, Norfolk Southern once again announced that it would close the Shops.

In late March, the unions representing workers at the Shops, together with the Commonwealth of Pennsylvania, filed a petition with the federal Surface Transportation Board ("STB") seeking to enforce promises Norfolk Southern had made, at the time it sought STB permission to assume control of a portion of the former Conrail, that it would keep the Shops open. Following the filing of the union/Commonwealth petition with the STB, ABCD continued



its efforts to preserve the jobs at the Shops, and investigate alternative uses for the site and facilities, in the event Norfolk Southern eventually succeeded in closing the shops.

Beginning in January of 2001, my office began discussions with Norfolk Southern regarding how the jobs at the Shops might be preserved. Over the course of the next few months it was reported in the local press that Norfolk Southern contacted six independent private rail car companies in an effort to sell the Shops, but each of those six companies declined to acquire the Shops.

It would appear that, if the Shops are allowed to be closed and the skilled Norfolk Southern employees at the shops are dispersed to other locations, the possibility of selling them for continued use as a rail car repair facility will be almost nil.

## 2. Efforts to Market Shops Site for Other Use

Norfolk Southern also had an appraisal done on the site and approached several real estate brokers concerning the possibility of marketing the site. On April 25, 2001 ABCD organized a tour of the Shops site attended by Norfolk Southern representatives, state, federal and local elected officials or their representatives, and economic development representatives. The tour enabled these officials and representatives to become familiar with the operational capacity of the shops. No formal strategy for marketing the facility resulted from the tour, however.

In addition, the Shops site has been designated as a "Keystone Opportunity Expansion Zone" under a Pennsylvania state program which would provide a new non-railroad operator with a complete exemption from state corporate income tax, sales and use tax, and local real property tax, among other taxes, for a period of thirteen years. The total annual revenues

attributable to these taxes, and exempted under the KOEZ program, would depend upon the use of the facility, the number of employees, and the profitability of the facility, among other factors.

ABCD has also listed the Shops property on its web site. To date, there have been no serious expressions of interest concerning the Shops property. ABCD also did a mailing to national and regional industrial site location firms, but again we have received no serious expressions of interest as a result of that mailing.

Having been in the economic development field for over 30 year, I am hesitant to say that any property is completely unmarketable, but there are serious handicaps related to this particular property that must be recognized. The building itself has been used as a car repair shop for many years and would have to be extensively rebuilt and reconfigured to be converted to other uses. The building is unheated. As with any industrial or railroad property, a buyer will have to be concerned about the possibility of environmental contamination. For these reasons, it is quite uncertain whether the property can be sold for other uses, and if so, when.

### 3. Economic Harm if Norfolk Southern is Permitted to Close the Shops

In the summer of 2001 ABCD commissioned a study to quantify the economic impacts on Blair County that would result if the Hollidaysburg shops were closed. I have attached a copy of this study, entitled "Impacts of the Closure of the Hollidaysburg Car Shops on Blair County: An Economic Base Analysis" (July 2001). The study was performed for ABCD by VanLandingham Consulting of Warriors Mark, PA.

The study concluded that lost wages, should the union workers at the plant depart the area, would total more than \$13,000,000 annually. The lost wages of other Blair County employees whose jobs support the shops workers (e.g., workers in the retail, restaurant, supplier,

service, and other supporting economic sectors) would add another \$30,000,000, for a total of \$43,000,000 in lost wages annually.

The study called this loss of \$43,000,000 in annual wages a "worst case scenario," because it assumed that some of the workers who lost their jobs at the Shops would choose to retire or to seek other jobs locally. However, I am informed that the Surface Transportation Board in its decision of September 19, 2001 required Norfolk Southern to guarantee a job to all displaced workers willing to transfer to another Norfolk Southern location. This job guarantee would provide a substantial incentive to the Shops workers to leave the area for other Norfolk Southern locations, in order to continue to enjoy the substantially above-average wages paid in the railroad industry. (The ABCD study verified that rail workers in Blair County earned more than 1.5 times the local average income.)

In addition, the ABCD study counted only the approximately 325 union workers at the Shops. It did not take into account non-union workers who bring the total employment at the Shops to approximately 400. If we assume that the non-union workers earn on average the same as the union workers, and if we use the same multiplier to calculate the additional jobs in the supporting economic sectors (retail, etc.), the total annual lost wages would be on the order of \$53,000,000. Even if one assumed that some workers stayed in the area, they would be staying to do jobs (or possibly accept retirement benefits) that paid less and did not generate the same multiplier effect as the basic industrial jobs at the Shops. For these reasons, in my opinion, it is probable that the total lost wages in Blair County that would result if the Shops were closed would exceed \$40,000,000.

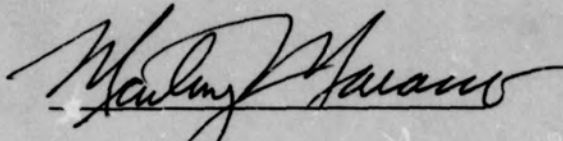
. Even in the event that the Shops property were somehow redeveloped, it is quite unlikely that they would be reused at a level of activity comparable to that of the Shops, and so local jobs and

wages at the site and in supporting sectors would be very substantially reduced. In addition, the Commonwealth and localities would forego most if not all tax revenue from the property for thirteen years because of the tax exemptions under the KOEZ program.



VERIFICATION

I, Martin J. Marasco, swear under penalty of perjury under the laws of the United States that I have read the foregoing statement and that the statement is true and correct to the best of my knowledge.

  
Martin J. Marasco

Sept. 26, 2001

date



**MARTIN J. MARASCO**  
**PRESIDENT & CEO**  
**ALTOONA-BLAIR COUNTY DEVELOPMENT CORPORATION**

Marty Marasco is an economic development professional with 30 years of experience in developing and delivering purposeful and creative programs and services involving all aspects of the economic development process.

Marasco has served as President & CEO of the Altoona-Blair County Economic Development Corporation and its predecessor organization, Altoona Enterprises, Inc., since 1994. He is responsible for industrial and commercial economic development activities including encouragement of new business location and expansion of existing businesses throughout Blair County, Pennsylvania, with a broader vision of regional cooperation along the entire I-99 Regional Growth Corridor – the Green Banana. He is also Executive Director of the Blair County Industrial Development Authority, a public agency that functions as a conduit for public funding and tax exempt financing.

Marasco has extensive exposure, recognized proficiencies, and experience in all facets of economic development, including program management and administration, budget formulation, marketing, public and customer relations, fundraising, government relations, workforce development, industrial park and building development and management, grantsmanship and economic development incentive assistance. He has a proven track record of successful dealings with local, state and federal agencies as well as commercial and industrial clients. He has extensive background in maximizing the utilization of public and private financing vehicles, grants and loan opportunities.

Under his direction, ABCD Corporation has facilitated over 225 projects, totaling an excess of \$175 million in program investment – resulting in the creation and preservation of 4,500 jobs and \$300 million in total project costs. He was recently recognized as the recipient of the Economic Developer of the Year Award as presented by the Pennsylvania Economic Development Association.

Marasco has a Bachelor's Degree in Business Administration from St. Francis College and has participated in numerous financial packaging and professional development courses for public and private sector programs.

Marasco has been extremely active in professional and community organizations. Among his professional affiliations – First Vice President of the Pennsylvania Economic Development Association (PEDA); he is a member of the American Economic Development Council and the National Association of Development Companies. He serves on the Loan Review Committee and the Regional Economic Development Committee of the Southern Alleghenies Commission. He is also a member of the Team Pennsylvania Ambassadors, Senator Rick Santorum's Economic Development Taskforce, and served as a member of the Alignment Team for the SelectSites Program. Under Marasco's leadership, ABCD Corporation was named the large organization Economic Development Agency of the Year in 1998 by the statewide PEDA association.

## **PAGE TWO**

Marasco's community activities include Member/Past Vice Chairman of the Blair County Airport Authority and served as Chairman of the Airport Authority Taskforce on Privatization. He is Secretary of the Blair County Convention Center and Sports Facility Authority. He sits on the President's Cabinet at St. Francis College and the Penn State Altoona Advisory Committee, the BASICS Committee of the Blair County Chamber, and the Technical Committee at the Greater Altoona Career & Technology Center.

Marasco lives in Altoona with his wife, Carol. They have eight children and two grandchildren. His hobbies include tennis, golf, coaching and playing basketball.



**IMPACTS OF THE CLOSURE OF THE  
HOLLIDAYSBURG CAR SHOPS ON BLAIR COUNTY:  
AN ECONOMIC BASE ANALYSIS**

**JULY 2001**



## IMPACTS OF THE CLOSURE OF THE HOLLIDAYSBURG CAR SHOP ON BLAIR COUNTY: AN ECONOMIC BASE ANALYSIS

Economic Base analysis is a useful tool for estimating the impacts of a plant expansion, relocation, or closure on a relatively small region. It is applied in this case to the proposed closure of the Hollidaysburg Car Shop in Blair County. The purpose of this analysis is to show that the impacts of such a closure would extend far beyond the loss of jobs and income to those persons directly impacted by the workforce reduction.

The following is based on recent ES-202 data from the Pennsylvania Department of Labor and Industry (1997) for Pennsylvania and its Counties and on County Business Patterns for the same year for the US data. The latter is a publication of the US Bureau of the Census. The employment figures include all persons covered by Unemployment Compensation; railroad employees are not under this system. Since persons working in agriculture and the government sector are also not included in the US data, both of the local and national figures have been adjusted to account for these differences.

### Economic Base Analysis:

The economic base of the area includes all industries which produce at least part of their output for consumption outside of the local area. These are important industries because the sales they generate determines the income available for growth and for the consumption of items not produced locally. "Export" sales by local industries are determined by the concentration of that industry in the local area. This concentration is measured, somewhat crudely, by a ratio called the Location Quotient. To calculate the Location Quotient for each industry the percentage of local employment in a given industry is compared to the percentage of national employment in that industry by the ratio:

$$LQ_i = \% \text{ of total local employment in industry } i / \% \text{ of national employment in industry } i$$

When the LQ for an industry is exactly 1.0 (i.e. the local industry employs the same percentage of total employment as the industry nationally) the industry is said to be locally self-sufficient and the area neither imports nor exports the products of that industry. When the LQ is above 1.0 the part above 1.0 is presumably exported to other parts of the national or global economy. When the LQ for a particular industry is below 1.0 the area must import some of the products of that industry which it consumes locally. Obviously, if the LQ for an industry is 0.0 all of the consumed product must be imported. For example, Pennsylvania does not grow any citrus fruit because of its climate, therefore it has an LQ of 0.0 for that industry; all citrus consumed in the state must be "imported" from Florida, California, Arizona, or elsewhere.

We determine the economic base for a local area by computing the Location Quotients for all industries. Those industries which have LQ's above 1.0 are part of the economic base. Their employment above the percentage required to generate an LQ of 1.0 is said to be "basic" employment. The assumption here is that the basic employment produces goods or services for sale to other areas and generates income for the area in proportion to the basic employment. All other

employment is call non-basic or city-serving employment: workers who provide the local services needed (schools and other government functions, retail sales, local construction, beauty salons, etc.).

The ratio of basic employment to total employment is important. Since communities grow and prosper through their sales to other areas, basic employment may be seen as supporting all other economic activity. In this sense, the ratio of basic employment to total employment suggests that for each new employee added in a basic industry, total employment will grow by a multiple of that change in basic employment equal to the ratio. This "local multiplier" may be expressed by the following formula:

$$\text{LOC MULT} = K = 1/(1-nb/t)$$

Where: nb = non-basic employment and t = total employment

Hence, if basic employment grows by 100 employees, total employment will increase by some multiple of that 100. The typical range calculated by economic base analysis is on the order of 2.5 to 5.0. (There is substantial literature to suggest that this range of ratios is actually higher than local communities experience due to "leakage" from the local community to the broader economy. However, the common practice is to calculate the basic/non-basic ratio and consider this a the maximum local impact of an employment change). Unfortunately, the loss of employment in a basic industry will have essentially the same impact in the opposite direction: if there are fewer workers producing goods for sale to others outside the region, the need for non-basic employees will contract by the same multiple of the loss of basic employment.

Depending on the mix of industries in the economic base an area economy may be healthy, stable, or declining. If a local area is highly concentrated in one, or just a few industries, its economy is highly dependent on that narrow economic base. If an area has several - or many - industries in its economic base it is less dependent upon the fortunes of any one of those industries. When the area is heavily dependent on industries which are declining nationally (even if the local firms in those industries are stable or growing) it is "at risk" because it is likely that decline may strike the local firms at any time.

Although we traditionally think of manufacturing industries as the main components of a local economic base, this is an incorrect assumption. The largest economic base industry in central Pennsylvania is education. Penn State exports educational services to students from all over the Commonwealth and elsewhere. It generates income for the region by bringing in tuition, research monies, government support, and sports related revenues. Other non-manufacturing industries in a local economic base might include: mining, transportation services, wholesale trade, services to other businesses, tourism, and - in some cases - health care. Industries which are not typically in the economic base include retail, personal services, and other "local serving" industries. These industries exist to serve the needs of the local populace and typically have LQ's near 1.0.



### **The Economic Base of Blair County:**

The economic base of Blair County (not including agriculture) includes over 50 specific (4 digit Standard Industrial Classification) industries. This suggests that the economic base of the County has sufficient breadth to withstand additional losses in the traditional Pennsylvania manufacturing industries.

Legal constraints on the use of the specific 4-digit SIC Code data imposed by the Department of Labor and Industry require that this analysis be performed (and presented) using the more aggregated 2-digit or "industry group" data. Even so, Blair County's economy can be seen to have significant breadth in its economic base. Of the 72 industry group classifications, at least 20 have a significant basic component (i.e. a Location Quotient greater than 1.2 and at least 100 basic employees). [See Table 1].

In total, there were approximately 10,224 basic employees in Blair County in 1997. This was from a total of 47,688 employees (remember: this is just those covered by Unemployment Compensation plus railroad employees and not including agricultural or government sector workers). The above ratio leads to a local multiplier of about 4.7.

### **Importance of Railroad Related Employment to Blair County:**

In 1997, there were just about 1,225 railroad employees in Blair County. Railroads have the second highest Location Quotient (9.25) and also the second largest number of basic employees (1,093) of all industry groups in the County. Further, at about \$40,000 per year, the income of these workers is more than 1.5 times the average County wage.

### **Impacts of Reducing Railroad Employment:**

Based on the above analysis, a reduction of 325 railroad employees from the Hollidaysburg Car Shops will result in significant loss of wages and employment in all sectors of the Blair County and regional economy. If those workers were to simply leave the area in search of better employment opportunities elsewhere, as many as 1,525 total jobs might be lost. Further, the total loss of wage income would be much greater than the \$13,000,000 paid to the rail workers annually. Assuming that the non-basic workers displaced by the loss rail yard employees earned average incomes for the County, an additional \$30,000,000 in lost wages could occur; total lost wages might equal \$43 million.

This worse case scenario probably won't happen. Many displaced workers will find employment in other basic industries; some will take early retirement and stay in the area living on pensions and social security. Nonetheless, the closure will have very significant negative impacts which could destabilize the County economy.

### **Regional Impacts:**

Actually, the impacts of the closure will be spread over a wider region than just the County. Blair County draws about 8,500 commuters from elsewhere in the state; over 7,200 from the contiguous

Counties. As of the 1990 Census, the approximate distribution of in-commuters from the surrounding counties was:

Cambria	3,600
Bedford	2,000
Huntingdon	810
Clearfield	400
Centre	390

In the absence of any better information, it may be assumed that the distribution of railroad workers follows the same pattern as that of the workforce in general. In that case, about 18 percent of the total impact will be experienced by the surrounding counties. This will fall most heavily on Cambria and Bedford.

In the worse case scenario, Blair would experience a loss of wage income of approximately \$35 million annually while Cambria and Bedford would see total wage losses of about \$4 million and \$2 million respectively. The remainder of the \$43,000,000 impact would be spread across all of the other counties.

#### Losses from Derived Demand:

The above considers only the impacts due to the loss of employment in the railroad industry and the loss of associated non-basic employment. One further consideration is the loss of revenues – and possibly employment – due to lower demand for steel, railroad car parts, switchgear, and other inputs to the repair of rail cars.

The 1992 US Input-Output Table (Bureau of Economic Analysis, US Department of Commerce) indicates that compensation of employees is about 30 percent of the sale value of rail equipment. If that ratio holds for the Hollidaysburg Car Shops, total value of the output of that facility will be on the order of \$43,200,000.

The Direct Requirements Matrix of the US Input-Output Table shows that steel and other primary metals products compose 15 percent of the value of the output, while other railroad equipment is about seven percent more and wholesale trade is six percent. All of these are major basic industries in Blair County or the Region. To the extent that these inputs are now purchased locally, closing the Hollidaysburg Car Shops could have a significant direct negative impact on the Region. In fact, if all of this 31 percent of the \$43,200,000 in total output is purchased from steel mills in Cambria County, railroad equipment manufacturers in Mifflin, wholesalers in Blair, etc. the total Regional loss could be as great as the loss in wages...about \$13,000,000 annually. Again, since these are losses in basic industries, a local multiplier effect would occur. The total derived losses in the Region then might be as high as \$35 to \$40 million. This does not take into account many other products, such as ball and roller bearings, banking services, screw machine products and other inputs which individually may not account for much of the value of the output but together may be significant.

**The Bottom Line:**

The direct loss wages from closing the Hollidaysburg Car Shops has an upside limit of \$13 million. To this must be added a multiplied impact due to the loss of jobs in the retail and service sectors which are dependent on the railroad wages. At the outside this could be about \$30 million. Further, foregone local and regional sales of inputs to the repair of rail cars might add another \$13 million loss. This loss, in turn, could generate an indirect loss of \$30 million. Overall, closing the Hollidaysburg Car Shops could result in a Regional loss of revenue on the order of \$80,000,000 annually.

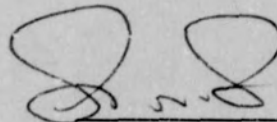
It is highly unlikely that total Regional losses will be this great. On the other hand, if only half of the rail car inputs are now purchased in the Region and, if the Region only loses one-half of the wages now paid to those displaced workers, total losses would still be greater than \$40 million each year.

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of September, 2001, copies of this Joint Motion for Stay Pending Judicial Review and For Establishment of a Procedural Schedule was served by hand delivery upon:

Richard A. Allen  
Zuckert, Scutt & Rasenberger, LLP  
888 Seventeenth Street, NW  
Suite 600  
Washington, DC 20006

I further certify that the foregoing pleading has been served this 27<sup>th</sup> day of September, 2001 by first class U.S. Mail, postage prepaid, upon all other known parties of record in Finance Docket No. 33388.



\_\_\_\_\_  
Scott N. Stone



STB

FD-33388

9-24-01

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Founded  
December 29, 1899

*Challenging  
the future  
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century  
of pride!*

# Transportation Communications International Union

ENTERED  
Office of the Secretary

SEP 24 2001

Part of  
Public Record

September 24, 2001

Robert A. Scardelletti, *International President*  
LEGAL DEPARTMENT  
Mitchell M. Kraus, *General Counsel*  
Christopher J. Tully, *Assistant General Counsel*

## VIA MESSENGER

Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423



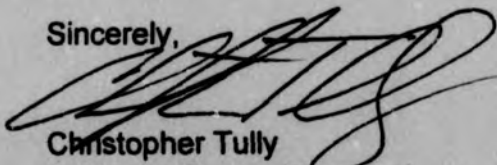
**RE: Petition for Clarification of Decision No. 198**  
**STB Finance Docket No. 33388**  
**CSX Corporation and CSX Transportation, Inc., Norfolk Southern**  
**Corporation and Norfolk Southern Railway Company – Control**  
**and Operating Leases/Agreements – Conrail Inc. and**  
**Consolidated Rail Corp.**

Dear Mr. Williams:

Enclosed for filing please find an additional fifteen (15) copies of the petition of the Transportation Communications International Union ("TCU") for Clarification of Board Decision 198 in this Finance Docket. This filing is in addition to the original and ten (10) copies of this petition that were filed by messenger on September 21, 2001. As noted in our prior communication to your office, dated September 21, 2001, consistent with 49 C.F.R. §1104.12, service has been made by first-class U.S. mail upon all of the parties on the official service list for Finance Docket No. 33388, and, in addition to service by mail, Norfolk Southern Corporation and Norfolk Southern Railway Company has been served (via counsel) by facsimile this afternoon.

Thank you for your attention in this matter.

Sincerely,

  
Christopher Tully  
Assistant General Counsel

Enclosures

203 537



Founded  
December 29, 1899

# Transportation Communications International Union

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the future  
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century  
of pride!*

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Public Record

September 21

Robert A. Scardelletti, *International President*

LEGAL DEPARTMENT

Mitchell M. Kraus, *General Counsel*

Christopher J. Tully, *Assistant General Counsel*

## VIA MESSENGER

Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423



RE: Petition for Clarification of Decision No. 198

STB Finance Docket No. 33388

*CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation, and Norfolk Southern Railway Company – Control and Operating Leases/Agreements – Conrail Inc. and Consolidated Rail Corp.*

Dear Mr. Williams:

Enclosed for filing please find an original and ten (10) copies of the petition of the Transportation Communications International Union ("TCU") for Clarification of Board Decision 198 in this Finance Docket. Consistent with 49 C.F.R. §1104.12, service is being made by first-class U.S. mail upon all of the parties on the official service list for Finance Docket No. 33388, and, in addition to service by mail, Norfolk Southern Corporation and Norfolk Southern Railway Company are being served (via counsel) by facsimile this afternoon.

Thank you for your attention in this matter.

Sincerely,

Christopher Tully  
Assistant General Counsel

Enclosures



ENTERED  
Office of the Secretary

SEP 24 2001

Part of  
Public Record

BEFORE THE  
SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 33388

CSX CORPORATION AND CSX TRANSPORTATION, INC.,  
NORFOLK SOUTHERN CORPORATION AND  
NORFOLK SOUTHERN RAILWAY COMPANY  
- CONTROL AND OPERATING LEASES/AGREEMENTS -  
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

PETITION FOR CLARIFICATION OF  
BOARD DECISION NO. 198



By decision dated September 18, 2001, this Board determined not to order NS to keep the Hollidaysburg Car Shops (HCS) open beyond October 1, 2001. (Decision No. 198) The Board, however, directed NS to extend the enhanced labor protections consisting of "automatic certification" for New York Dock benefits that it is providing for the transferring employees of three shop craft unions to the transferring employees represented by the other shop craft unions.

On April 13, 2001, the Transportation Communications International Union (TCU) joined the petition filed by several other unions and the Commonwealth of Pennsylvania seeking to enforce NS's commitments regarding the Hollidaysburg Car Shop (HCS). In the verified statement filed by Anthony Santoro, TCU explained that on February 20, 2001, NS gave notice of its intent to transfer clerical work from Hollidaysburg, abolish twenty-seven clerical positions at Hollidaysburg, and create fourteen positions at other car shops.

TCU believes that the Board intended to extend to HCS's clerical employees the "automatic certification" benefits in Decision No. 198 and respectfully request that the Board clarify its decision in this regard.

The decision extends automatic certification to transferring employees. Many, if not all, of the incumbents in the fourteen clerical positions being abolished will be able to exercise seniority to positions in their seniority district. In our view, under New York Dock, employees exercising seniority under such circumstances are entitled to protection. Specifically, employees exercising seniority to lower rated positions should be entitled to a displacement allowance, as well as any employees in the chain of displacements. The junior employee unable to hold seniority is then entitled to either follow the transferred work or become furloughed without protection.

New York Dock has been so interpreted and applied by every Class I carrier except NS. While TCU's differences with NS regarding this question have previously been extensively briefed<sup>1</sup>, we are not requesting the Board to issue a sweeping decision herein on the applicability of New York Dock to employees exercising seniority.

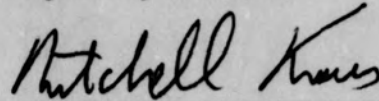
Rather, we are requesting a narrow clarification that HCS clerical employees are entitled to the enhanced New York Dock protections set forth in Decision No. 198 as the result of the abolishment of the twenty-seven clerical positions at HCS., and that they receive "automatic certification" for the six year protective period in the event they transfer or exercise seniority to another position. Such certification would equally apply to employees in the resulting chain of

---

<sup>1</sup>In FD 29430 (Sub-No. 21) TCU filed a petition for review of an arbitration decision involving this question. Pursuant to a settlement agreement the parties jointly requested and the Board ordered that said arbitration decision was vacated and that it could not be cited as precedent. (Decision Served June 21, 2001)

displacements. We see no principled basis to distinguish between employees relocating and employees exercising seniority as a result of the closing of HCS, and do not believe that the Board intended to make such a distinction. We therefore respectfully request that the Board clarify Decision No. 198 to explicitly state that employees exercising seniority as the result of a job abolition at HCS are "automatically certified" for a six year period.

Respectfully submitted,



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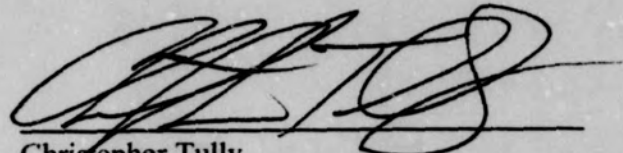
Mitchell M. Kraus  
General Counsel  
Transportation•Communications International  
Union  
3 Research Place  
Rockville, Maryland 20850-3279  
(301) 948-4910

Dated: September 21, 2001

### CERTIFICATE OF SERVICE

I hereby certify that I have caused to be mailed copies of the foregoing Petition for Clarification of Board Decision No. 198, by prepaid first-class United States mail upon the persons listed on the current official service list in Finance Docket No. 33388. Applicants and as many other parties as possible were served by mail on September 21, 2001, other parties will be served on September 24, 2001.

9/21/01  
Date

  
Christopher Tully



STB

FD-33388

7-10-00

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Office of the Secretary

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Public Record

July 10, 2000



**BY HAND DELIVERY – Original and 25 Copies**

The Honorable Vernon A. Williams  
Secretary, Surface Transportation Board  
Mercury Building, Room 700  
1925 K Street, N.W.  
Washington, D.C. 20423

**Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements – Conrail Inc. and Consolidated Rail Corporation –  
Amendment to Negotiated Agreement with Public Utilities Commission of Ohio and Ohio Rail Development Commission**

Dear Secretary Williams:

By letter dated May 27, 1999, CSX Corporation and CSX Transportation, Inc. submitted to the Board a Railroad Corridor Agreement, dated May 17, 1999, among CSX Transportation, Inc., the Public Utilities Commission of Ohio ("PUCO") and the Ohio Rail Development Commission ("ORDC") (the "Railroad Corridor Agreement" or "Agreement") regarding highway/rail at-grade crossing improvements in Ohio. The Board accepted this Agreement in Decision No. 129 (served June 16, 1999). That decision added the Agreement to the list of Negotiated Agreements entered into by CSX in Environmental Condition 51 of Appendix Q of Decision No. 89 (slip op. at 420) and superseded Environmental Condition 8(A) with respect to the 20 highway/rail at-grade crossings located in the State of Ohio which are listed under "CSX" (slip op. at 395-396).

The parties now hereby request the Board's approval of an amendment to the Railroad Corridor Agreement with respect to a crossing in Tontogany, Ohio. The Agreement provided that the Washington Street crossing in Tontogany (155798S) would be evaluated for closure, and further provided that if the parties decided that the crossing would not be closed, the crossing would be upgraded to flashing lights and gates. The Village of Tontogany did not agree to close the Washington Street crossing, and has requested that, in lieu of upgrading that crossing to flashing lights and gates, the Broad/Wall Street crossing (155796D) in Tontogany be upgraded to flashing lights and gates. ORDC concurs in that request, and CSX does not object. See enclosed letter from Susan J. Kirkland (ORDC) to Honorable Melvin Mehring (Village of Tontogany) dated

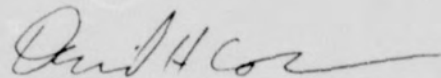
The Honorable Vernon A. Williams  
July 10, 2000  
Page 2

November 1, 1999; letter from the Village of Tontogany to ORDC, dated November 22, 1999; and letter from William S. Tompos (ORDC) to Hugh Hopkins (CSXT) dated January 25, 2000. Further, PUCO has advised CSX that it too concurs in the request and has authorized CSX to so represent to the Board.

Accordingly, the parties request that the Board approve an amendment to the Railroad Corridor Agreement to provide that the Broad/Wail Street crossing in Tontogany, Ohio will be upgraded to flashing lights and gates in lieu of the Washington Street crossing.

Thank you for your assistance in this matter. Please call me (202-429-8063) or Susan G. Kirkland of the Ohio Rail Development Commission (614-644-0286) if you have any questions about the requested amendment to the Railroad Corridor Agreement.

Respectfully yours,



David H. Coburn  
*Counsel for CSX Corporation and  
CSX Transportation, Inc.*

Enclosures

cc: Elaine K. Kaiser  
Susan G. Kirkland, ORDC  
Robert Marvin, PUCO

November 1, 1999

Honorable Melvin Mehring  
Village of Tontogany  
18545 Main St.  
Tontogany, Ohio 43565

Dear Mayor Mehring:

Tim Perkins of the Ohio Rail Development Commission (ORDC) has met with the members of City Council that you appointed to serve on a committee to evaluate the railroad safety issues in your community. The ORDC had hoped that the Village would agree to close Washington Street, allowing us to access significant federal dollars to improve the overall safety conditions in Tontogany. I was very sorry to hear that the Village is unreceptive to even considering the closure of a single roadway in the community. I had hoped that our collaboration would turn into a win/win situation for everyone involved.

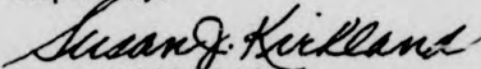
Tim Perkins has also reported back to me that the Village wishes to have the funds that are allocated to be used to install lights and gates at Washington Street used instead to improve the existing conditions at the Broad and Wall Streets intersection with the CSX tracks. The ORDC can assist the Village with this request.

Because the Surface Transportation Board (STB) recommended the installation of flashing lights at the Washington Street crossing, we must have their concurrence to use the money at a location other than Washington Street. The ORDC has spoken with the STB and found out that what they require is a letter from CSX stating that all three (3) parties, the Village, ORDC and CSX, agree that the funds would be better utilized at another location.

The ORDC will work with CSX to accomplish this task. We request that the Village write to us, stating your desires that the funds be used at Broad and Wall Streets as opposed to Washington Street. Please write this letter as quickly as possible. The ORDC will then communicate with CSX.

Please feel free to call me if you have any questions or concerns.

Respectfully,



Susan J. Kirkland, Manager  
Grade Crossing Safety

c: Randy Frederick, Public Projects Engineer, CSX  
Ken Gilsdorf, CSX/Operation Lifesaver  
Ciro DeLuca, Village of Tontogany, Council Member  
Tony Allion, Wood County Engineer  
Joel Long, Otsego School Superintendent

hc: Susan Kirkland, J. Reinhardt (PUCO), Keith Shaffer, T. Perkins, Reading File, File



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Village of Tontogany  
18545 Main Street  
Tontogany, OH 43565

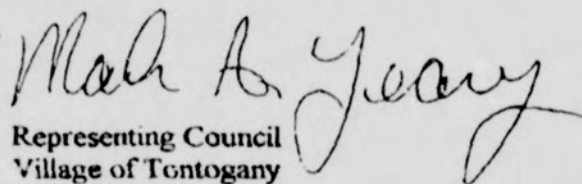
22 November 1999

Ohio Rail Development Commission  
50 West Broad Street  
Suite 1510  
Columbus, OH 43215  
Attn: Ms. Susan J. Kirkland

Dear Ms. Kirkland,

Thank you for your letter of 1 November 1999. With regard to crossing upgrades, it is the wish of this community that all crossings within the Village of Tontogany be brought to the highest possible standards for safety. Considering the limited funding being made available to accomplish this task, it becomes necessary to evaluate and prioritize. With respect to existing conditions, traffic volume and visibility, Broad and Wall would seem the most likely candidate for improvement. With all other parties in concurrence, we ask that the upgrade of the Wall and Broad Street crossing begin at the earliest possible date using the funds originally earmarked for the Washington Street crossing. Your efforts on behalf of this community are appreciated.

Sincerely,

  
Representing Council  
Village of Tontogany

Clerk  
Mayor



# Ohio Rail Development Commission

50 West Broad Street, Suite 1510 • Columbus, Ohio 43215 • (614) 644-0306 phone • (614) 728-4520 fax

January 25, 2000

Mr. Hugh Hopkins  
Chief Engineer  
Design and Construction  
CSX Transportation  
4901 Belfort Rd., Suite 130  
Jacksonville, FL 32256

Subject: WOO - Village of Tontogany  
Washington Street crossing  
CSX - 155798 S

Dear Mr. Hopkins:

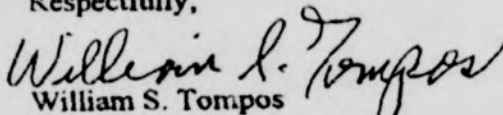
The Ohio Rail Development Commission (ORDC) has communicated with the Village of Tontogany and received written correspondence from the Village as to their wishes regarding the Surface Transportation Board (STB) recommended installation of flashing lights at the Washington Street crossing. Please refer to the attached communications dated November 1, and 22, 1999.

Based on previous discussions with Randy Frederick of your staff, our understanding is that CSX will now approach the STB requesting that funds required to upgrade the warning devices at Washington Street would be used at the Broad/Wall Street crossing (155796 D).

Please notify the ORDC when concurrence or direction has been received from the STB. Upon agreement from all parties, the ORDC will initiate a project for the installation of lights and gates for the intersection of CSX and Broad/Wall Street.

Thank you for your assistance.

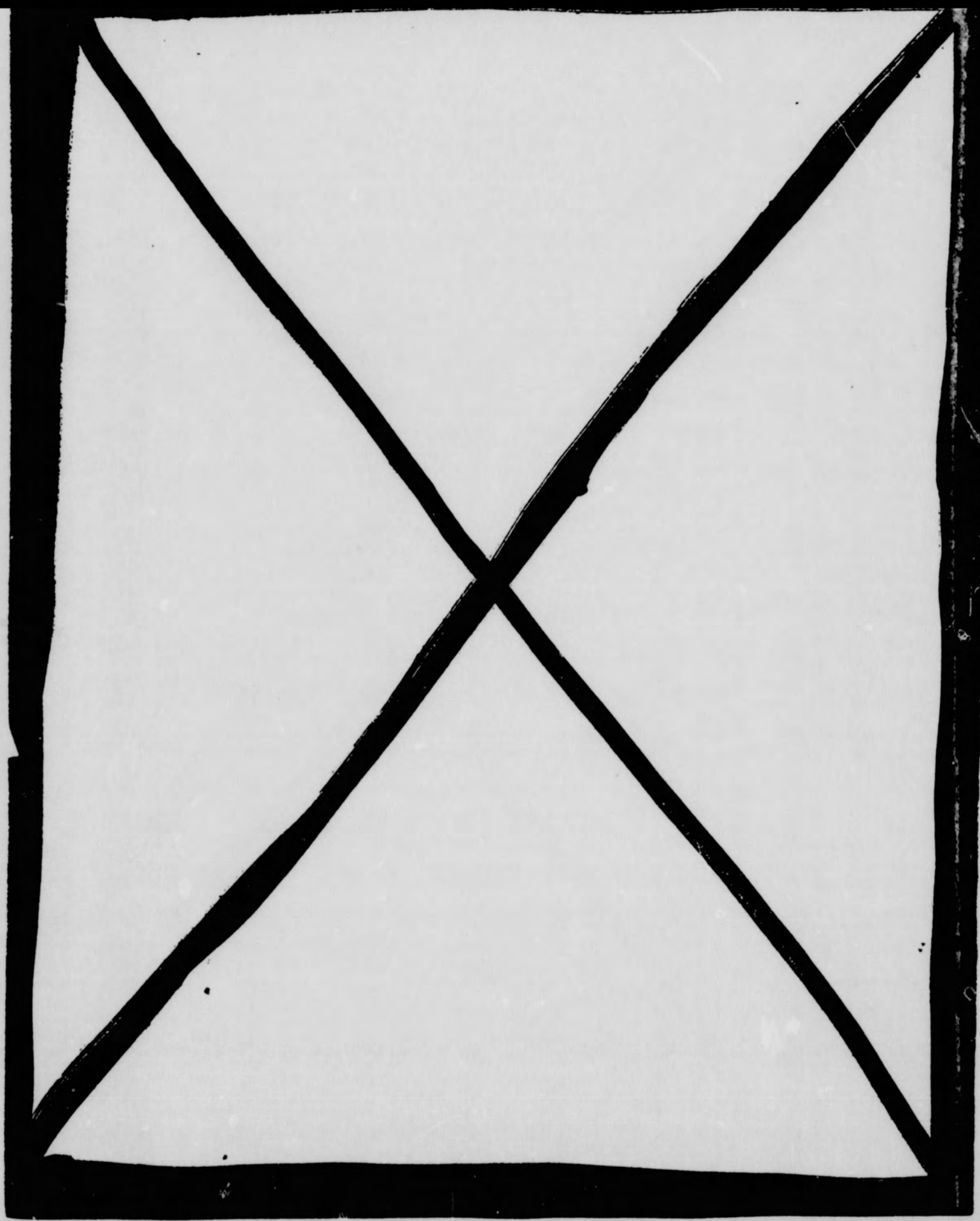
Respectfully,

  
William S. Tompos  
Acting Executive Director

Attachments (2)

C: Randy Frederick, Public Projects Engineer, CSX (w/atts.)

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**ARNOLD & PORTER**

555 TWELFTH STREET, N.W.  
WASHINGTON, D.C. 20004-1206

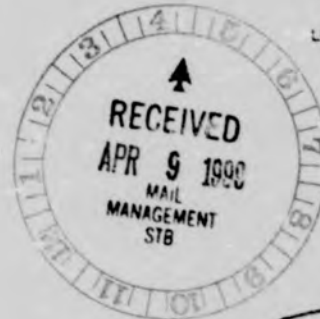
(202) 942-5000  
FACSIMILE: (202) 942-5399

April 9, 1999

NEW YORK  
DENVER  
LOS ANGELES  
LONDON

DENNIS ST. JONES  
Office of the Secretary  
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VIA HAND DELIVERY

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APR 12 1999  
Part of  
Public Record



The Honorable Vernon A. Williams  
Secretary, Surface Transportation Board  
Mercury Building, Room 700  
1925 K Street, N.W.  
Washington, D.C. 20423

Re: **Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation**

Dear Secretary Williams:

This letter, requesting an extension of time and/or clarification of a due date, is sent on behalf of CSX Corporation and CSX Transportation, Inc. (collectively, "CSX").

I have received today, for the first time, a copy of a document, apparently filed in the above docket, captioned "General Mills, Inc. Request for Declaratory Order to Surface Transportation Board Decision No. 89, 'March 25, 1999'." The document, which is accompanied by a cover letter to you also dated March 25, 1999, signed by Leo J. Wasescha, Transportation Manager of General Mills, Inc., was, very clearly, not properly and promptly served on CSX, the party with respect to which relief is being sought.

While Mr. Wasescha's cover letter recites "Cc: All parties of record," no one representing CSX in this matter received a service copy of the General Mills document until this morning, when Samuel M. Sipe, Jr., Esq., one of the counsel who has represented CSX in this proceeding, received a copy in the mail. The envelope in which the copy came to Mr. Sipe bore a postmark of April 6, 1999. In other words, Mr. Wasescha tarried 12 days before mailing anyone connected with CSX his pleading, despite the assertion in the cover letter that all parties of record had been served. Indeed,

ARNOLD & PORTER

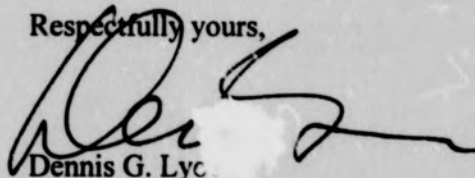
The Hon. Vernon A. Williams  
April 9, 1999  
Page 2

the only copy I have received at this writing is a copy of what Mr. Sipe received, which he shared with me.

Whether the General Mills pleading is viewed as a filing seeking relief in the subject docket or as a complaint, service on the appropriate parties — all parties of record in a proceeding and the object of the complaint, in the case of a complaint (see 49 C.F.R. § 1111.3), is required. If the Board views the General Mills pleading as a complaint, CSX would have, pursuant to 49 C.F.R. § 1111.4(b), 20 days after receipt of the service within which to reply. That would be April 29, 1999. If the pleading is otherwise characterized, some other date might be pertinent, but we believe it is the intent of the Board's rules generally that 20 days are allowed to respond to a motion or other pleading seeking relief, and contemporaneous filing and service is contemplated. See 49 C.F.R. § 1104.12.

We accordingly respectfully request clarification that CSX has until April 29, 1999, or, in the alternative, an extension of time through and including April 29, 1999, within which to prepare and file a response to the General Mills pleading.

Respectfully yours,



Dennis G. Lyc  
*Counsel for CSX Corporation  
and CSX Transportation, Inc.*

cc: Mr. Leo J. Wasescha  
All Parties of Record

STB

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3-29-99

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**General Mills  
General Offices**

Post Office Box 1113  
Minneapolis, Minnesota 55440

March 25, 1999

The Honorable Vernon A. Williams  
Secretary, Surface Transportation Board  
Mercury Building, Room 700  
1925 K Street, N.W.  
Washington, D.C.

ENTERED  
Office of the Secretary

APR 02 1999

Part of  
Public Record



**Re: Finance Docket No. 33388, CSX Corporation and CSX  
Transportation, Inc., Norfolk Southern Corporation and Norfolk  
Southern Railway Company--Control and Operating Leases/  
Agreements--Conrail Inc. and Consolidated Rail Corporation**

Dear Secretary Williams:

Enclosed are an original and twenty-five (25) copies of General Mills, Inc.'s request for declaratory order to Surface Transportation Board Decision No. 89.

Please note that a 3.5 inch diskette containing a WordPerfect 5.1 formatted copy of the request is included in this packet.

Sincerely,

Leo J. Wasescha  
Transportation Manager  
General Mills, Inc.

Cc: All parties of record





**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

Finance Docket No. 33388

**CSX CORPORATION AND CSX TRANSPORTATION, INC., NORFOLK SOUTHERN  
CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY—  
CONTROL AND OPERATING LEASES/AGREEMENTS—CONRAIL INC. AND  
CONSOLIDATED RAIL CORPORATION**

**GENERAL MILLS, INC. REQUEST FOR DECLARATORY  
ORDER TO SURFACE TRANSPORTATION BOARD  
DECISION NO. 89**

“March 25, 1999”

General Mills, Inc. respectfully requests interpretation and declaratory order concerning the Board's decision in the above Finance Proceeding. Specifically, General Mills, Inc (GMI), has been unsuccessful in getting the CSXT Railroad to honor certain trackage rights to GMI's Buffalo New York flour mill and elevator. That these rights existed was pointed out by CSXT's own attorneys to GMI and the Board in it's response to request for conditions from GMI and the Erie Niagara Rail Steering Committee, (ENRS).

GMI, an active participant in the above proceeding filed request for conditions to the divestiture of Conrail specific to its operation in Buffalo, New York. In response to GMI's and a similar more broad based request by the ERNS, CSXT's attorneys made the following statement as part of the rebuttal to the request.

" In 1988, as part of a deal in which CSX's predecessor sold all of its rail property in the Buffalo area to the Buffalo & Pittsburgh Railroad (B&P), CSX's predecessor assigned the B&O trackage rights over the former Buffalo Creek line to B&P, and CSX's predecessor ceased serving the Buffalo waterfront, (See Exhibit I). Though CSX retained the right to operate over the Buffalo Creek line pursuant to the C&O/Conrail agreement, CSX has not had access to, and has not served shippers on the Buffalo waterfront since it sold its property to the B&P in 1988. However, whether CSX presently has access to the Buffalo waterfront is irrelevant, because after the consummation of the transaction, shippers in the waterfront area will continue (sic) have access to two carriers—CSX, as Conrail's replacement, and the Buffalo & Pittsburgh Railroad. Thus, the shippers in the Buffalo waterfront area do not require a 2-to-1 remedy." (See Applicants' response to the Request for Conditions, Volume IV, pages 21 and 22, Exhibit I).

GMI, quite frankly was unaware of these trackage rights. However, GMI was aware of a track immediately adjacent to its property named, appropriately, "the B&O Lead Track." Upon further investigation of this matter, GMI discovered in its archives a photograph of a B&O switching engine performing switch duties at its Buffalo plant.

Further evidence introduced by CSXT's attorneys, an agreement attached hereto as Exhibit II, which is a trackage rights document between CSX predecessor roads B&O and C&O and Conrail, specifically describing the agreement between the carriers.

In that document, in section 1, there is a specific reference to the Joint Trackage as, "over the entire length of Owner's tracks, totaling approximately 5.66 miles, between Williams Street (near Howard Street) and end of Owner's track at Peck Slip (near Michigan Avenue)." Attached hereto as Exhibit III, is a map delineating these 5.66 miles. Coincidentally, the joint trackage described in the agreement ends exactly at GMI's property line, which lies a few yards to the Southeast of Michigan Avenue and opposite Peck slip.

Upon discovering from the CSXT's attorneys that GMI had access to the B&P Railroad, GMI immediately began negotiations with the B&P Railroad to haul as a delivery carrier multiple car grain shipments originating on the Canadian Pacific Railroad, (CP) and destined, for GMI's Buffalo plant. B&P attorneys also reviewed the CSXT rebuttal to the "Request for Conditions" filed by GMI and ENRS and concur with GMI's opinion that based upon the statements made by CSXT in this document, B&P has the right to serve the GMI mill and elevator.

In order to apprise the CSXT that in the future, the B&P Railroad intended to exercise their joint trackage rights, GMI held discussions with CSXT marketing and Sales personnel. These individuals from CSXT, after consulting with their contacts at

CSXT corporate headquarters, replied categorically that the trackage rights did not exist. Furthermore, they cited Section 6 of the agreement with their predecessor roads, that the rights were "bridge rights only and User shall not perform any **local** (emphasis added) service whatever at any point located on the Joint trackage."

**It is GMI's position that:**

1. GMI is located at the end of a peninsula at the end of the track specifically named in the Agreement, (Exhibit III). In Exhibit II, (the Agreement), It specifically states that the trackage rights extend over "the entire length of Owner's tracks...and end of Owner's track at Peck Slip (Near Michigan Avenue)." This is General Mills' property line. One has to ask the question, why was this language included in the Agreement had it not intended to give access to General Mills?
2. The term, "Bridge Traffic" in the rail industry refers to traffic received by one rail operator, on the one hand, and delivered to another rail operator on the other hand.
3. In the track in question, GMI is a private rail operator giving traffic from its private tracks on its private property, to another rail operator. This is the bridge traffic referred to in the Agreement.
4. The prohibition against local traffic in the Agreement makes perfect sense because at the time of the Agreement, GMI was purchasing up to four railcars per day from the Pillsbury Company for use in its operations. Pillsbury was located on the waterfront immediately adjacent to GMI. The Pillsbury traffic would have been the local traffic



that was excluded from the Agreement, (see Exhibit II). Conrail did not want to open up to CSXT predecessor lines the opportunity to compete for this business.

Finally, in the Board's decision at page 86, specific reference was made to the Board's desire to impose conditions addressing reduction of competition at the Buffalo waterfront. In that decision, in paragraph 3, the Board specifically made reference to the trackage rights of the B&P Railroad and furthermore ordered that the CSXT turn over its retained C&O trackage rights to the Norfolk Southern Railroad (NS), (Exhibit IV). In the Board's own words, "to ensure that shippers on the Buffalo Creek line would not inadvertently lose one of their two Class I rail connections as a result of the transaction."

GMI has also contacted the NS regarding the exercise of those rights. The NS recognizes this portion of the order but the response to GMI's request for service has been vague at best. Rather than respond directly, representatives of the NS have pleaded concerns that the NS has inadequate operating assets in the area to serve industries on the waterfront, instead electing to have CSXT continue to switch the plant. In support of NS, GMI does recognize this fact and also would like to point out to the Board that the NS had made offers to further reduce reciprocal switching charges through offers to selectively absorb portions of the \$250 (so called NITL agreement). This selective absorption would eliminate the need for the NS to switch GMI's facility.

## **CONCLUSION AND REQUEST FOR CLARIFICATION**

It is GMI's position that the Board in its Decision, clearly intended the Buffalo waterfront industries on the former Buffalo Creek Railroad line to have access to the CSXT, the NS and the B&P Railroads. The Board's Decision specifically states this fact, (See Board's Decision, Exhibit IV).

CSXT's refusal to acknowledge the Board's Decision is not unfamiliar, as in a similar case with the Canadian Pacific, (CP), where direct Board intervention was required to settle and allow CP rail access to industries in New York City, at points East of the Hudson River, before the CSXT would comply with the Board's Decision.

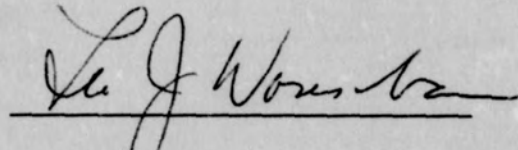
GMI has negotiated joint rates with the CP and B&P Railroads which would reduce the cost of its product manufactured in Buffalo, New York but is prevented from enjoying the benefits of these arrangements due to the position held by the CSXT.

GMI respectfully petitions the Board to review this request, and issue a clarification to its decision, so it is perfectly clear to the CSXT, that it was the Board's intent to allow the waterfront industries, access not only with the CSXT, but the NS and B&P Railroads as well.

Verification

I, Leo J. Wasescha, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this statement.

Executed on March 22, 1999.



Leo J. Wasescha

**LIST OF EXHIBITS:**

**EXHIBIT I**

CSXT attorney response to GMI and ENRS "Request for Conditions" (Applicants' Rebuttal, Volume IV).

**EXHIBIT II**

Trackage rights agreement between Conrail and the Baltimore and Ohio Railroad, (CSXT predecessor).

**EXHIBIT III**

Map of track in question showing GMI property line and rail line described in Exhibit II.

**EXHIBIT IV**

Text of Board Decision specific to the situation in question, (Decision No. 89, Decided July 20<sup>th</sup>, 1998).



### 3. Shippers Near

ENRS claims that customers  
use they will lose their access to bo  
tion of Conrail's Buffalo waterfro  
ENRS relies on a February 1, 1  
s predecessor, the Chesapeake &  
the former Buffalo Creek Railroad  
et and Michigan Avenue.<sup>22</sup> CSX's  
pany ("B&O), also had trackage r

In 1988, as part of a deal in the Buffalo area to the Buffalo & P...  
... the B&O trackage rights over...  
...cessor ceased serving the Buffalo...  
...ate over the Buffalo Creek line pu...  
...access to, and has not served ship...  
...he B&P in 1988. However, wheth...  
...relevant, because after the consum...  
...will continue have access to two

CR 11 P 000505-522 (included in  
Agreement, February 1, 1980 (inc  
Assignment, dated July 18, 1988 (

Buffalo & Pittsburgh Railroad. Thus, the shippers in the Buffalo waterfront area do not require a 2-to-1 remedy.

4. Niagara Frontier Food Terminal ("NFFT").

ENRS claims that the NFFT is a 2-to-1 situation. ENRS-6 at 30. Since the filing of the Primary Application, CSX and NS have ascertained that the NFFT is, indeed, a 2-to-1 point. NFFT is currently served by both Conrail and NS, and, pursuant to the Application as originally submitted, NS would have, after acquiring Conrail's line, become the only carrier to serve the terminal. As such, CSX and NS have agreed to implement for NFFT an agreement to resolve the 2-to-1 situation created at NFFT.<sup>25</sup>

C. The Toledo Dock Area Is Not a 2-to-1 Situation.

AK Steel (AKSC-6 at 11), Toledo-Lucas County Port Authority (TLCPA-4 at 7), Ohio Attorney General (OAG-4 at 15), Toledo Metropolitan Area Council of Governments (TMAC-1 at 2) and the Wheeling and Lake Erie (W&LE-4, Wait VS at 8)<sup>26</sup> all claim that relief is necessary to preserve two carrier access to the Toledo Docks. The Toledo Interests' claims, however, are based on a misinterpretation of the Transaction Agreement. As Section 2.2(e), Exhibit C-1 and Exhibit PP of the Transaction Agreement provide, and as CSX's witness William Hart confirmed in his deposition (Hart Dep., Sept. 24, 1997 at 197-198), both NS and CSX will have access to the Toledo Dock facilities after the

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<sup>25</sup> Switching Agreement Niagara Frontier Food Terminal Buffalo, New York (included as Appendix C to Vol. 1).

<sup>26</sup> AK Steel, TLCPA, OAG, TMAG and W&LE will be referred to collectively as the "Toledo Interests."

EXHIBIT II

AGREEMENT made and entered into this 1st of February, 1980, by and between CONSOLIDATED RAIL CORPORATION (Lessee and operator of the BUFFALO CREEK RAILROAD) for the purpose of this Agreement hereinafter called "Owner" and THE BALTIMORE AND OHIO RAILROAD COMPANY hereinafter called "User,".

WHEREAS, User prior to January 1, 1900, has been operating over the Buffalo Creek Railroad, between the points hereinafter described, by authority granted on October 25, 1869, to User by the Common Council of the City of Buffalo, New York, without the benefit of a formal agreement.

WHEREAS, Owner and User desire to establish the terms and conditions on which User will continue to operate over the Buffalo Creek Railroad.

THEREFORE, the parties hereto, intending to be legally bound agree as follows:

Section 1. Subject to the terms and conditions herein provided, User shall have the right to operate its locomotives, cars and trains with its own crews, in either direction over the following segment of Owner's railroad (hereinafter referred to as the "Joint Trackage"):

Over the entire length of Owner's tracks, totalling approximately 5.66 miles, between Williams Street (near Howard Street) and end of Owner's track at Peck Slip (near Michigan Avenue), all in the City of Buffalo, New York, with right to enter or leave at any junction point Owner may have with another railroad.

The Joint Trackage is shown as the dashed line on the plan attached hereto as Exhibit I.

Section 2. Except as otherwise provided below, this Agreement is subject to and shall be governed by the "General Conditions of Trackage Form A" which is attached hereto and which is incorporated herein by reference with the same effect as if set forth at length. This Agreement shall not be effective unless the parties hereto, in addition to executing this Agreement, have also executed said General Conditions in the space provided therefor at the end of

Section 3. For the purpose of applying Article 2 of the General Conditions, the Base Charge to be paid by User for the use of trackage rights covered by this Agreement shall be \$2.26 per car locomotive or caboose, effective as of January 1, 1980.

Section 4. This Agreement shall be effective as of January 1, 1980, and it is understood and agreed that the proper charges as stated in Section 3 herein will be assessed beginning on the date hereinafter referred to as the "Effective Date."

Section 5. Any notice required or permitted to be given by one party to the other under this agreement shall be addressed as follows:

- (a) If to the Owner, c/o Vice President-Operations  
Six Penn Center Plaza, Philadelphia,  
Pennsylvania 19104
- (b) If to the User, c/o Vice President-Transportation  
Two North Charles Street, Baltimore,  
Maryland 21201



ached  
of User using same for bridge rights only and User shall not perform  
gree- any local freight service whatever at any point located on the  
tions Joint Trackage. User shall not use any part of the Joint Trackage  
ein for the purpose of switching, storage of cars, making or breaking  
s up of trains, except that nothing contained herein shall, upon  
approval of Owner, preclude the emergency use by User of such  
auxiliary tracks as may be designated by Owner for such purpose.

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IN WITNESS WHEREOF, the parties hereto have caused this  
Agreement to be executed by their respective officers thereunto  
duly authorized.

CONSOLIDATED RAIL CORPORATION,  
LESSEE & OPERATOR OF THE BUFFALO  
CREEK RAILROAD

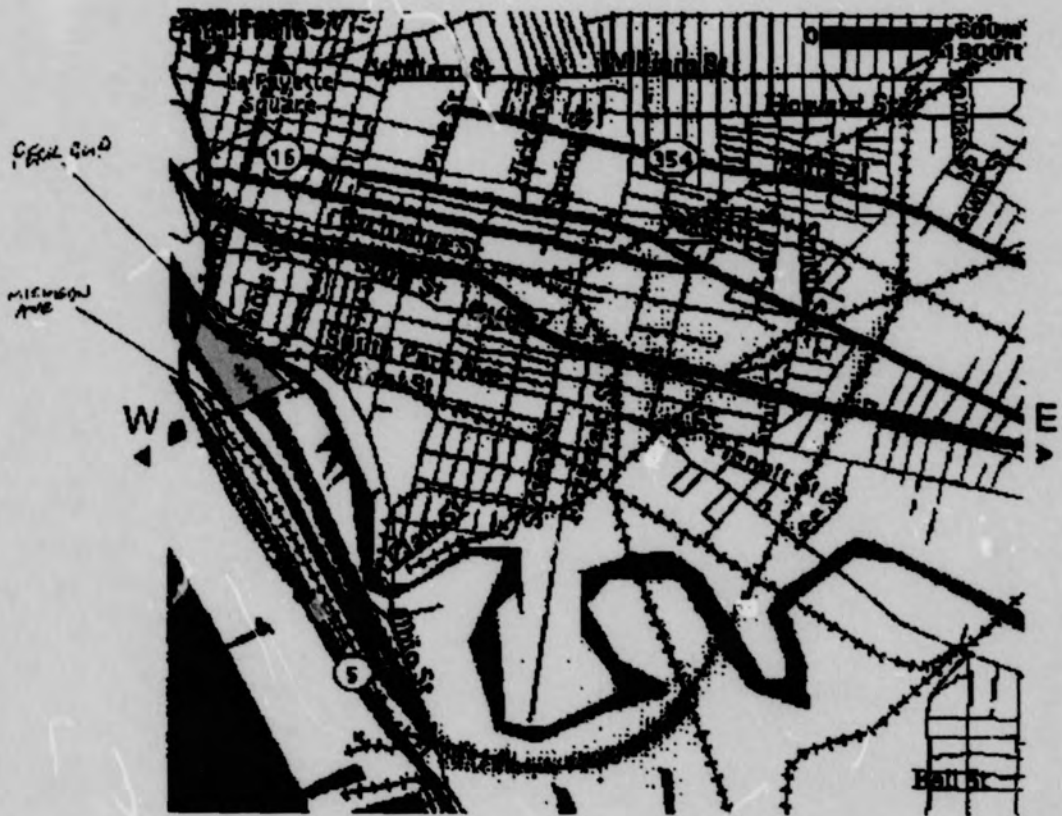
By Stuart M. Reed

THE BALTIMORE & OHIO RAILROAD  
COMPANY

By EC Rimbourn  
Vice President-Transportation

Legal Form

EXHIBIT III



= GMI PROPERTY

connecting the United States with Canada. In 1995, CSX changed the way it served this traffic, from using trackage rights in Canada over CN and a Conrail switch at Suspension Bridge to and from shippers in Niagara Falls, to a haulage agreement in which CN carried this CSX traffic across International Bridge at Fort Erie, through Buffalo and into Conrail's Frontier Yard. Under this arrangement, Conrail took the CSX traffic to and from the yard, and Conrail received its compensation in the form of a division of a line haul rate, rather than a switching charge. Applicants concede that more recent arrangements CSX has made with the Canadian roads may cause this traffic to move via Suspension Bridge or Frontier Yard, but state that, in either case, Conrail will pick up the traffic and take it to Niagara Falls as part of the line-haul movement.<sup>138</sup>

We find these arrangements whereby Conrail receives compensation for the short pick-up and delivery component of International or Suspension Bridge movements into and out of the Niagara Falls area via a division of a line haul rate to be no different in substance from its prior compensation arrangement, when its compensation was termed a switching charge. If Suspension Bridge were to have become the point of entry again, as applicants suggest, the Conrail movements under the joint rate with CSX would have been identical to the earlier Conrail movements under the switch.

In their settlement with NITL, CSX and NS have agreed to mitigate the market power they will inherit from Conrail at exclusively served points where Conrail performs switching services. We find that the terms of that agreement, as they apply to reciprocal switching, should be applied to those points in the Niagara Falls area where Conrail recently replaced its switching charges with equivalent "line haul" charges, and to those movements to which the switches and line-haul rates applied (i.e., movements using International Bridge or Suspension Bridge). This directive will bring the compensation under the procompetitive and beneficial terms of the NITL agreement.

3. Finally, ENRSC charges that, by taking over Conrail's 5.66-mile Buffalo waterfront line (the Buffalo Creek line), CSX would reduce existing competition between Conrail and its own trackage rights access over that line. As applicants point out, CSX transferred one set of trackage rights to operate over that line to Buffalo and Pittsburgh Railroad (BPRR) when it sold all its rail property in Buffalo to that carrier in 1988. Nevertheless, CSX has retained, but has not used, a separate set of rights over that Conrail line. As discussed below in relation to PSI Energy, in spite of arrangements that may have been made with Conrail or BPRR, trackage rights may not be canceled unless we grant authority for their discontinuance. Thompson v. Texas Mexican Ry., 328 U.S. 134 (1946). To ensure that shippers on the Buffalo Creek line would not inadvertently lose one of their two Class I rail connections as a result of the transaction, we will

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<sup>138</sup> See CSX/NS-176 at 66.

require that the CSX trackage rights over Conrail on the Buffalo Creek line be transferred to NS.<sup>139</sup>

*Other Remedies.* Following a request made by Chairman Morgan at the close of oral argument, CSX proffered a number of additional conditions and representations that it agreed could be imposed to accommodate concerns raised by parties in the Buffalo area. Even though we do not think that these proffered conditions and representations in and of themselves would be adequate to address the concerns of the Buffalo parties, they are clearly beneficial and complement the procompetitive conditions we are imposing for Buffalo.

1. As discussed previously, we will require CSX to adhere to the agreements it has separately reached with CN and CP/D&H providing both lower switching fees in the Greater Buffalo area and increased access to these carriers for cross-border, truck-competitive traffic.
2. We will also require CSX to meet with regional and local authorities in the Buffalo area to establish a committee to promote the growth of rail traffic to and from the Greater Buffalo area. The committee will meet periodically to address the region's industrial and economic development goals and opportunities for diversion of truck traffic to rail, as consistent with safe, efficient, and profitable rail service.
3. We will hold CSX to all of its representations related to the Buffalo area, most notably those regarding its plans for investment in new connections and upgraded facilities in the Buffalo area, including: (1) upgrading Conrail's existing computer technology and fueling facilities at Buffalo; (2) maintaining or increasing current employment levels in the Buffalo area; (3) providing overhead trackage rights to NS through Buffalo to Suspension Bridge; (4) working with NS and other carriers operating in the Buffalo area to schedule switching and through movements within the area's rail network so as to reduce congestion at points such as CP Draw; and (5) investing substantial funds in network improvements to reduce shipping time and enhance service reliability for rail shippers in the Greater Buffalo area.

Finally, while we believe the competitive and other benefits resulting from our approval of this transaction will reduce rates and enhance service for rail shippers in the Buffalo area, we have decided to take the additional step of initiating a 3-year rate study to assess whether our assessment proves to be correct, or whether Buffalo-area shippers will be subjected to higher rates because of this transaction.

**Rochester.** The Genesee Transportation Council (GTC), and Rochester Gas & Electric Company (RG&E) have raised concerns about the impact of the transaction in the Rochester area. We concur with applicants that the majority of the issues raised by these parties relate to

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<sup>139</sup> See CSX/NS-178, Vol. 3A of 3, at 359.



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PUBLIC

# THE WESTLAKE

19000 LAKE ROAD • ROCKY RIVER, OHIO 44116 • 216/331-0982

February 3, 1998

Federal Surface Transportation Board  
Section of Environmental Analysis  
1925 K Street N.W.  
Washington, D.C. 20423

Re: No. FD 33388

Dear Sir:

This letter is our protest to the proposed increase in rail traffic through the Westshore communities from 13 to approximately 38 trains a day.

As Westshore residents, we sincerely believe that the safety, health and economic impact that this proposal would have on virtually all of us in such a densely populated area could be devastating.

While railroads play a vital role in our country, common sense has to exist when the safety and welfare of literally thousands of individuals and families are at stake.

Thank you for reading our letter. We hope that an alternate solution will be forthcoming in the future.

Sincerely,

The Westlake Condominium Unit Owners Association



Signatures:

Mary Anne Darvey  
Mary F. Meadon  
Lillian Borden  
John M. Menn  
John F. May  
Friedrich Wilhelm  
John Allen  
Margaret Sapping  
Doris E. Smith  
Margaret D. Munt  
J. L. Martin  
J. S. Martin  
John R.  
Lillian P. P.  
Richard L. L.  
Harry L. L.  
Dorothy L. L.

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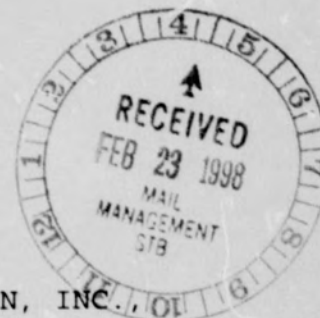
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ORIGINAL

BEFORE THE  
SURFACE TRANSPORTATION BOARD

\_\_\_\_\_  
FINANCE DOCKET NO. 33388  
\_\_\_\_\_



CSX CORPORATION AND CSX TRANSPORTATION, INC.,  
NORFOLK SOUTHERN CORPORATION AND  
NORFOLK SOUTHERN RAILWAY COMPANY  
-- CONTROL AND OPERATING LEASES/AGREEMENTS --  
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

\_\_\_\_\_  
**ESPA-5**

Petition for Leave to Submit  
Supplemental Comments in Lieu of Brief For  
Empire State Passengers Association



John D. Heffner  
REA. CROSS & AUCHINCLOSS  
1920 N Street, N. W.  
Suite 420  
Washington, DC 20036  
(202) 785-3700

Counsel for Empire State  
Passengers Association

Dated: February 23, 1998

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FINANCE DOCKET NO. 33388

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CSX CORPORATION AND CSX TRANSPORTATION, INC.,  
NORFOLK SOUTHERN CORPORATION AND  
NORFOLK SOUTHERN RAILWAY COMPANY  
-- CONTROL AND OPERATING LEASES/AGREEMENTS --  
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

**ESPA-5**

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Petition for Leave to Submit  
Supplemental Comments in Lieu of Brief For  
Empire State Passengers Association

INTRODUCTION

Pursuant to the Board's Rules of Practice at 49 CFR 1117.1, Empire State Passengers' Association ("ESPA") files this Petition seeking leave to submit supplemental comments in lieu of a brief in the above-captioned proceeding and submits its comments as part of its Petition. A grant of ESPA's Petition is appropriate here because a recent change in circumstances has caused ESPA to change its position from one of serious concern to one of qualified support for Applicant CSX Transportation, Inc. ("CSX").<sup>1</sup>

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<sup>1</sup> ESPA uses the name "CSX" to refer to both CSX Corporation and CSX Transportation, Inc.

By way of background, ESPA is an association dedicated to improving and expanding Amtrak, mass transit, and bus service in New York State. ESPA had previously filed a Notice of Intent to Participate in this proceeding on July 31, 1997, and Comments on October 21, 1997. In accordance with the Board's procedural schedule adopted on July 23, 1997, ESPA is entitled to submit its brief on February 23, 1998. However, a recent and very positive letter from CSX Transportation's Vice President Passenger Integration Paul Reistrup to William E. Sanford, Chair of the Empire Corridor Rail Task Force for the Onandaga County Legislature, has obviated the need for ESPA to submit a brief. Instead, ESPA requests leave to submit supplemental comments demonstrating qualified support for Applicant CSX.<sup>2</sup>

#### ESPA'S SUPPLEMENTAL COMMENTS

In its earlier Comments, ESPA had expressed serious concern about the commitment of CSX to the provision of rail passenger service in New York State over rail lines linking New York, Albany, Buffalo, and Niagara Falls currently owned by Consolidated Rail Corporation ("Conrail") and to be transferred to CSX. These lines are commonly identified as the "Empire Corridor" and the rail passenger service provided thereon is known as the "Empire Service." Based upon the poor quality of service and level of cooperation provided Amtrak by Conrail, ESPA

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<sup>2</sup> ESPA takes no position on that part of the Joint Application involving Norfolk Southern Corporation or any part of the Joint Application involving freight issues.

had considerable reason to be concerned. Moreover, Amtrak's own recent experiences with CSX as well as those of several State or public agencies funding regional or commuter rail passenger services on CSX also gave New York State officials and ESPA members further reason for concern.

In its prior comments, ESPA articulated a four part agenda for improved passenger service:

1. A commitment by CSX to operate Amtrak service on time (defined as 90% on time) in accordance with Conrail's incentive contract with Amtrak that CSX will assume as well as CSX's own Amtrak contract.

2. A commitment by CSX to work with Amtrak and New York State officials to increase Amtrak operating speeds to 90 mph, West of Hoffmans to Buffalo, NY.<sup>3</sup>

3. A commitment by CSX to cooperate with Amtrak and New York State officials on additional frequencies (including weekend or seasonal variations) when requested.

4. A commitment by CSX to cooperate with Amtrak and State officials on certain additional station stops that have been identified.

Finally, ESPA asked the Board to exercise its continuing oversight jurisdiction over this merger for at least

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<sup>3</sup> ESPA proposed that CSX would commit to upgrading trackage to FRA class 5 standards and Amtrak or the State would fund signalling and other changes necessary for 90 mph operations over that track.



five years to ensure that interested parties have a forum for resolving merger related disputes over passenger service issues.

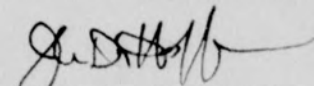
Between the date of its earlier filing and now, CSX has taken several steps that have given ESPA considerable comfort that CSX has been listening to its concerns and wants to cooperate with both Amtrak and New York State officials on passenger service. First, a few months ago, CSX employed Paul H. Reistrup as Vice President Passenger Integration. Mr. Reistrup is a well respected passenger rail professional who served as Amtrak's President from 1974 to 1978. Second, ESPA has reason to believe that CSX has renewed its commitment to trying to improve the level of passenger service it presently furnishes to Amtrak and commuter rail agencies. Finally, on December 19, 1997, Paul Reistrup wrote a letter<sup>4</sup> to William E. Sanford, Chair of the Empire Corridor Rail Task Force, that evidences CSX's new spirit of cooperation. While the letter does not address each and every item on ESPA's agenda, it does commit CSX to operating Amtrak service at least 10 mph. faster than at present and suggests that CSX would be willing to let Amtrak operate trains at speeds of up to 90 mph. provided that incremental improvements such as signalling are publicly funded. Perhaps, even more significant the letter suggests that a new policy that is cooperative, if not even a little enthusiastic.

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<sup>4</sup> Copy attached.

ESPA is gratified with this turn of events and specifically wants to commend CSX by giving it a qualified endorsement for its application. ESPA requests that the Board condition its approval of the Application on the commitments that CSX has made in Mr. Reistrup's letter and further that the Board retain oversight jurisdiction to ensure that CSX's performance matches its promises. With these caveats, ESPA asks the Board to approve the Joint Application by CSX and Norfolk Southern Corporation to acquire the properties and services presently operated by Conrail. We hope and believe that CSX will bring a "new day" to rail service along the Empire Corridor.

Respectfully submitted,

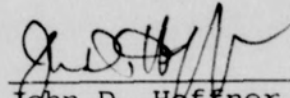


John D. Heffner  
Rea, Cross & Auchincloss  
Suite 420, 1920 N St., N.W.  
Washington, D.C. 20036  
Counsel for the Empire  
State Passengers Association

Dated: February 23, 1998

CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd day of February, 1998, served the foregoing document upon the Honorable Jacob Leventhal and all parties of record in this proceeding by mailing a copy thereof, properly addressed with postage prepaid.

  
\_\_\_\_\_  
John D. Heffner



Paul H. Reistrup  
Vice President Passenger Integration

1331 Pennsylvania Avenue, NW, Ste. 560  
Washington, DC 20004-1703  
Tel (202) 783-8124  
Fax: (202) 783-2603

December 19, 1997

William E. Sanford  
Chair  
Empire Corridor Rail Task Force  
Onondaga County Legislature  
407 Court House  
Syracuse, NY 13202

Bill  
Dear Mr. Sanford:

Subject: Content of letter on "Technical Issues" to Sanford as Chair of Empire Task Force

A. Basis for Proceeding

1. CSXT will cooperate and work with your Task Force on a legislative program to enhance Empire Corridor Passenger service with the understanding that it will be in conjunction with - not at the expense of - improved freight service. (For example, passenger-related projects should not preclude access for existing or potential rail freight shippers.)
2. In this regard, we suggest that equal priority be given to projects that encourage the attractiveness of the Empire Corridor for economic development and job growth.
3. We suggest that the program seek reasonable and practical improvements, rather than giant technological leaps, and that new projects be sequenced and prioritized in terms of minutes saved per dollars invested.
4. We think that reduction of overall trip times between origins and destinations is a more worthwhile and economically feasible goal than simply seeking to achieve higher absolute rail speeds over limited segments. The former can be achieved with carefully targeted incremental investments to the existing



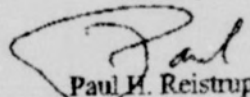
5. infrastructure; while the latter may lead to "hurry up and then wait", and tends to be much more costly in terms of required investment in new supporting technology and ongoing maintenance.
6. The program should be structured so that new investments in rail service for the public's benefit (either passenger or freight shippers) on our right of way do not result in increasing our tax liability.

#### B. Technical Issues

1. Assuming Federal approval of the pending acquisition of Conrail, without major changes or conditions, CSXT has committed to upgrade and maintain the Corridor route at Class V levels at its own expense, and to accommodate increased passenger train speeds up to 79 mph (up from Conrail's 69 mph limit). This should provide for some immediate improvement in on-time performance, and may also permit some schedule improvements once experience is gained operating at this new higher speed. At a minimum, schedules can be readjusted to avoid holding trains at a station that are ready to go but must await a scheduled departure time.
2. We agree with Amtrak that investing in doubletracking the 14 mile single track segment between Albany and Schenectady would be a useful first priority. Any Amtrak train that falls behind schedule can cause other trains to be forced to wait as the segment is traversed.
3. CSXT has agreed to cooperate in "underbalance" testing along the Hoffman's to Buffalo segment, upon request of the State and Amtrak, with Federal Railway Administration permission, where under current FRA regulations appear to limit higher speeds. If approved by FRA, the result will be faster running on curves and reduced trip times.
4. To the extent that the program proposes authorized maximum speeds higher than 79 MPH, new investment in locomotive cab signals would be required for all locomotives moving along the track - including those owned by other railroads - which would be a major additional expense to be publicly funded.
5. At speeds above 90 MPH you should plan for separate track and vision planning should avoid waste of earlier "incremental" investments.

In summary, we would be pleased to work with your task force, the State DOT, and Amtrak to identify specific opportunities for upgrading the capacity of the Empire Corridor to make it more attractive for both passenger and freight rail service.

Sincerely,



Paul H. Reistrup  
VP - Passenger Integration

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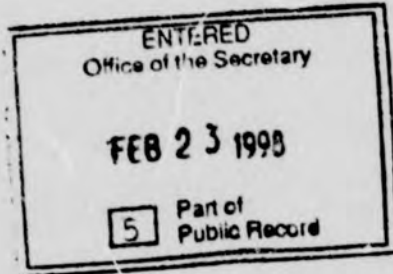
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300 Central Union Plaza  
Toledo, OH 43604

P.O. Box 9508  
Toledo, OH  
43697-9508  
419-241-9155  
Fax 419-241-9116



February 20, 1998

**VIA OVERNIGHT PRIORITY MAIL**

I

Chair:  
Stephen J. Pauken  
Mayor  
City of Maumee

Mr. Vernon Williams, Secretary  
Surface Transportation Board  
1925 K. Street, Northwest RM 700  
Washington, D.C. 20423-001

**SUBJECT:** Filings Before the Surface Transportation Board - Finance Docket No. 33388  
- CSX Corporation and CSX Transportation, Inc. Norfolk Southern  
Corporation and Norfolk Southern Railway Company - Control and  
Operating Leases/Agreements - Conrail Inc. and Consolidated Rail  
Corporation

Vice-Chair:  
James F. Carter  
Commissioner  
Wood County

2nd Vice-Chair:  
Kathleen M. Steingraber  
Trustee  
Lake Township

Executive Director:  
William L. Knight

Dear Secretary Williams:

The Toledo Metropolitan Area Council of Governments (TMACOG) with this rescinds and withdraws our request for protective conditions, opposition to abandonment and comments that we submitted to the Surface Transportation Board (STB) on October 21, 1997 subject to the terms and conditions of the enclosed agreement between Norfolk Southern and TMACOG, the Toledo-Lucas County Port Authority. With the implementation of the provisions included in this agreement TMACOG now is in support of the application of Norfolk Southern and CSX to acquire Conrail.

TMACOG continues to have concerns with the impacts of this transaction on our local government members and will actively participate in the environmental review process. TMACOG also intends to remain a party of record for the purposes of the Finance Document in order to receive final determinations of the STB in this case.

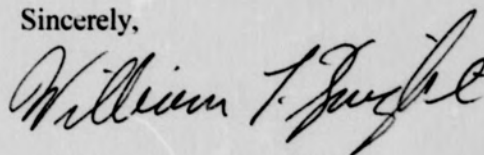




Mr. Vernon Williams  
February 20, 1998  
VIA OVERNIGHT PRIORITY MAIL  
Page 2

Should any questions arise regarding this filing, please feel free to contact Mr. David R. Dysard at (419) 241-9155 ext. 118. Thank you for your assistance on this matter.

Sincerely,



William L. Knight  
Executive Director

DRD:dfs

Enclosures Letter agreement between Norfolk Southern, TMACOG and Toledo-Lucas  
County Port Authority

cc Parties of Record on Finance Docket 33388  
Robert Wimbish, REA, Cross & Auchincloss, Counsel for the Toledo-Lucas County  
Port Authority  
Robert Cooney, Counsel for Norfolk Southern Corporation  
Tom O'Leary, Ohio Rail Development Commission



Norfolk Southern Corporation  
Strategic Planning  
Three Commercial Place  
Norfolk, Virginia 23510-2191  
757 629-2887

James W. McClellan  
Vice President  
(757) 629-2665  
(757) 533-4884 FAX

February 18, 1998

Mr. Robert E. Greenlese  
Director of Surface Transportation  
and Logistics  
Toledo-Lucas County Port Authority  
One Maritime Plaza, 7th Floor  
Toledo, OH 43604-1866

Mr. David Dysard  
Director of Transportation Planning  
Toledo Metropolitan Area Council  
of Governments  
P. O. Box 9508  
Toledo, OH 43697-9508



Re: CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control Operating Leases/Agreements -- Conrail, Inc. and Consolidated Rail Corporation, Finance Docket No. 33388 ("Application")

Dear Sirs:

This Letter Agreement (Agreement) outlines the understanding between Norfolk Southern Railway Company and Consolidated Subsidiaries (NS) and Toledo-Lucas County Port Authority (TLCPA) and Toledo Metropolitan Area Council of Governments (TMACOG) as it relates to the above-captioned proceeding before the Surface Transportation Board (STB).

1. Toledo Docks

TLCPA and TMACOG will withdraw their request that the Wheeling & Lake Erie Railway Company (W&LE) be granted access to the Toledo Docks. NS will aggressively market Toledo Docks in the same manner it markets other Lake Erie ports for the movement of waterborne coal, ore and other traffic moving to, from or via Lake Erie.

2. Pivot Bridge

TLCPA and TMACOG will withdraw their request that the STB reject NS' notice of exemption for abandonment of the Pivot Bridge in Lucas County, Ohio (Docket No. AB-290 (Sub-No. 197X)). NS will modify the notice filed in Sub Docket No. 197X to provide for discontinuance rather than abandonment of the Bridge. NS further agrees not to seek authorization or exemption to abandon the Pivot Bridge for a four-year period from the date of the STB's final decision authorizing the control of Conrail in Finance Docket No. 33388. NS, TLCPA and TMACOG may mutually agree to abandonment of the Pivot Bridge prior to the expiration of the four-year period. If abandonment authority is sought and received, NS will offer to sell for \$1.00 the Pivot Bridge to TMACOG or other agency for public use.

3. Vickers Grade Separation

TMACOG will withdraw its suggestion that NS and CSX construct a grade separation at the crossing of their lines at Vickers in Northwood, Ohio. NS reaffirms its commitment to work with CSXT to negotiate smoother train operations at Vickers.

4. Toledo-Maumee Line

NS agrees that upon obtaining STB authorization to abandon the Toledo-Maumee Line (Mileposts TM-5.0 and TM-12.5) subject to petition for exemption in Docket No. AB-290 (Sub-No. 196X), NS will donate and quitclaim to TMACOG or its designee NS' interest in the right of way. NS will retain its interest in the ties, rail and metal material and will remove these items from the line at an appropriate time following abandonment.

5. TLCPA and TMACOG Support

TLCPA and TMACOG agree to promptly, but not later than February 23, 1998, rescind and withdraw their respective October 21, 1997, requests for protective conditions, opposition to abandonment and comments and submit a statement of support for the Application, subject to the terms and conditions of this Agreement.

Very truly yours,

James W. McClellan  
Vice President-Strategic Planning

If the foregoing terms and conditions are acceptable, please acknowledge your acceptance by signing triplicate counterparts of this Letter Agreement in the space provided below.

ACCEPTED:

TOLEDO-LUCAS COUNTY  
PORT AUTHORITY

By 

Title President

Date 19 February 1998

TOLEDO METROPOLITAN AREA  
COUNCIL OF GOVERNMENTS

By 

Title Executive Director

Date February 19, 1998

TLCPA/TMACOG

February 18, 1998

Page 2

3. Vickers Grade Separation

TMACOG will withdraw its suggestion that NS and CSX construct a grade separation at the crossing of their lines at Vickers in Northwood, Ohio. NS reaffirms its commitment to work with CSXT to negotiate smoother train operations at Vickers.

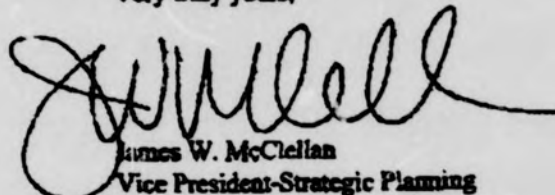
4. Toledo-Maumee Line

NS agrees that upon obtaining STB authorization to abandon the Toledo-Maumee Line (Mileposts TM-5.0 and TM-12.5) subject to petition for exemption in Docket No. AB-290 (Sub-No. 196X), NS will donate and quitclaim to TMACOG or its designee NS' interest in the right of way. NS will retain its interest in the ties, rail and metal material and will remove these items from the line at an appropriate time following abandonment.

5. TLCPA and TMACOG Support

TLCPA and TMACOG agree to promptly, but not later than February 23, 1998, rescind and withdraw their respective October 21, 1997, requests for protective conditions, opposition to abandonment and comments and submit a statement of support for the Application, subject to the terms and conditions of this Agreement.

Very truly yours,

  
James W. McClellan  
Vice President-Strategic Planning

If the foregoing terms and conditions are acceptable, please acknowledge your acceptance by signing triplicate counterparts of this Letter Agreement in the space provided below.

ACCEPTED:

TOLEDO-LUCAS COUNTY  
PORT AUTHORITY

TOLEDO METROPOLITAN AREA  
COUNCIL OF GOVERNMENTS

By \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

STB

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(RWCS-5)

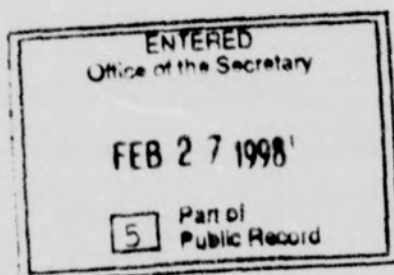
UNITED STATES OF AMERICA  
BEFORE THE  
SURFACE TRANSPORTATION BOARD



\_\_\_\_\_  
STB FINANCE DOCKET NO. 33388  
\_\_\_\_\_

CSX CORPORATION AND CSX TRANSPORTATION, INC.  
NORFOLK SOUTHERN CORPORATION AND  
NORFOLK SOUTHERN RAILWAY COMPANY  
- CONTROL AND OPERATING LEASES/AGREEMENTS -  
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

\_\_\_\_\_  
MOTION FOR LEAVE TO FILE OUT OF TIME  
\_\_\_\_\_



Paul H. Lamboley  
1020 Nineteenth Street, NW  
Suite 400  
Washington, D.C. 20036-6105  
Telephone: 202-496-4920  
Facsimile: 202-293-6200

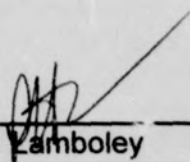
Counsel for Resources Warehousing  
& Consolidation Services, Inc.

**MOTION FOR LEAVE TO FILE OUT OF TIME**

Resources Warehousing & Consolidation Services, Inc. (RWCS) hereby moves for permission to file out of time authorized by Decisions Nos. 12 and 13, its Brief in Support of Comments and Request for Conditions of Resources Warehousing & Consolidation Services, Inc. (RWCS-4).

RWCS's request is based in part on the fact that Counsel's secretary was out of the office due to injury for a time, and could not be readily replaced. No prejudice or delay will result if permission is granted.

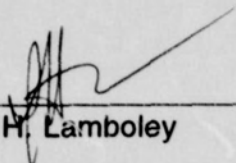
Dated: February 26, 1998

  
\_\_\_\_\_  
Paul H. Lambole  
1020 Nineteenth Street, NW  
Suite 400  
Washington, D.C. 20036-6105  
Telephone: 202-496-4920  
Facsimile: 202-293-6200

Counsel for Resources Warehousing  
& Consolidation Services, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Leave to File Out of Time was mailed, via first class mail, postage prepaid, this 20th day of February, 1998 to all parties of record, in accordance with the rules of the Surface Transportation Board.

  
\_\_\_\_\_  
Paul H. Lamboley

STB

FD

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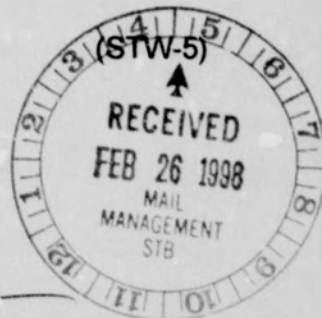
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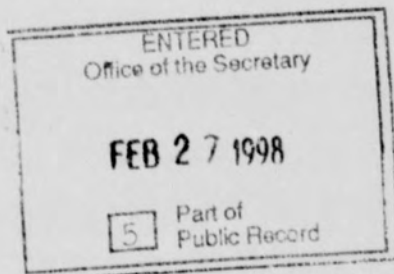
UNITED STATES OF AMERICA  
BEFORE THE  
SURFACE TRANSPORTATION BOARD



\_\_\_\_\_  
STB FINANCE DOCKET NO. 33388  
\_\_\_\_\_

CSX CORPORATION AND CSX TRANSPORTATION, INC.  
NORFOLK SOUTHERN CORPORATION AND  
NORFOLK SOUTHERN RAILWAY COMPANY  
- CONTROL AND OPERATING LEASES/AGREEMENTS -  
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

\_\_\_\_\_  
MOTION FOR LEAVE TO FILE OUT OF TIME  
\_\_\_\_\_



Paul H. Lamboley  
1020 Nineteenth Street, NW  
Suite 400  
Washington, D.C. 20036-6105  
Telephone: 202-496-4920  
Facsimile: 202-293-6200

Counsel for Southern Tier West  
Regional Planning and  
Development Board

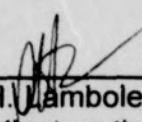


**MOTION FOR LEAVE TO FILE OUT OF TIME**

Southern Tier West Regional Planning and Development Board (STW) hereby moves for permission to file out of time authorized by Decisions Nos. 12 and 13, , its Brief in Support of Comments and Request for Conditions of Southern Tier West Regional Planning and Development Board (STW-4).

STW's request is based in part on the fact that Counsel's secretary was out of the office due to injury for a time, and could not be readily replaced. No prejudice or delay will result if permission is granted.

Dated: February 26, 1998

  
\_\_\_\_\_  
Paul H. Jamboley  
1020 Nineteenth Street, NW  
Suite 400  
Washington, D.C. 20036-6105  
Telephone: 202-496-4920  
Facsimile: 202-293-6200

Counsel for Southern Tier West  
Regional Planning and  
Development Board

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Leave to File Out of Time was mailed, via first class mail, postage prepaid, this 26th day of February, 1998 to all parties of record, in accordance with the rules of the Surface Transportation Board.

  
\_\_\_\_\_  
Paul H. Lamboley

STB

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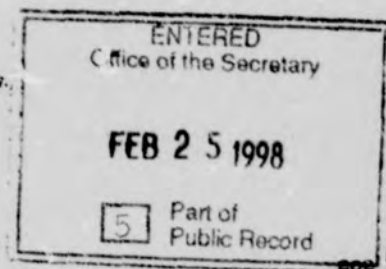
**SLOVER & LOFTUS**

ATTORNEYS AT LAW

1224 SEVENTEENTH STREET, N. W.

WASHINGTON, D. C. 20036

WILLIAM L. SLOVER  
C. MICHAEL LOFTUS  
DONALD G. AVERY  
JOHN H. LE SEUR  
KELVIN J. DOWD  
ROBERT D. ROSENBERG  
CHRISTOPHER A. MILLS  
FRANK J. PERGOLIZZI  
ANDREW P. KOLESAR III  
JEAN M. CUNNINGHAM  
PETER A. PFOHL



February 25, 1998

BY HAND DELIVERY

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
Case Control Branch  
ATTN: STB Finance Docket 33388  
1925 K Street, N.W.  
Washington, D.C. 20423-0001



Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding, please find an original and twenty-five (25) copies of The Notice of Withdrawal of The Detroit Edison Company (DE-06). In accordance with the Board's prior order, we have also enclosed a computer diskette containing the text of this document in Wordperfect 5.1.

We have included an extra copy of the Notice. Kindly indicate receipt by time-stamping this copy, and returning it with our messenger.

Also enclosed, please find a letter from The Detroit Edison Company to the Board advising of Detroit Edison's support for the Application under review in this proceeding.

Sincerely,

C. Michael Loftus  
An Attorney for The  
Detroit Edison Company

Enclosures

186001

DE-06

BEFORE THE  
SURFACE TRANSPORTATION BOARD

CSX CORPORATION AND CSX  
TRANSPORTATION, INC., NORFOLK  
SOUTHERN CORPORATION AND  
NORFOLK SOUTHERN RAILWAY  
COMPANY -- CONTROL AND OPERATING  
LEASES/AGREEMENTS -- CONRAIL, INC.  
AND CONSOLIDATED RAIL CORPORATION

Finance Docket No. 33388



NOTICE OF WITHDRAWAL OF  
THE DETROIT EDISON COMPANY

The Detroit Edison Company ("Detroit Edison") hereby  
notifies the Board of its withdrawal as a party of record from  
the above-captioned proceeding. The undersigned counsel also  
withdraw from the same proceeding as representatives of Detroit  
Edison.

Respectfully submitted,

THE DETROIT EDISON COMPANY  
Gary E. Lapplander  
Manager - Fuel Supply  
2000 Second Avenue  
Detroit, MI 48226

*C. Michael Loftus*

OF COUNSEL:

By: C. Michael Loftus  
Frank J. Pergolizzi  
Jean M. Cunningham  
Slover & Loftus  
1224 Seventeenth Street, N.W.  
Washington, D.C. 20036

Slover & Loftus  
1224 Seventeenth Street, N.W.  
Washington, D.C. 20036

Dated: February 25, 1998

Attorneys and Practitioners



CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Notice of Withdrawal were served this 25th day of February, 1998, by hand delivery upon:

The Honorable Jacob Leventhal  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Suite 11F  
Washington, D.C. 20426

Dennis G. Lyons, Esq.  
Arnold & Porter  
555 12th Street, N.W.  
Washington, D.C. 20004-1202

Richard A. Allen, Esq.  
Zuckert, Scoutt & Rasenberger, L.L.P.  
888 17th Street, N.W.  
Washington, D.C. 20006-3939

Paul A. Cunningham, Esq.  
Harkins Cunningham  
Suite 600  
1300 19th Street, N.W.  
Washington, D.C. 20036

and by first-class mail, postage pre-paid upon all other parties of record.

Jean M. Cunningham  
Jean M. Cunningham

Gary E. Lappinder  
Manager, Fuel Supply

The Detroit Edison Company  
2000 2nd Ave., Detroit, MI 48226-1279  
Tel: 313.235.8751 Fax: 313.235.6992

**Detroit Edison**



February 24, 1998

**BY HAND DELIVERY**

The Honorable Vernon A. Williams  
Secretary,  
Surface Transportation Board  
Case Control Branch  
ATTN: STB Finance Docket 33388  
1925 K Street, NW  
Washington, D.C. 20423-0001

RE: Finance Docket No. 33388  
CSX Corporation and CSX Transportation Inc.,  
Norfolk Southern Corporation and Norfolk  
Southern Railway Company – Control and Operating  
Leases/Agreements – Conrail Inc.  
and Consolidated Rail Corporation

Dear Secretary Williams:

On October 21, 1997, The Detroit Edison Company ("Detroit Edison") filed Comments and Requests for Conditions in the above-referenced proceeding (DE-02) ("Comments"). Those Comments discussed aspects of the pending Application threatening to harm Detroit Edison's interests, and requested the Board's assistance in eliminating such undesirable, transaction-related impacts through the imposition of ameliorative conditions.

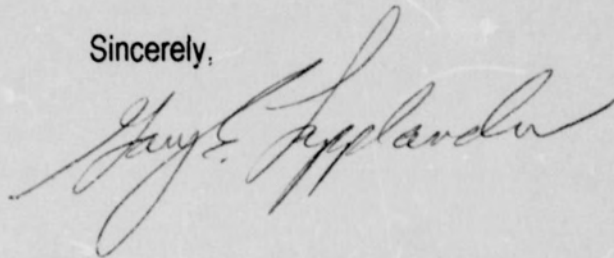
Since filing its Comments in October, Detroit Edison has engaged in discussions with CSX, in an attempt to address Detroit Edison's concerns. The parties recently arrived at a mutually satisfactory resolution of issues affecting Detroit Edison, and as a result, Detroit Edison no longer opposes the proposed transaction. Detroit Edison

Honorable Vernon A. Williams  
February 24, 1998  
Page Two

withdraws its request for conditions, and advises the Board of its full support for the Application.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Guy E. Appleton". The signature is fluid and extends to the right.

STB

FD

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2-2-98

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185459

2/3

This stable, viable and growing industrial pocket of industry WEBCO represents has been serviced by CONRAIL and its predecessor for decades. Most of the companies own railroad sidings connecting their businesses to CONRAIL service. Whether the sidings are currently in use or not, the access to rail is imperative relative to decisions and choices about current and future competitiveness. Industrial real estate is greatly devalued when rail service is diminished or abandoned.

In closing, I stress the key works are SAFETY and COMPETITIVENESS. The WEBCO companies strongly advocate to maintain the status quo on the rail line that now services their current and future needs. While the trackage is in need of investment, the status quo is far more desirable than shipping through residential neighborhoods or losing access to the tracks through any merger agreements. Ensuring the public's safety and the ability to make sound business decisions are paramount to the WEBCO membership.

Thank you.

**Western-Elmwood-Berea Corporation**  
*The One Fifteen Hundred Building*  
11500 Franklin Blvd. Suite 104  
Cleveland, Ohio 44102  
(216) 228-4383  
Fax: 228-3328

*Rick Wiedemer, Hinkley Lighting, President*  
*Anita R. Brindza, Executive Director*



**ATTACHMENT I**

MEMORANDUM

To: Gregory M. Sponseller, Director of Law & Prosecutor  
From: Paul I. McCumbers, Jr., Dir. of Public Safety/Service  
Date: January 28, 1998  
Subject: Front Street/Bagley Road Traffic Counts

As part of a November 19, 1996 Traffic Signal Warrant Study that was done by Traff-Pro Consultants, Inc., all intersections in the City of Berea were reviewed and traffic counts performed. The following information is from that report, and a copy of the particular pages are attached for your review:

The average traffic flow at the Front Street crossings was 10,613 vehicles per day.

The average traffic flow at the Bagley Road crossings was 17,135 vehicles per day.

PIM

/kao

attachment (2)



# TURNING MOVEMENT SUMMARY

File: LINDBERG.WK1

Municipality: BERE A

Intersection of: LINDBERGH BOULEVARD and BAGLEY ROAD

Project: 96-025 MWS

rev: Mar. 1995

Date: APR. 26, 96 Day: FRI Comments:

Data entry by: DAK

Date entered: JUL-30-96

Weather: MOSTLY CLOUDY Recorder(s): G. LEPISTO

Intersection of: LINDBERGH BOULEVARD										Date entered: JUL 30 95										Date: APR 26, 96 Day: FRI										Comments:										Data entry by: DAK																																							
Weather: MOSTLY CLOUDY										Recorder(s): G LEPISTO										TOTAL NORTH										BAGLEY FROM EAST										BAGLEY FROM WEST										TOTAL EAST										TOTAL ALL										PEAK HOUR FACTOR									
FROM NORTH										LINDBERGH BOULEVARD FROM SOUTH										TOTAL SOUTH										FROM EAST										FROM WEST										EAST WEST										DIREC										north south east west									
R S L TOTAL TRK BUS										L S R TOTAL TRK BUS										R S L TOTAL TRK BUS										L S R TOTAL TRK BUS										WEST																																							
BEGINS																																																																															
06:00										115 0 527 842 2 3										642 0 395 111 508 9 2										0 355 19 374 7 8										880 1522										0.987 0.843 0.788																													
07:00										91 0 433 524 1 4										524 0 371 127 498 17 10										0 487 84 571 12 5										1089 1593										0.949 0.943 0.860																													
08:00										58 0 247 305 3 4										305 0 338 134 472 19 2										0 388 37 423 15 5										895 1200										0.866 0.781 0.928																													
09:00																																																																															
10:00										71 0 201 272 0 4										272 0 445 194 839 18 7										0 425 43 468 13 1										1107 1379										0.800 0.923 0.888																													
11:00										80 0 192 272 2 3										272 0 570 242 812 19 8										0 575 60 835 10 2										1447 1719										0.840 0.967 0.787																													
12:00										73 0 203 278 1 2										278 0 451 224 875 15 1										0 387 51 418 20 2										1093 1369										0.945 0.884 0.871																													
1:00																																																																															
2:00										45 0 209 254 2 2										254 0 543 340 883 9 8										0 562 96 858 12 5										1541 1795										0.920 0.721 0.818																													
3:00										78 0 204 280 0 2										280 0 601 499 1070 1 2										0 729 113 842 14 8										1912 2192										0.921 0.863 0.788																													
4:00										78 0 253 331 1 0										331 0 573 523 1102 5 2										0 875 139 814 8 1										1918 2247										0.836 0.889 0.514																													
5:00																																																																															
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7:00																																																																															
8:00																																																																															
9:00																																																																															
TOTALS										687 0 2469 3158 12 24										3158 0 4293 2364 6657 120 40										0 4581 6 5203 111 33										11880 15018																																							
ADT										993 0 3567 4560 1%										4560 0 6203 3418 9818 2%										0 6590 928 7517 3%										17135 2189																																							
COMBINED FACTOR:										1.445																																																																					

HOURLY FACTOR: 1.88

MONTHLY FACTOR: 0.88

COMBINED FACTOR: 1.445

TRAFF - PRO CONSULTANTS, INC.

28917 EUCLID AVENUE

WICKLIFFE, OHIO 44092

(216) 944-8444 FAX: (216) 944-9928

Figure #: 12

Page #: 1

# TRAF-PRO

CONSULTANTS, INC.  
28917 Euclid Avenue  
Michelle, Ohio 44092  
(216) 944-6444

## SIGNAL WARRANTS

ADJUSTED HOURLY VOLUMES					WARRANT #1				WARRANT #2				WARRANT #3			
COND-IT	NO. LANE	MAJOR ST 2-WAY	MINOR ST 1-WAY	MINOR ST 1-WAY	100%		80%		100%		80%		1 HR		4 HR	
					MAJ	MIN	MAJ	MIN	MAJ	MIN	MAJ	MIN	PED		PED	
NORM	2+	X	X		500	150	400	120	750	75	600	80	190		100	
	1				600	200	480	160	900	100	720	80				
70%	2+				350	105	280	84	525	53	420	42	95		50	
	1				420	140	336	112	630	70	504	56				
MID-1AM.																
1AM-2AM.																
2																
3																
4																
5																
6					X	X	X	X	X	X	X	X				
7		880	642		X	X	X	X	X	X	X	X				
8		1069	524		X	X	X	X	X	X	X	X				
9		895	305		X	X	X	X	X	X	X	X				
10					X	X	X	X	X	X	X	X				
11		1107	272		X	X	X	X	X	X	X	X				
NOON-1PM.		1447	272		X	X	X	X	X	X	X	X				
1PM-2PM.		1093	276		X	X	X	X	X	X	X	X				
2					X	X	X	X	X	X	X	X				
3		1541	254		X	X	X	X	X	X	X	X				
4		1912	280		X	X	X	X	X	X	X	X				
5		1916	331		X	X	X	X	X	X	X	X				
6																
7																
8																
9																
10																
11																
HOURS MET					9	9	9	9	7	7	9	9				
WARRANT SATISFIED ?					YES		YES		NO		YES					

\* CONDITION IS DETERMINED BY ENVIRONMENT: USE 70% VALUES IF 85 PERCENTILE SPEED EXCEEDS 40 MPH ON THE MAJOR APPROACH OR IF LOCATION IS IN THE BUILT-UP AREA OF AN ISOLATED COMMUNITY WITH A POPULATION OF LESS THAN 10,000.

\*\* THE PEDESTRIAN VOLUME CAN BE REDUCED BY 50% IF THE PREDOMINANT WALKING SPEED IS BELOW 3.5 FEET PER SECOND.

### WARRANT #3 (MINIMUM PEDESTRIAN VOLUME)

Gap analysis made during period from \_\_\_\_\_ to \_\_\_\_\_  
 Number of vehicles during analysis period: \_\_\_\_\_  
 Pedestrian crossing time (1): \_\_\_\_\_  
 Number of gaps greater than (1) during period: \_\_\_\_\_  
 Approximate vehicular speed: \_\_\_\_\_  
 Number of pedestrians crossing during period: \_\_\_\_\_  
 Warrant Satisfied ? YES-NO

### WARRANT #4 (SCHOOL CROSSING)

On approved school route ? YES-NO  
 Gap analysis made during period from \_\_\_\_\_ to \_\_\_\_\_  
 Number of vehicles during analysis period: \_\_\_\_\_  
 Pedestrian crossing time (1): \_\_\_\_\_  
 Number of gaps greater than (1) during period: \_\_\_\_\_  
 Approximate vehicular speed: \_\_\_\_\_  
 Number of children crossing during period: \_\_\_\_\_  
 Warrant Satisfied ? YES-NO

### WARRANT #5 (PROGRESSIVE MOVEMENT)

Major street is: \_\_\_\_\_ C \_\_\_\_\_ WAY-TWO WAY  
 Distance to nearest signal in each direction on major street: \_\_\_\_\_ and \_\_\_\_\_  
 Time space diagram (attached) shows that this location can be implemented into a system: YES-NO  
 Warrant Satisfied ? YES-NO

### WARRANT #6 (ACCIDENT HAZARD)

Adequate trial of less restrictive measures: YES-NO  
 Number of accidents per year of a type which could be prevented by signalization: \_\_\_\_\_  
 80% of warrant #1 or #2 satisfied: YES-NO  
 Will signalization disrupt progressive movement ? YES-NO  
 Warrant Satisfied ? YES-NO

### WARRANT #7 (SYSTEMS)

Both streets are considered major routes: YES-NO  
 At least 800 VPH during weekday peak hour: YES-NO  
 At least 800 VPH for any 5 hrs. on a Saturday or Sunday: YES-NO  
 Warrant Satisfied ? YES-NO

### WARRANT #8 (COMBINATION)

Warrants numbered 1 and 2 are each met at the 80% level: YES-NO

INTERSECTION: \_\_\_\_\_  
 LOCATED IN CITY/VILLAGE/RURAL \_\_\_\_\_ CITY OF BEREA \_\_\_\_\_  
 NO. OF LANES PER APPROACH: N: \_\_\_\_\_ S: \_\_\_\_\_ E: \_\_\_\_\_ W: \_\_\_\_\_  
 PRESENTLY SIGNALIZED ? YES-NO \_\_\_\_\_ DOES 70% WARRANT APPLY ? \_\_\_\_\_ NO \_\_\_\_\_  
 MAINTAINING AGENCY \_\_\_\_\_

CO. CITY RTE. \_\_\_\_\_ SECT. \_\_\_\_\_  
 CONSULTANT: TRAF-PRO \_\_\_\_\_  
 PROJ. NO.: 96-023 CALC BY: \_\_\_\_\_  
 FILE NO.: BGAJUN01 \_\_\_\_\_

INT. NO.:

FIG. NO.:



# TURNING MOVEMENT SUMMARY

Municipality: BEREA

File: DEPOT.WK1

Intersection of: FRONT and FIRST/DEPOT

Date: JUNE 5, 98 Day: WE/TH Comments:

Project: 95-025

Weather: MOSTLY SUNNY

Recorder(s): TQ

Date entry by: DAK

Date entered: JUL-30-98

rev: Mar. 1995

Weather: MOSTLY SUNNY		Recorder(s): TQ		Data entry by: DAK		Data entered: 000000																										
TIME BEGINS	FRONT FROM NORTH						FRONT FROM SOUTH						TOTAL NORTH SOUTH	FIRST FROM EAST						DEPOT FROM WEST						TOTAL EAST WEST	TOTAL ALL DIREC.	PEAK HOUR FACTOR				
	R	S	L	TOTAL	TRK	BUS	L	S	R	TOTAL	TRK	BUS		R	S	L	TOTAL	TRK	BUS	L	S	R	TOTAL	TRK	BUS			north	south	east	west	
06:00																																
07:00	20	171	19	210	1	1	30	480	97	607	1	8	817	14	5	37	56	1	1	18	14	13	45	0	3	101	918	0.719	0.882	0.778	0.66	
08:00	23	224	40	287	0	3	21	327	74	422	3	4	709	42	10	73	125	0	1	12	18	30	60	0	5	185	894	0.932	0.647	0.822	0.75	
09:00	20	188	31	239	1	0	23	271	21	315	2	2	554	27	10	45	82	1	0	12	5	26	43	0	2	125	879	0.919	0.385	0.932	0.82	
10:00																																
11:00	24	236	29	301	4	1	38	248	54	340	5	2	841	35	11	54	100	0	0	17	7	21	45	0	2	145	786	0.838	0.904	0.758	0.75	
12:00	54	295	52	401	4	2	29	266	57	352	3	4	753	45	27	81	153	0	0	38	18	19	71	1	4	224	977	0.955	0.917	0.807	0.74	
1:00	28	291	30	347	4	0	27	329	80	436	3	3	783	24	14	80	98	0	0	30	21	32	83	0	1	181	984	0.933	0.908	0.845	0.89	
2:00																																
3:00	35	315	30	380	5	2	18	278	87	383	5	4	763	43	11	122	176	4	3	32	16	25	73	1	1	249	1012	0.828	0.903	0.898	0.83	
4:00	30	528	33	589	0	1	26	313	51	390	5	8	979	23	17	144	184	2	1	23	11	30	64	0	4	248	1227	0.582	0.947	0.852	0.72	
5:00	42	587	30	639	2	1	15	307	59	381	5	3	1020	38	25	153	218	0	0	22	9	28	59	0	2	275	1295	0.913	0.866	0.867	0.73	
6:00																																
7:00																																
8:00																																
9:00																																
TOTALS	288	2813	294	3393	21	11	227	2819	580	3626	32	34	7019	291	130	789	1190	8	0	202	117	224	543	2	24	1733	8752					
ADT	432	4253	445	5130	1%		343	4262	877	5483	2%		10813	440	197	1163	1799	1%		305	177	339	821	5%		2820	13233					

HOURLY FACTOR: 1.88

MONTHLY FACTOR: 0.9

COMBINED FACTOR: 1.512

**TRAFF - PRO CONSULTANTS, INC.**

28917 EUCLID AVENUE

WICKLIFFE, OHIO 44092

(216) 944-8444 FAX: (216) 944-9928

Figure #: 24

Page #: 1



# TRAF-PRO

CONSULTANTS, INC.  
28917 Euclid Avenue  
Westlake, Ohio 44092  
(216) 944-6444

## SIGNAL WARRANTS

FIG. NO.:

2

INT. NO.:

24

		ADJUSTED HOURLY VOLUMES			WARRANT #1				WARRANT #2				WARRANT #3	
COND- ITION	NO. LANE	MAJOR ST	MINOR ST	MINOR ST	100%		80%		100%		80%		1 HR	4 HR
		2-WAY	1-WAY	1-WAY	MAJ	MIN	MAJ	MIN	MAJ	MIN	MAJ	MIN	PEO	PEO
NORM	1	X	X	X	500	150	400	120	750	75	600	80		
	2+				600	200	480	180	900	100	720	80		
70%	1				350	105	280	84	525	53	420	42	95 <sup>PM</sup>	50 <sup>PM</sup>
	2+				420	140	336	112	830	70	504	56		
MID-1AM.														
1AM-2AM.														
2														
3														
4														
5														
6														
7		817	56	45	X		X		X		X			
8		709	125	60	X		X	X		X	X	X		
9		554	82	43	X		X			X		X		
10														
11		641	100	45	X		X			X	X	X		
NOON-1PM.		753	153	71	X	X	X	X	X	X	X	X		
1PM-2PM.		783	98	83	X		X		X	X	X	X		
2														
3		763	176	73	X	X	X	X	X	X	X	X		
4		979	184	64	X	X	X	X	X	X	X	X		
5		1020	216	59	X	X	X	X	X	X	X	X		
6														
7														
8														
9														
10														
11														
HOURS MET					4	4	5	5	5	5	7	7		
WARRANT SATISFIED ?					NO		NO		NO		NO			

\* CONDITION IS DETERMINED BY ENVIRONMENT: USE 70% VALUES IF 85 PERCENTILE SPEED EXCEEDS 40 MPH ON THE MAJOR APPROACH OR IF LOCATION IS IN THE BUILT-UP AREA OF AN ISOLATED COMMUNITY WITH A POPULATION OF LESS THAN 10,000.

\*\* THE PEDESTRIAN VOLUME CAN BE REDUCED BY 50% IF THE PREDOMINANT WALKING SPEED IS BELOW 3.5 FEET PER SECOND.

### WARRANT #3 (MINIMUM PEDESTRIAN VOLUME)

Gap analysis made during period from \_\_\_\_\_ to \_\_\_\_\_

Number of vehicles during analysis period: \_\_\_\_\_

Pedestrian crossing time (1): \_\_\_\_\_

Number of gaps greater than (1) during period: \_\_\_\_\_

Approximate vehicular speed: \_\_\_\_\_

Number of pedestrians crossing during period: \_\_\_\_\_

Warrant Satisfied ? YES-NO

### WARRANT #4 (SCHOOL CROSSING)

On approved school route ? YES-NO

Gap analysis made during period from \_\_\_\_\_ to \_\_\_\_\_

Number of vehicles during analysis period: \_\_\_\_\_

Pedestrian crossing time (1): \_\_\_\_\_

Number of gaps greater than (1) during period: \_\_\_\_\_

Approximate vehicular speed: \_\_\_\_\_

Number of children crossing during period: \_\_\_\_\_

Warrant Satisfied ? YES-NO

### WARRANT #5 (PROGRESSIVE MOVEMENT)

Major street is: \_\_\_\_\_ ONE WAY-TWO WAY

Distance to nearest signal in each direction on major street: \_\_\_\_\_ and \_\_\_\_\_

Time space diagram (attached) shows that this location can be implemented into a system: YES-NO

Warrant Satisfied ? YES-NO

### WARRANT #6 (ACCIDENT HAZARD)

Adequate trial of less restrictive measures: YES-NO

Number of accidents per year of a type which could be prevented by signalization: \_\_\_\_\_

80% of warrant #1 or #2 satisfied: YES-NO

Will signalization disrupt progressive movement ? YES-NO

Warrant Satisfied ? YES-NO

### WARRANT #7 (SYSTEMS)

Both streets are considered major routes: YES-NO

At least 800 VPH during weekday peak hour: YES-NO

At least 800 VPH for any 5 hrs. on a Saturday or Sunday: YES-NO

Warrant Satisfied ? YES-NO

### WARRANT #8 (COMBINATION)

Warrants numbered 1 and 2 are each met at the 80% level: YES-NO

INTERSECTION: \_\_\_\_\_ FRONT STREET \_\_\_\_\_ AND \_\_\_\_\_ FIRST STREET/DEPOT STREET \_\_\_\_\_  
LOCATED IN CITY/MILLAGE/RURAL \_\_\_\_\_ CITY OF BEREA \_\_\_\_\_  
NO. OF LANES PER APPROACH: N: \_\_\_\_\_ S: \_\_\_\_\_ E: \_\_\_\_\_ W: \_\_\_\_\_  
PRESENTLY SIGNALIZED ? YES-NO \_\_\_\_\_ YES \_\_\_\_\_ DOES 70% WARRANT APPLY ? \_\_\_\_\_ NO \_\_\_\_\_  
MAINTAINING AGENCY \_\_\_\_\_

CO. CITY RTE. \_\_\_\_\_ SECT. \_\_\_\_\_  
CONSULTANT: TRAF-PRO  
PROJ. NO. 96-025 CMC BY: \_\_\_\_\_  
FILE NO. FTR0001

INTERSECTION FRONT STREET & FIRST STREET/DEPOT STREET

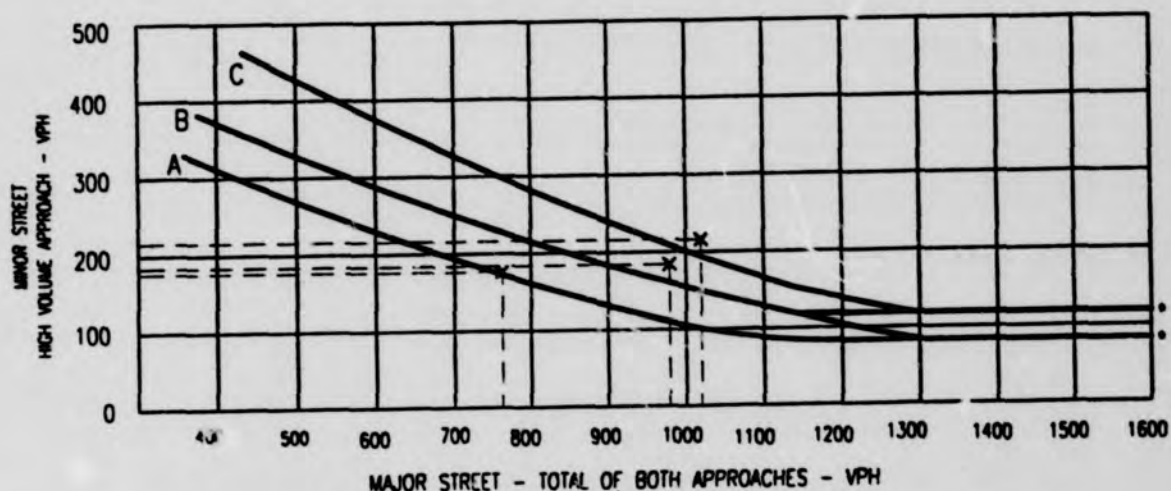
LOCATED IN CITY / VILLAGE / RURAL CITY OF BERA

NO. OF LANES PER APPROACH: N 1 S 1 E 1 W 1

PRESENTLY SIGNALIZED? YES-NO YES 70% WARRANT APPLY? NO

## FOUR HOUR VOLUME WARRANT.

- ☒ A= 1 LANE & 1 LANE  
☐ B= 2 OR MORE LANES & 1 LANE  
☐ C= 2 OR MORE LANES & 2 OR MORE LANES



•NOTE: 115 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACH WITH TWO OR MORE LANES.  
 80 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACH WITH ONE LANE.

BEGINNING HOUR																
	6AM	7	8	9	10	11	NOON	1PM	2	3	4	5	6	7	8	9
MAJOR 2 WAY		817	709	554		641	753	783		753	979	1020				
MINC 1WA.		56	125	82		100	153	98		176	184	216				
MINOR 1WAY		45	60	43		45	71	33		73	64	59				
HRS. MET		NO	NO	NO		NO	NO	NO		YES	YES	YES				

WARRANT SATISFIED? NO

**TRAFF-PRO**

CONSULTANTS, INC.  
 28917 Euclid Avenue  
 Wildliffe, Ohio 44092  
 (216) 944-8444

**SIGNAL WARRANT #9**  
**FOUR HOUR VOLUMES**

INT. NO.:

FIG. NO.:

INTERSECTION FRONT STREET & FIRST STREET/DEPOT STREET

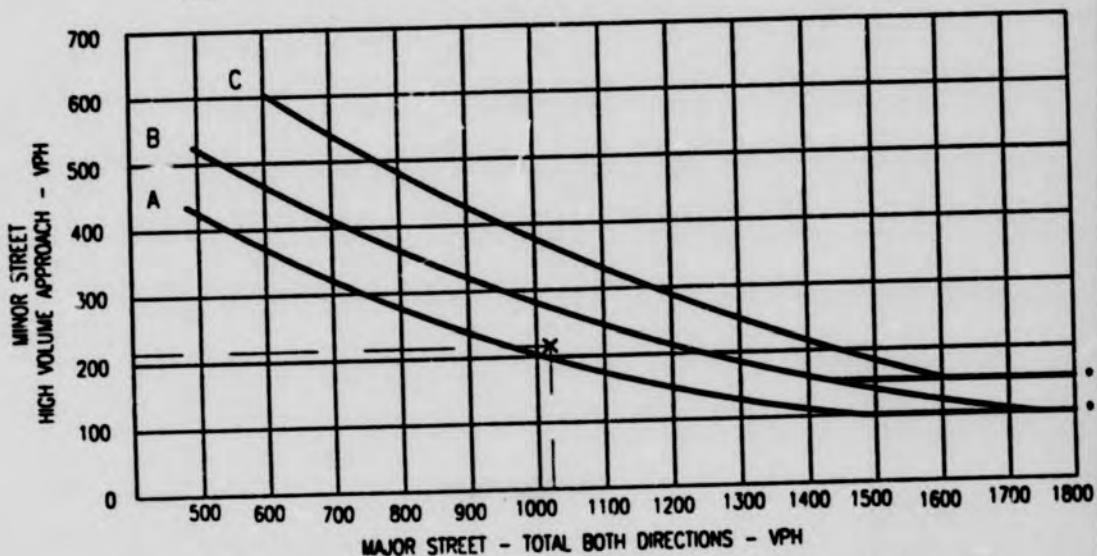
LOCATED IN CITY / VILLAGE / RURAL CITY OF BEREA

NO. OF LANES PER APPROACH: N 1 S 1 E 1 W 1

PRESENTLY SIGNALIZED? YES-NO YES 70% WARRANT APPLY? NO

## PEAK HOUR VOLUME WARRANT

- ☒ A= 1 LANE & 1 LANE  
☐ B= 2 OR MORE LANES & 1 LANE  
☐ C= 2 OR MORE LANES & 2 OR MORE LANES



\*NOTE: 150 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACH WITH TWO OR MORE LANES.  
 100 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACH WITH ONE LANE.

	BEGINNING HOUR																
	6/AM	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	
MAJOR 2 WAY		817	709	554		641	753	783		763	979	1020					
MINOR 1WAY		56	125	82		100	153	98		176	184	216					
MINOR 1WAY		45	60	43		45	71	83		73	64	59					
HRS. MET		NO	NO	NO		NO	NO	NO		NO	NO	YES					

WARRANT SATISFIED? YES

**TRAFF-PRO**

CONSULTANTS, INC.

28917 Euclid Avenue  
 Wickliffe, Ohio 44092  
 (216) 944-8444

**SIGNAL WARRANT #11  
 PEAK HOUR VOLUME**

INT.

FIG

**ATTACHMENT J**



**COMMUNITY REINVESTMENT AREA  
REPORT**

CITY OF BEREHA, OHIO



**COMMUNITY REINVESTMENT AREA  
REPORT**

for the  
CITY OF BEREА, OHIO

June, 1994

Prepared By:

Planning Resources, Inc.  
140 Public Square  
Cleveland, Ohio 44114

## TABLE OF CONTENTS

- I. DESCRIPTION OF THE CRA BOUNDARIES
- II. DESCRIPTION OF THE COMMUNITY REINVESTMENT AREA

- A. Existing Land Use
- B. Zoning
- C. Inventory of Historic Structures
- D. Socio-Economic Characteristics
- E. Housing Characteristics and Conditions
- F. Private Reinvestment in the CRA

- III. SUMMARY

### APPENDICES

- A. Historic Inventories
- B. Census Data

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## I. DESCRIPTION OF CRA BOUNDARIES

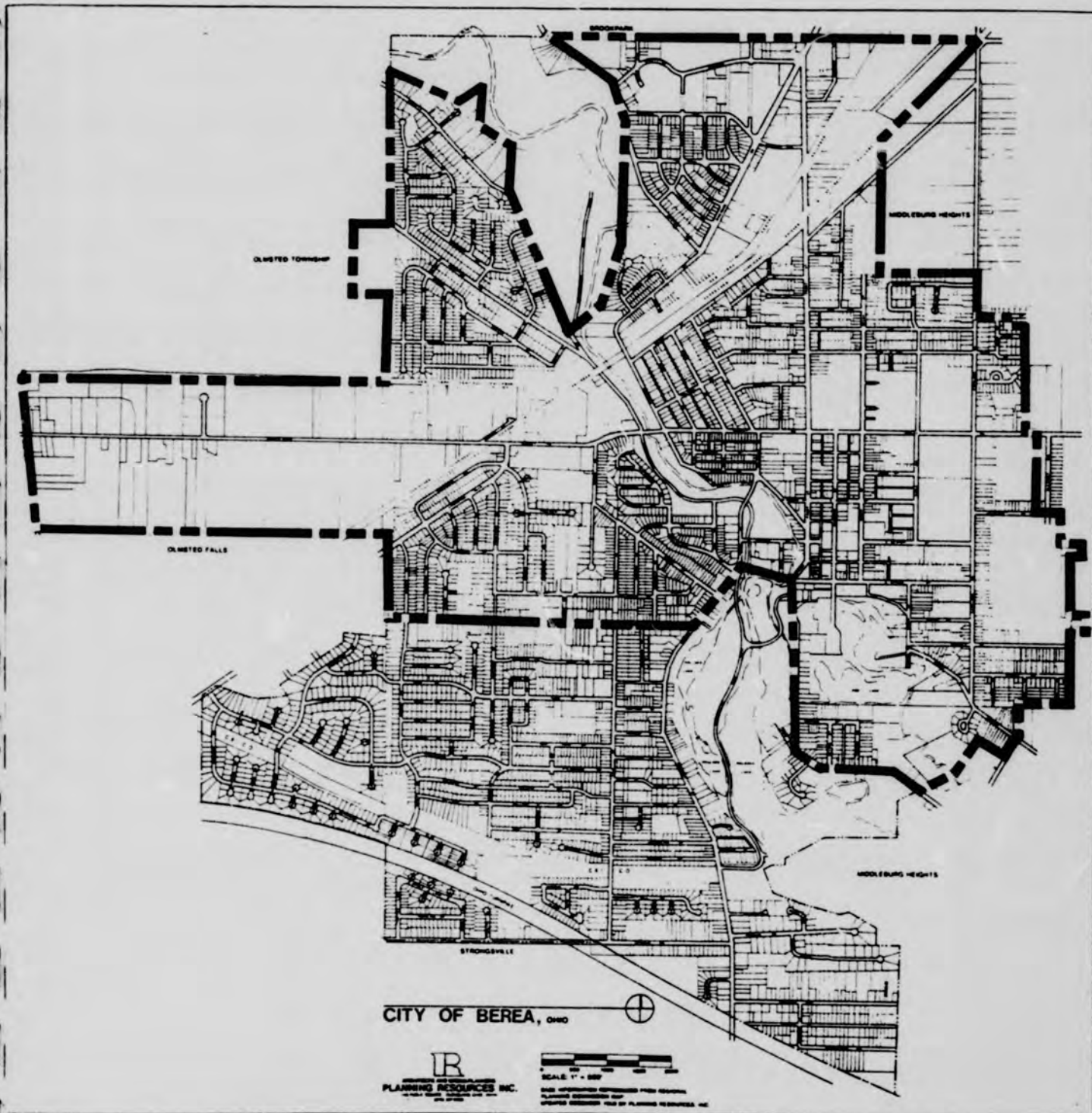
The City of Berea has undertaken a review of housing conditions and structures within the following described area to determine if the construction and repair of housing, commercial, and industrial facilities or structures are discouraged, in order to assess the establishment of a Community Reinvestment Area (CRA) in accordance with Section 3735.65 of the Ohio Revised Code.

The boundaries of the proposed CRA are described generally below using recognizable physical features. Please note that the CRA boundaries described below are intended to include all properties which directly abut or face the boundary of the CRA, but are outside of the described area. The CRA Boundary Map (Map 1) illustrates the proposed area.

In general, the Community Investment Area includes the following Census Tracts: 1341, 1342.03, 1342.04 and 1343. The CRA includes all areas of the city, except the Metroparks - Rocky River Reservation and the Berea Wastewater Treatment Plant, that are north of West Avenue, Prospect Avenue, and West Bridge St, and east and north of Riverside Drive. The CRA Boundary is generally described as follows:

Beginning at a point on the municipal boundary which is the intersection of the centerline of Brookpark Road and Grayton Road; thence following municipal boundary and said centerline of Brookpark Road east to its intersection with the Conrail railroad tracks; thence southwest along municipal boundary and said railroad tracks; thence continuing south along the municipal boundary; thence continuing east along the municipal boundary to the intersection of the centerline of Eastland Road; thence south along the municipal boundary and the Eastland Road centerline to its intersection with the centerline Wendy Drive; then east along the municipal boundary; thence south following said municipal boundary (until parallel with the southern end of Andrew Street), thence continuing east along municipal boundary (until just east of the southern end of Fuller Street); then continuing south along the municipal boundary across Fowles Road and continuing along Eastland Road; thence following municipal boundary in a northwesterly direction; thence continuing along said municipal boundary in a southwesterly direction until its intersection with the centerline of Riverside Drive; thence following said Riverside Drive centerline in a northeasterly direction to its intersection with the centerline of Main Street; thence continuing north along the centerline of Riverside Drive to its intersection with the centerline of W. Bridge Street; thence west along the W. Bridge Street centerline to its intersection with the centerline of Prospect Street; thence southwest along the Prospect St. centerline to its intersection with the centerline of West Ave; thence west along the West Avenue centerline to its intersection with the municipal boundary; thence north along the municipal boundary; thence west along the municipal boundary; thence north along the municipal boundary and the

# PROPOSED CRA BOUNDARIES





centerline of Lewis Road; thence east following the municipal boundary along the south side of the Conrail tracks; thence north along the municipal boundary, crossing Barrett Road to the Metroparks-Rocky River Reservation; thence southeast along the property line of the Metroparks to the intersection with the western property line of the Berea Wastewater Treatment Plant, thence south along said property line to its intersection with Barrett Road, thence southeast along the Barrett Road centerline to its intersection with the centerline of Metropolitan Park Boulevard; thence east from that intersection crossing the Rocky River; thence north following the property line of the Metroparks to its intersection with Grayton Road; thence following the Grayton Road centerline in a northwesterly direction to the place of the beginning; and including all properties outside of the above described area that are directly abutting and/or facing the above described boundaries.

## **II. DESCRIPTION OF THE COMMUNITY REINVESTMENT AREA**

### **A. Existing Land Use**

The proposed Community Reinvestment Area (CRA) contains a mixture of land uses, including single family and multiple family residential, commercial, office, industrial, recreation/open space and vacant land. The CRA contains the City's Central Business District, as well the campus of Baldwin-Wallace College and the older residential neighborhoods that developed around the sandstone quarries in the late nineteenth and early twentieth centuries. Two rail lines cross the CRA from the southwest to the northeast creating a physical barrier that funnels traffic through underpasses on both sides of North Rocky River. The abrupt change in elevation on both sides of the Rocky River forms another physical barrier between neighborhoods. The physical barriers isolate individual neighborhoods.

The total CRA comprises approximately 2,167 acres. Residential uses occupy 39% of the total land area of the CRA. The early central neighborhoods developed on the urban street grid pattern, while the neighborhoods which developed between 1950-1974 follow a more suburban pattern of curved streets and cul-de-sacs. Approximately 127 acres (6%) are commercial. Retail services occupy the bulk of the commercial land which is largely concentrated in the central business district. Industrial operations occupy nearly 8% of the CRA land area. The large manufacturing operations are clustered between the two rail lines which converge at the switching yard. Light industrial and some heavy industrial uses are located along the West Bagley Road Industrial Corridor. Recreation and open space uses occupy 7% of the total land area. Public/institutional uses comprise approximately 10% of the CRA land area, largely due to the Baldwin-Wallace College campus. Vacant land comprises nearly 19% of the CRA land area. The majority of the vacant land is located on both sides of Bagley Road west of the Conrail tracks. Street and railroad right of ways occupy about 8% of the CRA land area.



**Generalized Existing Land Use (1990)**  
**CRA**

<b>Land Use</b>	<b>Acres</b>	<b>Percent</b>
Single Family Residential	822	38%
Multiple Family Residential	30	1%
Commercial	127	6%
Office	59	3%
Recreation/Metroparks	150	7%
Public/Institutional	217	10%
Light Industrial	57	3%
Heavy Industrial	108	5%
Vacant Open Land	422	19%
R.O.W.	175	8%
<b>TOTAL LAND AREA</b>	<b>2,167</b>	<b>100%</b>

Overall, approximately 80% of the land area of the CRA has been developed. Most of the vacant land is along Bagley Road and is zoned for industrial uses. Little opportunity exists for development of new residential housing without consideration of annexation, or for the accommodation of new commercial uses without consideration of redeveloping older commercial or mixed-use areas.

An Existing Land Use Map for the entire City, completed as part of the *Berea Comprehensive Plan*, is available at City Hall.

All traditional municipal services including water, sanitary and storm sewers, gas, and electric service are available to all areas within the proposed CRA.

#### **B. Zoning**

The City does not anticipate any changes to the existing zoning classifications as a result of the establishment of the CRA area. The CRA area includes the following zoning districts: R-SF-A, R-SF-B, R-T, MF-MD, MF-HD, R-O, N, CC, G, LI, and GI. Existing zoning

classifications permit single family and multiple family residential uses, townhomes, residence-office uses, neighborhood commercial uses, commercial centers, general commercial uses, and light industrial and general industrial uses. The uses to be designated as eligible for tax exemption will be consistent with the zoning regulations applicable to the CRA.

#### C. Inventory of Historic Structures

The historic buildings of Baldwin-Wallace College and the adjacent residential neighborhoods enrich the physical character of the CRA area and the City as a whole. Berea's early commerce and its civic institutions have shaped the City's Central Business District and surrounding neighborhoods. The City's history is expressed in the scale and the character of the central business district, Baldwin-Wallace College, and its surrounding neighborhoods.

Berea's central neighborhoods developed in the late nineteenth and early twentieth centuries around the sandstone quarry and markets in the center of town. There are 4 buildings in the CRA, in addition to the Lyceum Village Square and German Wallace College area, which are eligible for listing on the National Register for Historic Places. There are approximately 27 buildings and 1 structure of architectural significance in the CRA which are listed on the Ohio Historic Inventory as eligible for National Register designation. These buildings are located east of Rocky River Drive. Many are in close proximity to Baldwin Wallace College. The inventory sheets are attached in Appendix A.

#### D. Socio-Economic Characteristics

The following statistics were obtained from the 1990 Census of Housing Characteristics and General Characteristics of the Population for the City of Berea and the census tracts that make up the proposed CRA.

The 1990 Census showed that there were 12,541 people residing within the proposed CRA, or about 66% of the City's entire population. However, 76% of the total number of persons with incomes below poverty resided within the proposed CRA. In addition, approximately 86% of the City's black population, and 69% of all persons over 65 years of age resided within the CRA.

Per capita income and average household income for the CRA were both below the overall per capita income and household income levels for the City. The CRA also had a higher percentage of households classified as having low and moderate incomes (LMI). There were 4,735 households in the City with low and moderate incomes. Approximately 3,386 low and moderate income households, or 72% of the total resided within the CRA.

### Summary of Socio-Economic Characteristics

	CT 1341	CT 1342.03	CT 1342.04	CT 1343	CRA Total	City of Berea	CRA % of City
Population	1,066	2,921	4,144	4,410	12,541	19,051	66%
Per Capita Income	\$13,555	\$14,988	\$14,854	\$11,858	\$13,721	\$14,867	92%
Household Income	\$35,151	\$38,712	\$35,176	\$35,767	\$36,234	\$39,061	93%
Persons Below Poverty	52	117	214	176	559	739	76%
LMI Households	22%	26%	28%	24%	27%	25%	
Black Persons	391	88	105	284	868	1,014	86%
Persons 65+	182	317	852	426	1,777	2,578	69%

### E. Housing Characteristics and Conditions

Housing characteristics are an indicator of an area's physical condition. As the table below indicates, the proposed CRA has a higher percentage of renter occupied units and a lower percentage of owner occupied units than the City as a whole. Approximately 70% of the total number of vacant units in the City are located within the CRA.

### Housing Units - 1990

	City of Berea		CRA Area	
Owner Occupied	4,898	67.7%	2,809	60.0%
Renter Occupied	2,138	29.5%	1,727	36.9%
Vacant	206	2.8%	146	3.1%
Total Units	7,242	100.0%	4,682	100.0%

The value of owner occupied housing is also a measure of a neighborhood's marketability and reinvestment in housing. The median value for single family homes ranged from \$64,300 (CT 1341) to \$77,300 (CT 1343) for the census tracts within the CRA compared to \$74,600 for the City as a whole. The median value of homes was lower in 3 of the 4 census tracts than for

*Handwritten:*  
C-W  
H.S.  
Robinson

the City as whole. (See Appendix B for maps of census data by census tract.)

The age of the City's housing stock is another indicator of housing conditions. The costs of maintenance and rehabilitation generally increase sharply as housing ages beyond 40 years. Approximately, 19% of the City's housing stock was built in 1939 or earlier. Approximately 24% of the housing units within the CRA were built prior to 1940. **Over 81% of the pre-1939 housing units in the City are located within the proposed CRA.** Approximately 30% of all occupied housing units in Berea are over 40 years old, while over 37% of the occupied housing units in the CRA are over forty years old.

A wind-shield survey of residential exterior conditions was completed by Planning Resources, Inc. in August of 1992 as part of the *Berea Comprehensive Plan*. The survey evaluated exterior rehabilitation needs which are generally indicative of interior needs as well. This survey classified buildings based on four categories: (1) Sound, (2) Minor Deficiencies, (3) Major Deficiencies, and (4) Substandard. In general, residential buildings classified as having minor deficiencies show signs of neglect or postponed maintenance, but this has little or no effect on a building's structural condition. Buildings classified as having major deficiencies generally exhibit extensive exterior defects and conditions that are not correctable through normal maintenance, and involve a structural element such as a sagging roof ridge/rafters, cracked foundation, etc. A building classified as substandard exhibits an extensive accumulation of defects to a point where major structural elements are adversely impacted and the cost of repairs usually exceeds the market value of the property.

The table below illustrates, by census tract, the condition ratings for residential buildings within the CRA. The table shows that overall housing conditions within the CRA as good, but that they are not as good as the City as a whole. The CRA contains 57.7% of all of the residential structures surveyed, but contains over 75% of the buildings with minor deficiencies and over 78% of the buildings with major deficiencies. All 13 substandard residential buildings are located within the CRA.

Major rehabilitation needs and deficiencies and substandard conditions were visible in the CRA Area in residential areas adjacent to commercial and industrial activities bounded by Depot Street and the Conrail tracks, North Front Street, and Riverside Drive. Major deficiencies and substandard conditions were visible in 40% of the housing units in this area. Traffic noise, and competition with commercial uses have discouraged reinvestment in the existing housing in that area. Building with frontage on Front Street, North Rocky River Drive and Depot Street are now being converted to office and commercial uses.



### Building Conditions Survey (August 1992)

Census Tract	Condition				
	Sound	Minor	Major	Substandard	Total
1341	204	43	3	0	250
1342.03	736	71	16	7	830
1342.04	885	161	41	5	1092
1343	631	173	27	1	832
CRA Total	2,456	448	87	13	3,004
Percent	81.7%	14.9%	2.9%	0.4%	100.0%
City Total	4,482	592	111	13	5,203
CRA % of City Tot.	54.8%	75.7%	78.4%	100.0%	57.7%

As is typical of small cities, there are several pockets of residential homes scattered throughout the CRA area that need rehabilitation and maintenance assistance. Other neighborhoods that exhibit maintenance needs include the Riverside Drive area between Coe and Baldwin Lakes, and the neighborhoods east of Coe Lake along East Center, East Bridge, Eastland and Waverly Street. Another neighborhood found to have several homes with maintenance needs is bounded by Riverside, Grayton and Emerson. All of these neighborhoods have also been designated by Cuyahoga County as Improvement Target Areas (ITAs).

The survey indicated that 86% of Berea's housing stock is well maintained. Visible rehabilitation needs are concentrated in the central neighborhoods, which are within the proposed CRA, where structures are generally older and require more maintenance. Census Tract 1342.04 has the highest number and percentage of housing units that have major deficiencies or are substandard. Census Tract 1343 has the highest percentage of residential structures with minor deficiencies (20.8%).

Because of the limited land available for new residential construction, Berea needs to consider programs, including the establishment of a CRA, to address housing conditions and maintenance needs in the older residential neighborhoods to achieve stability and ensure that long range viability of its housing units for future generations.

#### Cuyahoga Urban County Improvement Target Area Study

The Cuyahoga County Planning Commission and the Cuyahoga County Department of



Development performed a condition survey<sup>1</sup> of all residential and commercial structures, and streets in Berea in 1991-1992 for the purpose of designation of Improvement Target Areas (ITAs). Five property elements for residential structures and eight property elements for commercial structures received a numerical score based on whether minor, moderate or major deficiencies were noted. The property received a total score. Properties with scores over the threshold score were determined to be substandard. Properties with scores below the threshold were determined to be sound or in need of only minor repair. The table below presents the total number of substandard properties in the City and CRA as identified by Cuyahoga County.

**ITA Survey 1991-1992**  
**Total Number of Substandard Properties<sup>2</sup>**

Structure Type	1-3 Family	Multiple Family	Comm/Office	Total
Berea	418	1	42	461
CRA <sup>3</sup>	323	1	40	364
Percent in CRA	77%	100%	95%	79%

As the table above indicates, there are 364 substandard properties within the proposed CRA. Almost 89% of the substandard properties identified within the CRA are 1-3 family residences. Approximately 79% of all identified substandard properties in the City are located in the CRA and 95% of all identified substandard commercial properties are located within the CRA.

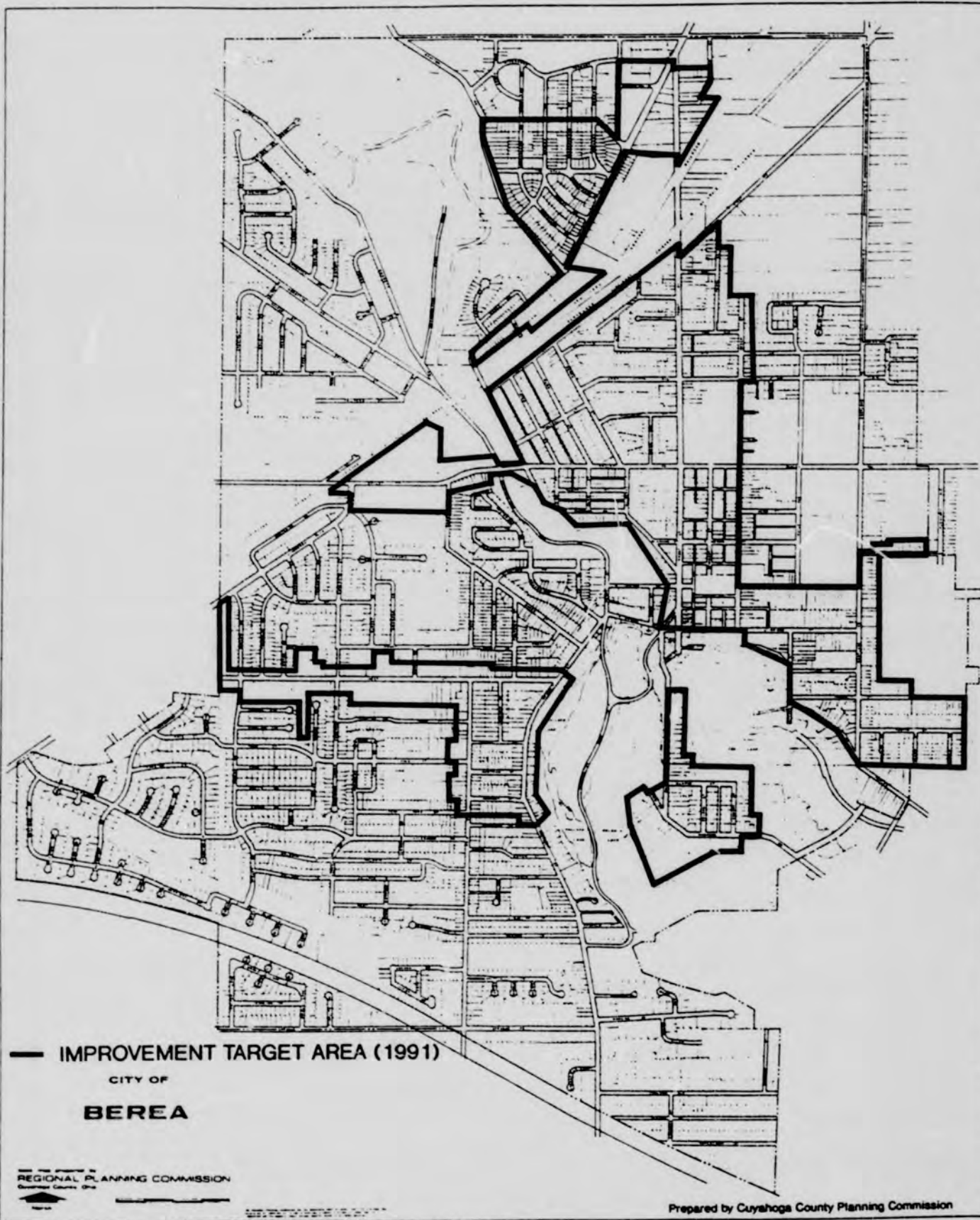
Areas with significant concentrations of substandard properties (20 or more substandard properties within a 50 acre area) were designated as ITAs. Map 2 illustrates the designated ITAs within the City of Berea. Note that the locations of the ITAs closely correspond to the neighborhoods identified by the Planning Resources, Inc. survey as having concentrations of properties with maintenance and rehabilitation needs. The proposed CRA includes the majority of the designated ITA areas.

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<sup>1</sup>The County utilized a methodology of comprehensive and standardized field surveys and mathematical standards to identify blighted areas. This methodology was developed by the Cuyahoga County RPC in 1984. The methodology was approved by the U.S. Department of Housing and Urban Development (HUD) in 1984.

<sup>2</sup> Cuyahoga County Planning Commission, *Cuyahoga Urban County Improvement Target Area Study*, 1992.

<sup>3</sup> This number does not include those substandard structures which directly abut or face the proposed CRA boundary.



Maps which illustrate the results of the Cuyahoga County ITA building and right-of-way surveys are available at City Hall.

#### F. Private Reinvestment in the CRA Area

A review of building permits issued for the last 5 years indicates the need for the City to continue to take aggressive steps to encourage private reinvestment and revitalization in the residential neighborhoods within the CRA. Private reinvestment is needed to preserve the City's existing housing stock rather than allowing the abandonment and deterioration of housing. The lack of attention toward housing maintenance and public improvements accelerates the possibility of neighborhood deterioration.

- \* New housing construction permits in the CRA declined by 46% between 1992 and 1993.
- \* Over 90% of all demolitions between 1989-1993 were within the CRA.
- \* The total value of all single-family residential construction and renovation/rehabilitation permits issued in the City between 1989-1993 equals \$17,431,935. However, only 20% of this value, or \$3,504,587, was invested in the renovation and rehabilitation of existing homes within the CRA area.
- \* At least \$5 million dollars of additional private investment is needed for renovation and rehabilitation within the CRA to correct just the exterior housing deficiencies identified the Planning Resources, Inc. housing condition survey in August of 1992.

### **III. SUMMARY**

The establishment of a CRA was proposed in the *Berea Comprehensive Plan* after an extensive analysis of housing, land use and economic conditions to strengthen private incentives for maintenance and reinvestment in the City's older neighborhoods. New construction in the outlying suburbs during the 1990's will continue to pull middle income households from older communities, such as Berea, leaving behind a growing surplus of existing housing which is in need of continual maintenance to prevent future blight and deterioration. In addition, noise, traffic, land use conflicts, and other environmental risks associated with adjacent industrial and commercial activities has accelerated the decline of the older, central residential neighborhoods in the CRA area, and has created a blighting influence.

The limited number of vacant land tracts and improved highway access to more rural communities has limited new housing construction in the City to only 200 units during the past decade. The City must pro-actively preserve its existing housing stock by encouraging private reinvestment. It is reasonable to assume that the older housing stock will require more maintenance than newer structures. More maintenance translates into additional costs for

property owners. Maintenance attention must be focused on the older housing units before the costs get too high. Existing housing must be regenerated through new investment to maintain a steady appreciation of value. Older housing must be rehabilitated and worn-out structures must be replaced in order to revitalize neighborhoods.

Existing retail buildings need to be upgraded, but demand for downtown retail space has not been strong enough to support revitalizing older commercial space. The visible deterioration of older buildings fosters public perceptions of a dying downtown. Most small businesses lack the resources to finance the purchase or renovation of older commercial space in the downtown. Marginal industrial uses exist between Depot Street and the rail line. Adjacent residential properties are blighted by the encroachment of industrial and warehouse uses because there is no defined buffer that separates the two districts.

The proposed CRA area exhibits social, economic, and physical characteristics that are by comparison more severe than for the City as a whole. A higher percentage of older housing coupled with a higher percentage of households with lower incomes has led to greater concentrations of housing deficiencies in the CRA. The area does qualify for designation as a Community Reinvestment Area.



**Appendix A**



**National Register of Historic Places in Ohio**

PIR Format

As of 4/9/92

**Berea CRA**

Berea District 7 School  
323 E. Bagley Road  
4/3/75

Berea Union Depot  
30 Depot Street  
11/21/80

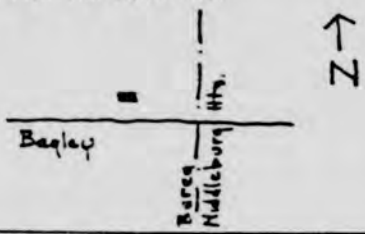

Buehl House  
118 E. Bridge Street  
4/30/76

Lycem Village Square and German Wallace College  
Seminary Street  
10/29/75

Wheeler, John, House  
445 S. Rocky River Drive  
12/01/78

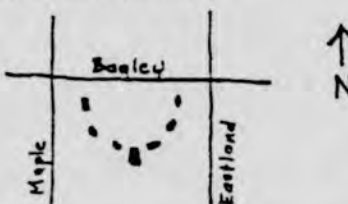

Label  
Appendix  
BA

# OHIO HISTORIC INVENTORY

1. No. <b>CUY-1704-15</b>		4. Present Name(s) <b>Berea Fine Arts Club</b>		1. No. <b>1704-15</b>	
2. County <b>Cuyahoga</b>		5. Other Name(s) <b>Berea District School #7</b>			2. County <b>Cuyahoga</b>
3. Location of Negatives <b>WRHS</b>					
6. Specific Location <b>323 Bagley Road</b>		16. Thematic Category <b>D, G</b>		5. Other Name(s) <b>Berea District School #7</b>	
7. City or Town If Rural, Township & Vicinity <b>Berea</b>		17. Date(s) or Period <b>1914</b>			
8. Site Plan with North Arrow 		18. Style or Design			
9. Coordinates Lat. <b>Berea</b> Long. <b></b> U.T.M. Reference <b>17 429630 4580260</b>		19. Architect or Engineer		28. No. of Stories <b>1</b>	
Zone Easting Northing <b>10 Site Building X Structure Object</b>		20. Contractor or Builder			29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
11. On National Register? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		21. Original Use, if apparent <b>School</b>			
12. Is It Eligible? Yes <input type="checkbox"/> No <input type="checkbox"/>		22. Present Use <b>Fine Arts Club</b>		31. Wall Construction <b>Brick</b>	
13. Part of Estab. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>			32. Roof Type & Material <b>Hip/Slate</b>
14. District Potent'l? Yes <input type="checkbox"/> No <input type="checkbox"/>		24. Owner's Name & Address, if known <b>Berea Fine Arts Club</b>			
15. Name of Established District		25. Open to Public? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <b>Restricted</b>		34. Wall Treatment <b>Brick/Stone trim</b>	
16. Further Description of Important Features <p>Small brick structure with a slate hip roof and a gabled central bay that features a gabled cupola with an open balustraded belfry. The roof is of imbricated slate with corbeled chimneys. Wide eaves project over groups of tall 1x1 double-hung windows. There is a central entrance with double paneled doors flanked by brick piers. A recent addition has been constructed at the rear.</p>		26. Local Contact Person or Organization			35. Plan Shape <b>Rectangular</b>
17. History and Significance <p>This brick building was built in 1914 to replace a wooden structure on the site. In 1935, the Berea Fine Arts Club, founded in 1933, bought the school for \$596. They use it as their headquarters and for exhibits and live productions. The building is a combination of Queen Anne elements and a <u>Prairie Style</u> form.</p>		27. Other 			
18. Description of Environment and Outbuildings <p>The building faces a heavily trafficked road leading into Berea. There are some older houses and a new school nearby. There is a parking lot at the rear.</p>		28. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		37. Condition Interior <b>Very Good</b> Exterior <b>Very Good</b>	
19. Sources of Information <b>Holzworth, Grit &amp; Greatness, 1970, pg. 90. Cuyahoga County Atlases.</b>		29. Distance from and Frontage on Road <b>40'</b>			38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
		30. Prepared by <b>Fisher</b>			
		31. Organization <b>WRHS</b>		40. Distance from and Frontage on Road <b>40'</b>	
		32. Date <b>11-77</b>			41. Revision Date(s)
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# OHIO HISTORIC INVENTORY

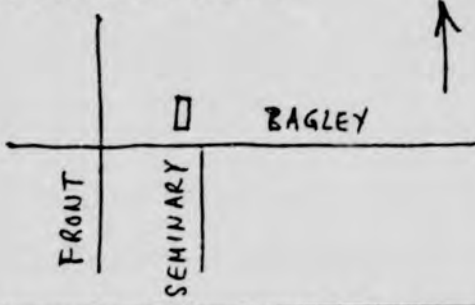

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. CUY-1703-15		4. Present Name(s) United Methodist Childrens Home		1. No. 1703-15	
2. County Cuyahoga		5. Other Name(s)			2. County Cuyahoga
3. Location of Negatives WRHS					
6. Specific Location  Bagley between Maple & Eastland.		16. Thematic Category D, N, P		4. Present Name(s) United Methodist Childrens Home	
7. City or Town If Rural, Township & Vicinity Berea		17. Date(s) or Period 1928, 1932, 1935, 1938			
8. Site Plan with North Arrow		18. Style or Design Colonial eclectic			
		19. Architect or Engineer			
		20. Contractor or Builder			
		21. Original Use, if apparent Childrens Home			
22. Present Use Childrens Home		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>			
24. Owner's Name & Address, if known		25. Open to Public? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
26. Local Contact Person or Organization		27. Other 			
28. No. of Stories 2		29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
30. Foundation Material Concrete		31. Wall Construction Wood frame			
32. Roof Type & Material Gable/Asph. shingle		33. No. of Bays Front Side			
34. Wall Treatment Brick veneer		35. Plan Shape Rectangular			
36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input type="checkbox"/> Moved <input type="checkbox"/>		37. Condition Interior <input type="checkbox"/> Exterior <input checked="" type="checkbox"/> Good			
38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		41. Distance from and Frontage on Road			
42. Further Description of Important Features The complex is composed of a series of large brick residential structures arranged in a semicircle. The buildings are vaguely Colonial in detail, with gable roofs, narrow cornices, shuttered windows, balustraded porches, pedimented entrances, and large corbeled chimneys. Their proportions, however, are too large for a correct rendition of the style.				5. Other Name(s)	
43. History and Significance This was the site of the German Methodist Orphan Asylum, which dated from the mid 19th Century and which reflected the strong German Methodist community in Berea. The present complex of buildings was begun in 1928 and not completed until the 1950's. The monumental grouping of structures is unusual, yet lends a sense of community.					
44. Description of Environment and Outbuildings The Children's Home is located along Bagley Road, a heavily traveled road leading into Berea. There is a modern church, a high school, and various college buildings nearby.					
45. Sources of Information Holzworth, Grit & Greatness, 1970, pg. 102. Cuyahoga County Atlases.					
46. Prepared by Fisher					
47. Organization WRHS					
48. Date 11-77		49. Revision Date(s)			



# OHIO HISTORIC INVENTORY

Historic Preservation Office  
Ohio Historical Society  
Columbus, Ohio 43211

1. No. <b>CUY-4-15</b>		4. Present Name(s) <b>Carnegie Science Hall</b>	
2. County <b>Cuyahoga</b>		5. Other Name(s) <b>Ladies' Hall, Baldwin University</b>	
3. Location of Negatives <b>WRHS</b>			
6. Specific Location <b>Baldwin-Wallace Campus E. Bagley Road at Seminary Street</b>		16. Thematic Category <b>Architecture 19th/Education</b>	28. No. of Stories <b>2-1/2</b>
7. City or Town If Rural, Township & Vicinity <b>Berea</b>		17. Date(s) or Period <b>1892 and 1905</b>	29. Basement? <b>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>
8. Site Plan with North Arrow 		18. Style or Design <b>Stick Style-Chateausque</b>	30. Foundation Material <b>stone</b>
		19. Architect or Engineer	31. Wall Construction <b>sandstone</b>
		20. Contractor or Builder	32. Roof Type & Material <b>hip &amp; gable/shingle</b>
		21. Original Use, if apparent <b>Dormitory</b>	33. No. of Bays <b>Front 11 Side 3</b>
		22. Present Use <b>Classroom Building</b>	34. Wall Treatment <b>coursed ashlar</b>
		23. Ownership <b>Public <input type="checkbox"/> Private <input checked="" type="checkbox"/></b>	35. Plan Shape <b>rectangular</b>
		24. Owner's Name & Address, if known <b>Baldwin-Wallace College Berea</b>	36. Changes (Explain in #42) <b>Addition <input type="checkbox"/> Altered <input type="checkbox"/> Moved <input checked="" type="checkbox"/></b>
9. Coordinates <b>UTM 287803</b> <b>Lat. 41° 22' 23"</b> <b>Long. 81° 51' 06"</b> <b>Berea</b>		25. Open to Public? <b>restricted</b> <b>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>	37. Condition <b>Interior</b> <b>Exterior <u>excellent</u></b>
10. Site <input type="checkbox"/> Building <input checked="" type="checkbox"/> Structure <input type="checkbox"/> Object <input type="checkbox"/>		26. Local Contact Person or Organization <b>College historian</b>	38. Preservation Underway? <b>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>
11. On National Register? <b>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>		27. Other Surveys in Which Included	39. Endangered? By What? <b>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>
12. Is It Eligible? <b>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>			40. Visible from Public Road? <b>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>
13. Part of Estab. Hist. Dist.? <b>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>			41. Distance from and Frontage on Road <b>50' x 100'</b>
14. District? <b>Yes <input type="checkbox"/> No <input type="checkbox"/></b>			
15. Name of Established District			
42. Further Description of Important Features <b>Unusual combination of masonry structure and Stick style gables. Building dismantled and moved approx. 3/4 mile from old Baldwin University campus in 1905. Old campus taken by quarries.</b>			
43. History and Significance <b>Baldwin Institute founded 1844; Baldwin Univ. 1855. Ladies' Hall built 1878-1882. Moved and named Carnegie Science Hall in 1905. Good example of late 19th century college architecture. Re-erected by donation of Andrew Carnegie.</b>			
44. Description of Environment and Outbuildings <b>Stands in park-like campus among several other sandstone college buildings of late 19th century style. Possible college architectural district.</b>			
45. Sources of information <b>Johnson, Cuyahoga County (1879), 202. Baldwin-Wallace College catalogs.</b>		46. Prepared by <b>Johannesen</b>	
		47. Organization <b>WRHS</b>	
		48. Date <b>8/74</b>	
		49. Revision Date(s)	

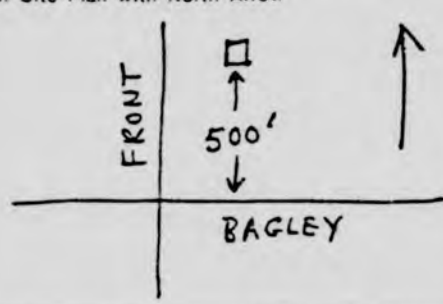
CUY-4-15 Cuyahoga

Carnegie Science Hall

Ladies' Hall, Baldwin University

# OHIO HISTORIC INVENTORY

Historic Preservation Office  
Ohio Historical Society  
Columbus, Ohio 43211

1. No. <b>CUY-5-15</b>		4. Present Name(s) <b>Wheeler Hall</b>	
2. County <b>Cuyahoga</b>		5. Other Name(s) <b>Recitation Hall, Baldwin University</b>	
3. Location of Negatives <b>WRHS</b>			
6. Specific Location <b>Baldwin-Wallace Campus Front Street</b>		16. Thematic Category <b>Architecture 19th/Education</b>	
7. City or Town If Rural, Township & Vicinity <b>Berea</b>		17. Date(s) or Period <b>1892</b>	
8. Site Plan with North Arrow 		18. Style or Design <b>Richardsonian Romanesque</b>	
9. Coordinates Lat. <b>41° 22' 26"</b> UTM <b>287805</b> Long. <b>81° 51' 07"</b> <b>Berea</b>		19. Architect or Engineer	
10. Site Building <input checked="" type="checkbox"/> Structure Object <input type="checkbox"/>		20. Contractor or Builder	
11. On National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		21. Original Use, if apparent <b>classrooms</b>	
12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		22. Present Use <b>classrooms</b>	
13. Part of Estab. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>	
14. District Potent'l? Yes <input type="checkbox"/> No <input type="checkbox"/>		24. Owner's Name & Address, if known <b>Baldwin-Wallace College Berea</b>	
15. Name of Established District		25. Open to Public? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
42. Further Description of Important Features <b>Main entrance Romanesque arch. Two round towers, conical roof. East and west gables with stepped parapets. Originally contained nine classrooms and assembly hall. Interior remodeled in 1967.</b>		26. Local Contact Person or Organization <b>College historian</b>	
43. History and Significance <b>Built in 1892 as Recitation Hall, main classroom building for Baldwin University. Baldwin-Wallace founded 1913. Named Wheeler Hall after John Wheeler, first Baldwin Univ. president, 1855-1870.</b>		27. Other Surveys in Which Included	
44. Description of Environment and Outbuildings <b>Stands in park-like campus among several other sandstone college buildings of late 19th century style. Possible college architectural district.</b>		28. No. of Stories <b>3</b>	
45. Sources of Information <b>Baldwin-Wallace College catalogs.</b>		29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		30. Foundation Material <b>stone</b>	
		31. Wall Construction <b>sandstone</b>	
		32. Roof Type & Material <b>hip/shingle</b>	
		33. No. of Bays irregular Side <b>Front</b>	
		34. Wall Treatment <b>rusticated</b>	
		35. Plan Shape <b>square</b>	
		36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input type="checkbox"/> Moved <input type="checkbox"/>	
		37. Condition Interior <input type="checkbox"/> Exterior <b>excellent</b>	
		38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
		40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		41. Distance from and Frontage on Road <b>250'</b>	
		46. Prepared by <b>Johannesen</b>	
		47. Organization <b>WRHS</b>	
		48. Date <b>8/74</b>	
		49. Revision Date(s)	



CUY-5-15 Cuyahoga

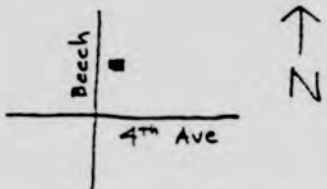
Wheeler Hall

Recitation Hall, Baldwin University



# OHIO HISTORIC INVENTORY

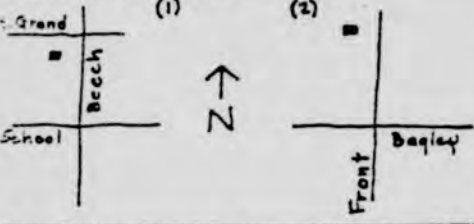

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. CUY-1710-15		4. Present Name(s)		1. No. 1710-15	
2. County Cuyahoga		5. Other Name(s) Brown, S.H., Residence			2. County Cuyahoga
3. Location of Negatives WRHS					
6. Specific Location 400 Beech		16. Thematic Category C		4. Present Name(s)	
7. City or Town If Rural, Township & Vicinity Berea		17. Date(s) or Period 1870			
8. Site Plan with North Arrow		18. Style or Design Stick Style vernacular			
		19. Architect or Engineer		5. Other Name(s) Brown, S.H. Residence	
		20. Contractor or Builder			
		21. Original Use, if apparent Residence			
9. Coordinates Lat. <u>Lakewood</u> Long. <u></u> U.T.M. Reference 17 428930 45810330		22. Present Use Residence		5. Other Name(s) Brown, S.H. Residence	
10. Site Building <input checked="" type="checkbox"/> Structure <input type="checkbox"/> Object <input type="checkbox"/>		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>			
11. National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Part of Estab. Yes <input type="checkbox"/> Hist. Dist. No <input checked="" type="checkbox"/>		24. Owner's Name & Address, if known			
12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		25. Open to Public? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		5. Other Name(s) Brown, S.H. Residence	
13. District Potent'l? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		26. Local Contact Person or Organization			
14. Name of Established District		27. Other Surveys in Which Included			
42. Further Description of Important Features Tall wood frame house with the wide eaves and narrow moldings, the L shaped plan with a corner entrance, and the vertical proportions and 2x2 windows characteristic of the Victorian vernacular. The horizontal belt courses at the first and second floor lintels, however, recall the Stick Style of the latter part of the 19th Century.				5. Other Name(s) Brown, S.H. Residence	
43. History and Significance The 1874 Atlas does not show a house on this site, although the local historical society has dated it 1870. The 1903 Atlas shows it belonging to S.H. Brown, and the 1927 Atlas to August Hagele.					
44. Description of Environment and Outbuildings The structure faces a quiet side street, with several large trees on the property and newer houses on all sides.					
45. Sources of Information Cuyahoga County Atlases.				5. Other Name(s) Brown, S.H. Residence	
46. Prepared by Fisher					
47. Organization WRHS					
48. Date 11-77 49. Revision Date(s)				5. Other Name(s) Brown, S.H. Residence	
48. Date 11-77 49. Revision Date(s)					
48. Date 11-77 49. Revision Date(s)					




# OHIO HISTORIC INVENTORY

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. <b>CUY-1702-15</b>		4. Present Name(s) <b>109 Beech, 301 Front</b>		1. No. 1702-15	
2. County <b>Cuyahoga</b>		5. Other Name(s)			2. County Cuyahoga
3. Location of Negatives <b>WRHS</b>					
6. Specific Location <b>(1) 109 Beech &amp; East Grand (2) 301 Front Street</b>		16. Thematic Category <b>C</b>		4. Present Name(s) 109 Beech, 301 Front St.	
7. City or Town If Rural, Township & Vicinity <b>Berea</b>		17. Date(s) or Period <b>ca. 1880</b>			
8. Site Plan with North Arrow 		18. Style or Design <b>Stick Style</b>			
		19. Architect or Engineer			
		20. Contractor or Builder			
		21. Original Use, if apparent <b>Residence</b>			
		22. Present Use <b>Residence</b>			
9. Coordinates Lat. <b>Berea Quad.</b> Long. _____ U.T.M. Reference <b>17 42 88 60 45 79 91 0</b>		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>			
Zone _____ Easting _____ Northing _____		24. Owner's Name & Address, if known			
10. Site <input type="checkbox"/> Structure <input type="checkbox"/> Building <input checked="" type="checkbox"/> Object <input type="checkbox"/>		25. Open to Public? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
11. On National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		26. Local Contact Person or Organization			
12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		27. Other <b>(2)</b> 			
13. Part of Estab. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		28. No. of Stories <b>2-1/2</b>			
14. District Potent'l? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
15. Name of Established District		30. Foundation Material <b>Stone</b>			
		31. Wall Construction <b>Wood Frame</b>			
		32. Roof Type & Material <b>Hip/Gable/Slate</b>			
		33. No. of Bays Front <b>3</b> Side <b>3</b>			
		34. Wall Treatment <b>Siding/Shingles</b>			
		35. Plan Shape <b>Irregular</b>			
		36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input type="checkbox"/> Moved <input type="checkbox"/>			
		37. Condition Interior _____ Exterior <b>Good</b>			
		38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
		39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
		40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
		41. Distance from and Frontage on Road <b>50'</b>			
42. Further Description of Important Features <p>Stick Style houses with hip roofs, slate shingles, corbeled chimneys, and iron cresting. Walls have wooden belt courses with imbricated shingles in the wainscot. Elaborate Eastlake porches with brackets, spindled cornices, turned columns, and carved gables. Tall double-hung windows and some small stained glass panels.</p>				5. Other Name(s)	
43. History and Significance <p>These two houses typify several structures in Berea that represent the transition between the earlier Eastlake mode and the later Stick Style and Queen Anne styles. Both remain virtually intact.</p>					
44. Description of Environment and Outbuildings <p>(1) stands on a quiet side street near the campus of the old German Wallace College. (2) stands on the main street of Berea's downtown, across from a northern campus of Baldwin-Wallace College.</p>					
45. Sources of Information <b>Cuyahoga Co. Atlases Personal Observation</b>		46. Prepared by <b>Fisher</b>			
		47. Organization <b>WRHS</b>			
		48. Date <b>10-77</b>		49. Revision Date(s)	

# OHIO HISTORIC INVENTORY

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211


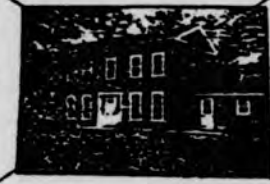
1. No. <b>CUY-1696-15</b>		4. Present Name(s) <b>Baldwin-Wallace Women's Gymnasium</b>		1. No. <b>1696-15</b>	
2. County <b>Cuyahoga</b>		5. Other Name(s) <b>Baldwin-Wallace Gymnasium</b>			2. County <b>Cuyahoga</b>
3. Location of Negatives <b>WRHS</b>					
6. Specific Location  <b>Beech across from School Street</b>		16. Thematic Category <b>D.G</b>		4. Present Name(s) <b>Baldwin-Wallace Gymnasium</b>	
7. City or Town If Rural, Township & Vicinity <b>Berea</b>		17. Date(s) or Period <b>1913-14</b>			
8. Site Plan with North Arrow  		18. Style or Design <b>Progressive Mode</b>			
		19. Architect or Engineer			
		20. Contractor or Builder			
		21. Original Use, if apparent <b>Gym</b>			
		22. Present Use <b>Gym</b>			
		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>			
9. Coordinates Berea Quadrangle Lat. _____ Long. _____ U.T.M. Reference <b>17 428920 4579840</b>		24. Owner's Name & Address, if known <b>Baldwin-Wallace College</b>			
Zone Easting Northing <b>17 428920 4579840</b>		25. Open to Public? Restricted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
10. Site Building <input type="checkbox"/> Structure <input type="checkbox"/> Object <input type="checkbox"/>		26. Local Contact Person or Organization			
11. National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		27. Other Surveys in Which Included			
12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>					
13. Part of Estab. Hist. Dist.? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
14. District Potent'l? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>					
15. Name of Established District					
42. Further Description of Important Features <b>Large stone structure with a broad hip roof and shed-roof dormers on the side elevations. Under wide eaves are paired 6x6 double-hung windows with a common lintel. Central hip roof vestibule with double-doors under a dressed stone lintel. Side elevation with tripartite windows. New rear addition with a domical roof.</b>				5. Other Name(s)	
43. History and Significance <b>In 1913, the German Wallace College and Baldwin University merged to form Baldwin-Wallace College. This structure was built as the school's gym the next year. It is an interesting example of the Progressive mode's horizontality applied to a large structure.</b>					
44. Description of Environment and Outbuildings <b>The building faces a quiet residential street with the campus of B-W to one side. A brick school was demolished next to it in 1977.</b>					
45. Sources of Information <b>Holzworth, Grit &amp; Greatness, 1970, pg. 97. Cuyahoga County Atlases.</b>					
46. Prepared by <b>Fisher</b>					
47. Organization <b>WRHS</b>					
48. Date <b>10-79</b>				49. Revision Date(s)	






# OHIO HISTORIC INVENTORY

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. CUY-1714-15		4. Present Name(s)		1. No. 1714-15 2. County Cuyahoga 4. Present Name(s) Meacham, N.D., Residence
2. County Cuyahoga		5. Other Name(s)		
3. Location of Negatives		Meacham, N.D., Residence		
6. Specific Location 131 East Bridge		16. Thematic Category C.I.		28. No. of Stories 2
7. City or Town If Rural, Township & Vicinity Berea		17. Date(s) or Period ca. 1820		29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
8. Site Plan with North Arrow		18. Style or Design Federal		30. Foundation Material Random Ashlar
		19. Architect or Engineer		31. Wall Construction Post & Beam
		20. Contractor or Builder		32. Roof Type & Material Gable/Asph. shing.
9. Coordinates Berrea		21. Original Use, if apparent Residence		33. No. of Bays Front 5 Side 2
Lat. Long.		22. Present Use Residence		34. Wall Treatment Shingle
U.T.M. Reference		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>		35. Plan Shape Rectangular
17 42 09 40 45 79 58 0		24. Owner's Name & Address, if known		36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input checked="" type="checkbox"/> Moved <input type="checkbox"/>
Zone Easting Northing		25. Open to Public? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		37. Condition Interior Exterior Fair
10. Site <input type="checkbox"/> Building <input checked="" type="checkbox"/> Structure <input type="checkbox"/> Object <input type="checkbox"/>		26. Local Contact Person or Organization		38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
11. National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		27. Other Surveys in Which Included		39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
13. Part of Estab. Hist. Dist.? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				41. Distance from and Frontage on Road 60'
14. District Potent'l? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				
15. Name of Established District				
42. Further Description of Important Features		43. History and Significance		
<p>Five bay Federal house with the typical shallow roof, narrow frieze, and partial gable returns. 6x6 double-hung windows with simple fluted surrounds. Sidelighted entrance with a broken pediment that is a recent alteration. The original clapboard has been covered with shingles. The side wing is probably a later addition.</p>		<p>The 1874 Atlas lists this house belonging to N.D. Meacham. He was the treasurer of the Berea Agricultural Society in 1872 and probably related to E. Meacham, an early settler in Berea. The house is one of the few Federal style houses in the area. The house has an 1853 plaque by the door.</p>		
44. Description of Environment and Outbuildings		45. Sources of Information		46. Prepared by Fisher
<p>The structure stands on a quiet residential street with newer houses on all sides. The house is set relatively far back from the road with several trees on the land.</p>		<p>Holzworth, Grit &amp; Greatness, 1970, pg. 105, 139. Cuyahoga County Atlases.</p>		47. Organization WHS
				48. Date 11-77
				49. Revision Date(s)

# OHIO HISTORIC INVENTORY

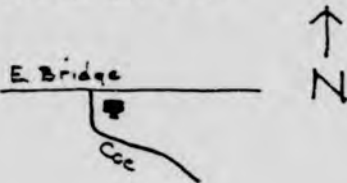

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. <b>CUY-1715-15</b>		4. Present Name(s)		1. No. 1715-15
2. County <b>Cuyahoga</b>		5. Other Name(s)		
3. Location of Negatives <b>CRHS</b>		<b>Watson, D.R., Residence</b>		
6. Specific Location  <b>136 East Bridge</b>		16. Thematic Category <b>C</b>		2. County Cuyahoga
7. City or Town If Rural, Township & Vicinity <b>Berea</b>		17. Date(s) or Period <b>ca. 1840</b>		
8. Site Plan with North Arrow  <div style="display: flex; align-items: center; justify-content: center;"> <div style="text-align: center;"> <div style="width: 50px; height: 50px; border: 1px solid black; position: relative; margin: 0 auto;"> <div style="position: absolute; top: 0; left: 0; right: 0; bottom: 0; border: 1px solid black;"></div> <div style="position: absolute; top: 50%; left: 50%; transform: translate(-50%, -50%);">N</div> </div> <div style="margin: 0 10px;">↑</div> <div style="text-align: center;"> <div style="width: 50px; height: 50px; border: 1px solid black; position: relative; margin: 0 auto;"> <div style="position: absolute; top: 0; left: 0; right: 0; bottom: 0; border: 1px solid black;"></div> <div style="position: absolute; top: 50%; left: 50%; transform: translate(-50%, -50%);">N</div> </div> </div> </div></div>		18. Style or Design <b>Greek Revival</b>		
		19. Architect or Engineer		
		20. Contractor or Builder		
		21. Original Use, if apparent <b>Residence</b>		
		22. Present Use <b>Residence</b>		
		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>		
		24. Owner's Name & Address, if known		
9. Coordinates <b>Berea</b> Lat. _____ Long. _____ U.T.M. Reference <b>17 429000 4579530</b>		25. Open to Public? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
10. Site Building <input checked="" type="checkbox"/> Structure Object <input type="checkbox"/>		26. Local Contact Person or Organization		
11. On National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		27. Other Surveys in Which Included		
12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				
13. Part of Estab. Yes <input type="checkbox"/> Hist. Dist.? No <input checked="" type="checkbox"/>				
14. District Yes <input checked="" type="checkbox"/> Potent'l? No <input type="checkbox"/>				
15. Name of Established District				
42. Further Description of Important Features <b>Brick Greek Revival house with a shallow gable roof, wide frieze, and partial returns on the facade. Central entrance with flanking windows. Stone lintels and lug sills on first floor openings. Side gabled wing with separate entrance and window. Ashlar basement with stone stoop and porch. Asphalt roofing a later alteration.</b>				
43. History and Significance <b>The 1874 Atlas lists D.R. Watson living in this house. He sold dry goods, groceries, and clothing in Berea and was the mayor from 1872 to 1873. The house is one of the best examples of the Greek Revival style in Berea.</b>				
44. Description of Environment and Outbuildings <b>The house faces a quiet residential street near the downtown of Berea. The houses adjacent to it date from a variety of later periods.</b>				5. Other Name(s)  Watson, D.R., Residence
45. Sources of Information <b>Holzworth, Grit &amp; Greatness, 1970, pg. 200. Cuyahoga County Atlases</b>				
46. Prepared by <b>Fisher</b>				
47. Organization <b>CRHS</b>				
48. Date <b>11-77</b>		49. Revision Date(s)		



# OHIO HISTORIC INVENTORY

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. CUY-1713-15		4. Present Name(s) Berea Historical Society		1. No. 1713-15	
2. County yahoga		5. Other Name(s) Brown, John, Residence			2. County Cuyahoga
3. Location of Negatives RRHS					
6. Specific Location Last Bridge & Coe		16. Thematic Category C		2. No. of Stories 2	
7. City or Town If Rural, Township & Vicinity Berea		17. Date(s) or Period 1860			29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
8. Site Plan with North Arrow		18. Style or Design Greek Revival			
		19. Architect or Engineer		31. Wall Construction Sandstone	
9. Coordinates Lat. _____ Long. _____ U.T.M. Reference 17 428930 4579530		20. Contractor or Builder			32. Roof Type & Material Hip/Asph. shingle
Zone _____ Easting _____ Northing _____		21. Original Use, if apparent Residence			
10. Site Building <input checked="" type="checkbox"/> Structure <input type="checkbox"/> Object <input type="checkbox"/>		22. Present Use Offices		34. Wall Treatment Dressed Stone	
11. On National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>			35. Plan Shape Square
12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		24. Owner's Name & Address, if known Berea Historical Society			
13. Part of Estab. Hist. Dist.? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		25. Open to Public? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Restricted		37. Condition Interior _____ Exterior Very Good	
14. District Potent'l? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		26. Local Contact Person or Organization			38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
15. Name of Established District		27. Other 			
42. Further Description of Important Features Large square stone house with a shallow hip roof, a central brick chimney, and three dressed stone elevations. The windows have stone lintels and projecting lug sills with minimal surrounds. The paneled, sidelighted door has Tuscan pilasters and a transom light. The rear elevation is treated with random ashlar, as is the rear service wing.		40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		5. Other Name(s) Brown, John, Residence	
43. History and Significance This house is said to have been built in 1860 by John Brown. Architecturally, it is an interesting combination of Greek Revival detail and Italianate forms such as the square plan and hip roof. It is perhaps the most elegant house in Berea.		41. Distance from and Frontage on Road 30'			
44. Description of Environment and Outbuildings The structure stands at the corner of a residential street and a side alley. There is a commercial front across the alley and several smaller uses nearby.		46. Prepared by Fisher			
45. Sources of Information Berea Historical Society files, Mrs Ghering, 10-77. Cuyahoga County Atlases.		47. Organization RRHS		48. Date 11-77	
		49. Revision Date(s)			

# OHIO HISTORIC INVENTORY

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. <b>CUY-1690-15</b>		4. Present Name(s) <b>Ghering Residence</b>		1. No. 1690-15	
2. County <b>Cuyahoga</b>		5. Other Name(s) <b>Hasenflug, A., Residence</b>			2. County Cuyahoga
3. Location of Negatives <b>WRHS</b>					
6. Specific Location  <b>244 Eastland</b>		16. Thematic Category <b>C</b>		28. No. of Stories <b>2</b>	
7. City or Town    If Rural, Township & Vicinity <b>Berea</b>		17. Date(s) or Period <b>1875</b>		29. Basement?    Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
8. Site Plan with North Arrow  <div style="text-align: center;"> </div>		18. Style or Design <b>Italianate</b>		30. Foundation Material <b>Stone</b>	
9. Coordinates <b>Berea Quad.</b> Lat. _____ Long. _____ U.T.M. Reference <b>17 429410 4579440</b>		19. Architect or Engineer  20. Contractor or Builder  21. Original Use, if apparent <b>Residence</b>		31. Wall Construction <b>Wood Frame</b>	
10.    Site <input type="checkbox"/> Structure <input type="checkbox"/> Building <input checked="" type="checkbox"/> Object <input type="checkbox"/>		22. Present Use <b>Residence</b>		32. Roof Type & Material <b>Gable/Slate/Shingle</b>	
11. On National Register?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		23. Ownership    Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>		33. No. of Bays    Front <b>5</b> Side _____	
12. Is it Eligible?    Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		24. Owner's Name & Address, if known <b>The Gherings - (same)</b>		34. Wall Treatment <b>Clapboard</b>	
13. Part of Estab. Yes <input type="checkbox"/> Hist. Dist.? No <input checked="" type="checkbox"/>		25. Open to Public?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		35. Plan Shape <b>Irregular</b>	
14. District Potent'l?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		26. Local Contact Person or Organization  27. Other Surveys in Which Included  		36. Changes (Explain in #42)    Addition <input type="checkbox"/> Altered <input type="checkbox"/> Moved <input type="checkbox"/>	
15. Name of Established District  		37. Condition Interior _____ Exterior <b>Very Good</b>		38. Preservation Underway?    Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
42. Further Description of Important Features <b>Tall wood frame house with steep gabled roof and wide eaves. Tall 2x2 windows with gabled architraves and shutters. Two entrances on facade with gabled architraves that face a front porch with brackets. Imbricated slate shingles on some roof surfaces. Porch posts and solid railing probably a later addition.</b>		<div style="text-align: center;"> </div>		39. Endangered? By What?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
43. History and Significance <b>Although this house does not appear on the 1874 Atlas, the owners claim that it was built the following year by Anton Hasenflug. He owned 64 acres of land and a house to the south of this one in 1874.</b>				40. Visible from Public Road?    Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
44. Description of Environment and Outbuildings <b>The structure faces a newly paved road with some more recent residential and institutional buildings nearby.</b>				41. Distance from and Frontage on Road <b>40'</b>	
45. Sources of Information <b>Cuyahoga County Atlases Interview with owner - 10-77.</b>		46. Prepared by <b>Fisher</b>		5. Other Name(s) Hasenflug, A., Residence	
		47. Organization <b>WRHS</b>			
		48. Date    49. Revision Date(s) <b>10-77</b>			

# OHIO HISTORIC INVENTORY

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211


1. No. <b>CUY--1691-15</b>		4. Present Name(s) <b>Cuyahoga County Fairgrounds Gate</b>		1. No. 1691-15	
2. County <b>Cuyahoga</b>		5. Other Name(s)			2. County CUYahoga
3. Location of Negatives <b>WRHS</b>					
6. Specific Location  <div style="border: 1px solid black; padding: 5px; margin: 5px;">           Eastland south of East Bridge Street         </div>		16. Thematic Category <b>D</b>		28. No. of Stories	
7. City or Town If Rural, Township & Vicinity <b>Berea</b>		17. Date(s) or Period <b>1929</b>		29. Basement? Yes <input type="checkbox"/> No <input type="checkbox"/>	
8. Site Plan with North Arrow  <div style="border: 1px solid black; padding: 5px; margin: 5px;"> </div>		18. Style or Design		30. Foundation Material <b>Concrete</b>	
9. Coordinates <div style="display: flex; justify-content: space-between;"> <div>           Berea Quad.            Lat. _____ Long. _____            U.T.M. Reference  <div style="border: 1px solid black; padding: 2px;">             17 429410 4579440           </div> </div> <div>           Zone Easting Northing            10. Site <input type="checkbox"/> Structure <input checked="" type="checkbox"/>                  Building Object <input type="checkbox"/> </div> </div>		19. Architect or Engineer		31. Wall Construction <b>Iron</b>	
11. National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		20. Contractor or Builder		32. Roof Type & Material	
12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		21. Original Use, if apparent <b>Gate</b>		33. No. of Bays Front Side	
13. Part of Estab. Yes <input type="checkbox"/> Hist. Dist.? No <input checked="" type="checkbox"/>		22. Present Use <b>Gate</b>		34. Wall Treatment	
14. District Potent'l? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		23. Ownership Public <input checked="" type="checkbox"/> Private <input type="checkbox"/>		35. Plan Shape	
15. Name of Established District		24. Owner's Name & Address, if known  <b>Cuyahoga County</b>		36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input type="checkbox"/> Moved <input type="checkbox"/>	
42. Further Description of Important Features  Metal gate with a segmentally-arched extrados and a round-arched intrados. Central iron finial above solid name plaque and flanking roundels ensconced in iron filigree. Paired corner posts with urns resting upon flared capitals. Bases of flared concrete.		25. Open to Public? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		37. Condition Interior _____ Exterior <b>Good</b>	
43. History and Significance  This gate was erected in 1929 on the Cuyahoga County Fairgrounds. The first fair was held in 1896. The gate is an interesting cross between the more elaborate Victorian styles and the Classical revivalism popular in 1929.		26. Local Contact Person or Organization		38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
44. Description of Environment and Outbuildings  Gate stands on a wide country road that has recently become developed. There are several trees and fair buildings behind.		27. Other Surveys in Which Included		39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
45. Sources of Information  Rose, <u>Cleveland</u> , 1950, pg. 506. Holzworth, <u>Grit &amp; Greatness</u> , 1970, pg. 106.		46. Prepared by <b>Fisher</b>		40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		47. Organization <b>WRHS</b>		41. Distance from and Frontage on Road <b>25'</b>	
		48. Date <b>10-77</b>		49. Revision Date(s)	



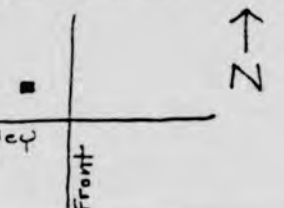


# OHIO HISTORIC INVENTORY

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. CUY-1694-15		4. Present Name(s) Union Commerce Bank		1. No. 1694-15
2. County Cuyahoga		5. Other Name(s)		2. County Cuyahoga
3. Location of Negatives UPHS				4. Present Name(s) Union Commerce Bank
6. Specific Location 40 Front Street		16. Thematic Category D.C.	28. No. of Stories 3	
7. City or Town If Rural, Township & Vicinity Berea		17. Date(s) or Period ca. 1925	29. Basement? Yes <input type="checkbox"/> No <input type="checkbox"/>	
8. Site Plan with North Arrow 		18. Style or Design Renaissance Revival	30. Foundation Material Concrete	
9. Coordinates Berea Quad. Lat. _____ Long. _____ U.T.M. Reference 17 4 28 6 5 0 4 5 7 9 5 7 0		19. Architect or Engineer	31. Wall Construction Skeletal Frame	
Zone Easting Northing		20. Contractor or Builder	32. Roof Type & Material Flat/Gravel	
10. Site Building <input checked="" type="checkbox"/> Structure <input type="checkbox"/> Object <input type="checkbox"/>		21. Original Use, if apparent Bank	33. No. of Bays Front 4 Side 6	
11. National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		22. Present Use Bank	34. Wall Treatment Dressed Plain Ashl	
12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>	35. Plan Shape Rectangle	
13. Part of Estab. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		24. Owner's Name & Address, if known Union Commerce Bank	36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input checked="" type="checkbox"/> Moved <input type="checkbox"/>	
14. District Potent'l? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		25. Open to Public? Restricted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	37. Condition Interior Fair Exterior Very Good	
15. Name of Established District		26. Local Contact Person or Organization	38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
42. Further Description of Important Features Large rectangular stone-faced structure with a solid parapet, a dentiled cornice, and a series of large round-arched windows on the first floor with elongated voussoirs. An uncoursed stone watertable acts as the first floor sill. There is a corner metal clock and an entrance to the upper floors at the side. The interior has been remodeled.		27. Other Surveys in Which Included	39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
43. History and Significance This structure is perhaps the most prominent of the commercial structures in the downtown area of Berea. It is also a good example of the restraint of the Renaissance Revival style. The bank was built on the site of Berea's early hotel, the Nukes Hotel.		40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
44. Description of Environment and Outbuildings The building stands on a corner lot with several older commercial structures on one side and a new complex of shops across the street. It faces small park.		41. Distance from and Frontage on Road On sidewalk		
45. Sources of Information Holzworth, Grit & Greatness, 1970, pg. 38.		46. Prepared by Fisher		5. Other Name(s)
		47. Organization WRHS		
		48. Date 10-77		
		49. Revision Date(s)		

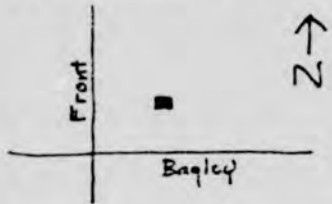
Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. CUY-1693-15		4. Present Name(s) Bishop Realtors		1. No. 1693-15
2. County Cuyahoga		5. Other Name(s)		2. County Cuyahoga
3. Location of Negatives WRHS				4. Present Name(s) Bishop Realty
6. Specific Location 279 Front		16. Thematic Category C	28. No. of Stories 2-1/2	
7. City or Town If Rural, Township & Vicinity Berea		17. Date(s) or Period ca. 1895	29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
8. Site Plan with North Arrow 		18. Style or Design Classical Revival	30. Foundation Material Stone	
9. Coordinates Berea Quad. Lat. _____ Long. _____ U.T.M. Reference 17 4 2 8 6 2 0 4 5 8 0 2 9 0		19. Architect or Engineer	31. Wall Construction Brick	
Zone _____ Easting _____ Northing _____		20. Contractor or Builder	32. Roof Type & Material Hip/Shingle	
10. Site <input type="checkbox"/> Structure <input type="checkbox"/> Building <input checked="" type="checkbox"/> Object <input type="checkbox"/>		21. Original Use, if apparent Residence	33. No. of Bays Front 5 Side _____	
11. U.S. National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		22. Present Use Offices	34. Wall Treatment Brick/Wood Trim	
12. Is It Eligible? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>	35. Plan Shape <input checked="" type="checkbox"/> rectangle	
13. Part of Estab. Yes <input type="checkbox"/> Hist. Dist.? No <input checked="" type="checkbox"/>		24. Owner's Name & Address, if known Bishop Realty	36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input type="checkbox"/> Moved <input type="checkbox"/>	
15. Name of Established District		25. Open to Public? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	37. Condition Interior _____ Exterior <u>Very Good</u>	
14. District Potent? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		26. Local Contact Person or Organization	38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
42. Further Description of Important Features Large symmetrical brick structure with a broad hip roof, tall chimneys, hipped dormers, a bracketed eave, and wide 1x1 double-hung windows. Central bay has sidelighted entrance and a projecting window above. Full front porch with balustraded railing, Tuscan columns, and bracketed cornice. Foundation of rusticated coursed ashlar.		27. Other Surveys in Which Included	39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
43. History and Significance This house, said to be the work of New York architect Stanford White, is a good example of the transition from the horizontality of the Prairie Style to the symmetrical restraint of the Classical Revival. Both styles were common to the late 19th and early 20th Century.		40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
44. Description of Environment and Outbuildings The building stands on a corner lot at the intersection of two heavily trafficked roads. There are several trees and shrubs on the land.		41. Distance from and Frontage on Road 60'		
45. Source of Information Cuyahoga Co. Atlases Interview with owner.		46. Prepared by Fisher		
		47. Organization WRHS		
		48. Date 10-77		
		49. Revision Date(s)		
				5. Other Name(s)



# OHIO HISTORIC INVENTORY



Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. CUY-1695-15		4. Present Name(s) The Philura Gould Baldwin Memorial Library		1. No. 1695-15	
2. County Cuyahoga		5. Other Name(s)			2. County Cuyahoga
3. Location of Negatives WRHS					
6. Specific Location corner Front & Bagley Rd.		16. Thematic Category C.G		4. Present Name(s) Baldwin Memorial Library	
7. City or Town If Rural, Township & Vicinity Berea		17. Date(s) or Period 1893			
8. Site Plan with North Arrow 		18. Style or Design Richardson Romanesque		5. Other Name(s)	
		19. Architect or Engineer			
		20. Contractor or Builder		2. County Cuyahoga	
		21. Original Use, if apparent Library			
		22. Present Use Library		4. Present Name(s) Baldwin Memorial Library	
		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>			
9. Coordinates Berea Quad. Lat. _____ Long. _____ U.T.M. Reference 17 428710 4580310		24. Owner's Name & Address, if known Baldwin-Wallace College		5. Other Name(s)	
Zone _____ Easting _____ Northing _____		25. Open to Public? Restricted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
10. Site Building <input checked="" type="checkbox"/> Structure <input type="checkbox"/> Object <input type="checkbox"/>		26. Local Contact Person or Organization		5. Other Name(s)	
11. Nat'l. Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 12. Is it Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		27. Other Surveys in Which Included			
13. Part of Estab. Yes <input type="checkbox"/> Hist. Dist.? No <input checked="" type="checkbox"/> 14. District Yes <input checked="" type="checkbox"/> Potent'l? No <input type="checkbox"/>				5. Other Name(s)	
15. Name of Established District					
42. Further Description of Important Features Small stone structure with a broad hip roof and a large wall dormer on the facade. This has a central round-arched window with several smaller rectangular hoodmolded windows below. Corner round-arched entrance with squat Romanesque column and stone steps. Stone cornice with stone dentils continues along the back. Side semi-circular bay window.					
43. History and Significance This structure was dedicated on June 14, 1894. It served as the library for Baldwin University after the campus was moved from the south side of Berea. The building was named after the grand-daughter of the college's founder, John Baldwin. It is a good example of its style.					
44. Description of Environment and Outbuildings The structure stands on a corner lot, in front of the other college buildings. There are several large trees nearby.					
45. Sources of Information Holzworth, <u>Grit &amp; Greatness</u> , 1970, pg. 183.		46. Prepared by Fisher			
		47. Organization WRHS			
		48. Date 10-77			
		49. Revision Date(s)			





# OHIO HISTORIC INVENTORY

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

<p>1. No. <u>CUY-1700-15</u></p> <p>2. County <u>Cuyahoga</u></p> <p>3. Location of Negatives <u>WRHS</u></p>	<p>4. Present Name(s) <u>Baldwin Wallace Conservatory of Music</u></p> <p>5. Other Name(s) <u>Kulas Musical Arts Building</u></p>	<p>1. No. <u>1700-15</u></p> <p>2. County <u>Cuyahoga</u></p> <p>4. Pub. (uncl.) <u>Baldwin Wallace Conservatory of Music</u></p> <p>5. Other Name(s) <u>Kulas Hall</u></p>
<p>6. Specific Location <u>corner of Front &amp; East Center Street</u></p> <p>7. City or Town If Rural, Township &amp; Vicinity <u>Berea</u></p> <p>8. Site Plan with North Arrow</p>  <p>9. Coordinates Lat. <u>Berea Quad.</u> Long. <u></u> U.T.M. Reference <u>17 4 28 65 0 4 5 7 9 7 3 0</u></p> <p>Zone Easting Northing</p> <p>10. Site <input type="checkbox"/> Structure <input type="checkbox"/> Building <input checked="" type="checkbox"/> Object <input type="checkbox"/></p> <p>11. U.S. National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>12. Is it Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>13. Part of Estab. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Hist. Dist.? No <input checked="" type="checkbox"/></p> <p>14. District Potent'l? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>15. Name of Established District</p>	<p>16. Thematic Category <u>D.G</u></p> <p>17. Date(s) or Period <u>1912</u></p> <p>18. Style or Design <u>Jacobethan</u></p> <p>19. Architect or Engineer</p> <p>20. Contractor or Builder</p> <p>21. Original Use, if apparent <u>Music Conservatory</u></p> <p>22. Present Use <u>Music Classroom Bldg.</u></p> <p>23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/></p> <p>24. Owner's Name &amp; Address, if known</p> <p>25. Open to Public? Restricted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>26. Local Contact Person or Organization</p> <p>27. Other Surveys in Which Included</p>	<p>28. No. of Stories <u>3</u></p> <p>29. Basement? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>30. Foundation Material <u>Stone</u></p> <p>31. Wall Construction <u>Stone/Brick</u></p> <p>32. Roof Type &amp; Material <u>Flat/Gravel</u></p> <p>33. No. of Bays Front <u>11</u> Side</p> <p>34. Wall Treatment <u>Random Ashlar</u></p> <p>35. Plan Shape Rectan. le</p> <p>36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input type="checkbox"/> Moved <input type="checkbox"/></p> <p>37. Condition Interior <u>Good</u> Exterior <u>Good</u></p> <p>38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>41. Distance from and Elevation on Road <u>20'</u></p>
<p>42. Further Description of Important Features</p> <p><u>Large masonry structure with a dressed stone parapet that contains a carved name plaque and a central gabled section. Below is a random ashlar facade with 1x1 double-hung windows with minimal surrounds. Entrance has a basket-handle or four-centered arch set within a dressed stone surround. Rear section faced with light brick.</u></p>		
<p>43. History and Significance</p> <p><u>The building was built as the Nast Conservatory of Music, named after Wm. Nast. He was the first president of Baldwin-Wallace College and a leader in the German Methodist Movement. Its present dedication is to E.J.Kulas for his support to the musical arts. The school is considered to be one of the best in the country, with a large collection of Bach material.</u></p>		
<p>44. Description of Environment and Outbuildings</p> <p><u>The structure stands on a corner lot along the main street in Berea. There are commercial structures on both sides and the B&amp;W campus behind.</u></p>		
<p>45. Sources of Information <u>Rose, Cleveland, 1950, pg. 715, 816.</u> <u>Holzworth, Grit &amp; Greatness, 1970.</u></p>		<p>46. Prepared by <u>Fisher</u></p> <p>47. Organization <u>WRHS</u></p> <p>48. Date 49. Revision Date(s)</p>

# OHIO HISTORIC INVENTORY

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. <b>CUY-1706-15</b>		4. Present Name(s)		1. No. <b>1706-15</b>
2. County <b>Cuyahoga</b>		5. Other Name(s)		
3. Location of Negatives <b>WRHS</b>		<b>French, P.; Asling, J.E., Residence</b>		
6. Specific Location <b>21 Henry</b>		16. Thematic Category <b>C</b>		2. County <b>Cuyahoga</b>
7. City or Town If Rural, Township & Vicinity <b>Berea</b>		17. Date(s) or Period <b>1868</b>		
8. Site Plan with North Arrow		18. Style or Design <b>Italianate</b>		
		19. Architect or Engineer		4. Present Name(s)
		20. Contractor or Builder		
		21. Original Use, if apparent <b>Residence</b>		
9. Coordinates Lat. <b>Berea</b> Long. <b></b> U.T.M. Reference <b>17 428310 4579640</b>		22. Present Use <b>Residence</b>		5. Other Name(s) <b>French-Asling Residence</b>
10. Site Building <input checked="" type="checkbox"/> Structure <input type="checkbox"/> Object <input type="checkbox"/>		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>		
11. National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		24. Owner's Name & Address, if known		
13. Part of Estab. Yes <input type="checkbox"/> Hist. Dist.? No <input checked="" type="checkbox"/> 14. District Potent'l? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		25. Open to Public? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		6. Other Name(s) <b>French-Asling Residence</b>
15. Name of Established District		26. Local Contact Person or Organization		
42. Further Description of Important Features <b>Square sandstone structure with a shallow hip roof, a wide frieze, and paired brackets. Double-hung windows with dressed stone lintels and lug sills. Hip-roofed front porch with screening infill. Central entrance flanked by elongated 2x2 windows. Rear shed-roof lean-to probably a later addition.</b>		27. Other Surveys in Which Included		
43. History and Significance <b>P. French was a real estate agent and justice of the peace in Berea. H.E. French was the first vice-president of the Library Association, founded in 1883. John Asling, born in Canada, came to Berea in 1870. He established and presided over the West Cuyahoga County Fair Association, was a county sheriff from 1897 to 1900 and a county commissioner from 1900 to 1902</b>				
44. Description of Environment and Outbuildings <b>The house is shielded from a heavily trafficked road by a dense growth of shrubs and evergreens. There is a new firestation and houses from a variety of periods nearby.</b>				
45. Sources of Information <b>Holzworth, Grit &amp; Greatness, 1970, pg. 75, 105, 122, 189. Cuyahoga County Atlases.</b>				
46. Prepared by <b>Fisher</b>		47. Organization <b>WRHS</b>		7. Date
48. Date <b>11-77</b>		49. Revision Date(s)		



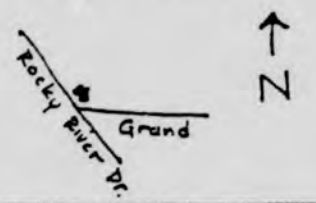
# OHIO HISTORIC INVENTORY

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1708-15

Cuyahoga

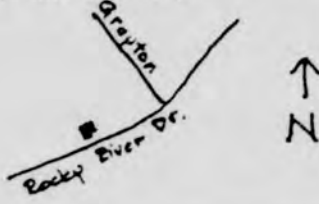
McBride, Alexander, Residence

1. No. CUY-1708-15		4. Present Name(s)	
2. County Cuyahoga		5. Other Name(s) McBride, Alexander, Residence	
3. Location of Negatives WRHS			
6. Specific Location 50 N. Rocky River Drive		16. Thematic Category C	
7. City or Town If Rural, Township & Vicinity Berea		17. Date(s) or Period 1868	
8. Site Plan with North Arrow 		18. Style or Design Gothic Revival	
9. Coordinates Lat <u>Berea</u> Long. <u>Long.</u> U.T.M. Reference 17 428540 4579960		19. Architect or Engineer	
10. Zone Easting Northing Site <input type="checkbox"/> Structure <input type="checkbox"/> Building <input checked="" type="checkbox"/> Object <input type="checkbox"/>		20. Contractor or Builder	
11. National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		21. Original Use, if apparent Residence	
12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		22. Present Use Residence	
13. Part of Estab. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>	
14. District Potent'l? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		24. Owner's Name & Address, if known	
15. Name of Established District		25. Open to Public? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
42. Further Description of Important Features Small brick Gothic Revival structure with a steep gable roof, a wide frieze and eaves, and a gabled dormer with a pointed arch window. This detail is repeated on the facade, which has two lancet windows under a pointed-arch brick hoodmold, an iron balcony with a railing in a lyre pattern, and two full length glass doors with stone sills. A large modern addition is at the rear.		26. Local Contact Person or Organization	
43. History and Significance Alexander McBride was Berea's first resident physician and mayor of the town in 1867. The house is one of the few Gothic Revival houses in Berea.		27. Other Surveys in Which Included	
44. Description of Environment and Outbuildings The house is perched on a knoll with several large trees immediately adjacent to the building itself. There is a river valley across the street and houses from a variety of periods nearby.		28. No. of Stories 1-1/2	
45. Sources of Information Holzworth, Grit & Greatness, 1970, pg. 173. Cuyahoga County Atlases.		29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		30. Foundation Material Brick	
		31. Wall Construction Brick	
		32. Roof Type & Material Gable/Asph.shing.	
		33. No. of Bays Front 2 Side 4	
		34. Wall Treatment Brick/Stone trim	
		35. Plan Shape Irregular	
		36. Changes (Explain in #42) Addition <input checked="" type="checkbox"/> Altered <input type="checkbox"/> Moved <input type="checkbox"/>	
		37. Condition Interior Exterior Good	
		38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
		40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		41. Distance from and Frontage on Road 30'	
		46. Prepared by Fisher	
		47. Organization WRHS	
		48. Date 11-77	
		49. Revision Date(s)	



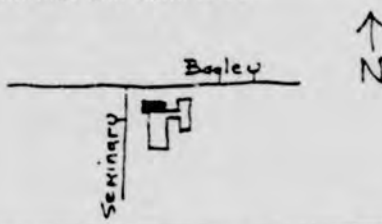

# OHIO HISTORIC INVENTORY

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. CUY-1712-15		4. Present Name(s)		1. No. 1712-15
2. County Cuyahoga		5. Other Name(s)		
3. Location of Negatives WHS		Diner, F., Residence		
6. Specific Location 515 Rocky River Drive		16. Thematic Category C	28. No. of Stories 2	2. County Cuyahoga
7. City or Town If Rural, Township & Vicinity Berea		17. Date(s) or Period ca. 1870	29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
8. Site Plan with North Arrow 		18. Style or Design Italianate vernacular	30. Foundation Material Coursed ashlar	
9. Coordinates Lakewood Quad. Lat. _____ Long. _____ U.T.M. Reference 17 423100 4531060		19. Architect or Engineer	31. Wall Construction Brick	4. Present Name(s)
Zone Easting Northing		20. Contractor or Builder	32. Roof Type & Material Gable/Slate	
10. Site Building <input checked="" type="checkbox"/> Structure <input type="checkbox"/> Object <input type="checkbox"/>		21. Original Use, if apparent Residence	33. No. of Bays Front 6 Side	
11. On National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		22. Present Use Residence	34. Wall Treatment Brick/Stone Trim	5. Other Name(s) Diner, F., Residence
12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>	35. Plan Shape L Shaped	
13. Part of Estab. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Hist. Dist.? No <input checked="" type="checkbox"/>		24. Owner's Name & Address, if known	36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input type="checkbox"/> Moved <input type="checkbox"/>	
14. District Potent'l? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		25. Open to Public? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	37. Condition Interior _____ Exterior Very Good	
15. Name of Established District		26. Local Contact Person or Organization	38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
42. Further Description of Important Features Brick gabled house with steep slate roofs, wide eaves, and brick chimneys. 2x2 segmentally-arched windows with working shutters and arched stone lintels. Narrow, segmentally-arched entrance with a transom light. Side wing with a recessed porch and separate entrance. Foundation and front stoop of coursed ashlar.		27. Other Surveys in Which Included	39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
43. History and Significance The house has a plaque dating it at 1871. The 1874 Atlas shows the house and 8 acres belonging to F. Diner. In 1903, it belonged to H. Diner, and in 1927 it belonged to H. Diener (sic.). It is an interesting combination of a Greek Revival plan and Italianate forms and details.		40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
44. Description of Environment and Outbuildings The structure stands at the top of a rise along a heavily trafficked road leading into Berea. There are several new subdivisions nearby. The lot itself is well shaded and maintained.		41. Distance from and Frontage on Road 40'		
45. Sources of Information Cuyahoga County Atlases.		46. Prepared by Fisher		
		47. Organization WHS		
		48. Date 11-77		
		49. Revision Date(s)		



## OHIO HISTORIC INVENTORY

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. CUY-1692-15		4. Present Name(s) St. Thomas Episcopal Church		1. No. 1692-15	2. County Cuyahoga	4. Present Name(s) St. Thomas Episcopal Church	5. Other Name(s)
2. County Cuyahoga		5. Other Name(s)					
3. Location of Negatives WRHS							
6. Specific Location 224 Seminary & Bagley		16. Thematic Category C.N.		28. No. of Stories 7		29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
7. City or Town If Rural, Township & Vicinity Berea		18. Style or Design Richardson Romanesque		30. Foundation Material Stone		31. Wall Construction Stone	
8. Site Plan with North Arrow 		19. Architect or Engineer		32. Roof Type & Material Gable/Shingle		33. No. of Bays Front 1 Side 4	
9. Coordinates Berea Quad. Lat. _____ Long. _____ U.T.M. Reference 17 428180 0 458025 0		20. Contractor or Builder		34. Wall Treatment Rusticated Ashlar		35. Plan Shape Rectangle	
10. Site Building <input checked="" type="checkbox"/> Structure Object <input type="checkbox"/>		21. Original Use, if apparent Church		36. Changes (Explain in #42) Addition <input checked="" type="checkbox"/> Altered <input type="checkbox"/> Moved <input type="checkbox"/>		37. Condition Interior _____ Exterior Good	
11. On National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		22. Present Use Church		38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>		40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		41. Distance from and Frontage on Road 30'	
13. Part of Estab. Hist. Dist.? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		24. Owner's Name & Address, if known		42. Further Description of Important Features Small stone church with a steep gable roof and a parapet gable with a gabled wall steeple. This has a round-arched opening above a large circular window and a lower Palladian motif containing a central pointed-arch window. Corner gabled entrance vestibule of wood. Side windows paired under dressed stone lintels. Rusticated ashlar walls in alternating wide and narrow courses. Modern addition on two sides.			
14. District Potent'l? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		25. Open to Public? Restricted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		43. History and Significance This church is constructed with the locally quarried sandstone. Its architecture is reminiscent of the massive weightiness of the Richardsonian tradition, although its central pointed-arch window contradicts that impression. The rear additions were added in the 1960's and 1970's.			
15. Name of Established District		26. Local Contact Person or Organization		44. Description of Environment and Outbuildings The building stands on a corner lot, across from the Baldwin-Wallace campus. It faces a side residential street.			
16. Name of Established District		27. Other Surveys in Which Included		45. Sources of Information Cuyahoga Co. Atlases.		46. Prepared by Fisher	
				47. Organization WRHS		48. Date 10-77	
				49. Revision Date(s)			

# OHIO HISTORIC INVENTORY

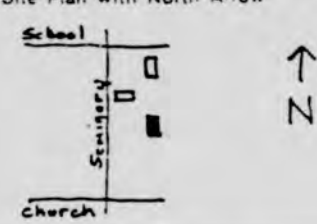

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. CUY-1697-15		4. Present Name(s) Lindsey Crossman Chapel		1. No. 1697-15	2. County Cuyahoga	4. Present Name(s) Lindsey Crossman Chapel
2. County Cuyahoga		5. Other Name(s) German Methodist Church, B-W College chapel				
3. Location of Negatives WRHS						
6. Specific Location Seminary near School St.		16. Thematic Category C.N.		28. No. of Stories 1		5. Other Name(s) German Methodist Church
7. City or Town If Rural, Township & Vicinity Berea		17. Date(s) or Period 1872		29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
8. Site Plan with North Arrow 		18. Style or Design Romanesque Revival		30. Foundation Material Stone		
		19. Architect or Engineer		31. Wall Construction Sandstone		
		20. Contractor or Builder		32. Roof Type & Material Gable/Slate		
		21. Original Use, if apparent Church		33. No. of Bays Front 3 Side 3		
		22. Present Use Church		34. Wall Treatment Dressed stone		
		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>		35. Plan Shape rectangle		
9. Coordinates Berea Quad. Lat. _____ Long. _____ U.T.M. Reference 17 42 87 80 45 79 79 0		24. Owner's Name & Address, if known Baldwin-Wallace College		36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input type="checkbox"/> Moved <input type="checkbox"/>		
Zone Easting Northing		25. Open to Public? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Restricted		37. Condition Interior _____ Exterior Good		
10. Site Building <input checked="" type="checkbox"/> Structure Object <input type="checkbox"/>		26. Local Contact Person or Organization		38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
11. On National Register? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		27. Other Surveys in Which Included National Register		39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
12. Is It Eligible? Yes <input type="checkbox"/> No <input type="checkbox"/>				40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
13. Part of Estab. Hist. Dist.? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				41. Distance from and Frontage on Road 25'		
14. District Potent'l? Yes <input type="checkbox"/> No <input type="checkbox"/>						
15. Name of Established District Lyceum Village Square						
42. Further Description of Important Features Rectangular stone church with a central tower. This has a broach spire, angle buttresses, circular and round-arched louvers, and a recessed round-arched entrance portal. The windows are round-arched with circular or quatrefoil transoms. Side bays expressed by vertical bands of stone. Corner pinnacles on facade. Interior recently remodeled.						
43. History and Significance The Emmanuel Methodist-Episcopal Church was organized in 1856. Later known as the German Methodist Church, they jointly constructed the church in 1872 with the German Wallace College. The college came into complete ownership in 1949, and it was renamed the Lindsey Crossman Chapel in 1953.						
44. Description of Environment and Outbuildings The chapel stands on a wooded quadrangle, surrounded by other college buildings.						
45. Sources of Information National Register form. Holzworth, Grit & Greatness, 1970.				46. Prepared by Fisher		
				47. Organization WRHS		
				48. Date 10-77		
				49. Revision Date(s)		



# OHIO HISTORIC INVENTORY

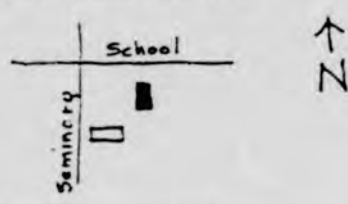
Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. CUY-1698-15		4. Present Name(s) Marting Hall		1. No. 1698-15	
2. County Cuyahoga		5. Other Name(s) Baldwin-Wallace College Memorial Building			2. County Cuyahoga
3. Location of Negatives WRHS					
5. Specific Location Seminary near School St.		16. Thematic Category C, G		26. No. of Stories 3	
7. City or Town If Rural, Township & Vicinity Berea		17. Date(s) or Period 1895		29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
8. Site Plan with North Arrow 		18. Style or Design Richardson Romanesque		30. Foundation Material Masonry	
		19. Architect or Engineer Godfrey Fugman		31. Wall Construction Stone	
		20. Contractor or Builder		32. Roof Type & Material Gable/Shingle	
		21. Original Use, if apparent Main classroom bldg.		33. No. of Bays Front 5 Side	
		22. Present Use Administrative bldg.		34. Wall Treatment Random Ashlar	
		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>		35. Plan Shape Rectangle	
		24. Owner's Name & Address, if known Baldwin-Wallace College		36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input type="checkbox"/> Moved <input type="checkbox"/>	
9. Coordinates Lat. _____ Long. _____ U.T.M. Reference 17 42 88 00 45 17 19 76 00		25. Open to Public? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Restricted		37. Condition Interior Very Good Exterior Very Good	
10. Site Building <input checked="" type="checkbox"/> Structure Object <input type="checkbox"/>		26. Local Contact Person or Organization		38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
11. On National Register? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		27. Other Surveys in Which Included National Register		39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
12. Is It Eligible? Yes <input type="checkbox"/> No <input type="checkbox"/>				40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
13. Part of Estab. Yes <input checked="" type="checkbox"/> Hist. Dist.? No <input type="checkbox"/>				41. Distance from and Frontage on Road 100'	
14. District Potent? Yes <input type="checkbox"/> No <input type="checkbox"/>				3. Other Name(s)	
15. Name of Established District Lyceum Village Square					
42. Further Description of Important Features Large stone structure with octagonal lantern, corner pinnacles, and several parapet gable roofs and wall dormers. Second floor round-arched windows with stone voussoirs. Central round-arched entrance flanked by series of engaged Romanesque columns. Above is a name plaque and a semi-circular projection with a conical roof. Partial cornice has stone dentils.					
43. History and Significance Built as the main classroom building of German-Wallace College, the structure employs locally quarried stone and is a good example of the late phase of the Richardson Romanesque style. The college was founded in 1864 to promote the German culture. The building was renamed Marting Hall in 1938.					
44. Description of Environment and Outbuildings The structure stands on a wooded quadrangle surrounded by other college buildings dating from various periods.					
45. Sources of Information National Register form. Holzworth, Grit & Greatness, 1970.		46. Prepared by Fisher			
		47. Organization WRHS			
		48. Date 10-77		49. Revision Date(s)	



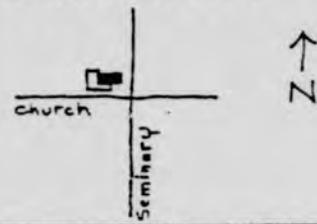
# OHIO HISTORIC INVENTORY

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. <u>CUY-1699-15</u>		4. Present Name(s)		1. No. 1699-15  2. County Cuyahoga  4. Present Name(s) Dietsch Hall
2. County <u>Cuyahoga</u>		5. Other Name(s)		
3. Location of Negatives <u>WRHS</u>		Dietsch Hall		
6. Specific Location		16. Thematic Category		2. No. of Stories <u>2-1/2</u> 29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 30. Foundation Material <u>Stone</u> 31. Wall Construction <u>Sandstone</u> 32. Roof Type & Material <u>Hip/gable/slate</u> 33. No. of Bays Front <u>5</u> Side <u>3</u> 34. Wall Treatment <u>Random Ashlar</u> 35. Plan Shape <u>Rectangular</u> 36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input checked="" type="checkbox"/> Moved <input type="checkbox"/> 37. Condition Interior _____ Exterior <u>Good</u> 38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 41. Distance from and Frontage on Road <u>100'</u>
corner of Seminary & School Street		17. Date(s) or Period <u>1899</u>		
		18. Style or Design <u>High Victorian Gothic</u>		
7. City or Town If Rural, Township & Vicinity <u>Berea</u>		19. Architect or Engineer		
		20. Contractor or Builder		
8. Site Plan with North Arrow		21. Original Use, if apparent <u>Dormitory</u>		
		22. Present Use <u>Classrooms</u>		
		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>		
		24. Owner's Name & Address, if known <u>Baldwin-Wallace College</u>		
9. Coordinates <u>Berea Quadrangle</u>		25. Open to Public? Restricted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Lat. _____ Long. _____		26. Local Contact Person or Organization		
U.T.M. Reference <u>17 428810 4579820</u>		27. Other Surveys in Which Included <u>National Register</u>		
Zone Easting Northing				
10. Site <input type="checkbox"/> Building <input checked="" type="checkbox"/> Structure <input type="checkbox"/> Object <input type="checkbox"/>				
11. National Register? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				
12. Is it Eligible? Yes <input type="checkbox"/> No <input type="checkbox"/>				
13. Part of Estab. Yes <input checked="" type="checkbox"/> Hist. Dist. No <input type="checkbox"/>				
14. District Potent? Yes <input type="checkbox"/> No <input type="checkbox"/>				
15. Name of Established District <u>Lyceum Village Square</u>				
42. Further Description of Important Features				
<p>Large stone structure with a hip roof and flared eaves. The dormers have high hip roofs or steep gables with pointed-arch windows. Brackets under main eaves. Three lancet windows arranged in stepped fashion on upper floor. Central entrance with pointed-arch transom and quatrefoil window. Other windows are double-hung and grouped in pairs.</p>				
43. History and Significance				
<p>Part of the original German Wallace College, the dormitory was built in 1899. It was named after its principle doner. In the 1903 atlas, it is listed as a "ladies school". The building was altered into an administration building in 1935 and a classroom building in 1970.</p>				
44. Description of Environment and Outbuildings				
<p>The building stands on a corner lot with college buildings to one side and residences dating from about the same time on the other. The land is wooded and well maintained.</p>				
45. Sources of Information				
<p>National Register form. Holzworth, Grit &amp; Greatness, 1970. Cuyahoga Co. Atlases</p>				
46. Prepared by <u>Fisher</u>				
47. Organization <u>WRHS</u>				
48. Date <u>10-77</u> 49. Revision Date(s)				



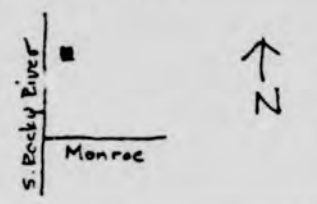

# OHIO HISTORIC INVENTORY

1. No. <b>CUY-1701-15</b>		4. Present Name(s) <b>Berea United Church of Christ</b>		1. No. 1701-15
2. County <b>Cuyahoga</b>		5. Other Name(s) <b>First Congregational Church</b>		
3. Location of Negatives <b>NRHS</b>		16. Thematic Category <b>C</b>		4. Present Name(s) Berea United Church of Christ
6. Specific Location <b>corner of Seminary &amp; Church Street</b>		17. Date(s) or Period <b>1856</b>		
7. City or Town If Rural, Township & Vicinity <b>Berea</b>		18. Style or Design <b>Gothic Revival</b>		6. Present Name(s) Berea United Church of Christ
8. Site Plan with North Arrow  		19. Architect or Engineer		
9. Coordinates <b>Berea Quad.</b> Lat. _____ Long. _____ U.T.M. Reference <b>17 4 28 7 3 0 4 5 7 9 6 7 0</b>		20. Contractor or Builder		8. Present Name(s) Berea United Church of Christ
10. Zone _____ Easting _____ Northing _____ 11. Site Building <input checked="" type="checkbox"/> Structure <input type="checkbox"/> Object <input type="checkbox"/>		21. Original Use, if apparent <b>Church</b>		
12. Is it National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 13. Part of Estab. Yes <input type="checkbox"/> Hist. Dist.? No <input checked="" type="checkbox"/>		22. Present Use <b>Church</b>		10. Present Name(s) Berea United Church of Christ
14. District Potent'l? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>		
15. Name of Established District		24. Owner's Name & Address, if known		12. Present Name(s) Berea United Church of Christ
42. Further Description of Important Features <b>Rectangular brick church with a corner entrance tower. Broach spire stands on brick buttressed tower with stone caps and inset louvers. Pointed-arch recessed portal and pointed-arch windows with brick hoodmolds. Large central pointed-arch window overgrown with ivy. Modern brick addition on side and rear.</b>		25. Open to Public? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <b>Restricted</b>		
43. History and Significance <b>The First Congregational Church of Berea was organized on June 9, 1855. With Rev. Stephen Cook as the first minister, the building was dedicated on March 6, 1856.</b>		26. Local Contact Person or Organization		14. Present Name(s) Berea United Church of Christ
44. Description of Environment and Outbuildings <b>The church stands on a corner lot, facing the wooded campus of Baldwin-Wallace College. The downtown area is one block away.</b>		27. Other Surveys in Which Included		
45. Sources of Information <b>Holzworth, <u>Men of Grit &amp; Greatness</u>, 1970, pg.144.</b>		28. No. of Stories <b>1</b>		16. Present Name(s) Berea United Church of Christ
46. Prepared by <b>Fisher</b>		29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
47. Organization <b>NRHS</b>		30. Foundation Material <b>Masonry</b>		18. Present Name(s) Berea United Church of Christ
48. Date <b>10-77</b>		31. Wall Construction <b>Brick</b>		
49. Revision Date(s)		32. Roof Type & Material <b>Gable/Shingle</b>		20. Present Name(s) Berea United Church of Christ
50. Date		33. No. of Bays Front <b>2</b> Side <b>5</b>		
51. Date		34. Wall Treatment <b>Brick/Stone Trim</b>		22. Present Name(s) Berea United Church of Christ
52. Date		35. Plan Shape <b>Rectangle</b>		
53. Date		36. Changes (Explain in #42) Addition <input checked="" type="checkbox"/> Altered <input checked="" type="checkbox"/> Moved <input type="checkbox"/>		24. Present Name(s) Berea United Church of Christ
54. Date		37. Condition Interior _____ Exterior <b>Good</b>		
55. Date		38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		26. Present Name(s) Berea United Church of Christ
56. Date		39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
57. Date		40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		28. Present Name(s) Berea United Church of Christ
58. Date		41. Distance from and Frontage on Road <b>20'</b>		
59. Date		60. Date		30. Present Name(s) Berea United Church of Christ
61. Date		62. Date		
63. Date		64. Date		32. Present Name(s) Berea United Church of Christ
65. Date		66. Date		
67. Date		68. Date		34. Present Name(s) Berea United Church of Christ
69. Date		70. Date		
71. Date		72. Date		36. Present Name(s) Berea United Church of Christ
73. Date		74. Date		
75. Date		76. Date		38. Present Name(s) Berea United Church of Christ
77. Date		78. Date		
79. Date		80. Date		40. Present Name(s) Berea United Church of Christ
81. Date		82. Date		
83. Date		84. Date		42. Present Name(s) Berea United Church of Christ
85. Date		86. Date		
87. Date		88. Date		44. Present Name(s) Berea United Church of Christ
89. Date		90. Date		
91. Date		92. Date		46. Present Name(s) Berea United Church of Christ
93. Date		94. Date		
95. Date		96. Date		48. Present Name(s) Berea United Church of Christ
97. Date		98. Date		
99. Date		100. Date		50. Present Name(s) Berea United Church of Christ
101. Date		102. Date		
103. Date		104. Date		52. Present Name(s) Berea United Church of Christ
105. Date		106. Date		
107. Date		108. Date		54. Present Name(s) Berea United Church of Christ
109. Date		110. Date		
111. Date		112. Date		56. Present Name(s) Berea United Church of Christ
113. Date		114. Date		
115. Date		116. Date		58. Present Name(s) Berea United Church of Christ
117. Date		118. Date		
119. Date		120. Date		60. Present Name(s) Berea United Church of Christ
121. Date		122. Date		
123. Date		124. Date		62. Present Name(s) Berea United Church of Christ
125. Date		126. Date		
127. Date		128. Date		64. Present Name(s) Berea United Church of Christ
129. Date		130. Date		
131. Date		132. Date		66. Present Name(s) Berea United Church of Christ
133. Date		134. Date		
135. Date		136. Date		68. Present Name(s) Berea United Church of Christ
137. Date		138. Date		
139. Date		140. Date		70. Present Name(s) Berea United Church of Christ
141. Date		142. Date		
143. Date		144. Date		72. Present Name(s) Berea United Church of Christ
145. Date		146. Date		
147. Date		148. Date		74. Present Name(s) Berea United Church of Christ
149. Date		150. Date		
151. Date		152. Date		76. Present Name(s) Berea United Church of Christ
153. Date		154. Date		
155. Date		156. Date		78. Present Name(s) Berea United Church of Christ
157. Date		158. Date		
159. Date		160. Date		80. Present Name(s) Berea United Church of Christ
161. Date		162. Date		
163. Date		164. Date		82. Present Name(s) Berea United Church of Christ
165. Date		166. Date		
167. Date		168. Date		84. Present Name(s) Berea United Church of Christ
169. Date		170. Date		
171. Date		172. Date		86. Present Name(s) Berea United Church of Christ
173. Date		174. Date		
175. Date		176. Date		88. Present Name(s) Berea United Church of Christ
177. Date		178. Date		
179. Date		180. Date		90. Present Name(s) Berea United Church of Christ
181. Date		182. Date		
183. Date		184. Date		92. Present Name(s) Berea United Church of Christ
185. Date		186. Date		
187. Date		188. Date		94. Present Name(s) Berea United Church of Christ
189. Date		190. Date		
191. Date		192. Date		96. Present Name(s) Berea United Church of Christ
193. Date		194. Date		
195. Date		196. Date		98. Present Name(s) Berea United Church of Christ
197. Date		198. Date		
199. Date		200. Date		100. Present Name(s) Berea United Church of Christ



# OHIO HISTORIC INVENTORY

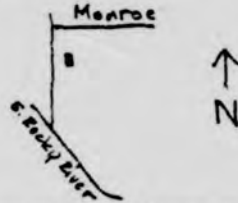
Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. CUY-1716-15		4. Present Name(s)		1. No. 1716-15 2. County Cuyahoga 4. Present Name(s) Stone, F. Residence
2. County Cuyahoga		5. Other Name(s)		
3. Location of Negatives MHS		Stone, F.. Residence		
6. Specific Location 193 S. Rocky River Drive		16. Thematic Category C	28. No. of Stories 2	5. Other Name(s) Stone, F. Residence
7. City or Town If Rural, Township & Vicinity Berea		17. Date(s) or Period ca. 1860	29. Basement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
8. Site Plan with North Arrow 		18. Style or Design Italianate vernacular	30. Foundation Material Brick	
		19. Architect or Engineer	31. Wall Construction Brick	
		20. Contractor or Builder	32. Roof Type & Material Hip/Asph.shingle	
		21. Original Use, if apparent Residence	33. No. of Bays Front 3 Side 3	
		22. Present Use Residence	34. Wall Treatment Brick/Wood Trim	
		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>	35. Plan Shape Square	
		24. Owner's Name & Address, if known	36. Changes (Explain in #42) Addition <input type="checkbox"/> Altered <input type="checkbox"/> Moved <input type="checkbox"/>	
9. Coordinates Lat. Berrea Long. U.T.M. Reference 17 42 8 6 3 0 4 5 7 8 9 5 0		25. Open to Public? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	37. Condition Interior Exterior Good	
10. Site Building <input checked="" type="checkbox"/> Structure Object <input type="checkbox"/>		26. Local Contact Person or Organization	38. Preservation Underway? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
11. National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		27. Other Surveys in Which Included	39. Endangered? By What? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			40. Visible from Public Road? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
13. Part of Estab. Hist. Dist.? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			41. Distance from and Frontage on Road 40'	
14. District Potent'l? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
15. Name of Established District				
42. Further Description of Important Features Square brick structure with a shallow hip roof, narrow eaves, and wide unadorned frieze. Double-hung windows with stone lintels and sills. Central sidelighted entrance. Side entrance. Front gable porch with wide bargeboards and tapered columns is a later addition.				
43. History and Significance F. Stone was on the Board of Directors of the Cleveland Stone Company. The firm was one of several that merged to form one of the largest sand-stone companies in the world. The house is an interesting mixture of the Italianate form and window and door details from the Greek Revival period.				
44. Description of Environment and Outbuildings The structure faces a wooded park that was formerly a quarry site. It is surrounded by houses that date from a variety of periods.				
45. Sources of Information Holzworth, Grit & Greatness, 1970, pg. 75. Cuyahoga County Atlases.		46. Prepared by Fisher		
		47. Organization MHS		
		48. Date	49. Revision Date(s)	
		11-77		



# OHIO HISTORIC INVENTORY

Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211


1. No. CUY-1717-15		4. Present Name(s)		1. No. 1717-15
2. County Cuyahoga		5. Other Name(s)		
3. Location of Negatives RHS		Parker, Dr. H., Residence		2. County Cuyahoga
6. Specific Location 257 S. Rocky River Drive		16. Thematic Category C.		
7. City or Town If Rural, Township & Vicinity Berea		17. Date(s) or Period ca. 1870		4. Present Name(s) Parker, Dr. H., Residence
8. Site Plan with North Arrow 		18. Style or Design Italianate vernacular		
9. Coordinates Lat. _____ Long. _____ U.T.M. Reference 17 42 8 6 3 0 4 5 7 8 8 3 0		19. Architect or Engineer		2. County Cuyahoga
10. Zone Easting Northing Site Building <input checked="" type="checkbox"/> Structure Object <input type="checkbox"/>		20. Contractor or Builder		
11. National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		21. Original Use, if apparent Residence		4. Present Name(s) Parker, Dr. H., Residence
12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		22. Present Use Residence		
13. Part of Estab. Hist. Dist.? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>		2. County Cuyahoga
14. District Potent'l? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		24. Owner's Name & Address, if known		
15. Name of Established District		25. Open to Public? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		4. Present Name(s) Parker, Dr. H., Residence
42. Further Description of Important Features Tall gabled house with an imbricated slate roof and wide eaves above simple sided surfaces. Tall 2x2 windows have rectangular and gabled hoodmolds. Side hip-roofed wing has entrance recessed under a roof projection supported on a chamfered column. The house is painted red with white trim.		26. Local Contact Person or Organization		
43. History and Significance This structure is listed as belonging to Mrs. Parker in 1874. She was the wife of Dr. H. Parker. He was the treasurer of the Berea Library Association and probably a professor at Baldwin University, once located across from this house.		27. Other Surveys in Which Included		5. Other Name(s) Parker, Dr. H., Residence
44. Description of Environment and Outbuildings The house faces a wooded valley with several newer houses on three sides.		46. Prepared by Fisher		
45. Sources of Information Holzworth, Grit & Greatness, 1970, pg. 27. Cuyahoga County Atlases.		47. Organization RHS		5. Other Name(s) Parker, Dr. H., Residence
		48. Date 11-77		
		49. Revision Date(s)		





# OHIO HISTORIC INVENTORY

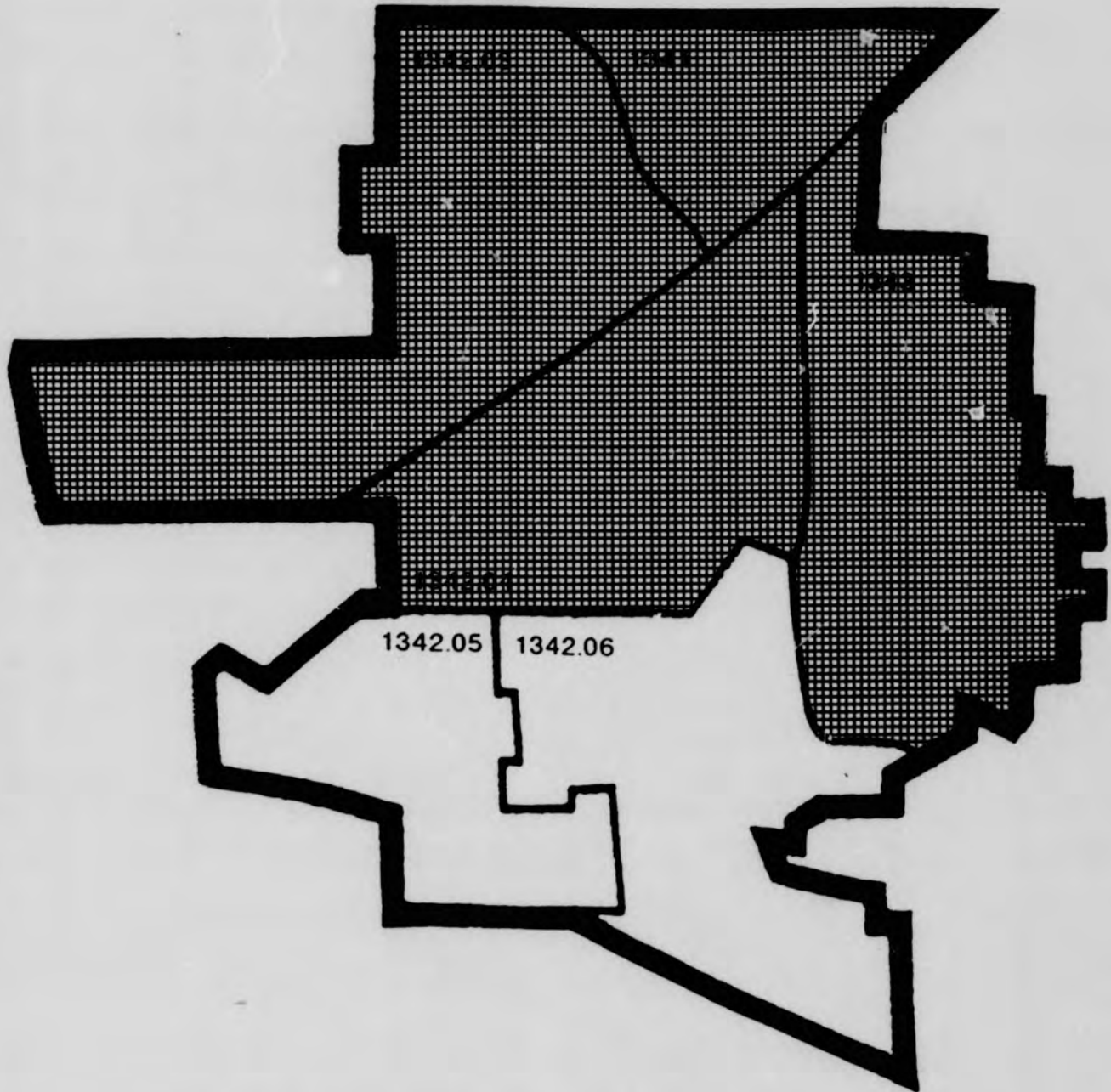
Ohio Historic Preservation Office  
Ohio Historical Center  
Columbus, Ohio 43211

1. No. <b>CUY-1721-15</b>		4. Present Name(s) <b>Whitney, John, Residence</b>		1. No. <b>1721-15</b>	
2. County <b>Cuyahoga</b>		5. Other Name(s) <b>Wheeler, John, Residence</b>			2. County <b>CUYahoga</b>
3. Location of Negatives <b>WRHS</b>					
6. Specific Location  <b>445 South Rocky River Dr.</b>		16. Thematic Category <b>C</b>		4. Present Name(s) <b>Whitney Residence</b>	
7. City or Town If Rural, Township & Vicinity <b>Berea</b>		17. Date(s) or Period <b>1834</b>			
8. Site Plan with North Arrow  		18. Style or Design <b>Federal/Italianate</b>		3. Other Name(s) <b>Wheeler - Wallace Residence</b>	
9. Coordinates Lat. <b>Berea</b> Long. _____ U.T.M. Reference <b>17 429 10 457 16 10</b>		19. Architect or Engineer			
10. Zone Easting Northing Site <input type="checkbox"/> Structure <input type="checkbox"/> Building <input checked="" type="checkbox"/> Object <input type="checkbox"/>		20. Contractor or Builder <b>Jonathan Vaughn</b>		2. County <b>CUYahoga</b>	
11. U.S. National Register? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		21. Original Use, if apparent <b>Residence</b>			
12. Is It Eligible? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		22. Present Use <b>Residence</b>		4. Present Name(s) <b>Whitney Residence</b>	
13. Part of Estab. Yes <input type="checkbox"/> Hist. Dist.? No <input checked="" type="checkbox"/>		23. Ownership Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>			
14. District Yes <input type="checkbox"/> Potent'l? No <input checked="" type="checkbox"/>		24. Owner's Name & Address, if known <b>John Whitney 445 S. Rocky River Drive</b>		3. Other Name(s) <b>Wheeler - Wallace Residence</b>	
15. Name of Established District		25. Open to Public? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
42. Further Description of Important Features <b>Rectangular brick house with a hip roof, cupola, and wide wooden cornice with pendant brackets. 6x6 windows with vermiculated stone lintels and sills. Central bay with entrances on both floors. Rear gabled wings of brick and wood frame construction. Front hip-roof porch with Tuscan columns and screening a later addition. Central interior stairhall.</b>		26. Local Contact Person or Organization		2. County <b>CUYahoga</b>	
43. History and Significance <b>This house is said to have been built by early Berea builder, Jonathan Vaughn in 1834. In 1855, Rev. John Wheeler bought it. He was the first president (1855-1872) of Baldwin University and taught mental and moral science there. In 1870, it was purchased by George Wallace, brother of quarry owner and benefactor of German Wallace College, James Wallace.</b>		27. Other Surveys in Which Included			
44. Description of Environment and Outbuildings <b>The structure stands on a shaded lot across from a former quarry site, now a park. There are some more recent houses nearby.</b>		46. Prepared by <b>Fisher</b>		3. Other Name(s) <b>Wheeler - Wallace Residence</b>	
45. Sources of Information <b>Holzworth, Grit &amp; Greatness, 1970, pg.27,175,176,181. Cuyahoga County Atlases.</b>		47. Organization <b>WRHS</b>			
		48. Date <b>11-77</b> 49. Revision Date(s)			



**Appendix B**

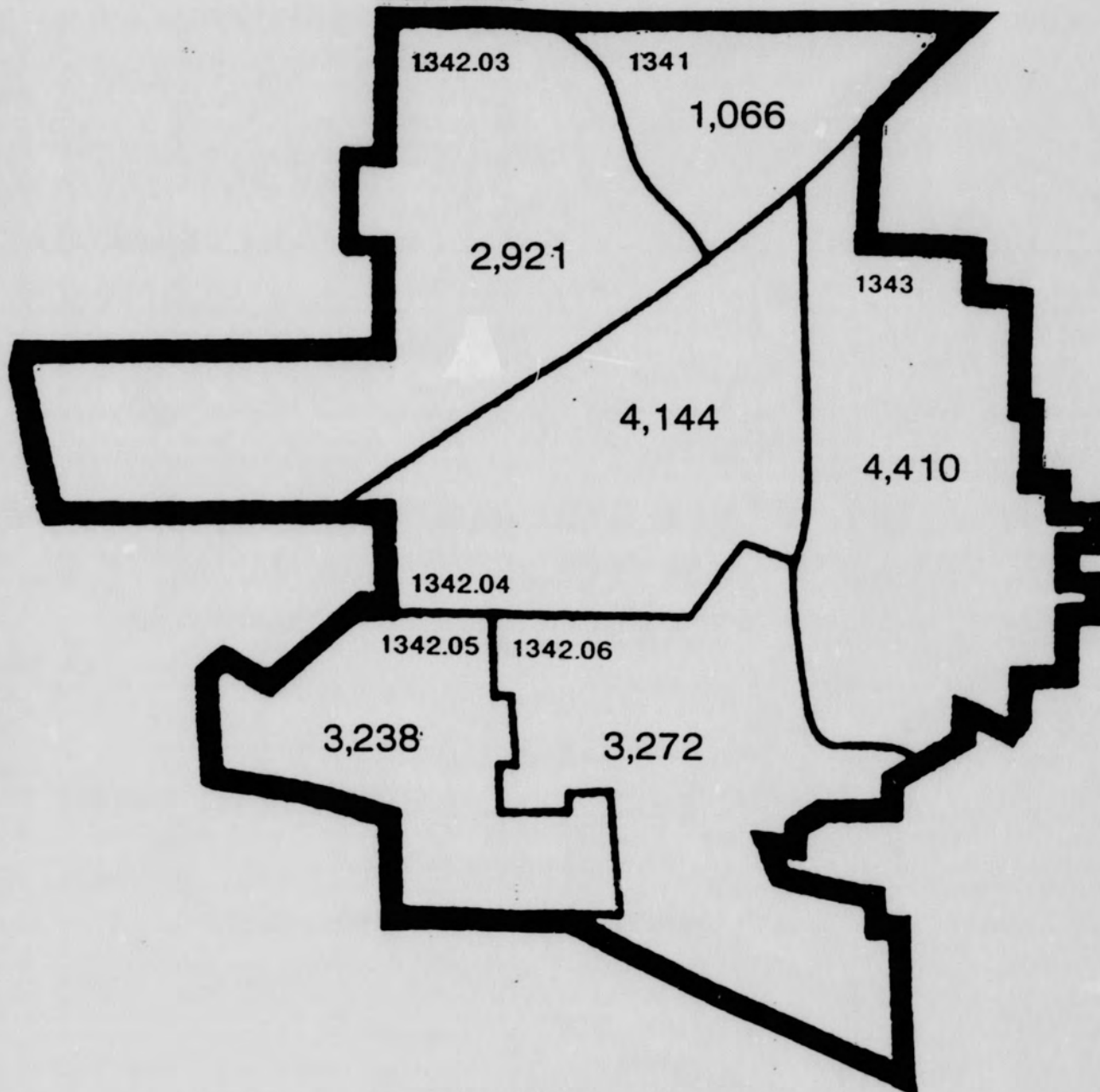
## BEREA



### CENSUS TRACTS INCLUDED IN THE PROPOSED CRA

1990 CENSUS TRACT

**BEREA**



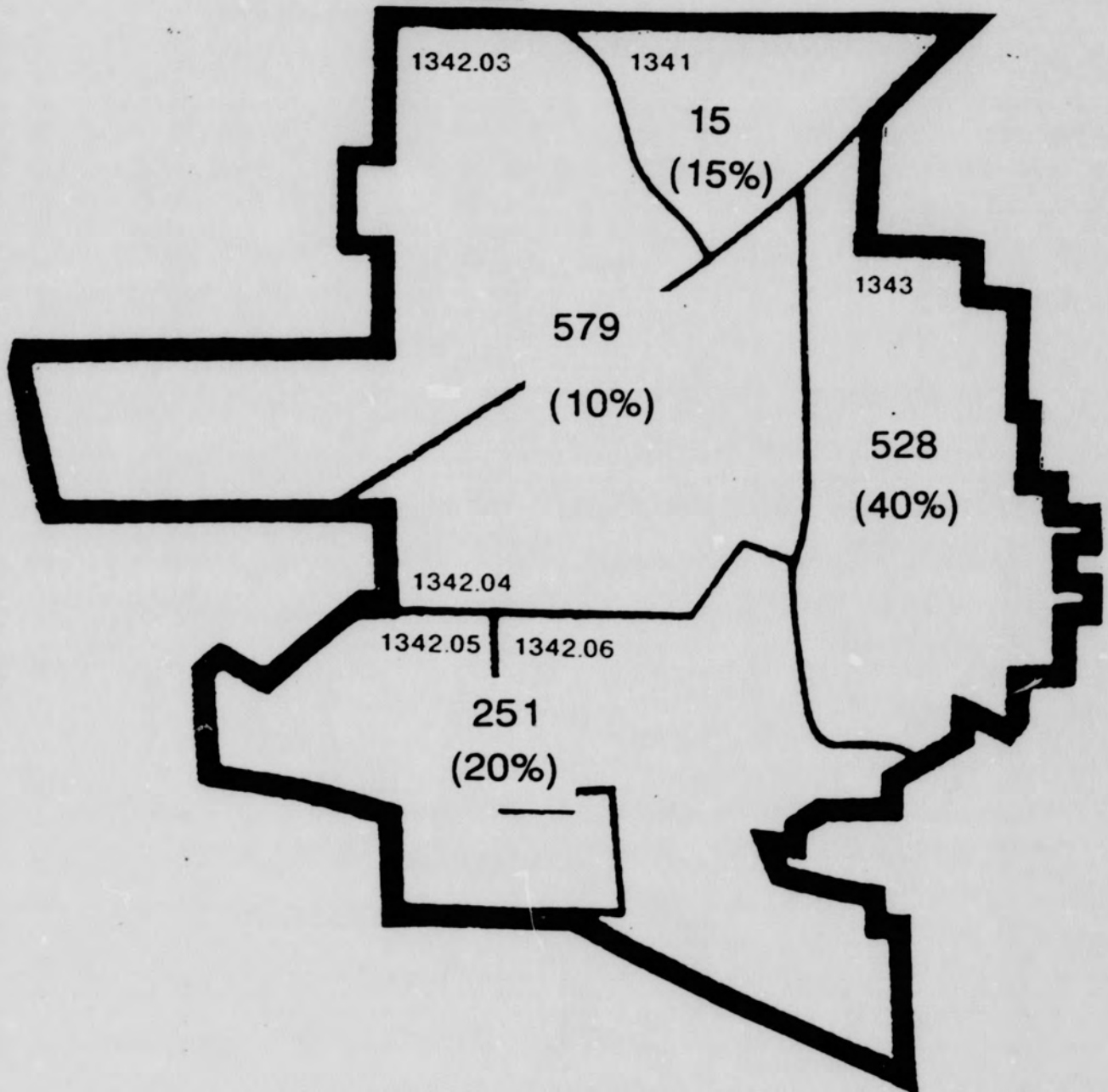
**1990 POPULATION**

BEREA	19,051
COUNTY	1,412,140



1990 CENSUS TRACT

**BEREA**

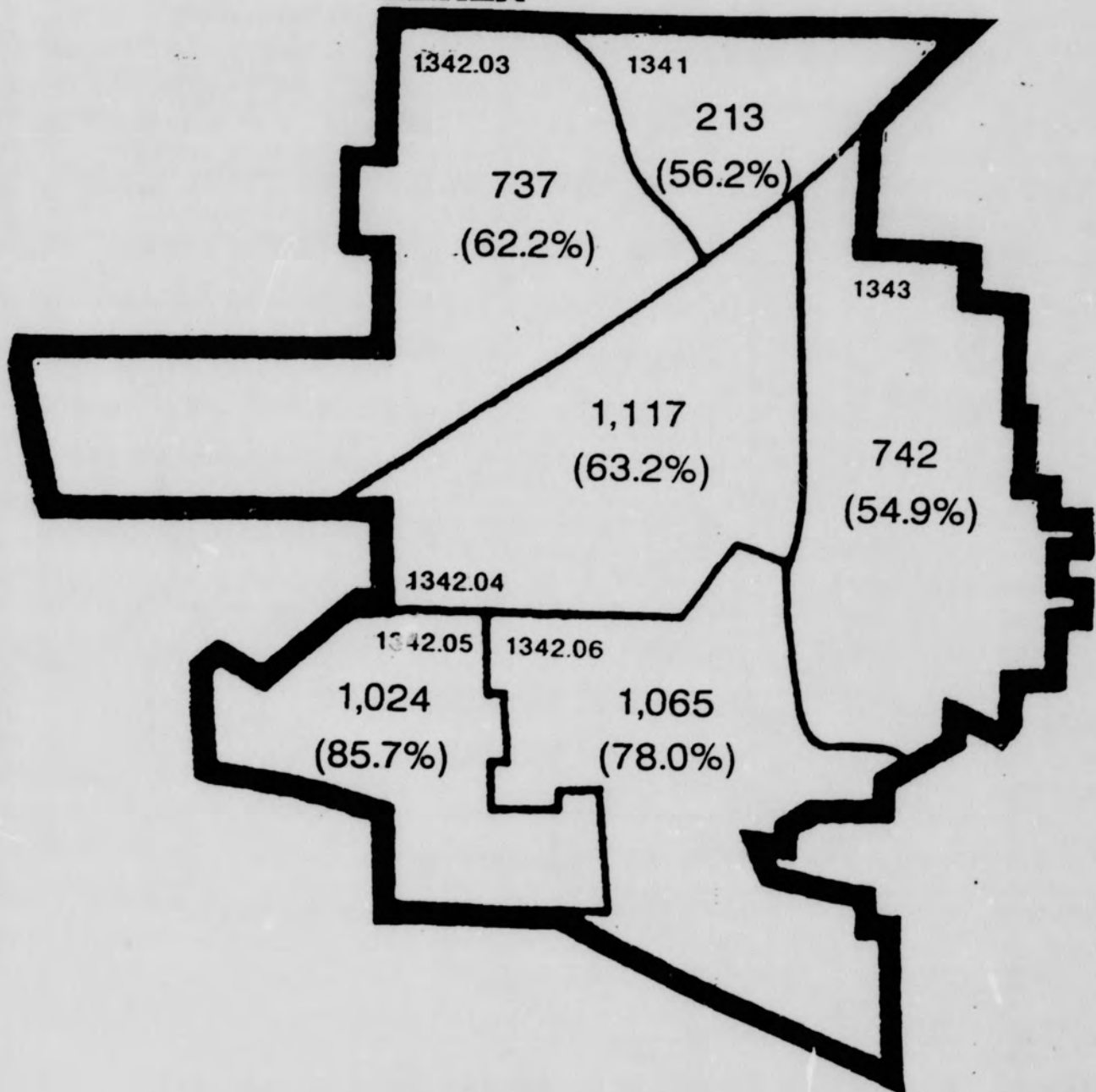


**HOUSING BUILT BEFORE 1940**

BEREA 1373

1990 CENSUS TRACT

**BEREA**



**OWNER OCCUPIED HOUSING UNITS**

BEREA	4,898 (67.6%)
COUNTY	349,057 (57.7%)

STB

FD

33388

2-2-98

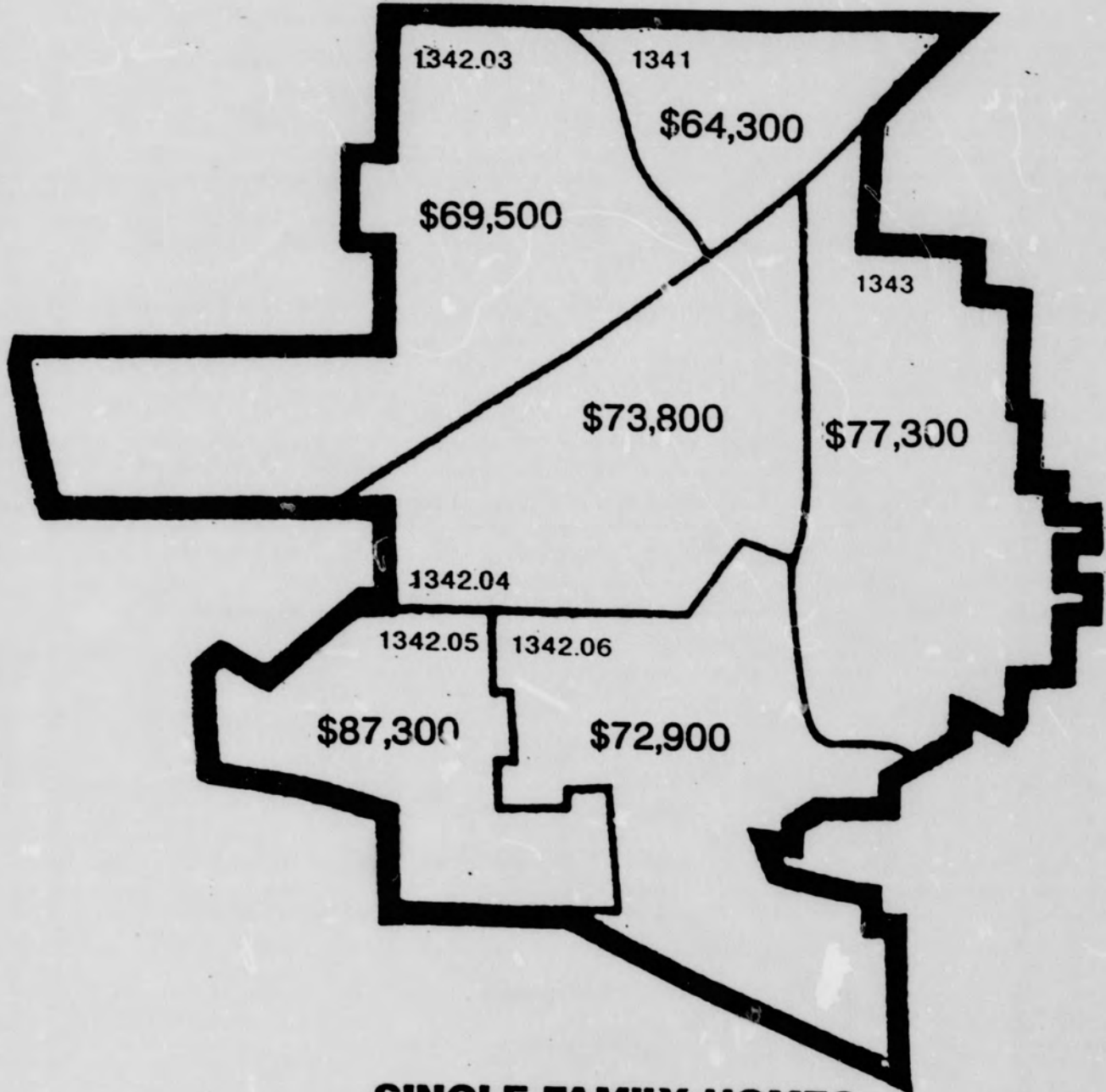
I

185459

3/3

1990 CENSUS TRACT

**BEREA**



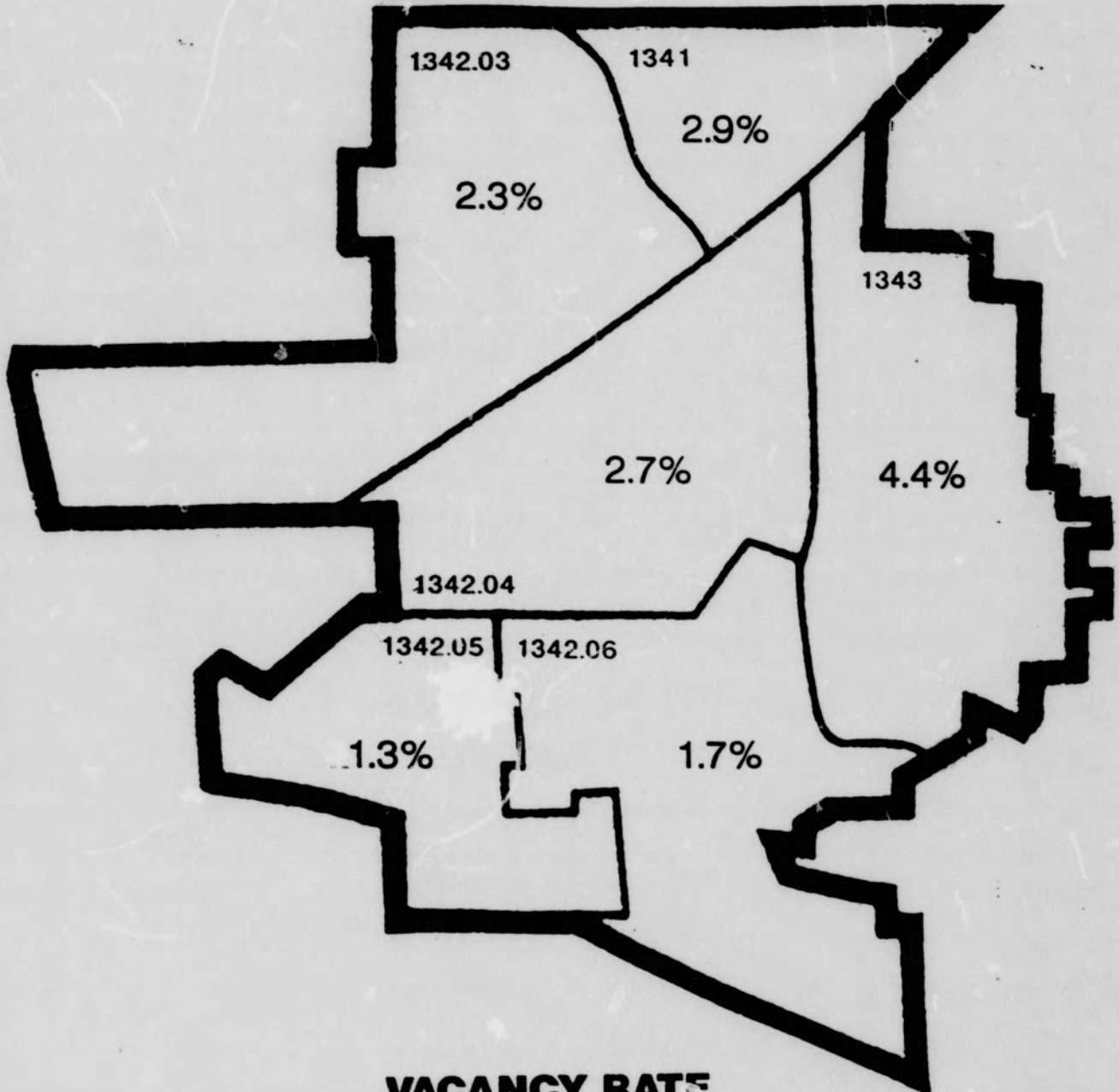
**SINGLE FAMILY HOMES  
MEDIAN VALUE**

BEREA	\$74,600
COUNTY	\$72,100



1990 CENSUS TRACT

**BEREA**

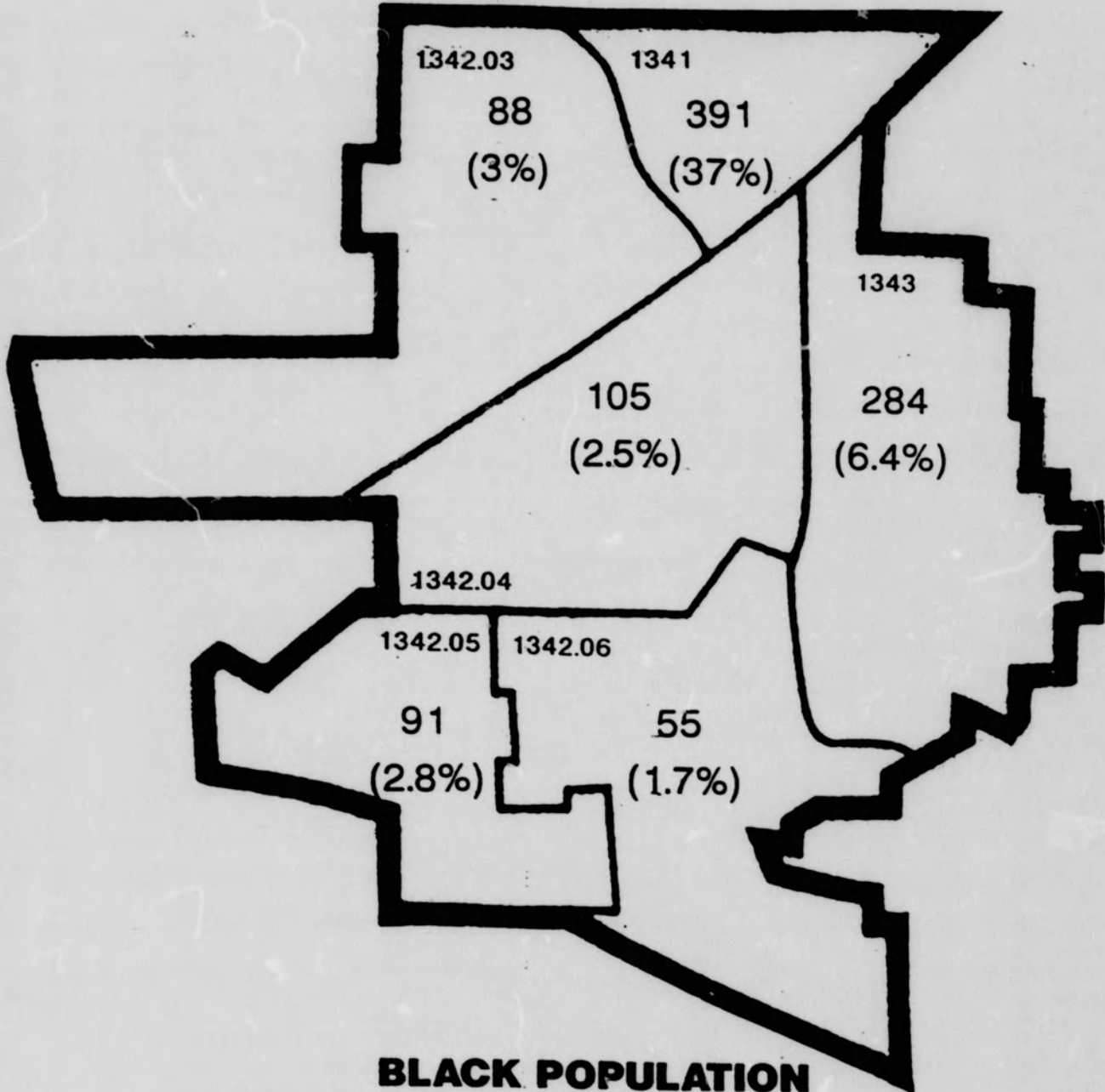


**VACANCY RATE**

BEREA	OVERALL VACANCY RATE 2.8%
COUNTY	OVERALL VACANCY RATE 6.8%

# 1990 CENSUS TRACT

## BEREA

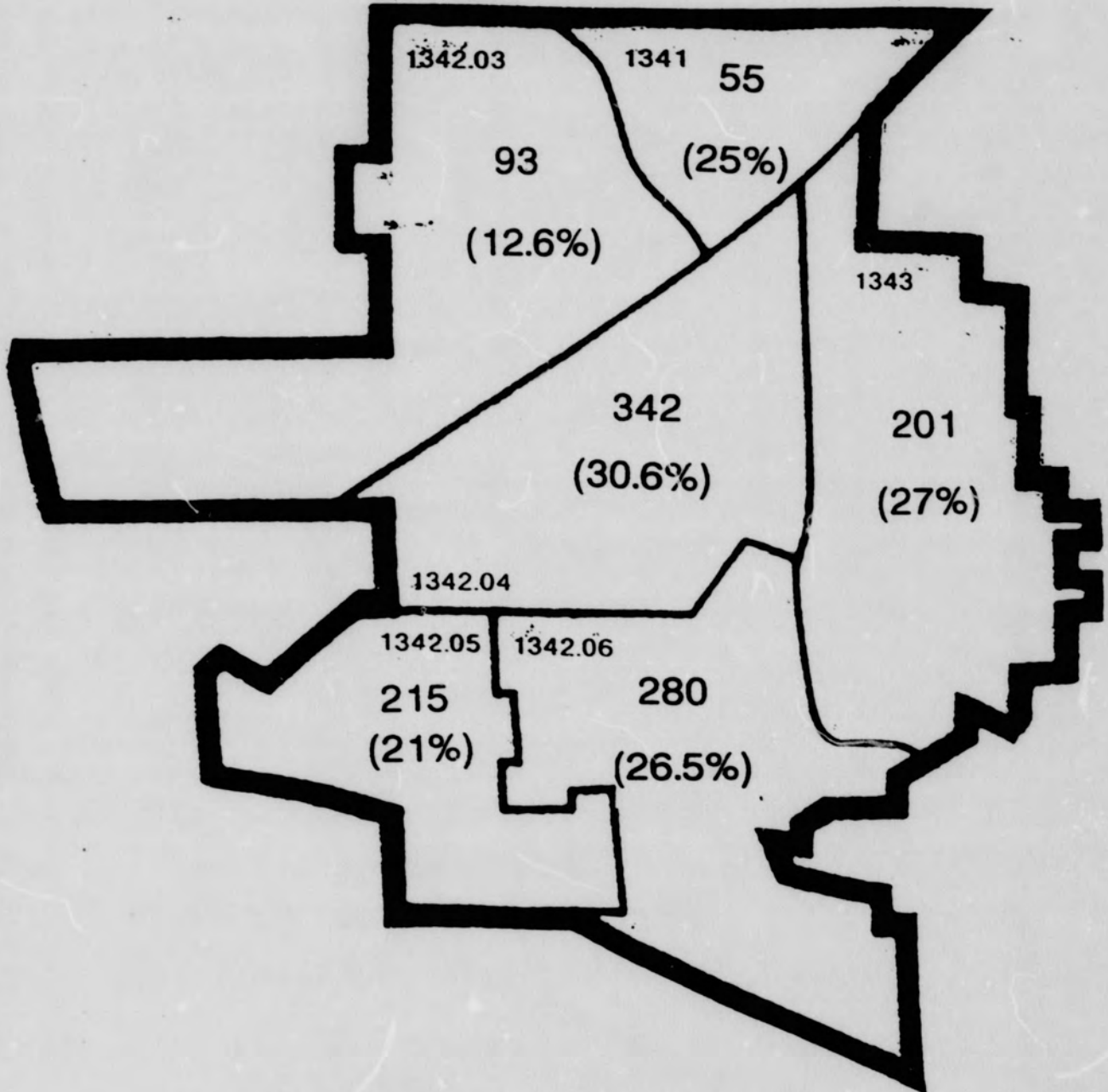


## BLACK POPULATION

BEREA	1,014 (5.3%)
COUNTY	350,185 (24.8%)

1990 CENSUS TRACT

**BEREA**

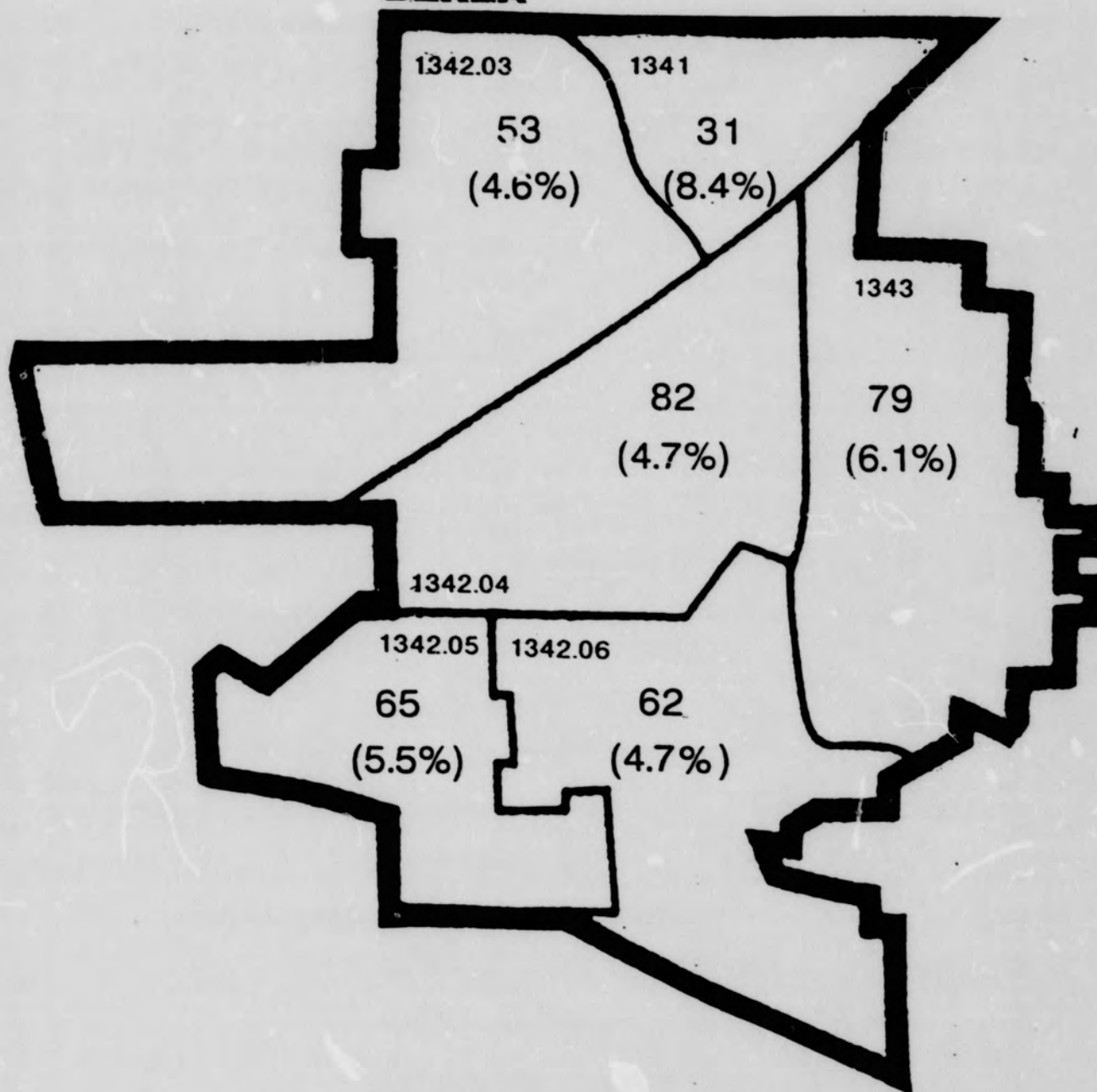


**HOMEOWNERS OVER 65**

BEREA 1186 (24.2 %)

1990 CENSUS TRACT

**BEREA**



**FEMALE HEAD OF HOUSEHOLD  
WITH CHILDREN**

BEREA	372 (5.2%)
COUNTY	51,987 (9.2%)



**ATTACHMENT K**

FRONT ST.

Bill's Truck  
Rental

527.63'

161.21'

731.28'

Blaze  
Construction

Dearborn

Chemix

Distance between Railroad Tracks

717.1'

FIRST AVE.

Medina Supply

Ohio Nut &  
Bolt

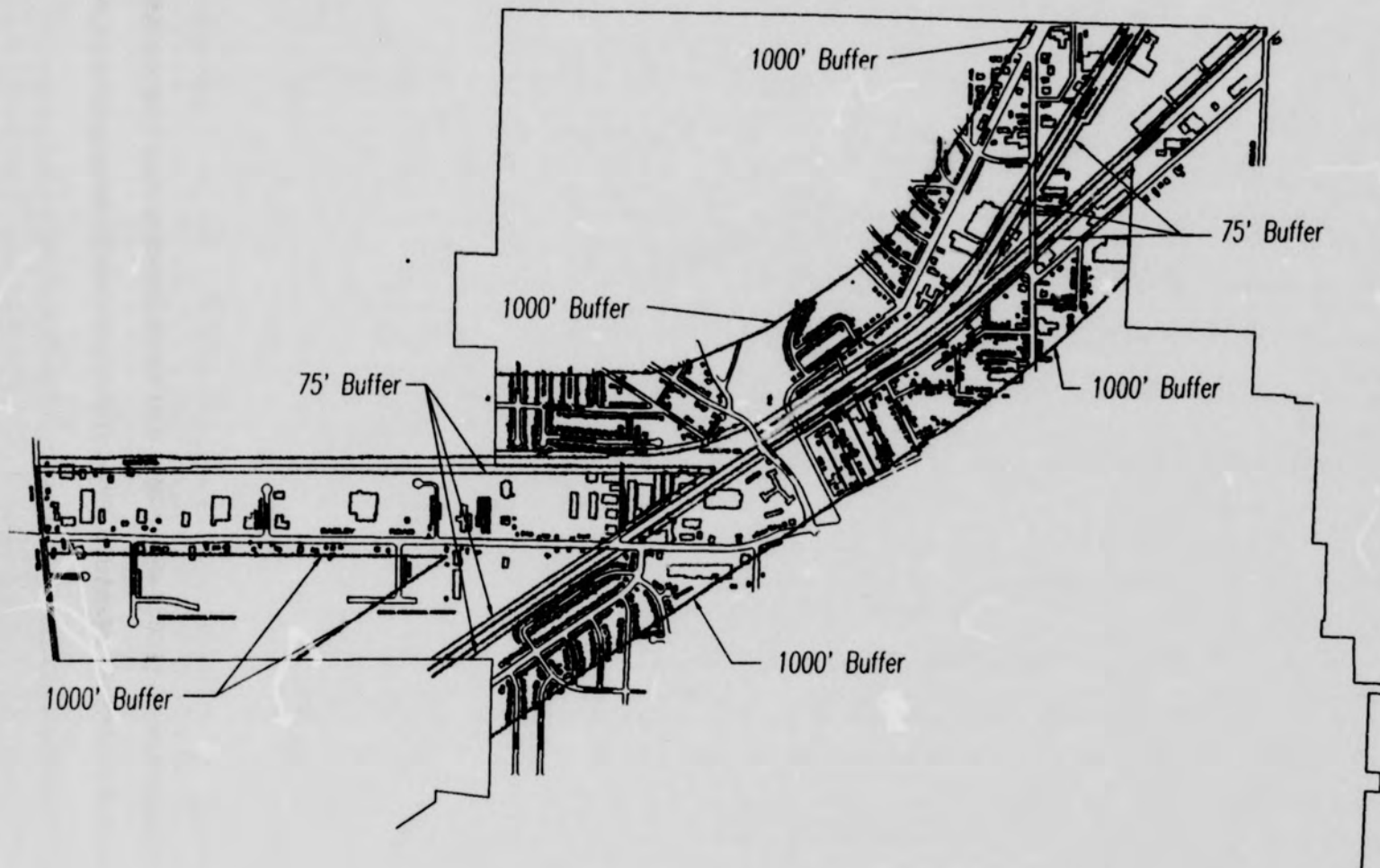
Cleveland Browns



*Albert J. Troietto*

Albert J. Troietto, P.E.  
City Engineer

I hereby state that this plan is  
a true and accurate representation  
of the area shown.



Number of Homes within 1000' Buffer - 1208 Homes  
Number of Homes within 75' Buffer - 254 Homes

City of Berea, Ohio