

FILE

Public Utilities
Commission of Ohio

Memo

To: Docketing Division
From: Jill Henry, Rail Specialist, Rail Division
Cc: Legal Department
Date: 5/11/2010

PUCO

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RECEIVED-DOCKETING DIV

Re: PUCO Case No. 09-125-RR-UNC- In the Matter of the Petition of CSX Transportation, Inc. to Close to Vehicular Traffic the County Road 205/Ulsh Road Grade Crossing (262-061N), located in Claridon Township, Marion County, Ohio.

BACKGROUND

On February 18, 2009, CSX filed a petition to close to vehicular traffic the grade crossing located at County Road 205/Ulsh Road (DOT#262-061N) in Claridon Township, Marion County, Ohio.

On October 28, 2009, the Commission ordered that CSX's petition for the closure of the Ulsh Road crossing be granted. The Commission further ordered Claridon Township to issue an ordinance to discontinue the use of the Ulsh Road crossing to vehicles and pedestrians and close the crossing within 30 days. On November 24, 2009, the Claridon Township Trustees filed an application for rehearing with the Commission. On December 16, 2009, the Commission denied the application for rehearing.

Claridon Township appealed that decision to the State of Ohio Supreme Court on January 21, 2010. The Commission filed a motion to dismiss the case with the Ohio Supreme Court on February 23, 2010. On April 1, 2010 the Court unanimously granted the Commission a motion to dismiss the case.

FINDINGS

On February 8, 2010, PUCO Rail Inspector Rand Patterson visited the Ulsh Road crossing. According to Mr. Patterson, the barriers are substantial and could be considered permanent in nature (see attached pictures).

SUMMARY AND CONCLUSIONS

Because the Supreme Court has dismissed the appeal, the Commission Order stands. Claridon Township has complied with the Commission Order by closing the road as witnessed by PUCO Rail Inspector Rand Patterson. For these reasons, the case should be closed.

Ulsch Road Crossing (DOT#262-061N)
Claridon Township, Marion County, Ohio

