

FILE

**Public Utilities  
Commission of Ohio**

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# Memo

**To:** Docketing Division  
**From:** Jill Henry, Rail Specialist, Rail Division  
**Cc:** PUCO Legal Department  
**Date:** 10/18/11  
**Re:** PUCO Case No. 11-4291-RR-RCP- In the Matter of the Petition for an Exemption from Stopping for School Buses and Other Motor Vehicles at the State Route 119 Grade Crossing (477-073E), in Mercer County.

PUCO

2011 OCT 18 AM 9:31

RECEIVED-DOCKETING DIV

On July 12, 2011, ODOT District #7 petitioned for a railroad crossing exemption under Ohio Revised Code 4511.63 for the railroad crossing located on SR 119, Mercer County, DOT#477-073E just East of the Indiana and Ohio State Line.

The Public Utilities Commission of Ohio, Attorney Examiner for this case filed an order in the case on July 15, 2011 directing Staff to file a response by August 11, 2011. On August 4, 2011, Staff filed a report in the docket.

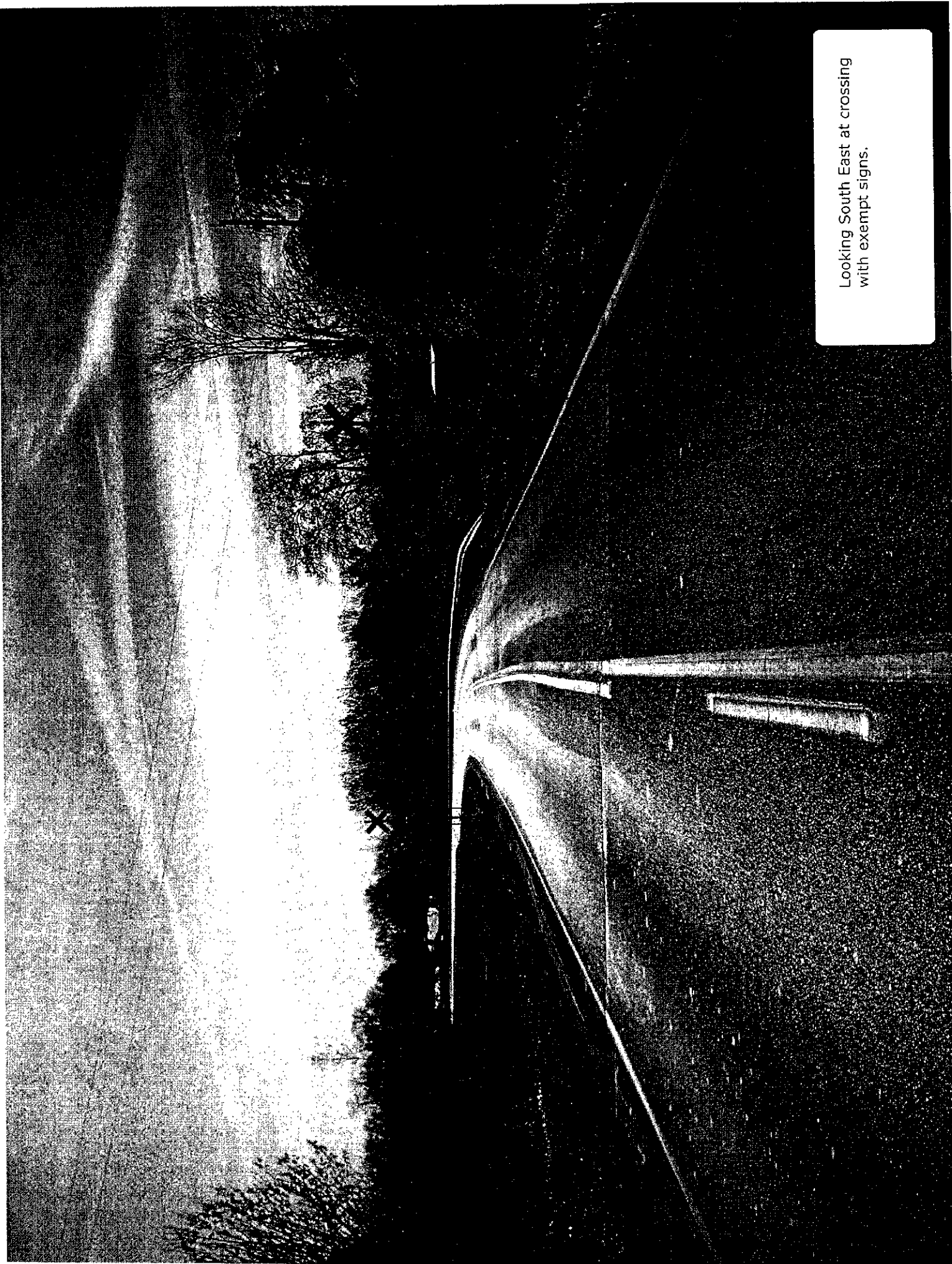
On September 7, 2011, the Commission, through and Opinion and Order, approved the following:

- 1) That an exemption, pursuant to Section 4511.63, Revised Code, be granted to allow buses, school buses, and any vehicle transporting a material or materials required to be placarded under 49 C.F.R. Parts 100-185 to proceed without stopping at the SR 119 grade crossing (477-073E), located in Mercer County, Ohio.
- 2) That, within 30 days of the issuance of this opinion and order, RJC place a derail device east of the crossing and continue issuing Orders indicating the "out of service" condition and stop and flag provisions.
- 3) That ODOT place "Exempt" signs, that are in conformance with the Ohio Manual of Uniform Traffic Control Devices, at appropriate locations in advance of the SR 119 grade crossing.
- 4) That RJC and/or NS provide at least 90 days advance notice to the Commission's Rail Division, ODOT, Fort Recovery engineer, and Mercer County engineer, in the event either RJC or NS learns that any railroad intends to initiate rail operations at the SR 119 grade crossing in the future.

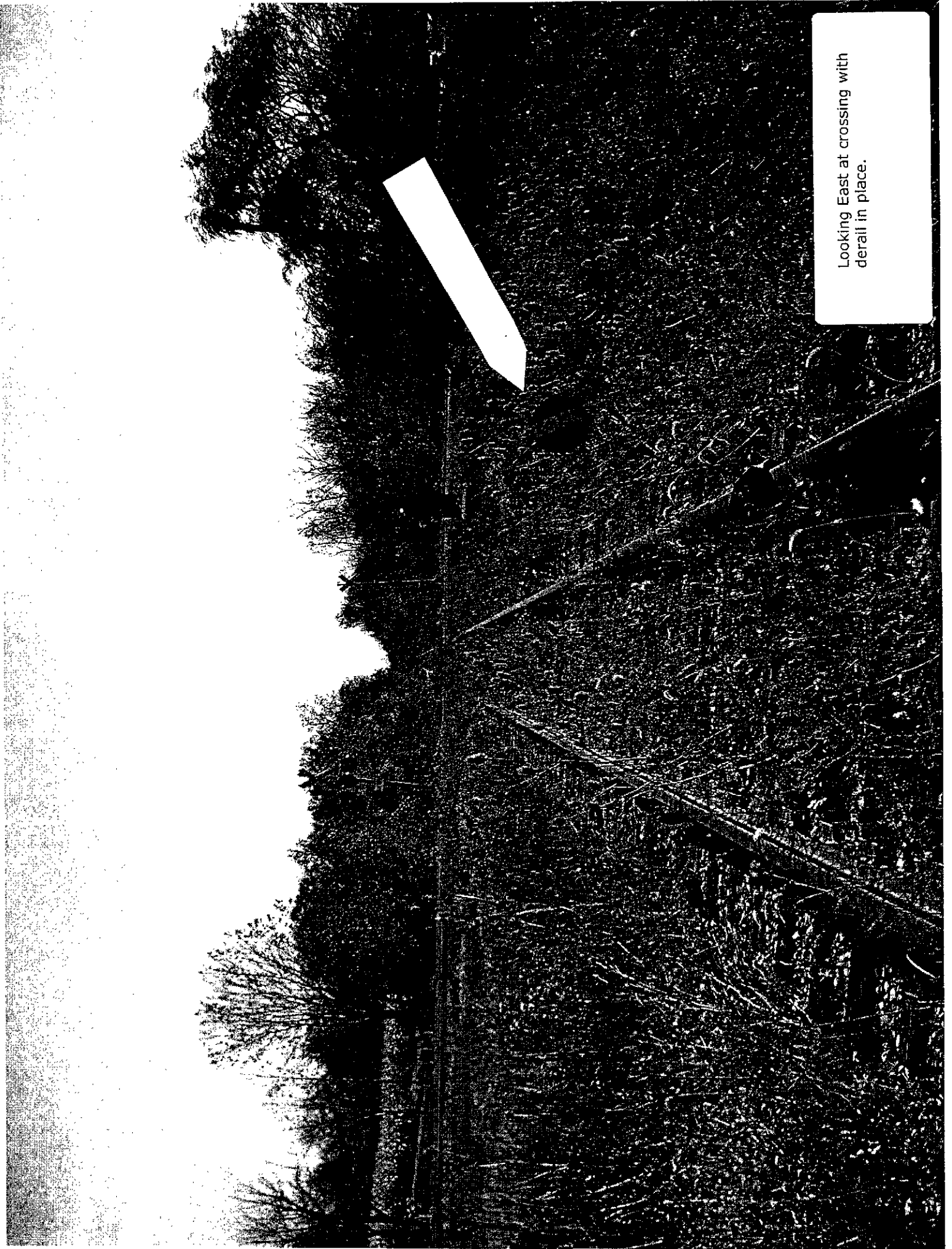
On October 17, 2011, a PUCO/FRA Rail Inspector visited the crossing and found that the exempt signs are in place at the crossing, that a derail device is in place on both sides of the crossing, and that RJC has removed a rail just east of the crossing (see attached photos). Therefore, all parties have complied with the provisions of the Commission order.

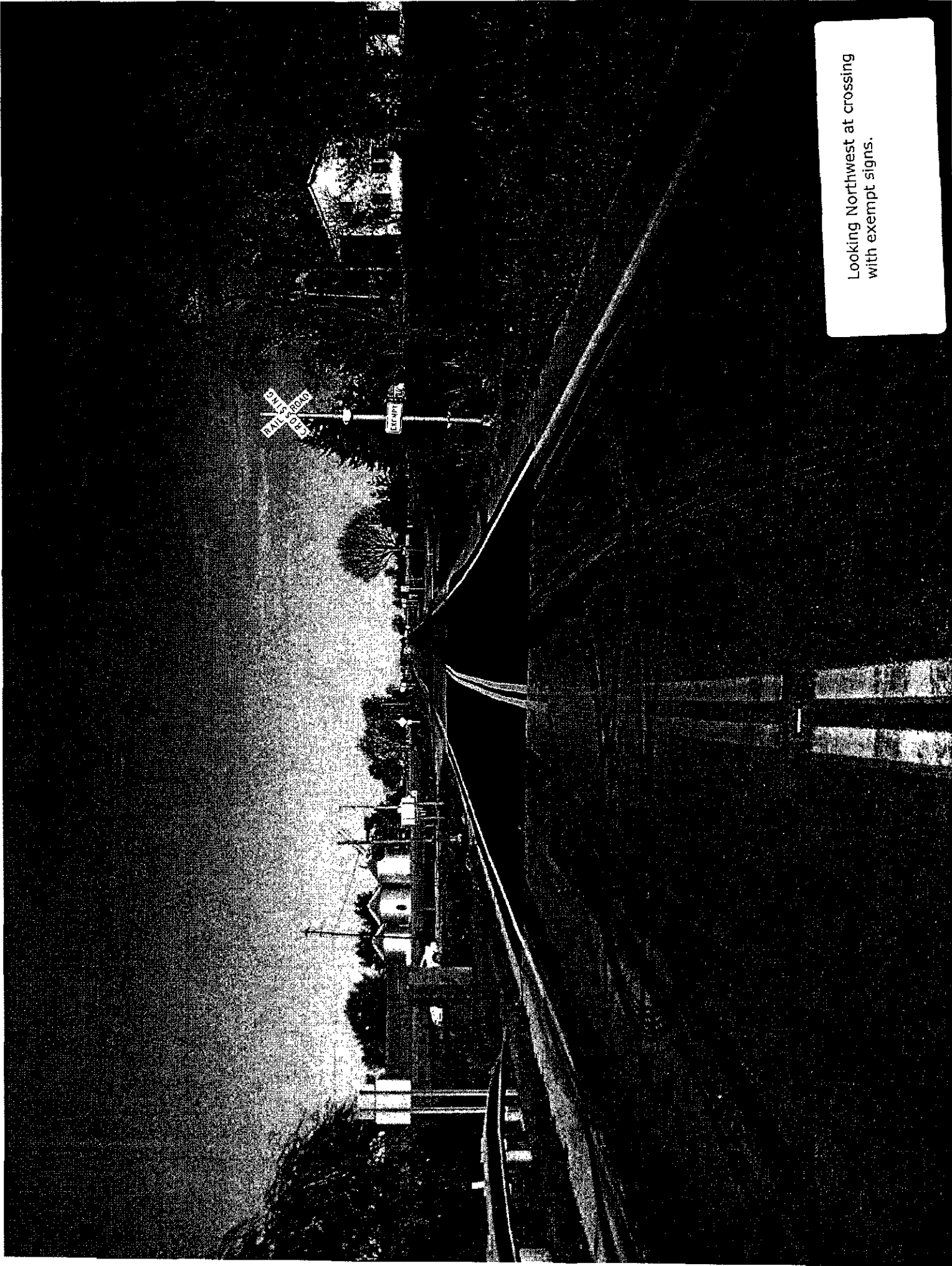
Based on the staff field inspection, the case can now be closed.

Looking South East at crossing  
with exempt signs.

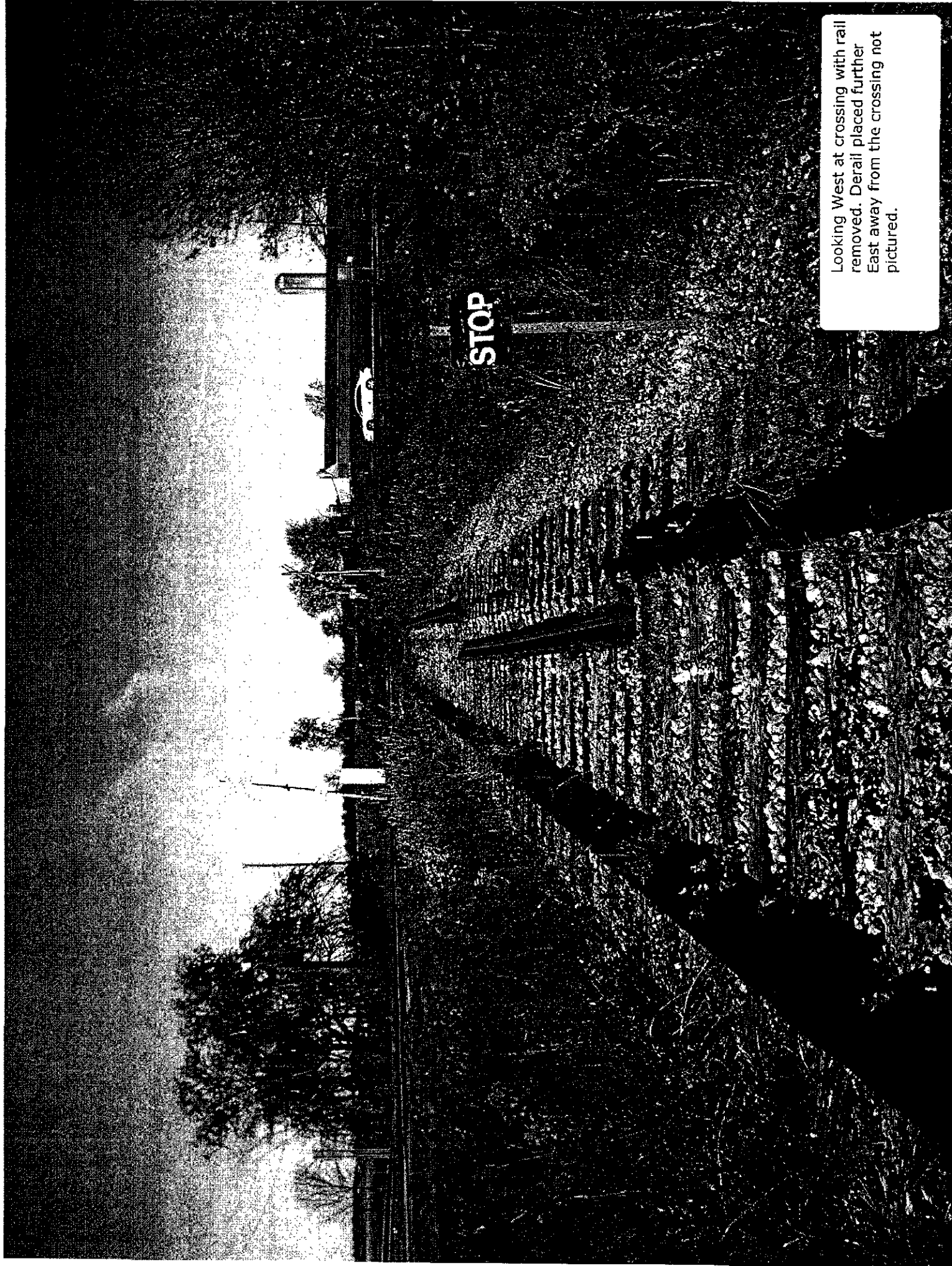


Looking East at crossing with  
derail in place.





Looking Northwest at crossing  
with exempt signs.



Looking West at crossing with rail removed. Derrail placed further East away from the crossing not pictured.