

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Request for an Exemption)
by the City of Hamilton from Stopping for)
School Buses at Certain Highway/Railroad) Case No. 12-2936-RR-RCP
Grade Crossings Located Within the City of)
Hamilton, Butler County, Ohio.)

ENTRY

The attorney examiner finds:

- (1) On November 8, 2012, Joshua Smith, City Manager for the City of Hamilton, Butler County, Ohio (City of Hamilton) filed a letter requesting, pursuant to Section 4511.63, Revised Code, an exemption for certain grade crossings within Hamilton. Specifically, the request concerns the following U.S. Rail Corporation (U.S. Rail) at grade crossings: B Street (154-040Y), B Street (154-041F), Black Street (154-043U), and B Street (154-046P). Additionally, the request concerns the following CSX Transportation (CSX) at grade crossings: Franklin Street (154-031A), Ross Avenue (154-032G), Main Street (154-034V), Cereal Avenue (154-035C), Eaton Avenue (154-037R), and Cleveland Avenue (154-039E).

Mr. Smith states that the crossings are related to a railroad spur that served Smart Paper (formerly Champion Paper Company). According to Mr. Smith, the paper company permanently terminated business and the facility was purchased by the City. He represents that the exemption is necessary in order to improve safety and traffic operations while minimizing traffic congestion. Further, Mr. Smith submits that many of the crossings are in need of repair. Mr. Smith notes that, ultimately, Hamilton would like to have the crossings removed in order to eliminate ongoing maintenance cost and related safety issues. The City agrees that if future development of the former paper company facility has need for rail service, neither U.S. Rail nor CSX will be held financially responsible for having the crossings reinstalled.

- (2) The Commission staff filed its report of investigation regarding the request on November 28, 2012.

- (3) The attorney examiner finds that, in order for the public to have an opportunity to comment on the exemption request, a local hearing should be scheduled. Accordingly, a public hearing on this matter should be held on December 18, 2012, at 1:00 p.m., at City of Hamilton, 345 High Street, Suite 710, Hamilton, Ohio 45011.
- (4) The secretary of the Commission should cause publication of the following legal notice in a newspaper of general circulation in Butler County, Ohio once, not less than seven days prior to the scheduled hearing. Additionally, the Commission shall authorize a limited period for the filing of comments by any interested person regarding the exemption request.

LEGAL NOTICE

The Public Utilities Commission of Ohio has scheduled a public hearing in Case No. 12-2936-RR-RCP, on a request for an exemption for school buses and other motor vehicles carrying certain hazardous materials from stopping at the following grade crossings located within the City of Hamilton, Butler County, Ohio: B Street (154-040Y), B Street (154-041F), Black Street (154-043U), B Street (154-046P), Franklin Street (154-031A), Ross Avenue (154-032G), Main Street (154-034V), Cereal Avenue (154-035C), Eaton Avenue (154-037R), and Cleveland Avenue (154-039E).

The purpose of the hearing will be to take public comment regarding the exemption request. The hearing will be held on December 18, 2012, at 1:00 p.m., at the City of Hamilton, 345 High Street, Suite 710, Hamilton, Ohio 45011. For additional information regarding this matter, contact the Commission's Hotline at 1-800-686-7826. The hearing impaired can reach the Commission by dialing 7-1-1 (Ohio Relay Service).

Pursuant to Section 4511.63, Revised Code, the Commission shall authorize a limited period for the filing of comments by any interested person regarding the exemption request. Therefore, any

interested person may file comments on the exemption request by December 17, 2012.

It is, therefore,

ORDERED, That a hearing be held in this case as set forth in Finding (3). It is, further,

ORDERED, That the Secretary of the Commission cause publication of the legal notice in accordance with Finding (4). It is, further,

ORDERED, That comments on the exemption request be filed as set forth in Finding (4). It is, further,

ORDERED, That a copy of this entry be served by certified and regular mail on U.S. Rail and CSX and by regular mail on the City of Hamilton, the Ohio Rail Development Commission, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Jay S. Agranoff

By: Jay S. Agranoff
Attorney Examiner

jrj/vrm

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/5/2012 11:17:31 AM

in

Case No(s). 12-2936-RR-RCP

Summary: Attorney Examiner Entry scheduling a hearing on December 18, 2012, at 1:00 p. m., electronically filed by Vesta R Miller on behalf of Jay S. Agranoff, Attorney Examiner, Public Utilities Commission of Ohio