

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Request for an )  
Exemption by the Ohio Department of )  
Transportation from Stopping for School )  
Buses and Hazardous Materials Vehicles ) Case No. 13-1226-RR-RCP  
at the Highway/Railroad Grade Crossing )  
AARDOT No. 503327N Located on State )  
Route 7 (Grant Avenue) in Martins Ferry, )  
Belmont County, Ohio. )

ENTRY

The attorney examiner finds:

- (1) On May 21, 2013, Scott Warner, District 11 Railroad Coordinator of the Ohio Department of Transportation (ODOT), filed a letter, pursuant to Section 4511.63, Revised Code, requesting an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at grade crossing AARDOT No. 503327N, located on State Route 7 (Grant Avenue) in Martins Ferry, Belmont County, Ohio. According to Mr. Warner, at that location State Route 7 is a four lane highway with a speed limit of 50 miles per hour. He asserts that approval of the exemption would increase safety for school buses and certain hazardous materials vehicles by eliminating their need to stop on such a highway. Mr. Warner adds that, on a daily basis, there are three switching trains traveling at 5 mph that use this spur line.
- (2) Commission staff should file a report of investigation regarding the request by June 18, 2013.
- (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 Monday, July 15, 2013, at 11:00 a.m. at the Martins Ferry Public Library, 20 S. 5<sup>th</sup> Street, Martins Ferry, Ohio 43935.

- (4) The secretary of the Commission should cause publication of the following legal notice in a newspaper of general circulation in Belmont County, Ohio, one time, not less than seven days prior to the scheduled hearing:

LEGAL NOTICE

The Public Utilities Commission of Ohio has scheduled a public hearing in Case No. 13-1226-RR-RCP, on a request for an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at grade crossing AARDOT No. 503327N, located on State Route 7 (Grant Avenue) in Martins Ferry, Belmont County, Ohio.

The purpose of the hearing will be to take public comment regarding the exemption request. The hearing will be held on July 15, 2013, 11:00 a.m., at the Martins Ferry Public Library, 20 S. 5<sup>th</sup> Street, Martins Ferry, Ohio 43935. 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).

- (5) 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 June 28, 2013.

It is, therefore,

ORDERED, That Commission staff file a report of investigation as set forth in Finding (2). It is, further,

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 (5).

ORDERED, That a copy of this entry be served by certified and regular mail on Norfolk Southern Railway Company, and by regular mail on the ODOT District 11 Railroad Coordinator, Superintendent of Martins Ferry City Schools, Mayor of the City of Martins Ferry, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**5/31/2013 8:45:04 AM**

**in**

**Case No(s). 13-1226-RR-RCP**

Summary: Attorney Examiner Entry orders Commission staff to file report of investigation as set forth in Finding (2), orders a hearing be held as set forth in Finding (3), orders the Secretary of the Commission cause publication of the legal notice in accordance with Finding (4), and orders comments on the exemption request be filed as set forth in Finding (5). - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio