

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petition of CSX)
Transportation, Inc. to Close to Vehicular)
Traffic the Shore Road (TR 41) Crossing,) Case No. 02-3052-RR-UNC
DOT/AAR No. 142031R, Located Near Sterling)
in Wayne County, Ohio.)

ENTRY

The attorney examiner finds:

- (1) On November 20, 2002, CSX Transportation, Inc. (CSXT) filed a petition for closure of the Shore Road (TR 41) crossing, designated as DOT/AAR No. 142031R, and located near Sterling, Milton Township, Wayne County, Ohio. In its petition, CSXT contends, among other factors, that the crossing is redundant and can be closed without undue inconvenience to the public or impact on emergency responders.
- (2) Petitions for closure of railroad crossings outside municipal corporations are governed by Section 4907.475, Revised Code. This section requires that in order to grant the petition for closure the Commission must find that there is not a demonstrable need for the crossing to exist.
- (3) To assist the Commission in making that determination, Commission staff filed on February 26, 2003 an investigation report reviewing the elements the Commission is required to consider in making its determination under Section 4907.475, Revised Code. Those items include:
 - (a) The daily vehicular and train traffic at the crossing to be closed;
 - (b) the daily vehicular and train traffic at any alternative crossings;
 - (c) the daily increase in vehicular traffic at alternate crossings resulting from the proposed closure;
 - (d) the nature of the roadway at any alternate crossing;
 - (e) the total number of crossings within one linear mile of the crossing proposed to be closed;
 - (f) the type of advance warning devices at any alternate crossing;

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- (g) the sight distance at any alternate crossings, including any permanent obstruction affecting distance of view;
 - (h) the impact of the closure on vehicular traffic, emergency vehicles, commercial enterprises, and any other factors pertinent to municipal corporations or other populated areas; and
 - (i) any other factor that the Commission determines appropriate.
- (4) Section 4907.475, Revised Code, also provides that a hearing on the petition be held in the county where the crossing is located and that notice of the hearing be provided through publication once a week for three consecutive weeks prior to hearing in a newspaper of general circulation in the county. Accordingly, a hearing on this matter should be held on April 29, 2003 at 6:00 p.m. at Sterling Elementary, 13323 Kauffman Avenue, Sterling, Ohio 44276.
- (5) The Secretary of the Commission should cause publication of the legal notice of the hearing in a newspaper of general circulation in Wayne County, Ohio once a week for three consecutive weeks prior to the scheduled hearing. The notice should read as follows:

Legal Notice

The Public Utilities Commission of Ohio (PUCO) has scheduled a hearing in the matter of a request by CSX Transportation, Inc. to close to vehicular traffic the highway grade crossing at Shore Road (TR 41) near Sterling, Wayne County, Ohio. The PUCO case number of this proceeding is 02-3052-RR-UNC. The hearing will be held on April 29, 2003, at 6:00 p.m. at Sterling Elementary, 13323 Kauffman Avenue, Sterling, Ohio 44276. Further information may be obtained by contacting the PUCO at 180 East Broad Street, Columbus, Ohio 43215-3793, viewing the PUCO's web page at <http://www.PUCO.ohio.gov> or contacting the PUCO's Consumer Hotline at 1-800-686-7826. The hearing impaired can reach the PUCO via TTY-TDD at 1-800-686-1570 or in Columbus at 486-8180. Participants in the proceeding may request a sign language interpreter by calling the PUCO's Consumer Hotline at any of the numbers listed above at least 48 hours before the hearing.

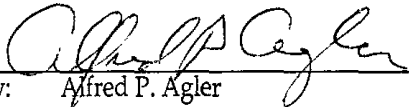
It is, therefore,

ORDERED, That this matter be scheduled for hearing as set forth in Finding (4). It is, further,

ORDERED, That the Secretary of the Commission cause publication of the legal notice in accordance with Finding (5). It is, further,

ORDERED, That a copy of this entry, the petition and staff's report be served upon CSX Transportation, Inc., and its counsel; Wayne County Board of Commissioners, Wayne County Engineer, Milton Township (Wayne County) Trustees, and The Ohio Rail Development Commission.

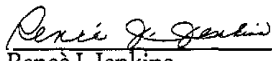
THE PUBLIC UTILITIES COMMISSION OF OHIO

By: 
Alfred P. Agler
Attorney Examiner

/vrm 

Entered in the Journal

MAR 11 2003


Renee J. Jenkins
Secretary