

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Request for an Exemption)
From Stopping for School Buses and Other)
Motor Vehicles at the Woodland Avenue) Case No. 09-958-RR-RCP
Grade Crossing (919-867L), in the City of)
Columbus, Ohio.)

ENTRY

The Commission finds:

- (1) On October 15, 2009, Wye Transportation Corporation (Wye) filed a request for a temporary exemption for school buses from stopping at a grade crossing located at Woodland Avenue (919-867L) in the city of Columbus, Ohio. According to Wye, it is the owner of the railroad crossing, the rail spur at the crossing is currently severed from the connecting rail line, and the track has been paved over where it crosses Woodland Avenue. Wye further states that, because parts of the automated upright gate posts are visible, school buses traveling on Woodland Avenue are required to stop and check for a train before proceeding. Wye explained that it seeks a temporary exemption, and not a formal abandonment of the rail crossing, as it intends in the near future to rebuild the entire spur, which includes installing full signal gates at grade crossing 919-867L.
- (2) Section 4911.63, Revised Code, provides that, except as provided in division (B) of this section, any bus, school vehicle, or vehicle transporting a hazardous material must "stop, look, and listen" at a railroad crossing. Division (B) of Section 4911.63, Revised Code, provides that this section does not apply at grade crossings when the Public Utilities Commission has approved an exempt crossing. Division (B)(1) of the same section states that any local authority may file an application with the Commission requesting the approval of an exempt crossing. On October 30, 2009, the city of Columbus filed a request for an exemption at the Woodland Avenue crossing to allow school buses to proceed without stopping at the crossing. The city further stated that it supports the request filed by Wye on October 15, 2009.

- (3) By entry of November 4, 2009, a hearing on Wye's request for exemption was scheduled for December 8, 2009, and the Docketing Division was directed to publish notice of the hearing.
- (4) On November 12, 2009, at the behest of the city of Columbus Wye filed an amended request, seeking as an alternative to a temporary exemption, permission to remove the remaining light and gate mechanism on the west side of the road. Wye states that because parts of the crossing protection are visible, school buses continue to stop and check for trains and that these unnecessary stops constitute a safety hazard. In its amended request, Wye reiterates it plans to rebuild the rail spur, and confirms that upon doing so it would rebuild the Woodland Avenue grade crossing to the required standard. Wye also requests that it be authorized to remove the remaining crossing protection without a hearing.
- (5) On November 13, 2009, Commission staff filed a report recommending approval of Wye's amended request. In its report, staff notes that the track at the Woodland Avenue grade crossing has been removed through the roadway, and no pavement markings or advance warning signs exist at the crossing. Staff further states that there is no warning device on the east side of the grade crossing and there is a non-functioning light and gate assembly on the west side of the grade crossing which is partially overgrown.
- (6) Section 4907.49, Revised Code, provides that no mechanical grade crossing warning device may be abandoned or removed without the consent of the Commission.
- (7) Based upon review of staff's report of investigation and Wye's request, the Commission finds that Wye's request for an exemption from stopping should be dismissed and that Wye's request for permission to remove the light and gate mechanism located on the west side of the Woodland Avenue grade crossing is reasonable and should be granted. Because this case presents unique circumstances, as the railroad tracks at the Woodland Avenue grade crossing have been removed, we find that there is no need to conduct a public hearing. Accordingly, Wye is directed to remove the non-functioning light and gate assembly as soon as is practicable and to file a notice in this

docket after completing removal. Upon notice from Wye, staff should insure that all crossing protection has been removed from the Woodland Avenue grade crossing.

- (8) In addition, if Wye seeks to restore rail service across the Woodland Avenue grade crossing in the future, it should file a petition with the Commission and serve a copy of its request upon the City of Columbus.

It is, therefore,

ORDERED, That the requests by Wye and the city of Columbus for an exemption from stopping be dismissed. It is, further,

ORDERED, That the December 8, 2009 hearing is cancelled and that the Docketing Division no longer publish notice of the December 8, 2009 hearing. It is, further,

ORDERED, That Wye's amended request to remove the light and gate mechanism on the west side of the Woodland Avenue grade crossing is granted. It is, further,

ORDERED, That Wye file a notice in this docket upon completion of the removal of the light and gate mechanism. It is, further,

ORDERED, That a copy of this entry be served on the Wye Transportation Company, the city of Columbus, and all other interested parties of record.

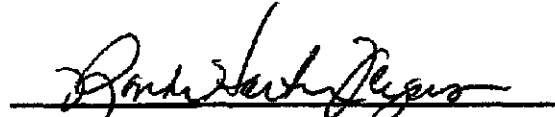
THE PUBLIC UTILITIES COMMISSION OF OHIO



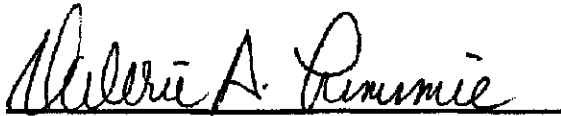
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie



Cheryl L. Roberto

HPG/vrm

Entered in the Journal

NOV 24 2005



Renee J. Jenkins
Secretary