

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Request for an)
Exemption by Oak Hill Union Local)
Schools from Stopping for School Buses)
at Certain Highway/Railroad Grade) Case No. 11-5675-RR-RCP
Crossings Located within the Village of)
Oak Hill, Jackson County, Ohio, and)
within Jefferson Township and Madison)
Township, Jackson County, Ohio.)

ENTRY

The attorney examiner finds:

- (1) On November 7 and 8, 2011, Superintendent Michael McCoy of Oak Hill Union Local Schools filed letters requesting, pursuant to Section 4511.63, Revised Code, an exemption for school buses from stopping at 22 grade crossings within the village of Oak Hill, as well as within Jefferson Township and Madison Township, located in Jackson County, Ohio. Mr. McCoy asserted that although the crossings had been unused for many years, school bus drivers are still required to stop at each crossing, and that drivers following the school buses do not anticipate that the buses will be stopping.
- (2) By entry issued December 1, 2011, the attorney examiner scheduled a December 16, 2011, public hearing. In addition, the entry directed that any interested person may file comments on the exemption request by December 13, 2011.
- (3) The public hearing was conducted as scheduled on December 16, 2011. Subsequently, on December 20, 2011, Marion Hall, Assistant to the President of U S Rail Corporation (U S Rail), filed a letter objecting to the exemption request. Mr. Hall contends that U S Rail tracks in the Oak Hill area were in use on August 4 and 8, 2011, delivering materials to JVC Metals. Mr. Hall adds that U S Rail plans track restoration and crossing maintenance during 2012, including restoration of the track to the Ohio River for transportation of raw materials. Finally, Mr. Hall expresses concern that safety would be compromised if the exemption sought by Mr. McCoy is granted, given U S Rail's anticipated track improvements and the eventual increased rail traffic. Mr. Hall emphasized that U S Rail will ask for the Commission's assistance

in implementing sufficient safety measures and will publicize anticipated increased traffic through local media and public appearances.

- (4) Given the statements made in the December 16, 2011, letter filed by U S Rail, the attorney examiner finds good cause for an evidentiary hearing. Accordingly, an evidentiary hearing shall be held on February 24, 2012, at 10:00 a.m. in Hearing Room 11-D, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. At the evidentiary hearing, U S Rail will be given the opportunity to present evidence supporting its opposition to the exemption request, and Commission staff will be present to answer any questions related to the staff report of investigation filed on December 2, 2011.
- (5) Pursuant to Rule 4901-1-8(A), Ohio Administrative Code (O.A.C.), as a corporation, U S Rail must be represented at the evidentiary hearing by an attorney-at-law.
- (6) Any party intending to present direct, expert testimony shall comply with Rule 4901-1-29(A)(1)(j), O.A.C., which requires that all such testimony to be offered in this type of proceeding be filed and served upon the parties no later than seven days prior to the commencement of the hearing.

It is, therefore,

ORDERED, That the evidentiary hearing be held as set forth in Finding (4). It is, further,

ORDERED, That U S Rail be represented at the evidentiary hearing by an attorney-at-law, as set forth in Finding (5).

ORDERED, That any party intending to present expert testimony comply with Finding (6). It is, further,

ORDERED, That a copy of this entry be served by certified and regular mail on U.S. Rail Corporation, and by regular mail on Oak Hill Union Local Schools, city of Jackson, ODOT District 9, Oak Hill Union Local Schools, Jefferson Township Trustees, Madison Township Trustees, village of Oak Hill, all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: James M. Lynn
James M. Lynn
Attorney Examiner

gdg
/dah

Entered in the Journal

JAN 17 2012

Betty McCauley
Betty McCauley
Secretary