

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petition of)
CSX Transportation, Inc. to Close to)
Vehicular Traffic the Bloominggrove/New) Case No. 14-379-RR-UNC
Winchester Road Grade Crossing (DOT)
No. 262042J), Located in Washington)
Township, Morrow County, Ohio.)

ENTRY

The attorney examiner finds:

- (1) On March 7, 2014, CSX Transportation, Inc. (CSX) filed a petition to close the Bloominggrove/New Winchester Road grade crossing (DOT No. 262-042J), located in Washington Township, Morrow County, Ohio. The crossing is also known as Crawford-Morrow County Line Road because it is located on the county line between Crawford and Morrow counties.
- (2) By Entry issued April 4, 2014, interested persons were invited to file comments in response to the CSX petition by April 30, 2014.
- (3) On April 30, 2014, Morrow County filed a response to CSX's petition requesting that the Commission deny the petition. Morrow County asserts that closing the crossing will limit residents' access to their properties, will reduce access to properties by fire and rescue services, and will inconvenience mail carriers. Additionally, Morrow County claims that CSX routinely stops trains at the crossing and that CSX intends to use the crossing as a siding, which is not a proper reason to close a crossing pursuant to R.C. 4907.475.
- (4) On May 2, 2014, the Board of Crawford County Commissioners (Crawford County) also filed a response to CSX's petition requesting that the Commission deny the petition. Crawford County asserts that the crossing is used as an avenue of exit during high school cross country events, that the crossing is necessary to maintain availability of emergency services, and that Crawford County will bear the burden of increased traffic as a result of closing the crossing.

- (5) R.C. 4907.475 provides that a public hearing on a petition to close a grade crossing on a road or highway other than a state highway, which is located outside the limits of a municipal corporation, shall be held within the county in which 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 in which the crossing is located.
- (6) Because the location of the grade crossing at issue in this case is located on the county line between Crawford and Morrow counties, the attorney examiner finds it appropriate to hold public hearings in both Crawford and Morrow counties. Accordingly, two public hearings should be held on July 15, 2014. The first public hearing will be held at 3:00 p.m., on July 15, 2014, at 72 West High Street, Mt. Gilead, Ohio 43338. The second public hearing will be held at 6:00 p.m., on July 15, 2014, at the Galion City Hall Council Chambers, 301 Harding Way East, Galion, Ohio 44833.
- (7) The secretary of the Commission should cause publication of the following notice, once a week for three consecutive weeks in a newspaper of general circulation in both Morrow County, Ohio, and Crawford County, Ohio:

NOTICE

The Public Utilities Commission of Ohio has scheduled public hearings on the petition of CSX Transportation Inc.'s petition to close to vehicular and pedestrian traffic the Bloomingrove/New Winchester Road grade crossing located in Washington Township, Morrow County, Ohio. The hearings will be held on July 15, 2014, in both Morrow and Crawford counties. The first public hearing will be held at 3:00 p.m., on July 15, 2014, at 72 West High Street, Mt. Gilead, Ohio 43338. The second public hearing will be held at 6:00 p.m., on July 15, 2014, at the Galion City Hall Council Chambers, 301 Harding Way East, Galion, Ohio 44833. Any person interested in providing testimony should be

prepared to indicate why there is or is not a demonstrable need for the crossing. Additional information may be obtained by contacting the Public Utilities Commission of Ohio at 180 East Broad Street, Columbus, Ohio 43215-3793; viewing the Commission's web page at <http://www.puc.state.oh.us>; or contacting the Commission's Hotline at 1-800-686-7826.

- (8) The attorney examiner will schedule an evidentiary hearing by subsequent entry. At the evidentiary hearing, CSX will be expected to present evidence and witnesses in support of its petition. In addition, at the evidentiary hearing, Morrow and Crawford counties will be permitted to present into the record any expert witnesses and evidence that it deems necessary.

It is, therefore,

ORDERED, That a local public hearing be held on July 15, 2014, at 3:00 p.m., at 72 West High Street, Mt. Gilead, Ohio 43338. It is, further,

ORDERED, That a local public hearing be held on July 15, 2014, at 6:00 p.m., at the Galion City Hall Council Chambers, 301 Harding Way East, Galion, Ohio 44833. It is, further,

ORDERED, That the secretary of the Commission cause publication of the notice in accordance with Finding (7). It is, further,

ORDERED, That a copy of this Entry be served upon the Ohio Rail Development Commission, CSX and its counsel, the Morrow County Prosecuting Attorney, the Board of the Crawford County Commissioners, and any interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Scott E. Farkas

By: Scott E. Farkas
Attorney Examiner

JRJ/sc

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in

Case No(s). 14-0379-RR-UNC

Summary: Attorney Examiner Entry scheduling public hearings in accordance with Finding (6). - electronically filed by Sandra Coffey on behalf of Scott Farkas, Attorney Examiner, Public Utilities Commission of Ohio