

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petition of )  
CSX Transportation, Inc. to Close to )  
Vehicular Traffic the Bloomingrove/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 Bloomingrove/New Winchester Road (Bloomingrove-NW Road Crossing) grade crossing (DOT No. 262042J), which is located between Morrow County and Crawford County.
- (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 county residents' access to their properties, will reduce access to properties by fire and rescue services, and will inconvenience mail carriers. Additionally, Morrow County avers 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 the 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) Pursuant to R.C. 4907.475, the Commission must hold 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, and shall hold the hearing within the county in which the crossing is located. Because of the nature of this crossing, public hearings were held in both Morrow and Crawford counties on July 15, 2014.
- (6) On November 17, 2014, CSX filed a motion for a prehearing conference pursuant to Ohio Adm.Code 4901-1-26(A)(1-7) for parties to determine an appropriate date for hearing in this matter. Additionally, CSX represents that a prehearing conference will be beneficial in resolving remaining discovery issues, will help identify witnesses and exhibits to be presented at hearing, and will assist in resolving any other remaining issues before a hearing is held. CSX requests that the prehearing conference be scheduled for the month of December and that the hearing be scheduled for the week of January 19. CSX notes that it has other matters previously scheduled during the other weeks of January 2015.
- (7) The attorney examiner finds that CSX's motion for a prehearing conference should be granted, and that a prehearing teleconference should be scheduled for January 19, 2015, at 10:00 a.m. At that time, parties wishing to participate in the prehearing teleconference should dial-in at (866) 209-2820 and use conference code 7956949825#.

It is, therefore,

ORDERED, That a prehearing teleconference be scheduled for January 19, 2015, at 10:00 a.m., 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/Bryce McKenney

By: Bryce A. McKenney  
Attorney Examiner

JRJ/sc

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

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

Summary: Attorney Examiner Entry scheduling a prehearing teleconference for 01/19/2015, at 10:00 a.m. in accordance with finding (7). - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio