

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request for an)
Exemption from the Requirement for)
Commercial Motor Vehicles Carrying) Case No. 15-1056-RR-RCP
Hazardous Materials to Stop at the State)
Route 39 Grade Crossing (510-705Y),)
Located in Columbiana County.)

ENTRY

The Commission finds:

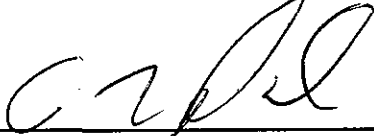
- (1) On June 3, 2015, Marathon Petroleum Company (Marathon) filed a request for an exemption from the requirement for commercial motor vehicles carrying hazardous materials to stop at the State Route 39 grade crossing (510-705Y), located in East Liverpool, Columbiana County, Ohio. According to Marathon, Norfolk Southern Railway has indicated that this crossing is non-operational.
- (2) R.C. 4511.63 provides that, except where the Commission has granted an exemption, vehicles transporting a material that is required to be placarded under 49 C.F.R. Parts 100-185, must stop before crossing at grade any track of a railroad. This section also provides that any local highway authority (LHA) may file an application with the Commission requesting approval of an exempt crossing. In this case, the exemption request was filed by Marathon, and not the LHA, which is the city of East Liverpool.
- (3) By Entry issued June 5, 2015, the attorney examiner recommended that the exemption request be denied and this case be closed if no such request was filed by the city of East Liverpool by July 30, 2015. The Entry was served on Marathon, the city of East Liverpool, and NS. To date, no such exemption request has been filed.
- (4) The Commission finds that, as the LHA has the responsibility to file an exemption request pursuant to R.C. 4511.63, and no such request was made by the LHA in this case, the exemption request filed in this case should be denied.

It is, therefore,

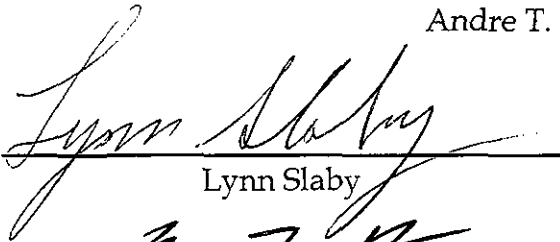
ORDERED, That Marathon's exemption request be denied and that this case be closed of record. It is, further,

ORDERED, That a copy of this Entry be served on Marathon, the city of East Liverpool, and all other interested persons of record.

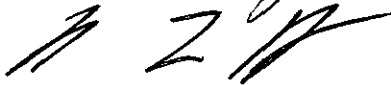
THE PUBLIC UTILITIES COMMISSION OF OHIO



Andre T. Porter, Chairman



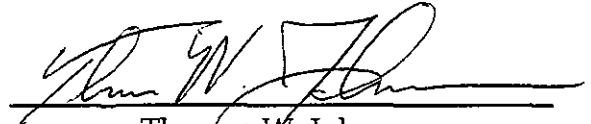
Lynn Slaby



Asim Z. Haque



M. Beth Trombold

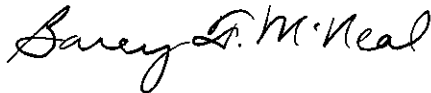


Thomas W. Johnson

CSO/SEF/sc

Entered in the Journal

AUG 26 2015



Barcy F. McNeal
Secretary