

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petition of Ohi-Rail)
Corp. to Close to Vehicular Traffic the W.)
Plain Street Grade Crossing (DOT No.) Case No. 15-1714-RR-UNC
503425E), Located in the Village of)
Minerva, Ohio, Carroll County.)

ENTRY

The attorney examiner finds:

- (1) Petitions for closure of railroad crossings are governed by R.C. 4907.474 and 4907.475. Pursuant to these sections, in order to grant a closure petition, the Commission must find that there is no demonstrable need for the crossing to exist.
- (2) On October 2, 2015, Ohi-Rail Corp (OHIC) filed a petition to close the W. Plain Street grade crossing (DOT No. 503425E), located in the village of Minerva, Ohio, within Carroll County.
- (3) On November 18, 2015, an Entry was issued scheduling a December 17, 2015, public hearing in this matter. The public hearing was conducted as scheduled. The Entry also indicated that an evidentiary hearing would be scheduled by subsequent Entry.
- (4) Accordingly, an evidentiary hearing shall be scheduled for March 29, 2016, at 1:00 p.m. in Hearing Room 11-D at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. At the hearing, OHIC will be expected to present relevant evidence and witnesses in support of its petition. In addition, the village of Minerva will be permitted to present into the record relevant expert witness testimony and evidence it deems necessary.
- (5) Any party intending to present direct, expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.

It is, therefore,

ORDERED, That an evidentiary hearing be held on March 29, 2016, at 1:00 p.m. in Hearing Room 11-D at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That any party intending to present expert testimony comply with Finding (5). It is, further,

ORDERED, That a copy of this Entry be served on the administrator of the village of Minerva, the Ohio Rail Development Commission, OHIC and its counsel, and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn
Attorney Examiner

JRJ/sc

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in

Case No(s). 15-1714-RR-UNC

Summary: Attorney Examiner Entry scheduling an evidentiary hearing in accordance with Finding (4) and directing any party intending to present expert testimony to comply with Finding (5). - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio