

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR AN EXEMPTION BY THE MAHONING COUNTY ENGINEER FROM STOPPING FOR SCHOOL BUSES AND HAZARDOUS MATERIALS VEHICLES AT THE PALMYRA ROAD/COUNTY ROAD 136 CROSSING (DOT #501481H) LOCATED IN MAHONING COUNTY, OHIO.

CASE No. 16-1216-RR-RCP

IN THE MATTER OF A REQUEST FOR AN EXEMPTION BY THE MAHONING COUNTY ENGINEER FROM STOPPING FOR SCHOOL BUSES AND HAZARDOUS MATERIALS VEHICLES AT THE SOUTH DUCK CREEK ROAD/COUNTY ROAD 53 CROSSING (DOT #502475E) LOCATED IN MAHONING COUNTY, OHIO.

CASE No. 16-1217-RR-RCP

IN THE MATTER OF A REQUEST FOR AN EXEMPTION BY THE JACKSON TOWNSHIP TRUSTEES FROM STOPPING FOR SCHOOL BUSES AND HAZARDOUS MATERIALS VEHICLES AT THE BLOTT ROAD/TOWNSHIP ROAD 160 CROSSING (DOT #544985Y) LOCATED IN MAHONING COUNTY, OHIO.

CASE No. 16-1365-RR-RCP

ENTRY

Entered in the Journal on June 14, 2016

{¶ 1} R.C. 4511.63 provides that, except where the Commission has granted an exemption, any bus, school vehicle, or vehicle transporting a material that is required to be placarded pursuant to 49 C.F.R. Parts 100-185 must stop before crossing at grade any railroad track. This section also provides that any local highway authority (LHA) may file an application with the Commission requesting approval of an exempt crossing.

{¶ 2} On May 31, 2016, Patrick Ginnetti, Engineer for Mahoning County, the LHA, filed letters pursuant to R.C. 4511.63, requesting an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at the Palmyra

Road/County Road 136 (DOT#502481H) and South Duck Creek Road/County Road 53 (DOT#502475E) crossings in Mahoning County. Mr. Ginnetti noted that both roads are two lanes, with a speed limit of 40 miles per hour on Palmyra Road, and no posted speed limit on South Duck Creek Road. He added that the tracks have been paved over on both roads, and emphasized that exempting the crossing will reduce safety hazards for school buses and hazardous materials vehicles by eliminating the need to stop.

{¶ 3} On June 13, 2016, Alan Hemphill, Chairman of the Jackson Township Trustees, the LHA, filed a letter pursuant to R.C. 4511.63, requesting an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at the Blott Road/Township Road 160 (DOT#544985Y) crossing in Mahoning County. Mr. Hemphill explained that Blott Road is two lanes, with a speed limit of 40 miles per hour, and contends that exempting the crossing would result in better safety for school buses and certain vehicles carrying hazardous materials, as the need to stop would be eliminated.

{¶ 4} Accordingly, the attorney examiner finds that Staff should file a report of investigation regarding the requests by June 29, 2013.

{¶ 5} Further, the attorney examiner finds that, in order for the public to have an opportunity to comment on the exemption requests, a local hearing should be scheduled. Accordingly, a public hearing on this matter should be held on Thursday, July 14, 2016, at 12:30 p.m. at the Jackson Township Hall, 10613 Mahoning Avenue, North Jackson, Ohio 44451-0400.

{¶ 6} The secretary of the Commission should cause publication of the following legal notice in a newspaper of general circulation in Mahoning County, Ohio, one time, not less than seven days prior to the scheduled hearing:

LEGAL NOTICE

The Public Utilities Commission of Ohio has scheduled a public hearing in Case Nos. 16-1216-RR-RCP, 16-1217-RR-RCP, and 16-1365-RR-RCP regarding requests for exemptions for school buses and motor vehicles carrying certain hazardous materials from stopping at the Palmyra Road/County Road 136 (DOT#502481H), South Duck Creek Road/County Road 53 (DOT#502475E), and Blott Road/Township Road 160 (DOT#544985Y) grade crossings, which are located in Mahoning County, Ohio.

The purpose of the hearing will be to take public comment regarding the exemption requests. The hearing will be held on Thursday, July 14, 2016, at 12:30 p.m. at the Jackson Township Hall, 10613 Mahoning Avenue, North Jackson, Ohio 44451-0400. For additional information regarding this matter, contact the Commission's Hotline at 1-800-686-7826. The hearing impaired can reach the Commission by dialing 7-1-1 (Ohio Relay Service).

{¶ 7} Pursuant to R.C. 4511.63, the Commission shall authorize a limited period for the filing of comments by any interested person regarding the exemption request. Therefore, any interested person may file comments on the exemption request by June 29, 2016.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That Commission staff file a report of investigation as set forth in Paragraph 4. It is, further,

{¶ 10} ORDERED, That a hearing be held in this case as set forth in Paragraph 5. It is, further,

{¶ 11} ORDERED, That the Secretary of the Commission cause publication of the legal notice in accordance with Paragraph 6. It is, further,

{¶ 12} ORDERED, That comments on the exemption request be filed as set forth in Paragraph 7. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served by certified and regular mail on Norfolk Southern Railway, and by regular mail on the Mahoning County Engineer, Transportation Supervisor of Jackson-Milton School District, Jackson Township Trustees, Ellsworth Township Trustees, Berlin Township Trustees, Milton Township Trustees, and all other 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). 16-1216-RR-RCP, 16-1217-RR-RCP, 16-1365-RR-RCP

Summary: Attorney Examiner Entry directing Commission staff to file a report of investigation set forth in Paragraph 4, scheduling hearing set forth in Paragraph 5, directing the Secretary of the Commission to cause publication of the legal notice in accordance with Paragraph 6, and directing that the comments on the exemption request be filed as set forth in Paragraph 7. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio