

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST FOR AN
EXEMPTION BY PROVIDENCE TOWNSHIP
FROM STOPPING FOR SCHOOL BUSES AND
HAZARDOUS MATERIALS VEHICLES AT FIVE
TOLEDO LAKE ERIE & WESTERN RAILROAD
CROSSINGS IN LUCAS COUNTY, OHIO.

CASE NO. 16-1419-RR-RCP

ENTRY

Entered in the Journal on June 22, 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 June 20, 2016, Ken Biller, Providence Township Road Superintendent, filed a request, pursuant to R.C. 4511.63, for an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at the following five Toledo Lake Erie & Western Railroad crossings within Providence Township in Lucas County:

- | | | | |
|-----|--------------|-------------|---------|
| (a) | 475255J TLEW | Bailey Rd. | Tr. 145 |
| (b) | 475258E TLEW | Pollock Rd. | Tr. 147 |
| (c) | 475262U TLEW | Patton Rd. | Tr. 148 |
| (d) | 475264H TLEW | Hartman Rd. | Tr. 113 |
| (e) | 475265P TLEW | Yawberg Rd. | Tr. 112 |

{¶ 3} In support of this request, Mr. Biller attached a letter from Adam Koch, Superintendent, and Eva Vasher, Director of Transportation for the Otsego Local Schools requesting that Providence Township petition for the exemption as the Toledo Lake Erie & Western Railroad tracks are no longer in use. The requested exemptions would reduce

safety hazards for school buses and the public which are currently required to stop over 30 times per day at these crossings.

{¶ 4} Accordingly, the attorney examiner finds that Staff should file a report of investigation regarding the request by July 14, 2016.

{¶ 5} Further, the attorney examiner finds that, in order for the public to have an opportunity to comment on the exemption request, a local hearing should be scheduled for Thursday, July 21, 2016, at 1:30 p.m. at the Providence Township Hall, 13257 Perry Road, Grand Rapids, Ohio 43522.

{¶ 6} The secretary of the Commission should cause publication of the following legal notice in a newspaper of general circulation in Lucas 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 No. 16-1419-RR-RCP, regarding the request of Providence Township for exemptions for school buses and motor vehicles carrying certain hazardous materials from stopping at five Toledo Lake Erie & Western Railroad Crossings on Bailey, Pollock, Patton, Hartman, and Yawberg Roads, located in Lucas County, Ohio.

The purpose of the hearing will be to take public comment regarding the exemption request. The hearing will be held on Thursday, July 21, 2016, at 1:30 p.m. at the Providence Township Hall, 13257 Perry Road, Grand Rapids, Ohio 43522. 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, any interested person may file comments on the exemption request by July 20, 2016.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That Commission Staff file a report of investigation by July 14, 2016. It is, further,

{¶ 10} ORDERED, That a hearing of this matter be scheduled for July 21, 2016, at 1:30 p.m. at the Providence Township Hall, 13257 Perry Road, Grand Rapids, Ohio 43522. 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 by July 20, 2016. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served by certified and regular mail on Toledo Lake Erie & Western Railroad and Museum Inc., 14745 Saylor Ln, Grand Rapids, Ohio 43522 and P.O. Box 168, Waterville, Ohio 43566; and by regular mail on Providence Township, 13257 Perry Road, Grand Rapids, Ohio 43522, Otsego Local Schools, P.O. Box 290, Tontogany, Ohio 43565, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Richard M. Bulgrin

By: Richard M. Bulgrin
Attorney Examiner

jrj/vrm

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in

Case No(s). 16-1419-RR-RCP

Summary: Attorney Examiner Entry scheduling a hearing for July 21, 2016, at 1:30 p.m.; electronically filed by Vesta R Miller on behalf of Richard M. Bulgrin, Attorney Examiner, Public Utilities Commission of Ohio