

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

CASE NO. 16-1549-RR-RCP

ENTRY

Entered in the Journal on July 11, 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 July 11, 2016, a resolution approved by the Lucas County Commissioners was filed, requesting an exemption, pursuant to R.C. 4511.63, for school buses and motor vehicles carrying certain hazardous materials from stopping at the Toledo Lake Erie & Western Railroad (Blue Bird Line) crossings at Grand Rapids Road (CR# 1577), Ludwig Road (CR #1576), Jeffers Road (CR #111), Heller Road (CR #151), Box Road (CR #146), Hertzfeld Road (CR #221), and Neowash Road (CR #143) within Providence and Waterville Townships in Lucas County. The resolution indicates that the request is being made on behalf of the Otsego Local Schools as the Blue Bird Line 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.

{¶ 3} Accordingly, the attorney examiner finds that Staff should file a report of investigation regarding the request by July 21, 2016.

{¶ 4} 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 for Thursday, July 21, 2016, at 1:30 p.m. at the Providence Township Hall, 13257 Perry Road, Grand Rapids, Ohio 43522.

{¶ 5} 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 prior to the scheduled hearing:

LEGAL NOTICE

The Public Utilities Commission of Ohio has scheduled a public hearing in Case No. 16-1549-RR-RCP, regarding the request of the Lucas County Commissioners for exemptions for school buses and motor vehicles carrying certain hazardous materials from stopping at the Toledo Lake Erie & Western Railroad (Blue Bird Line) crossings at Grand Rapids Road (CR# 1577), Ludwig Road (CR #1576), Jeffers Road (CR #111), Heller Road (CR #151), Box Road (CR #146), Hertzfeld Road (CR #221), and Neowash Road (CR #143) within Providence and Waterville Townships in Lucas County.

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).

{¶ 6} Pursuant to R.C. 4511.63, any interested person may file comments on the exemption request by July 21, 2016.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That Staff file a report of investigation by July 21, 2016. It is, further,

{¶ 9} 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,

{¶ 10} ORDERED, That the Secretary of the Commission cause publication of the legal notice in accordance with Paragraph 5. It is, further,

{¶ 11} ORDERED, That comments on the exemption request be filed by July 21, 2016. It is, further,

{¶ 12} 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, OH 43522 and PO 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/dah

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in

Case No(s). 16-1549-RR-RCP

Summary: Attorney Examiner Entry orders Staff file a report of investigation by July 21, 2016; 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; that the Secretary of the Commission cause publication of the legal notice in accordance with Paragraph 5; and that comments on the exemption request be filed by July 21, 2016. Entry electronically filed by Debra Hight on behalf of Richard M. Bulgrin, Attorney Examiner.