

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST BY THE OHIO DEPARTMENT OF TRANSPORTATION, DISTRICT 2, FOR AN EXEMPTION FROM STOPPING FOR SCHOOL BUSES AND HAZARDOUS MATERIALS VEHICLES AT THE STATE ROUTE 295 GRADE CROSSING (DOT#475-261M) LOCATED IN LUCAS COUNTY, OHIO.

CASE NO. 16-1608-RR-RCP

ENTRY

Entered in the Journal on July 29, 2016

{¶ 1} On July 25, 2016, Aaron Behrman, on behalf of the Ohio Department of Transportation, District 2, the local highway authority (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 State Route 295 grade crossing (DOT#475-261M), located in Lucas County, Ohio. According to Mr. Behrman, the crossing is on a two-lane roadway with a speed limit of 55 miles per hour. He states that visual inspection of the crossing shows no signs of activity on the rail line and that the area is overgrown with brush and rails are missing at the crossing. Further, Mr. Behrman asserts that approval of the exemption would increase safety for school buses and certain hazardous materials vehicles by eliminating their need to stop at the crossing.

{¶ 2} R.C. 4511.63 provides that, except where the Commission has granted an exemption, any bus, any school vehicle, or any vehicle 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 LHA may file an application with the Commission requesting approval of an exempt crossing.

{¶ 3} Accordingly, the attorney examiner finds that Staff should file a report of investigation regarding the request by August 19, 2016.

{¶ 4} Further, the attorney examiner finds that, in order for the public to have an opportunity to comment on the exemption request, a local public hearing should be

scheduled. The local public hearing in this matter will be held on September 1, 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, 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. 16-1608-RR-RCP, on a request for an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at the State Route 295 grade crossing (DOT#475-261M), 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 September 1, 2016, at 1:30 p.m., at the Providence Township Hall, 13257 Perry Road, Grand Rapids, Ohio 43522. For additional information regarding this matter, interested persons may 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, 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 August 19, 2016.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That Staff file a report of investigation as set forth in Paragraph 3. It is, further,

{¶ 9} ORDERED, That a hearing be held in this case as set forth in Paragraph 4. 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 as set forth in Paragraph 6. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served by certified and regular mail on Toledo, Lake Erie & Western Railway, and by regular mail on the Ohio Department of Transportation District 2, the Ohio Rail Development Commission, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Kerry Sheets

By: Kerry K. Sheets
Attorney Examiner

jrj/vrm

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in

Case No(s). 16-1608-RR-RCP

Summary: Attorney Examiner Entry setting a hearing for September 1, 2016 at 1:30 p.m.; electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio