

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF A REQUEST BY THE
JEFFERSON COUNTY ENGINEER'S OFFICE
FOR AN EXEMPTION FROM THE
REQUIREMENT UNDER R.C. 4511.63 FOR
SCHOOL BUSES AND HAZARDOUS
MATERIALS VEHICLES TO STOP AT A
GRADE CROSSING LOCATED ON COUNTY
ROAD 75 IN SPRINGFIELD TOWNSHIP,
JEFFERSON COUNTY, OHIO.**

CASE NO. 17-592-RR-RCP

ENTRY

Entered in the Journal on April 5, 2017

{¶ 1} On February 28, 2017, James F. Branagan, Jefferson County Engineer, 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 a grade crossing (identified as DOT#503286L) located on County Road 75, at Milepost 1.75, in Springfield Township, Jefferson County, Ohio. The letter indicates that the rail lines are no longer in use the tracks are overgrown with vegetation, and that the local school district has requested permission to no longer have its drivers stop at this crossing. It also sets forth the opinion that since the crossing is no longer active, safety would be enhanced if buses and hazardous material carrier vehicles were no longer legally required to stop there.

{¶ 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 local authority 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 April 28, 2017.

{¶ 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 Monday, May 1, 2017, at 1:00 p.m., at John Gregg Elementary, 212 County HWY 75A, Bergholz, Ohio 43908.

{¶ 5} The Secretary of the Commission should cause publication of the following legal notice, one time each, not less than seven days prior to the scheduled hearing, in a newspaper of general circulation in Jefferson County, Ohio.

LEGAL NOTICE

The Public Utilities Commission of Ohio has scheduled a public hearing in Case No. 17-592-RR-RCP, on a request for an exemption from the requirement, under R.C. 4511.63, for school buses and motor vehicles carrying certain hazardous materials from stopping at a grade crossing (identified as DOT#503286L) located on County Road 75, at Milepost 1.75, in Springfield Township, Jefferson County, Ohio.

The purpose of the hearing will be to take public comment regarding the exemption request. The hearing will be held on Monday, May 1, 2017, at 1:00 p.m., at John Gregg Elementary, 212 County HWY 75A, Bergholz, Ohio 43908. 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 May 5, 2017.

{¶ 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 Ohi-Rail Corp., and by regular mail on the Jefferson County Engineer's Office, the Ohio Rail Development Commission, Ohio Department of Transportation, Ohio Trucking Association, Ohio State Highway Patrol, the National Tank Truck Carriers, Inc., and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/dah

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/5/2017 2:01:52 PM

in

Case No(s). 17-0592-RR-RCP

Summary: Attorney Examiner Entry ordering Staff to file a report of investigation as set forth in Paragraph 3; that a hearing be held in this case as set forth in Paragraph 4; 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 as set forth in Paragraph 6. Entry electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.