

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST BY THE  
OHIO DEPARTMENT OF TRANSPORTATION  
FOR AN EXEMPTION FROM STOPPING FOR  
SCHOOL BUSES AND HAZARDOUS  
MATERIALS VEHICLES AT THE STATE  
ROUTE 93/ADAMSVILLE ROAD GRADE  
CROSSING IN MUSKINGUM COUNTY.

CASE NO. 17-915-RR-RCP

### ENTRY

Entered In the Journal on May 2, 2017

{¶ 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 April 5, 2017, Douglas Morgan (Mr. Morgan), District 5 Railroad Coordinator for the Ohio Department of Transportation (ODOT), the LHA, filed a letter requesting an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at the State Route 93/Adamsville Road grade crossing (DOT#515009L) in Muskingum County, used by the Zanesville & Western Scenic Railroad (ZWR). Mr. Morgan explained that ODOT has received several complaints from the Crooksville Exempted Village School District stating that, when buses stop at the crossing, collisions have nearly occurred between buses and other vehicles. Mr. Morgan contends that an exemption from stopping will increase safety for passengers on the buses, as well as for the traveling public.

{¶ 3} Accordingly, the attorney examiner finds that Staff should file a report of investigation regarding the request by May 31, 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 hearing should be scheduled. Accordingly, a public hearing on this matter should be held on May 16, 2017, at 1:00 p.m., in the gymnasium of the Avondale Youth Center, 4155 Roseville Road, Zanesville, OH 43701.

{¶ 5} The Secretary of the Commission should cause publication of the following legal notice in a newspaper of general circulation in Muskingum 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. 17-915-RR-RCP regarding a request for exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at the State Route 93/Adamsville Road grade crossing (DOT#515009L) in Muskingum County.

The purpose of the hearing will be to take public comment regarding the exemption request. The hearing will be held on May 16, 2017, at 1:00 p.m., in the gymnasium of the Avondale Youth Center, 4155 Roseville Road, Zanesville, Ohio 43701. 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, 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 16, 2017.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That Commission 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 ZWR, and by regular mail on the ODOT District 5 Railroad Coordinator, the Transportation Supervisor for the Crooksville Exempted Village School District, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**5/2/2017 3:22:39 PM**

**in**

**Case No(s). 17-0915-RR-RCP**

Summary: Attorney Examiner Entry directing staff to file an investigation report as set forth in Paragraph 3, scheduling hearing in accordance with Paragraph 4, directing the Secretary of the Commission cause publication of legal notice in accordance with Paragraph 5, and directing that comments on the exemption request be filed as set forth in Paragraph 6. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio