

## 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 July 13, 2017

{¶ 1} 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.

{¶ 2} 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 Jefferson County Engineer is the local highway authority with jurisdiction over the involved crossing.

{¶ 3} By Entry issued April 5, 2016, the Commission scheduled a public hearing in this case to take place on May 1, 2017, in Bergholz, Ohio. Notice of the hearing was duly sent to Ohi-Rail Corporation, the owner of rail line at the involved crossing. Additionally, notice of the hearing was given in a press release issued by the Commission.

{¶ 4} The hearing took place as scheduled. Three witnesses testified at the May 1, 2017 hearing, all three in support of the exemption request.

{¶ 5} The Entry which scheduled the May 1, 2017 hearing had directed that a legal notice of that hearing should appear in a newspaper of general circulation in Jefferson County, one time, not less than seven days prior to the hearing. However, it has now come to the Commission's attention that newspaper publication of the required legal notice failed to occur as directed. As a result, the hearing testimony that has already been submitted of record at the May 1, 2017 hearing will remain part of the record and will be fully considered by the Commission in this case. Nevertheless, members of the public should now be afforded an additional opportunity, once publication of an appropriate legal notice of the hearing actually occurs, to provide, at a local public hearing, public testimony regarding the exemption request at issue in this case.

{¶ 6} The attorney examiner finds that, in order for the public to have an additional opportunity to comment or testify regarding the pending exemption request, the local public hearing that was held on May 1, 2017, is, hereby, scheduled to continue on July 26, 2017, at 1:00 p.m. at the Jefferson County Engineer's Office, 470 Canton Road (State Route 43), Steubenville, Ohio 43952.

{¶ 7} The Secretary of the Commission should cause publication of the following legal notice to appear, prior to the scheduled continuance of the 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 July 26, 2017, at 1:00 p.m. at the Jefferson County Engineer's Office, 470 Canton Road (State Route 43), Steubenville, Ohio 43952. 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).

{¶ 8} 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 July 26, 2017.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the local public hearing that was held in this case on May 1, 2017, is, hereby, scheduled to continue on July 26, 2017, at 1:00 p.m. at the Jefferson County Engineer's Office, 470 Canton Road (State Route 43), Steubenville, Ohio 43952. It is, further,

{¶ 11} ORDERED, That the Secretary of the Commission cause publication of the legal notice in accordance with Paragraph 7. It is, further,

{¶ 12} ORDERED, That comments on the exemption request be filed as set forth in Paragraph 8. It is, further,

{¶ 13} 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 Fullin

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By: Daniel E. Fullin  
Attorney Examiner

JRJ/sc

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

**Commission of Ohio Docketing Information System on**

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**in**

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

Summary: Attorney Examiner Entry continuing the local public hearing to 07/26/2017 at 1:00 p.m. at the Jefferson County Engineer's Office, 470 Canton Road (State Route 43), Steubenville, Ohio. - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio