

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST BY THE  
MAHONING COUNTY ENGINEER FOR AN  
EXEMPTION FROM STOPPING FOR  
SCHOOL BUSES AND HAZARDOUS  
MATERIALS VEHICLES AT THE DIEHL  
ROAD, BAILEY ROAD, AND ELLSWORTH  
ROAD GRADE CROSSINGS IN  
MAHONING COUNTY.

CASE NO. 18-1114-RR-RCP

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 14, STATE ROUTE  
534, AND THE U.S. ROUTE 224 GRADE  
CROSSINGS IN MAHONING COUNTY.

CASE NO. 18-1278-RR-RCP

### ENTRY

Entered In the Journal on September 27, 2018

{¶ 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 12, 2018, a letter was filed on behalf of the Ellsworth Township Trustees by Bob Durbin, Deputy Engineer for Mahoning County, the LHA. Mr. Durbin requests an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at the Diehl Road (DOT#502480B), Bailey Road (DOT#502476L), and Ellsworth Road (DOT#502479G) grade crossings in Ellsworth Township. Mr. Durbin notes that the Palmyra Road (DOT#502481H) and Duck Creek Road (DOT#502475G) grade crossings, which are immediately north and south of the crossings for which he requests an

exemption, have already been approved for exempt status and the tracks have been paved over.

{¶ 3} On August 13, 2018, Brian Honaker (Mr. Honaker), District 4 Railroad Coordinator for the Ohio Department of Transportation (ODOT), the LHA, filed a letter on behalf of West Branch Local School District and Marlington Local School District. Mr. Honaker requests an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at the State Route 14 (DOT#502470V), State Route 534 (DOT#502473R), and U.S. Route 224 (DOT#502474X) grade crossings in Mahoning County. Mr. Honaker contends that the crossings have “not been in use for several years.” He asserts that an exemption from stopping at the crossings will increase safety for the traveling public.

{¶ 4} On September 4, 2018, Sherri Malloy, Transportation Supervisor for West Branch Local Schools, amended Case No. 18-1278-RR-RCP to add more crossings for exempt consideration. Pursuant to R.C. 4511.63, an exemption request must be submitted by the LHA. Therefore, Ms. Malloy’s request is denied, and the crossings for which she seeks exemption should be indicated in a new exemption request filed by the Mahoning County Engineer.

{¶ 5} Accordingly, the attorney examiner finds that Staff should file a report of investigation regarding the two requests by October 16, 2018.

{¶ 6} 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 October 19, 2018, at 2:30 p.m., at the West Branch High School library, 14277 S. Main Street, Beloit, OH 44609.

{¶ 7} The Secretary of the Commission should cause publication of the following legal notice in a newspaper of general circulation in Mahoning County, 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 Nos. 18-1114-RR-RCP and 18-1278-RR-RCP regarding a request for exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at the Diehl Road (DOT#502480B), Bailey Road (DOT#502476L), Ellsworth Road (DOT#502479G), State Route 14 (DOT#502470V), State Route 534 (DOT#502473R), and U.S. Route 224 (DOT#502474X) grade crossings in Mahoning County.

The purpose of the hearing will be to take public comment regarding the exemption requests. The hearing will be held on October 19, 2018, at 2:30 p.m., in the West Branch High School library, 14277 S. Main Street, Beloit, Ohio 44609. 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).

{¶ 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 October 19, 2018.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That Commission Staff file a report of investigation as set forth in Paragraph 5. It is, further,

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

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

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

{¶ 14} ORDERED, That the request to amend the application in Case No. 18-1278-RR-RCP is denied, as the request was not made by an LHA. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served by certified and regular mail on NS, and by regular mail on the ODOT District 4 Railroad Coordinator, Mahoning County Engineer, Ellsworth Township Trustees, Director of Transportation for West Branch Local Schools, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James Lynn

By: James M. Lynn  
Attorney Examiner

JRJ/hac

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

**Commission of Ohio Docketing Information System on**

**9/27/2018 2:14:00 PM**

**in**

**Case No(s). 18-1114-RR-RCP, 18-1278-RR-RCP**

Summary: Attorney Examiner Entry directing Commission Staff to file a report of investigation, scheduling a local hearing for public comment, publication of legal notice, setting a limited period for filing comments and denying request to amend application electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission