

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST BY THE MAHONING COUNTY ENGINEER FROM STOPPING FOR SCHOOL BUSES AND HAZARDOUS MATERIALS VEHICLES AT COUNTY ROAD CROSSINGS 84, 22, 23, 28, 25, AND 32, AND TOWNSHIP ROAD CROSSINGS 29 AND 30 IN MAHONING COUNTY.

CASE No. 18-1606-RR-RCP

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 COUNTY ROAD 49 CROSSING IN MAHONING COUNTY.

CASE No. 18-1902-RR-RCP

IN THE MATTER OF A REQUEST BY THE VILLAGE OF SEBRING FOR AN EXEMPTION FROM STOPPING FOR SCHOOL BUSES AND HAZARDOUS MATERIALS VEHICLES AT THE NORTH JOHNSON ROAD CROSSING IN MAHONING COUNTY.

CASE No. 19-1488-RR-RCP

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 COUNTY ROAD 11 AND 26 CROSSINGS IN MAHONING COUNTY.

CASE No. 19-1891-RR-RCP

ENTRY

Entered In the Journal on October 24, 2019

{¶ 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 October 18, 2018, on behalf of the West Branch School District in Beloit, Ohio, Bob Durbin (Mr. Durbin) of the Mahoning County Engineer's office filed a letter requesting an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at eight grade crossings in Mahoning County. Mr. Durbin noted that one of the eight crossings is in Smith Township, while another crossing is in Goshen Township, and he had received approval to file the request on behalf of both townships. The letter emphasizes that, presently, school buses must stop at the crossings, even though there is no longer any train traffic, and stopping endangers children on the bus, because other vehicles do not expect the bus to stop. The crossings are at C.R. 84/Alliance Sebring Road (DOT#502462D), C.R. 22/Courtney Road (DOT#502464S), C.R. 23/North 12th Street (DOT#502465Y), C.R. 28/West Middletown Road (DOT#502466F), C.R. 25/Beloit Snodes Road (DOT#502467M), C.R. 32/Western Reserve Road (DOT#502471C), T.R. 29/Smith Goshen Road (DOT#502468U), and T.R. 30/Calla Road (DOT#502469B).

{¶ 3} On February 1, 2019, on behalf of Western Reserve Local School District in Berlin Center, Ohio, Mr. Durbin filed a letter requesting an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at the C.R. 49/Weaver Road (DOT#502477T) grade crossing. Attached was a letter from Douglas McGlynn, Superintendent of Western Reserve Local School District, stating that "the rail line is paved over * * * has not been in use for decades" and asserting that an exemption from stopping " * * * could eliminate potential accidents in the future."

{¶ 4} On June 25, 2019, as amended on October 9, 2019, the village of Sebring filed a letter requesting an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at the North Johnson Road (DOT#502463K) grade crossing.

{¶ 5} On October 11, 2019, Mr. Durbin filed a letter requesting an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at the C.R. 11/Oyster Road (DOT#544765D) and C.R. 26/South Range Road (DOT#544764W) grade crossings.

{¶ 6} Accordingly, the attorney examiner finds that Staff should file a report of investigation regarding the foregoing requests by December 6, 2019.

{¶ 7} Further, the attorney examiner finds that, in order for the public to have an opportunity to comment on the exemption requests, a local hearing should be scheduled. Accordingly, a public hearing on this matter should be held on November 15, 2019, at 12:30 p.m., at West Branch High School, 14277 S. Main Street, Beloit, Ohio 44609.

{¶ 8} The Secretary of the Commission should cause publication of the following legal notice in a newspaper of general circulation in Mahoning 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 Nos. 18-1606-RR-RCP, 18-1902-RR-RCP, 19-1488-RR-RCP, and 19-1891-RR-RCP regarding requests for exemptions for school buses and motor vehicles carrying certain hazardous materials from stopping at the following grade crossings in Mahoning County: C.R. 84/Alliance Sebring Road (DOT#502462D), C.R. 22/Courtney Road (DOT#502464S), C.R. 23/North 12th Street (DOT#502465Y), C.R. 28/West Middletown Road (DOT#502466F), C.R. 25/Beloit Snodes Road (DOT#502467M), C.R. 32/Western Reserve Road (DOT#502471C), T.R. 29/Smith Goshen Road (DOT#502468U), T.R. 30/Calla Road (DOT#502469B), C.R. 49/Weaver Road (DOT#502477T), North Johnson Road (DOT#502463K), C.R.

11/Oyster Road (DOT#544765D) and C.R. 26/South Range Road (DOT#544764W) grade crossings.

The purpose of the hearing will be to take public comment regarding the exemption requests. The hearing will be held on November 15, 2019, at 12:30 p.m., at West Branch High School, 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).

{¶ 9} 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 December 6, 2019.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That Commission staff file a report of investigation as set forth in Paragraph 6. It is, further,

{¶ 12} ORDERED, That a hearing be held in this case as set forth in Paragraph 7. It is, further,

{¶ 13} ORDERED, That the Secretary of the Commission cause publication of the legal notice in accordance with Paragraph 8. It is, further,

{¶ 14} ORDERED, That comments on the exemption request be filed as set forth in Paragraph 9. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served by certified and regular mail on Norfolk Southern Railway, and by regular mail on the Mahoning County Engineer, Village Council of Sebring, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn
Attorney Examiner

JRJ/hac

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in

Case No(s). 18-1606-RR-RCP, 18-1902-RR-RCP, 19-1488-RR-RCP, 19-1891-RR-RCP

Summary: Attorney Examiner Entry ordering the following: Commission staff to file a report of investigation, a local public hearing to be held on November 15, 2019, the Secretary of the Commission cause publication of the legal notice, and comments on the exemption request to be filed by December 6, 2019 electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission