

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
FOR A CROSSING IN MERCER COUNTY,
OHIO.

CASE NO. 22-324-RR-RCP

ENTRY

Entered in the Journal on January 20, 2023

{¶ 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 authority may file an application with the Commission requesting approval of an exempt crossing.

{¶ 2} On April 4, 2022, Randy Diller, the Village Administrator for the Village of Fort Recovery, filed a letter requesting an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at one grade crossing, United States Department of Transportation (DOT) No. 477-072X in Mercer County, owned by RJ Corman Railroad Group, LLC. Mr. Diller explained that the crossing is no longer used, and that eliminating the need for school buses and hazmat vehicles from stopping at the crossing will result in an increase in safety for the traveling public.

{¶ 3} By Entry dated September 7, 2022, the attorney examiner scheduled a public hearing to occur on September 28, 2022. The Entry further directed the publication of notice of the public hearing by the Secretary of the Commission.

{¶ 4} On September 13, 2022, Staff filed its report of investigation in which it recommends granting the requested exemption.

{¶ 5} On September 28, 2022, the public hearing occurred as scheduled, during which three witnesses testified.

{¶ 6} At this time, the attorney examiner finds it appropriate to schedule this matter for another public hearing because the legal notice of the September 28, 2022 public hearing was inadvertently not published pursuant to the Entry on September 7, 2022.

{¶ 7} Accordingly, a public hearing on this matter should be held on February 7, 2023, at 2:00 p.m., at St. Henry Consolidated Local Schools, 391 East Columbus Street, St. Henry, Ohio 45883.

{¶ 8} The Secretary of the Commission should cause publication of the following legal notice in a newspaper of general circulation in Mercer 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. 22-324-RR-RCP regarding a request for exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at a grade crossing (DOT No. 477-072X) in Mercer County.

The purpose of the hearing will be to take public comment regarding the exemption request. The hearing will be held on February 7, 2023, at 2:00 p.m., at St. Henry Consolidated Local Schools, 391 East Columbus Street, St. Henry, Ohio 45883. Further information may be obtained by contacting the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793, viewing the Commission's web page at <http://www.puco.ohio.gov>, or contacting 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} It is, therefore,

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

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

{¶ 12} ORDERED, That a copy of this Entry be served by certified and regular mail on RJ Corman Railroad Group, LLC, by regular mail on the Ohio Department of Transportation, the Mercer County Board of Commissioners, Fort Recovery Local Schools, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Jesse M. Davis

By: Jesse M. Davis
Attorney Examiner

MJA/dmh

**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). 22-0324-RR-RCP

Summary: Attorney Examiner Entry that the attorney examiner finds it appropriate to schedule this matter for another public hearing. Accordingly, a public hearing on this matter should be held on February 7, 2023, at 2:00 p.m., at St. Henry Consolidated Local Schools, 391 East Columbus Street, St. Henry, Ohio 45883 electronically filed by Ms. Donielle M. Hunter on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio