

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF AN EXEMPTION
REQUEST BY THE VILLAGE OF
SUGARCREEK FROM STOPPING FOR
SCHOOL BUSES AND HAZARDOUS
MATERIALS VEHICLES AT THE STATE
ROUTE 39 RAILWAY GRADE CROSSING IN
TUSCARAWAS COUNTY, OHIO.

CASE NO. 22-1066-RR-RCP

ENTRY

Entered in the Journal on March 7, 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 November 16, 2022, Matthew Specht, the Village Administrator of the Village of Sugarcreek, filed a letter requesting an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at a grade crossing (DOT No. 474-267A) in the Village of Sugarcreek, Tuscarawas County, owned by Ohio Central Railroad, Inc. According to the letter, the grade crossing traverses State Route 39, a two-lane highway. Mr. Specht states that this crossing has not been used by any rail traffic for many years other than by the Belden Brick Company, which has plants on opposite sides of State Route 39 and the grade crossing. Mr. Specht submits that the grade crossing is located 0.32 miles west of the local high school and that school buses travel this route multiple times a day. Further, he states that the grade crossing is located 0.41 miles east of the State Route 93 intersection, which brings a large volume of truck traffic through the grade crossing. Mr. Specht believes that a safety issue exists for traffic traveling east and west on State Route 39 since the grade crossing is located at the low point between two hills. Mr. Specht notes that a few vehicle crashes have occurred due to stopping at the grade crossing.

{¶ 3} The attorney examiner finds that Staff should file a report of investigation regarding the request by April 12, 2023.

{¶ 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 April 18, 2023, at 2:00 p.m., at the Sugarcreek Village Hall, 410 South Broadway Street, Sugarcreek, Ohio 44681.

{¶ 5} The Secretary of the Commission should cause publication of the following legal notice in a newspaper of general circulation in Tuscarawas 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. 22-1066-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. 474-267A) in Tuscarawas County.

The purpose of the hearing will be to take public comment regarding the exemption request. The hearing will be held on April 18, 2023, at 2:00 p.m., at the Sugarcreek Village Hall, 410 South Broadway Street, Sugarcreek, Ohio 44681. Further information may be obtained by contacting the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793, by viewing the Commission's web page at <http://www.puco.ohio.gov>, or by 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).

{¶ 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 April 18, 2023.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That Staff file a report of investigation as set forth in Paragraph 3. It is, further,

{¶ 9} ORDERED, That a public hearing be scheduled in accordance with 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 Ohio Central Railroad, Inc., by regular mail on the Ohio Department of Transportation, the Tuscarawas County Board of Commissioners, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Matthew J. Sandor

By: Matthew J. Sandor
Attorney Examiner

PAS/dmh

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

Case No(s). 22-1066-RR-RCP

Summary: Attorney Examiner Entry that Staff should file a report of investigation regarding the request by April 12, 2023; a public hearing on this matter should be held on April 18, 2023, at 2:00 p.m., at the Sugarcreek Village Hall, 410 South Broadway Street, Sugarcreek, Ohio 44681; that the Secretary of the Commission should cause publication of the legal notice in a newspaper of general circulation in Tuscarawas County, Ohio electronically filed by Ms. Donielle M. Hunter on behalf of Matthew J. Sandor, Attorney Examiner, Public Utilities Commission of Ohio