

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE EXEMPTION  
REQUESTS BY THE VILLAGE OF  
SUGARCREEK FROM STOPPING FOR  
SCHOOL BUSES AND HAZARDOUS  
MATERIALS VEHICLES AT THE STATE  
ROUTE 39 AND THIRD STREET NW  
RAILWAY GRADE CROSSINGS IN  
TUSCARAWAS COUNTY, OHIO.

CASE NO. 22-1066-RR-RCP

### ENTRY

Entered in the Journal on March 13, 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} By Entry issued March 7, 2023, the attorney examiner directed Staff to file its report of investigation (Staff Report) by April 12, 2023. Further, in order for the public to have an opportunity to comment on the exemption request, the attorney examiner scheduled a public hearing to be held on April 18, 2023, at 2:00 p.m., at Sugarcreek Village Hall, 410 South Broadway Street, Sugarcreek, Ohio 44681. The attorney examiner also directed the Secretary of the Commission to cause publication of a legal notice regarding the exemption request. Finally, pursuant to R.C. 4511.63, the attorney examiner invited any interested person to file comments on the exemption request by April 18, 2023.

{¶ 4} On March 8, 2023, Police Chief and the current Village Administrator of the Village of Sugarcreek, Kevin Kaser, filed a letter requesting that an additional railway grade crossing exemption be considered in this case. The letter specifically requested an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at a grade crossing (DOT No. 474-265L) in the Village of Sugarcreek, Tuscarawas County, owned by Ohio Central Railroad, Inc. According to the letter, the grade crossing traverses Third Street NW, a two-lane local street. Mr. Kaser states that this crossing has not been used by any rail traffic for many years other than by the Belden Brick Company. Mr. Kaser submits that the grade crossing is located 0.37 miles southwest 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 0.14 miles south of Superb Industries, which brings a large volume of truck traffic through the grade crossing. Mr. Kaser believes that a safety issue exists for traffic traveling on Third Street NW due to school buses and vehicles carrying certain hazardous materials needing to stop at the grade crossing.

{¶ 5} The attorney examiner finds that the Staff Report directed to be filed pursuant to the March 7, 2023 Entry should also include an investigation regarding the exemption request for the DOT No. 474-265L railway grade crossing. The Staff Report should still be filed by April 12, 2023.

{¶ 6} The attorney examiner notes that, pursuant to the March 7, 2023 Entry, a local hearing was scheduled to be held on April 18, 2023, at 2:00 p.m., at the Sugarcreek Village Hall, 410 South Broadway Street, Sugarcreek, Ohio 44681 regarding the DOT No. 474-267A grade crossing exemption request. The attorney examiner notes that public comment regarding the DOT No. 474-265L grade crossing exemption request will also be heard at the April 18, 2023 local hearing.

{¶ 7} In the March 7, 2023 Entry, the attorney examiner directed the Secretary of the Commission to cause publication of a legal notice related to the DOT No. 474-267A grade crossing exemption request. The attorney examiner notes that the legal notice included in the March 7, 2023 Entry has not yet been published. Therefore, at this time, the attorney examiner directs the Secretary of the Commission to cause publication of the following revised 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 requests for exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at grade crossings (DOT No. 474-267A and DOT No. 474-265L) in Tuscarawas County.

The purpose of the hearing will be to take public comment regarding the requests for exemption. 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).

{¶ 8} Furthermore, in the March 7, 2023 Entry, the attorney examiner solicited comments from any interested person related to the DOT No. 474-267A grade crossing exemption request, pursuant to R.C. 4511.63, and set a deadline to file such comments by April 18, 2023. Accordingly, pursuant to R.C. 4511.63, any interested person may file comments on the DOT No. 474-265L grade crossing exemption request by April 18, 2023.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the Staff Report be filed in the manner set forth in Paragraph 5. 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 for the DOT No. 474-265L grade crossing 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 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

MJA/dr

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**3/13/2023 1:28:02 PM**

**in**

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

Summary: Attorney Examiner Entry ordering that the Staff Report be filed in accordance with Paragraph 5 by April 12, 2023; that a public hearing on this matter 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; and that comments for the DOT No. 474-265L grade crossing be filed as set forth in Paragraph 8 electronically filed by Debbie S. Ryan on behalf of Matthew J. Sandor, Attorney Examiner, Public Utilities Commission of Ohio.