

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A REQUEST BY THE
TRUMBULL COUNTY ENGINEER FOR AN
EXEMPTION FROM STOPPING FOR
SCHOOL BUSES AND HAZARDOUS
MATERIALS VEHICLES FOR CROSSING IN
WARREN TOWNSHIP, TRUMBULL
COUNTY, OHIO.

CASE NO. 23-165-RR-RCP

ENTRY

Entered in the Journal on April 19, 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 February 27, 2023, Randy Smith, the Trumbull County Engineer, filed a letter requesting an exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at the grade crossing DOT No. 262-604C located immediately south of the intersection of South Leavitt Road and West Market Street in Leavittsburg, Warren Township, Trumbull County.

{¶ 3} Accordingly, the attorney examiner finds that Staff should file a report of investigation regarding the request by June 2, 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 May 22, 2023, at 2:00 p.m., at the Trumbull County Law Library, 120 High St. NW, Warren, OH 44481.

{¶ 5} The Secretary of the Commission should cause publication of the following legal notice in a newspaper of general circulation in Trumbull 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. 23-165-RR-RCP regarding a request for exemption for school buses and motor vehicles carrying certain hazardous materials from stopping at one grade crossing (DOT No. 262-604C) in Trumbull County.

The purpose of the hearing will be to take public comment regarding the exemption request. The hearing will be held on May 22, 2023, at 2:00 p.m. at the Trumbull County Law Library, 120 High St. NW, Warren, OH 44481. 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).

{¶ 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 May 22, 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 hearing be held in this case as set forth in 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 the Trumbull County Engineer and Northern G&W Railroad Services, by regular mail on the superintendent of the LaBrae Local School District and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Isabel M. Marcelletti

By: Isabel M. Marcelletti
Attorney Examiner

NJW/dr

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

4/19/2023 11:00:08 AM

in

Case No(s). 23-0165-RR-RCP

Summary: Attorney Examiner Entry ordering Staff to file a report of investigation by June 2, 2023; setting a public hearing for May 22, 2023, at 2:00 p.m., at the Trumbull County Law Library, 120 High St. NW, Warren, OH 44481; directing the Secretary of the Commission to publish legal notice of the public hearing; and directing that comments on the exemption request be filed by May 22, 2023 electronically filed by Debbie S. Ryan on behalf of Isabel M. Marcelletti, Attorney Examiner, Public Utilities Commission of Ohio.