

# Memo

To: Docketing Division

From: Thomas Persinger, Rail Project Specialist, Rail Division

Date: 2-5-2024

Re: PUCO Case No. 22-1066-RR-RCP- In the Matter of an Exemption Request by the Village of Sugarcreek for the Ohio Central Railroad, Inc. Crossings at Dover Road NW/SR 39 (DOT#474-267A) and Third Street NW (DOT#474-265L) in Tuscarawas County, Ohio.

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## **BACKGROUND**

On October 11, 2022, the Village of Sugarcreek filed a request for exemption from stopping for school buses and hazardous material vehicles at the Dover Road NW/SR 39 (DOT#474-267A) Railroad crossing in Tuscarawas County, Ohio. On March 8, 2023, the Village of Sugarcreek filed a request for an additional exemption at the Third Street NW (DOT#474-265L) Railroad crossing in Tuscarawas County, Ohio.

On April 6, 2023, Staff filed an investigative report that recommended the exemption be granted for Dover Road NW/SR 39 and rejected for Third Street NW. Staff indicated Third Street NW receives one train per week and observed no school buses crossing the tracks but turning down Yoder Avenue. On April 18, 2023, a local public hearing was held on the matter. Kevin Kaser, Village Administrator and Police Chief for Sugarcreek testified a safety issue exists on SR 39 due to the large amount of traffic, where the public has had close calls with buses that stop. He also indicated Third Street NW is at the base of a hill and is near a school. Mr. Kevin Roberts, Transportation Supervisor from Garaway Schools testified that he has experienced issues at SR 39 with increased traffic as well as vegetation. He indicated Third Street NW becomes a safety issue when the nearby school opens and closes with buses needing to stop.

On September 6, 2023, the Commission ordered that the exemption be granted for Dover Road NW/SR 39, but denied the request for Third Street NW. The Commission further ordered that the Village of Sugarcreek place exemption signage at the Dover Road NW/SR 39 crossing, that Ohio Central Railroad, Inc. place a stop and flag order on the crossing, and that Ohio Central Railroad, Inc. should notify Staff if rail operations increase at the crossing.

### **FINDINGS**

On February 2, 2024, our local field inspector visited the crossing and verified the signage is in place (See attached pictures).

### **SUMMARY AND CONCLUSIONS**

The Village of Sugarcreek has complied with the Commission Order by installing the exemption signage. Accordingly, the case should be closed.

**Dover Road NW/SR 39 Crossing (DOT#474-267A)  
Tuscarawas County, Ohio**

Looking East from the West side of the crossing.



Looking North from the South side of the crossing.



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**in**

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

Summary: Memorandum Memo regarding completion of the Exemption Request by the Village of Sugarcreek for the Ohio Central Railroad, Inc. Crossings at Dover Road NW/SR 39 (DOT#474-267A) and Third Street NW (DOT#474-265L) in Tuscarawas County, Ohio, filed by Tom Persinger, Rail Project Specialist. electronically filed by Mr. Thomas Persinger on behalf of PUCO/Rail Division.