



Ohio Administrative Code

Rule 4901-5-06 Complaints relating to dangerous crossings under section 4907.47 of the Revised Code.

Effective: January 15, 2015

(A) Complaints under section 4907.47 of the Revised Code relative to the adequacy of protective devices at a public highway grade crossing shall be made in writing and shall set forth:

- (1) The name and location of the subject crossing.
- (2) The name of each railroad which operates over the subject crossing.
- (3) The name of the governmental unit which has jurisdiction over the public road at the subject crossing.
- (4) An allegation that the crossing is dangerous together with a general statement as to the conditions which the complainant believes make the crossing dangerous within the meaning of section 4907.47 of the Revised Code.
- (5) The address of the complainant and the name and address of the complainant's attorney, if any.

(B) Two or more persons having an interest in the outcome of the proceeding may join in one complaint.

The commission may, on its own motion or the motion of any proper person, join as a party any railroad which operates over the subject crossing, or any governmental unit which has jurisdiction over the public road at the crossing, which was not included in the original complaint. The commission may, on its own motion or the motion of any proper person, dismiss the complaint insofar as it pertains to any railroad which does not operate over the subject crossing or any governmental unit which does not have jurisdiction over the public road at the crossing.

(C) The commission shall cause a copy of the complaint together with a notice to answer or otherwise plead within a specified period of time to be served by certified mail upon each railroad



operating at the crossing. The commission shall also cause a copy of the complaint, and entry relating thereto, to be served upon each governmental unit having jurisdiction over the public road at the crossing.

The commission shall serve all parties with notice of all hearings on the complaint. Said notice shall be made at least fifteen days prior to the date of hearing.

(D) Service of papers required by other provisions of this rule shall be made on the governmental units having control of the public roads at the subject crossings as follows:

(1) Township roads - on the clerk of the board of township trustees.

(2) County roads - on the clerk of the board of county commissioners.

(3) City streets - on the mayor of the city.

(4) State highways - on the director of the department of transportation.

In the event the public road at the subject crossing is under the jurisdiction of more than one governmental unit, all required service shall be made on the proper official of each governmental unit affected

(E) Upon receipt of the answer to such complaint or, in the event that the respondent railroad fails to file an answer within the time provided, immediately after the answer date, or, in the event a party to answer otherwise pleads, upon order of the commission, the railroad division of the commission shall cause an investigation to be made of the conditions existing at the subject crossing and thereafter shall submit to the commission a written report of its findings. The commission shall serve copies of such report upon all parties to the case.

(F) Matters of practice and procedure not specifically covered by this rule shall be governed by the applicable provisions of Chapter 4901-1 of the Administrative Code.