

RESOLUTION NO. 2017 - 02

A RESOLUTION  
DIRECTING CSX TRANSPORTATION, INC., TO IMMEDIATELY REPAIR THE CROSSING  
OF ITS RAIL LINE ALONG WEST MAIN STREET AND DECLARING AN EMERGENCY

Whereas, pursuant to Revised Code Section 4955.20, companies operating railroads in this State have a duty to build and keep in repair good and sufficient sidewalks on both sides of streets intersected by their railroads, the full width of the right of way owned, claimed, or occupied by them; and

Whereas, Section 4955.20, authorizes this Council to compel railroads to comply with such duty; and

Whereas, the rail crossing along West Main Street operated by CSX Transportation, Inc., has been the subject of repeated complaints and is in immediate need of repair; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NEW LONDON, HURON COUNTY, OHIO, AS FOLLOWS

Section 1. That, pursuant to Revised Code Section 4955.20, this Council hereby directs CSX Transportation, Inc., to immediately take all steps necessary to permanently repair the grade crossing and related sidewalks and roadway of its rail line, as it intersects West Main Street within the Village of New London. The Solicitor is hereby authorized and directed to provide notice of this directive to both CSX Transportation, Inc. and the Public Utilities Commission of Ohio; and, in the event that CSX Transportation, Inc., does not immediately demonstrate a good faith effort to comply with this directive, the Solicitor is authorized and directed to institute such formal complaints or legal proceedings as may be necessary to compel compliance with this directive.

Section 2. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety, and for the welfare of the citizens of the Village, and for the further reason that it is necessary that this measure apply as soon as possible to obtain resolution of this safety hazard at the earliest possible time, and that, provided it receives the majority vote of two-thirds or more of those elected to Council, this Resolution shall therefore take effect and be in force immediately from and after its passage, and otherwise it shall take effect at the earliest period allowed by law.

PASSED: 4/10/17

MAYOR

ATTEST:  
  
FISCAL OFFICER