

OPINIONS OF THE SUPREME COURT OF OHIO

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Candle et al., Appellants, v. Consolidated Rail Corporation et al., Appellees.

[Cite as Candle v. Consol. Rail Corp. (1994), Ohio St.3d .]

Torts -- Negligence -- Federal Railroad Safety Act and Highway Safety Act do not preempt state law over negligence suits alleging a failure to maintain adequate grade crossing warning devices.

(No. 93-2317 -- Submitted May 11, 1994 -- Decided June 15, 1994.)

Appeal from the Court of Appeals for Mahoning County, No. 92 C.A. 18.

Aronson, Fineman & Davis Co., L.P.A., Kellie S. Kontnier and William J. Davis; C. Bruce Williams; Landskroner & Phillips Co., L.P.A., and Lawrence Landskroner, for appellants.

Vogelgesang, Howes, Lindamood & Brunn and Philip E. Howes, for appellee Consolidated Rail Corporation.

James A. Philomena, Mahoning County Prosecuting Attorney, and Kathi McNabb, Assistant Prosecuting Attorney, for appellee Board of Commissioners of Mahoning County.

The judgment on appeal is reversed and the cause is remanded to the trial court on authority of Carpenter v. Consol. Rail Corp. (1994), 69 Ohio St.3d 259, N.E.2d .

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.