

FILE

Public Utilities
Commission of Ohio

Memo

To: Docketing Division
From: Jill Henry, Rail Specialist, Rail Division
Cc: PUCO Legal Department
Date: 8/4/11
Re: PUCO Case No. 11-4291-RR-RCP- In the Matter of the Petition for an Exemption from Stopping for School Buses and Other Motor Vehicles at the State Route 119 Grade Crossing (477-073E), in Mercer County.

RECEIVED-DOCKETING DIV
2011 AUG -4 PM 3:08
PUCO

On July 12, 2011, ODOT District #7 petitioned for a railroad crossing exemption under Ohio Revised Code 4511.63 for the railroad crossing located on SR 119, Mercer County, DOT#477-073E just East of the Indiana and Ohio State Line.

The Public Utilities Commission of Ohio, Attorney Examiner for this case filed an order in the case on July 15, 2011 directing Staff to file a response by August 11, 2011.

The attached staff report is staff's response.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
technician SM Date Processed AUG 04 2011

**A Report by the Staff of the
Public Utilities Commission of Ohio**

In the Matter of the Petition for an Exemption from
Stopping for School Buses and Other Motor Vehicles at
the State Route 119 Grade Crossing (DOT#477-073E) in
Mercer County.

Case Number 11-4291-RR-RCP

August 4, 2011

Rail Division

The Public Utilities Commission of Ohio (PUCO) works with local highway authorities and communities to provide safety for the citizens of Ohio at highway-railroad grade crossings.

The PUCO has the statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public pursuant to Ohio Revised Code (ORC) §4905.471.

The PUCO has the authority to close public at grade crossings pursuant to ORC §§4907.474 and 4907.475. These sections set forth a variety of factors to be considered by the Commission in determining whether there is a demonstrable need for any public grade crossing to exist and whether any such crossing could be closed to vehicular traffic and/or pedestrian traffic and the travel over the grade crossing diverted to other grade crossings.

The PUCO is responsible for evaluating public highway railroad grade crossings to determine the need for upgrading the warning devices and apportioning the cost thereof pursuant to ORC §4907.471.

The PUCO has the authority under ORC §4511.63(B) to declare a grade crossing exempt, whereby vehicles normally required to stop at a grade crossing, under that title and Code of Federal Regulations Title 49, §392.10, would be able to proceed through the crossing without stopping.

The PUCO enforces all aspects of the Federal Railroad Administration regulations through inspections and evaluations of Ohio's public highway railroad grade crossings.

I DESCRIPTION OF APPLICANT

The Ohio Department of Transportation District 7 (ODOT District #7) serves to create a transportation system which is efficient, cost-effective, and reliable for all of the state's citizens, businesses, and travelers. They are the local highway authority responsible for the State Routes in the following counties: Auglaize, Champaign, Clark, Darke, Logan, Mercer, Miami, Montgomery and Shelby. Their headquarters is located in Sidney, Ohio.

II PROJECT DESCRIPTION

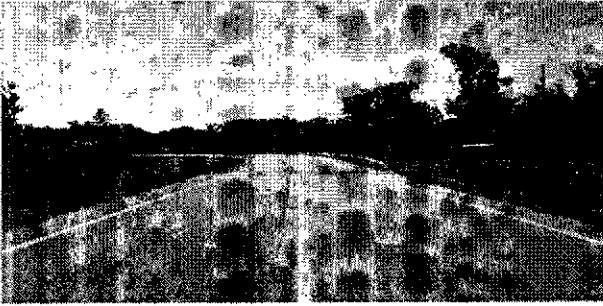
On July 12, 2011, ODOT District #7 petitioned for a railroad crossing exemption under Ohio Revised Code 4511.63 for the railroad crossing located on SR 119, Mercer County, DOT#477-073E just East of the Indiana and Ohio State Line.

In the petition ODOT District #7 stated that they have had several complaints from school bus and tanker truck drivers that are required to stop at the railroad crossing. This rail line had been paved over at the crossing and is not currently in use. ODOT District #7 indicates that an exemption at this crossing would be safer since vehicles would not have to stop; therefore creating less roadway hazards.

III INFORMATION FROM RAIL DATABASE

Record ID: 1881

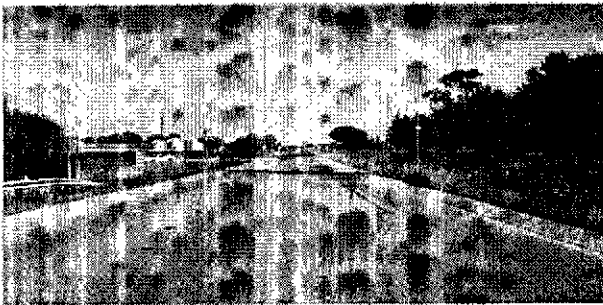
South Direction



West Direction



North Direction



East Direction



Site Information

AARDOT:

477073E

AARDOT Source:

Railroad

Adj. AARDOT:

Field

Adj. AARDOT Source:

Survey Site ID:

MER041

Init. Agency for Change:

State

Reason for Change:

Updated Record

Effective Date:

Jul 26 2011 12:00AM

Railroad Information

Operating RR:	R.J. Corman Railroad (Western Ohio)
Division:	WESTERN
Sub-Division:	ST MARY'S
Branch/Line Name:	ST MARY'S
Milepost:	136.19
Railroad ID:	
Nearest Time Table Station:	FT RECOVERY
Parent RR Company:	
Crossing Owner:	NS

Location and Classification Information

County:	MERCER
(Nearest) City:	FORT RECOVERY
Street:	SR119
Highway and SLM:	SR119-0.05
High Speed Corridor:	
County Map Ref. Number:	
ODOT NLF ID:	SMERSR00119**C
Latitude:	40.4161147
Longitude:	-84.8034467
Elevation (ft):	930.5535
Crossing Type:	Public
Position:	At-Grade
Emergency Contact:	
Railroad Contact:	
State Contact:	
LHA:	State
LHA2:	
Dev. Type:	Open Space
Crossing Angle:	30-59 Degrees
Tracks:	1
Lanes:	2

Warning Devices

Crossbucks, Standard: 2
Crossbucks, Buckeye: 0
Lights, Mast Mounted: 2
Lights, Cantilevered: 0
Lights, Other: 0
Gates: 0

Traffic Information

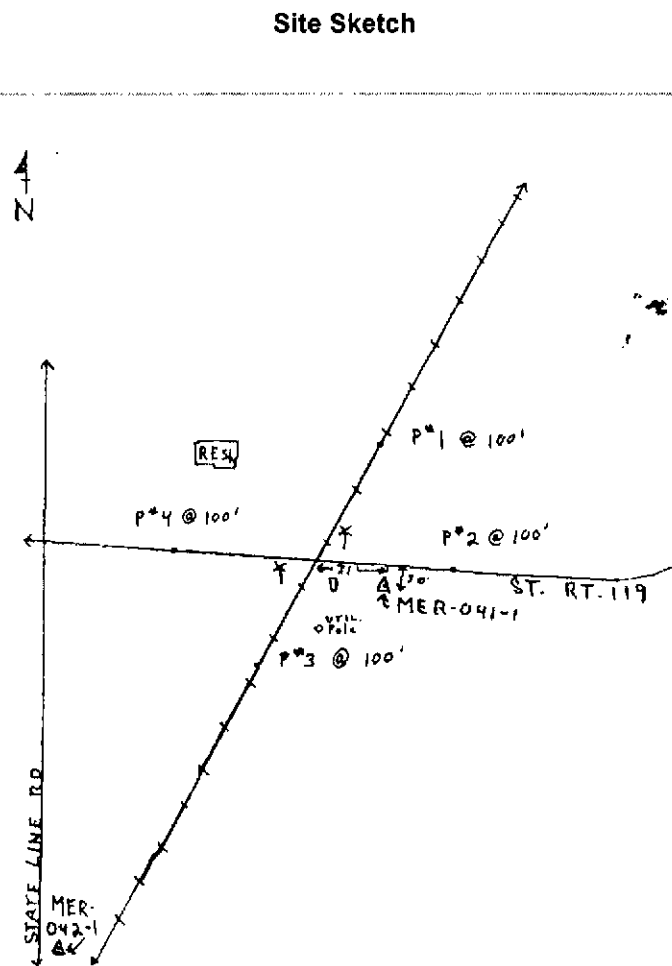
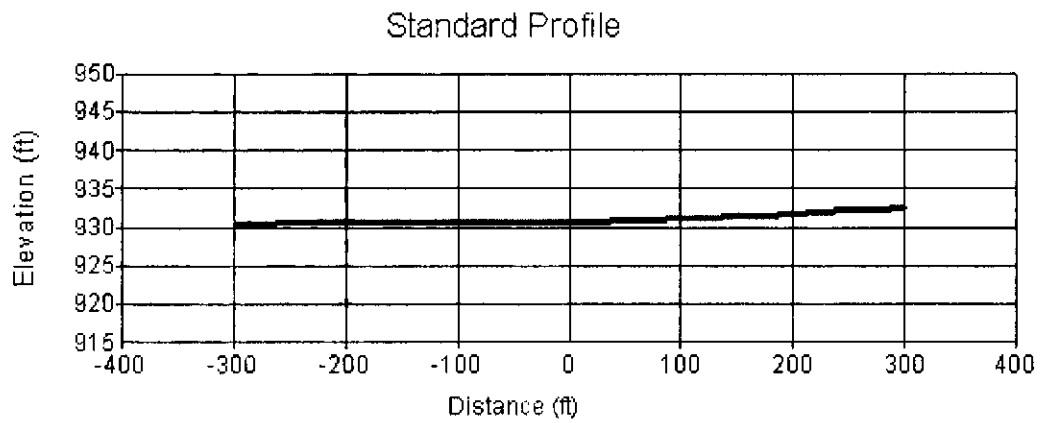
Day Thru Trains: 0
Day Switching Trains: 0
Night Thru Trains: 0
Night Switch Trains: 0
Date of Train Count: Jul 1 2011 12:00AM
Highway AADT: 2140
Date of AADT: 2005

Highway Information

Distance to Nearest Intersection: 250
Type of Intersection: Highway
Number of HW-HW Intersections: 0

Site Comments

Crossing out of service since 2005 per JEG.



IV FIELD INSPECTION REPORT

PUBLIC UTILITIES COMMISSION OF OHIO **TRANSPORTATION DEPARTMENT** **RAIL DIVISION**

Date of Assignment: July 13, 2011

Date of Inspection: July 14, 2011

Subject: **Case No. 11-4291-RR-RCP** – Exemption Case, Mercer County, Ohio
Department of Transportation, District 7, State Route 119, R. J. Corman Railroad,
Western Ohio Division, St. Mary's Sub-Division

AARDOT 477073E

FINDINGS

The State Route 119 crossing is in southwestern Mercer County near the Indiana State Line. The Ohio Department of Transportation, District 7 (ODOT) has petitioned the Public Utilities Commission of Ohio (PUCO) for exemption of the R. J. Corman Railroad (RJCW) Crossing, Mercer County, MER-119-0.05, AARDOT No. 477073E.

The single track railroad line that crosses State Route 119 is the St. Mary's Sub-Division of RJCW which has been out of service since 2005 because of no business. RJCW has not maintained the crossing devices since 2005, but repaired the surface of the crossing in 2010 at the request of ODOT.

The petition dated July 11, 2011 states "The Ohio Department of Transportation, District 7, is petitioning for a Railroad Crossing Exemption under Revised Code 4511.63. We have had several complaints from school bus and tanker truck drivers that are required to stop at this railroad crossing. The owner of the rail line has paved over this crossing which is currently not in use. An Exemption at this crossing would make it much safer. No vehicles would have to stop at this crossing, creating less hazards, if it were to be exempted."

There are no rail customer sidings and no industry adversely affected in the vicinity of State Route 119. Norfolk Southern Railway (NS) is the owner of this rail line but leases the line to RJCW between MP 95 (near Lima, OH) and MP 136.2 (approximately Ohio-Indiana State line). RJCW assumes all operating responsibilities, including maintenance for this rail line through a lease agreement with NS. Currently NS has placed a derail device just west of State Route 119, to prevent any railway equipment movement from reaching the crossing. The NS line, west of the lease portion, to Portland, IN approximately 9 miles, is also "out of service" and there are no trains being operated.

The PUCO inspects the public rail crossing at least annually and has prepared quarterly reports since 2005 indicating that the "Active Warning Devices" at the crossing have been placed out of service by the railroad. Additionally, the PUCO has investigated and resolved one complaint concerning the crossing warning devices since 2005.

SUMMARY & CONCLUSION

There is no rail service on this rail line near this crossing. The rail line on either side is "Out of Service". RJCW's local manager has indicated a desire to cooperate and would place a derail device east of this crossing to prevent access by the railroad. There is currently a derail device in place west of the crossing to prevent access to State Route 119 by railroad equipment on the track owned by NS. RJCW currently, and for the past six years, has the line designated "out of service" with the protective provisions through its Bulletin & General Orders prohibiting rail access to or near this crossing. Federal Railroad Administration 49CFR 213.233 (c) requires RJCW and NS to perform an inspection over these tracks before use, i.e., prior to any train moving over these tracks.

RECOMMENDATIONS

It is recommended that this petition be granted with the stipulation that RJCW will place a derail device east of State Route 119 MP136.19, west of Fort Recovery MP135.07 on the St Mary's Sub-Division and continue issuing Bulletin Orders and General Orders indicating the out of service condition with stop and flag provision.

Jerry E. Gibson
Railroad Inspector
July 27, 2011

V OTHER INFORMATION

Ohio's Rail Grade Crossing Programs

Ohio is a national leader in terms of railroad operations. Ohio is home to nearly 40 railroads that operate thousands of trains in Ohio every day over approximately 5,200 miles of track and 6,000 public grade crossings. The Public Utilities Commission of Ohio (PUCO) is the state agency with regulatory authority over railroads operating in Ohio. The Commission works in partnership with the Federal Railroad Administration to ensure that rail operations and infrastructure are safe and in compliance with federal and state regulations.

In addition to central office planners and other support staff, the PUCO employs federally certified railroad inspectors throughout Ohio. These inspectors respond to inquiries and complaints and conduct specialized inspections of railroad tracks and equipment, rail operations, hazardous material transportation, and grade crossing signal circuitry. The inspectors also monitor railroad rights-of-way and grade crossings for surface conditions, view obstructions, fencing and drainage concerns, conditions on railroad equipment and at rail yards and other facilities, and related safety concerns of both the PUCO and railroad employees.

PUCO inspectors investigate all grade crossing and railroad employee fatalities and monitor company inspections of rail bridges throughout the state.

Safety is our highest priority

Grade crossing safety is one of the PUCO's highest priorities, and we are proud of our accomplishments. Since 1990, motor vehicle/train crashes at grade crossings in Ohio have declined by 66 percent and the number of fatalities has dropped by 77 percent. This dramatic improvement has been achieved during a period of steady increase in the amount of train traffic and in the number of registered motor vehicles and licensed drivers in Ohio. Over the past 10 years, the PUCO has participated in the installation of lights and gates at more than 1,000 grade crossings across Ohio. We look forward to working with your community to help make grade crossings as safe as possible.

Questions or Concerns?

Call the Ohio Rail Hotline at (866) 814-RAIL or log on to www.OhioRail.ohio.gov for answers to all of your railroad crossing needs.

The Public Utilities Commission of Ohio
John R. Kasich, Governor
Todd A. Snitchler, Chairman

180 E. Broad Street, Columbus, Ohio 43215-3793
800 | 686-PUCO (7826)

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