

FILE

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**Public Utilities
Commission of Ohio**

Memo

To: Docketing Division
From: George Martin, Grade Crossing Planner, Rail Division
Re: PUCO Case No. 14-94-RR-RCP
Date: March 6, 2014

Please docket the attached staff report in the above referenced case.

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PUCO

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

**In the Matter of a Request for an Exemption by the City of Tiffin, Ohio, Case No.
14-94-RR-RCP**

March 6, 2014

INTRODUCTION

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 Section 4905.471; and

The PUCO has the authority to close public at grade crossings pursuant to Ohio Revised Code Sections 4907.474 and 4907.475. The 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, pedestrian traffic, or both 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 Ohio Revised Code Section 4907.471.

The PUCO has the authority under Ohio Revised Code Section 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 City of Tiffin, Ohio is the county seat of Seneca County, with a population of 17, 963, and total area of 6.9 square miles.

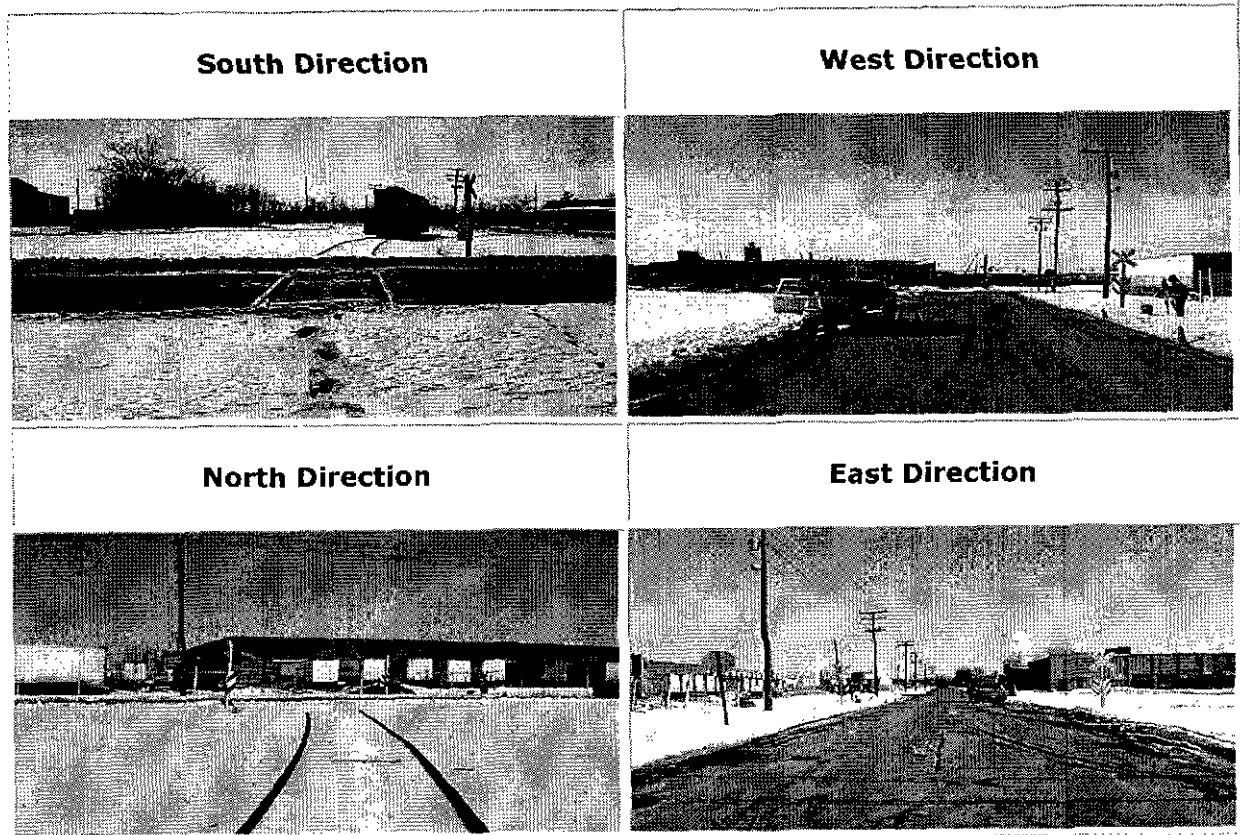
II. PROJECT DESCRIPTION

On January 16, 2014, under PUCO Case No. 14-94-RR-RCP, the City of Tiffin filed a request for an exemption from vehicles stopping at grade crossings as specified in Ohio Revised Code 4511.63. The request is for the crossings operated over by the Northern Ohio & Western Railroad (NOW) at Fourth Ave, DOT# 509214D, Second Ave, DOT# 509215K, and Wall St, DOT# 509217Y.

III. Database photos from RRIS



Public Utilities Commission of Ohio



Site Information

AARDOT:	509214D
AARDOT Source:	Field
Adj. AARDOT:	
Adj. AARDOT Source:	Field

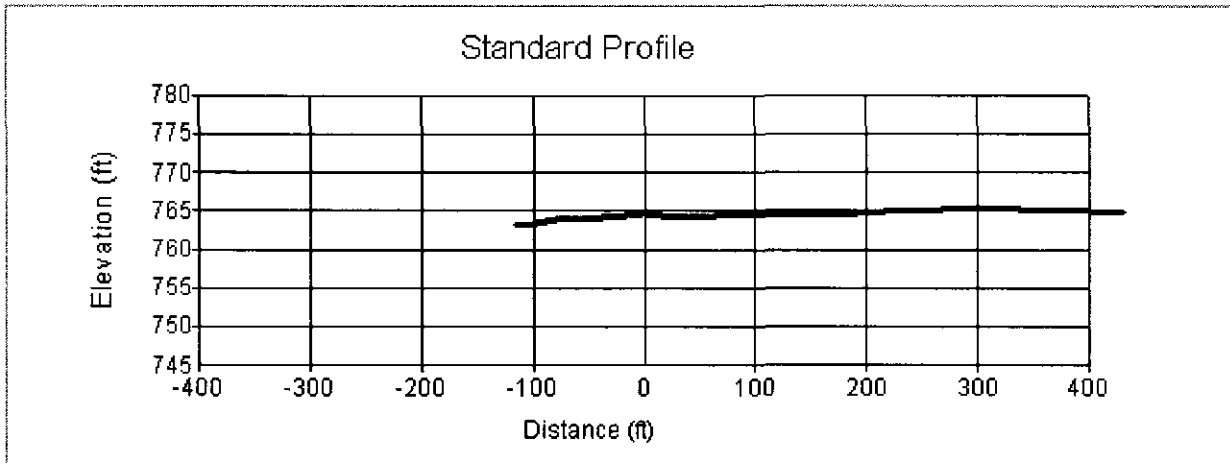
Survey Site ID:	SEN816
Init. Agency for Change:	State
Reason for Change:	Updated Record
Effective Date:	Sep 23 2008 12:00AM
Railroad Information	
Operating RR:	Northern Ohio & Western Railway
Division:	WESTERN
Sub-Division:	TOLEDO
Branch/Line Name:	CARROTHERS BR
Milepost:	44.79
Railroad ID:	363612
Nearest Time Table Station:	TIFFIN
Parent RR Company:	NOW
Crossing Owner:	NOW
Location and Classification Information	
County:	SENECA
(Nearest) City:	TIFFIN
Street:	FOURTH ST
Highway and SLM:	
High Speed Corridor:	
County Map Ref. Number:	74
ODOT NLF ID:	MSENMR00247**C
Latitude:	41.1303831
Longitude:	-83.1894379
Elevation (ft):	764.7141
Crossing Type:	Public
Position:	At-Grade
Emergency Contact:	
Railroad Contact:	
State Contact:	

LHA:	CITY OF TIFFIN
LHA2:	
Dev. Type:	Industrial
Crossing Angle:	60-90 Degrees
Main Tracks:	1
Other Tracks:	0
Lanes:	2
Warning Devices	
Crossbucks, Standard:	0
Crossbucks, Buckeye:	2
Lights, Mast Mounted:	0
Lights, Cantilevered:	0
Lights, Other:	0
Gates:	0
Traffic Information	
Day Thru Trains:	2
Day Switching Trains:	0
Night Thru Trains:	0
Night Switch Trains:	0
Date of Train Count:	Mar 4 2003 12:00AM
Highway AADT:	443
Date of AADT:	2008

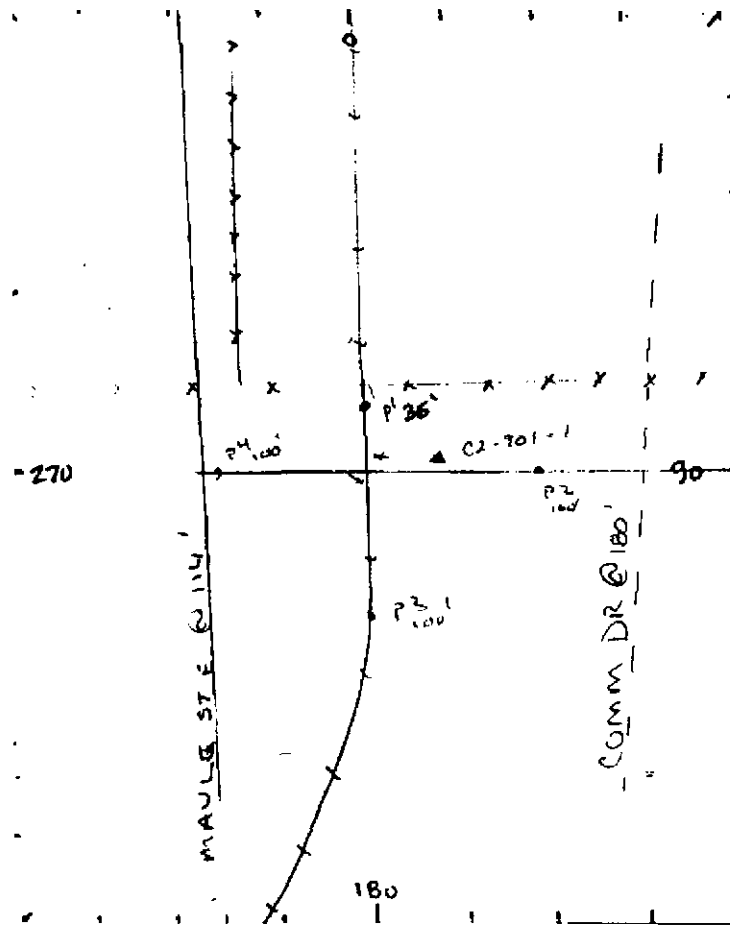
Highway Information	
Distance to Nearest Intersection:	114
Type of Intersection:	Highway
Number of HW-HW Intersections:	1

Highway 1:	
Traffic Light:	NO
Flashing Light:	NO
Stop Sign:	YES
Yield Sign:	NO
Distance from Tie to Center of Intersection:	114
DO NOT STOP ON TRACK(S) Sign:	NO

Site Comments
No comments.



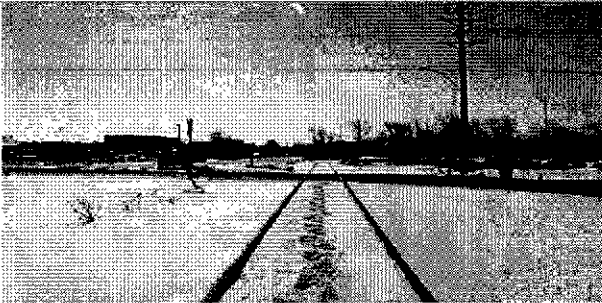
Site Sketch





Public Utilities Commission of Ohio

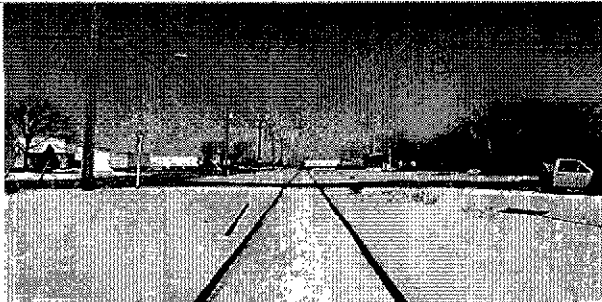
South Direction



West Direction



North Direction



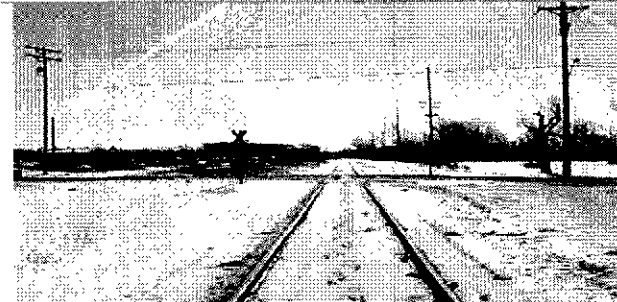
East Direction



Photograph 5



Photograph 6



Site Information

AARDOT:

509215K

AARDOT Source:

Field

Adj. AARDOT:	
Adj. AARDOT Source:	Field
Survey Site ID:	SEN815
Init. Agency for Change:	State
Reason for Change:	Updated Record
Effective Date:	Sep 5 2008 12:00AM
Railroad Information	
Operating RR:	Northern Ohio & Western Railway
Division:	WESTERN
Sub-Division:	TOLEDO
Branch/Line Name:	CARROTHERS BR
Milepost:	44.4
Railroad ID:	363612
Nearest Time Table Station:	TIFFIN
Parent RR Company:	NOW
Crossing Owner:	NOW
Location and Classification Information	
County:	SENECA
(Nearest) City:	TIFFIN
Street:	SECOND AVE
Highway and SLM:	
High Speed Corridor:	
County Map Ref. Number:	74
ODOT NLF ID:	MSENMR00367**C
Latitude:	41.1287024
Longitude:	-83.1897317
Elevation (ft):	764.902
Crossing Type:	Public

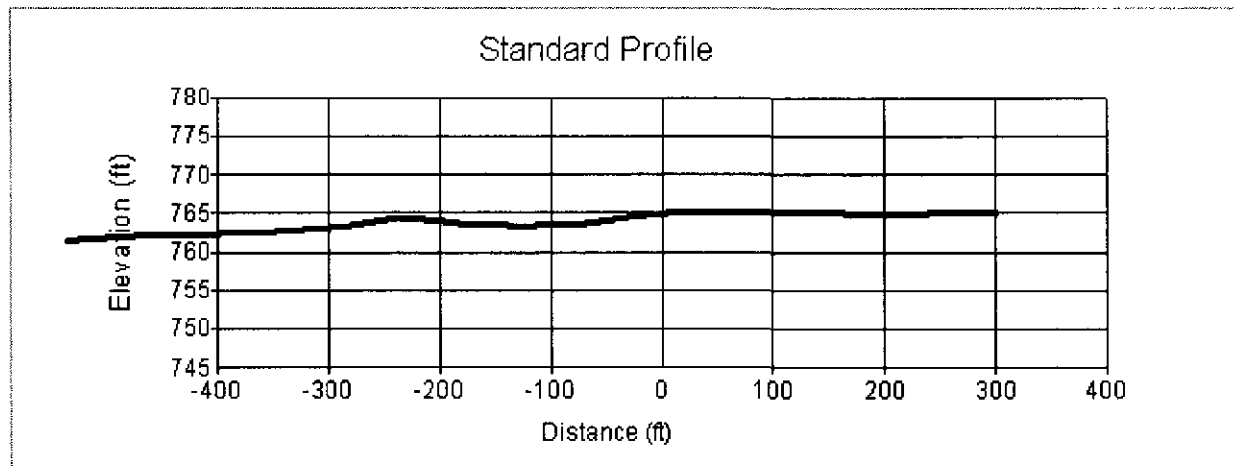
Position:	At-Grade
Emergency Contact:	
Railroad Contact:	
State Contact:	
LHA:	CITY OF TIFFIN
LHA2:	
Dev. Type:	Industrial
Crossing Angle:	60-90 Degrees
Main Tracks:	2
Other Tracks:	1
Lanes:	2
Warning Devices	
Crossbucks, Standard:	4
Crossbucks, Buckeye:	0
Lights, Mast Mounted:	0
Lights, Cantilevered:	0
Lights, Other:	0
Gates:	0
Traffic Information	
Day Thru Trains:	2
Day Switching Trains:	0
Night Thru Trains:	0
Night Switch Trains:	0
Date of Train Count:	Mar 4 2003 12:00AM
Highway AADT:	424
Date of AADT:	2008

Highway Information

Distance to Nearest Intersection:	21
Type of Intersection:	Commercial Drive
Number of HW-HW Intersections:	1

Highway 1:	
Traffic Light:	NO
Flashing Light:	NO
Stop Sign:	YES
Yield Sign:	NO
Distance from Tie to Center of Intersection:	46
DO NOT STOP ON TRACK(S) Sign:	NO

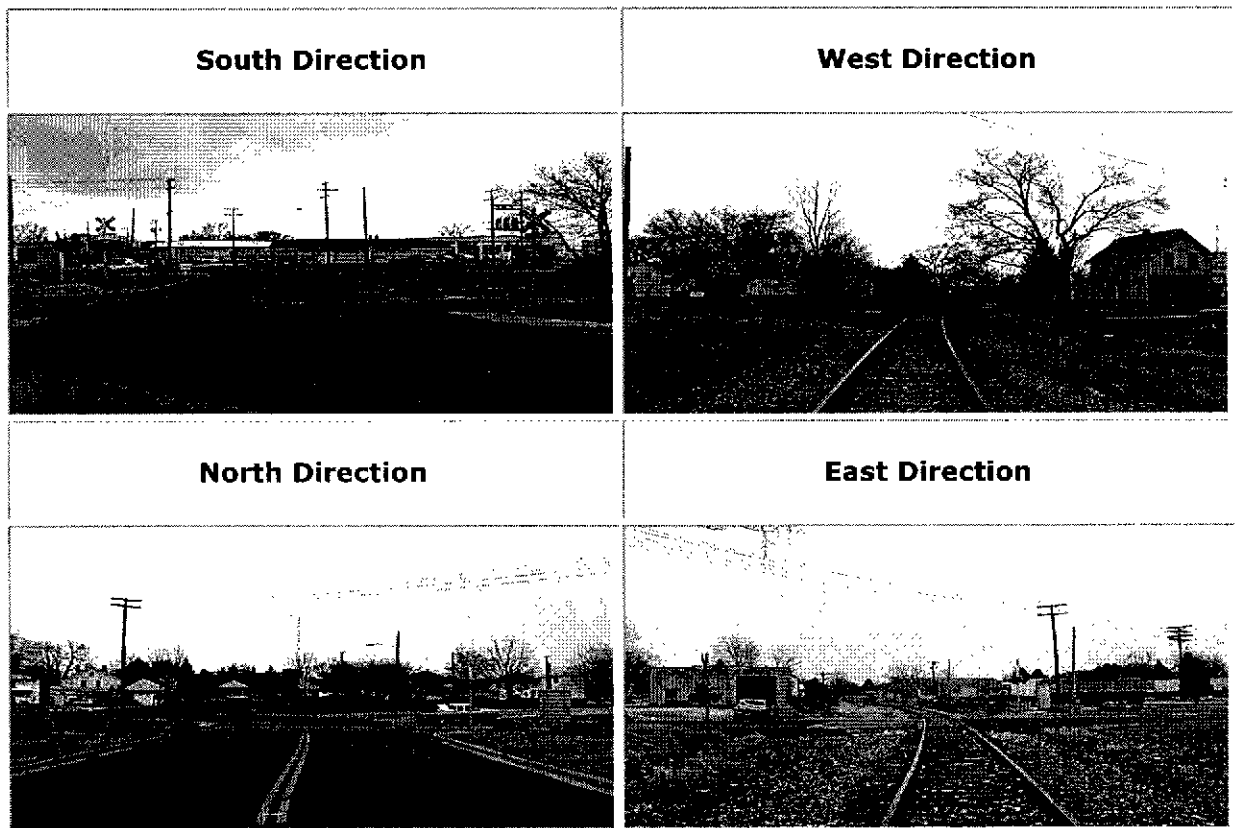
Site Comments
No comments.



Hand-drawn site sketch showing a street layout. The sketch includes a horizontal line representing a street, with a vertical line intersecting it. The vertical line is labeled "STREET NAME UNKNOWN" and "46". The horizontal line is labeled "COMM DR 36". A diagonal line intersects the horizontal line at an angle. The diagonal line is labeled "COMM DR 36" and "100". The horizontal line has a point labeled "P2" and "90". The vertical line has a point labeled "P1" and "100". A distance of "232'" is marked between the intersection of the diagonal line and the horizontal line, and the intersection of the vertical line and the horizontal line. Other labels include "270", "76", "100", "180", "CL 200", and "CL 10".



Public Utilities Commission of Ohio



Site Information	
AARDOT:	509217Y
AARDOT Source:	Railroad
Adj. AARDOT:	
Adj. AARDOT Source:	Field
Survey Site ID:	SEN262

Init. Agency for Change:	State
Reason for Change:	Updated Record
Effective Date:	Sep 5 2008 12:00AM
Railroad Information	
Operating RR:	Northern Ohio & Western Railway
Division:	WESTERN
Sub-Division:	TOLEDO
Branch/Line Name:	CARROTHERS BR
Milepost:	43.56
Railroad ID:	363612
Nearest Time Table Station:	TIFFIN
Parent RR Company:	NOW
Crossing Owner:	NOW
Location and Classification Information	
County:	SENECA
(Nearest) City:	TIFFIN
Street:	WALL ST
Highway and SLM:	
High Speed Corridor:	
County Map Ref. Number:	74
ODOT NLF ID:	MSENMR00396**C
Latitude:	41.1215114
Longitude:	-83.1868416
Elevation (ft):	762.9308
Crossing Type:	Public
Position:	At-Grade
Emergency Contact:	
Railroad Contact:	
State Contact:	
LHA:	CITY OF TIFFIN

LHA2:	
Dev. Type:	Residential
Crossing Angle:	60-90 Degrees
Main Tracks:	1
Other 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:	2
Day Switching Trains:	0
Night Thru Trains:	0
Night Switch Trains:	0
Date of Train Count:	Mar 4 2003 12:00AM
Highway AADT:	1608
Date of AADT:	2008

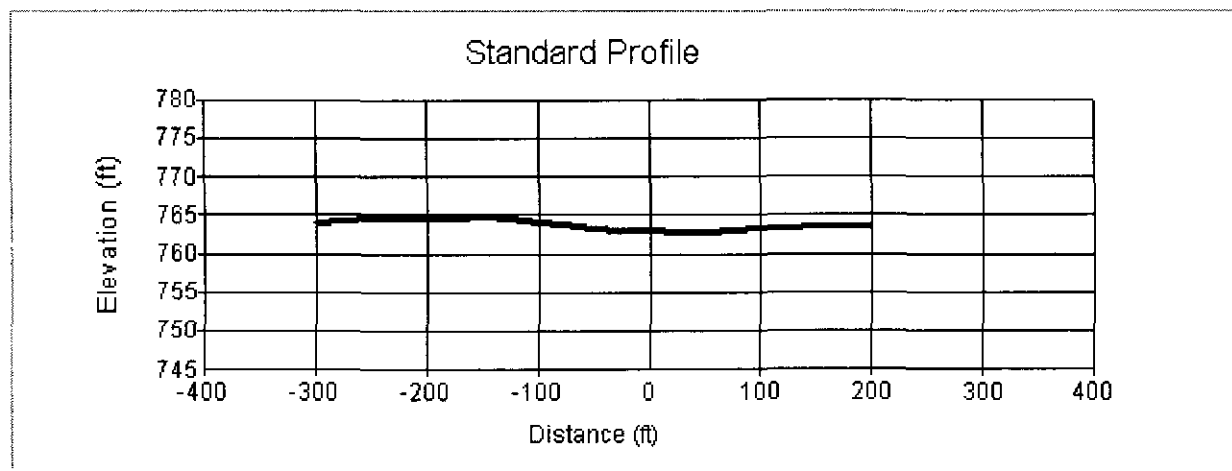
Highway Information	
Distance to Nearest Intersection:	31
Type of Intersection:	Commercial Drive
Number of HW-HW Intersections:	2

Highway 1:	Highway 2:
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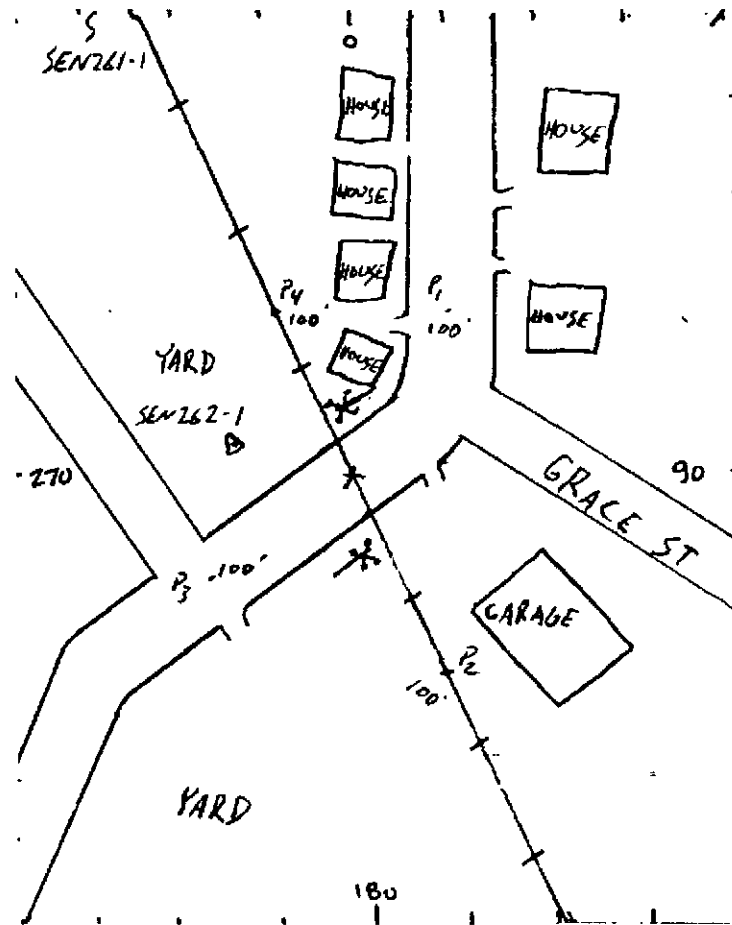
Traffic Light:	NO	Traffic Light:	NO
Flashing Light:	NO	Flashing Light:	NO
Stop Sign:	YES	Stop Sign:	YES
Yield Sign:	NO	Yield Sign:	NO
Distance from Tie to Center of Intersection:	62	Distance from Tie to Center of Intersection:	110
DO NOT STOP ON TRACK(S) Sign:	NO	DO NOT STOP ON TRACK(S) Sign:	NO

Site Comments

No comments.



Site Sketch



IV. Staff Report of Investigation

PUBLIC UTILITIES COMMISSION OF OHIO TRANSPORTATION DEPARTMENT RAIL DIVISION

Date of Assignment: January 17, 2014

Dates of Investigation: January 23 & 29, 2014

Subject: Case No. 14-0094-RR-RCP – Request by the City of Tiffin for exemption from the stopping requirements under Section 4911.63, Ohio Revised Code at Second Avenue (509-215K), Fourth Avenue (509-214D), and Wall Street (509-217Y), Northern Ohio & Western Railroad (NOW).

Findings

On January 16, 2014, the Public Utilities Commission of Ohio received a letter from the City of Tiffin requesting “exempt status” for the above subject grade crossings. I subsequently contacted City Engineer Mario Livojevic to confirm the nature of the request relative to exempting certain classes of highway vehicles from the statutory stopping requirements at rail-highway grade crossings under Section 4911.63, Ohio Revised Code.

I inspected all the subject crossings and my inspection disclosed that they are located on an industrial lead track providing access to the former American Standard plant site. The plant site is gated, i.e., all track access into the property is restricted by locked gates and not presently utilized for revenue service. The track is used infrequently, generally for car storage, and has a speed restriction of five miles per hour. Current operating procedure requires all rail movements to be protected by a crew member on the leading end of a shoving movement.

The posted speed limit for vehicular traffic on all streets involved is 25 miles per hour. Site views at all locations are good. Current vehicular traffic counts are not available.

Fourth Avenue 509-214D

This Fourth Avenue crossing is located near the intersection of Fourth Avenue and Maule Road. Fourth Avenue runs eastward from this intersection and the track, as measured from the near rail, crosses the street approximately 103 feet east of the point

where Fourth Avenue “tees” into Maule Road. Inasmuch as the minimum vehicle stopping distance from the track is 15 feet, the clearing space between the tracks and the Maule Road intersection is reduced to a maximum of about 88 feet. As a result, this configuration can be problematic for longer vehicles clearing the Maule Road intersection when such vehicles are required to stop under Section 4911.63(A), Ohio Revised Code during the process of turning on to Fourth Avenue from Maule Road.

The track at this location is a secondary spur track off of the primary industrial lead involved and dead ends into the plant parking lot. As noted above, railroad access to the plant site is blocked by a locked gate (please see supporting photographs). Crossbuck signs are placed for each direction of travel. The track is not presently serviced.

Wall Street (509-217Y)

At this crossing location, Wall Street, a north-south street “tees” into Fourth Avenue, which makes a dog-leg intersecting the railroad grade crossing at Wall Street. Proceeding northward on Wall Street straight over the tracks, one enters another gate of the plant site. East-west Fourth Avenue vehicular traffic is governed by stop signs at Wall Street. A railroad crossbuck sign is placed in advance of the stop sign on the eastward approach to the crossing.¹ An additional crossbuck is placed on Wall Street in advance of the Fourth Street westward approach. Please note that some confusion exists with the reference number at this crossing. The

crossing was referenced in the complaint as DOT-AAR No. 509-217Y. This number is indicated on an identification tag attached to the crossbuck signs at the Wall-Fourth location. However, this number is properly assigned to the Wall Street grade crossing located on the NOW Railroad main track approximately one mile south of this location. There appears to be no inventory number assigned to this crossing. Regardless, the Wall and Fourth location is properly identified for purposes of this case.

Second Avenue 509-215K

This crossing is located at the southerly end of the subject industrial track at the intersection of Second Avenue and Maule Road. Second Avenue also crosses the NOW Railroad main track approximately 226 feet west of the industrial track, measured from

¹ Note: The crossbuck signage at this location was insecure and skewed on the post. This was brought to the railroad’s attention and corrected. Corrective action was verified by a subsequent inspection.

respective near rails. Each crossing has a separate set of crossbuck signs, although it should be noted that the referenced crossing number is assigned for both the main and industrial track crossings. My investigation has determined that the exemption request appropriately applies only to the industrial track crossing and *not* that of the main track.

SUMMARY & CONCLUSION

The industry track does not presently serve revenue customers inside the former American Standard facility, although future service is not precluded. Rail movements over the track crossings are negligible, generally made only for purposes of placing cars for storage. Track speed is designated at not to exceed five miles per hour. Vehicular traffic is limited to 25 miles per hour and sight views are generally very good.

RECOMMENDATIONS

Given the nature of rail operations and street traffic, with their respective limits, I have concluded that the city's exemption request for all locations is reasonable and well made. As a result, I recommend that the request be granted subject to the following requirements:

1. The exemption for Second Avenue shall apply *only* to the industry track crossing. The requirements under 4511.63 shall remain in place for the Second Avenue crossing of the main track.
2. The NOW Railroad shall issue a timetable - special instruction and/or standing bulletin order requiring crews to stop and flag each location prior to movement through the crossings.
3. A copy of the Requirement No. 2 railroad instruction shall be filed with the Public Utilities Commission of Ohio.
4. The NOW Railroad shall ensure compliance with Requirement No. 2.
5. "Exempt" signs (Manual on Uniform Traffic Control Devices Figure 8B-4 Plaque W-10-1aP) shall be fixed to existing respective signage by the city and the railroad.
6. The signage referenced under Requirement No. 5 shall be permanently maintained.

7. In the event of significant changes in rail traffic into the industrial site or area vehicular density, the railroad may request a change of crossing status, indicating the change as being in the interest of railroad and/or public safety.

Rand Patterson
PUCO-FRA Safety Inspector
February 5, 2014

Parties of Record

Mario Livojevic, P.E., P.S.
City Engineer
City of Tiffin
51 East Market Street
Tiffin, OH 44883-2807

Billie Johnson, President
Northern Ohio & Western Railway Company
525 Wall Street
Tiffin, Ohio 44883

Mr. Randy Conger
Transportation Supervisor
Tiffin City Schools
244 South Monroe Street
Tiffin, Ohio 44883

Ms. Susan Phillips
Executive Director
Seneca County Agency Transportation
3446 South Township Road 151
Tiffin, Ohio 44883

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 5,900 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 obstruction, 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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