

FILE



DAVE YOST

OHIO ATTORNEY GENERAL

RECEIVED-DOCKETING DIV

2019 JUN 17 PM 1:19

Transportation Section

Office 614-466-8146

Fax 866-771-4221

Alan.Klodell@ohioattorneygeneral.gov

June 17, 2019

PUCO

Public Utilities Commission of Ohio
Attn: Docketing Division 11th Floor
180 East Broad Street
Columbus, Oh 43215-3793

Re: Fulton County, Archbold, W. Barre Road., DOT# 509522J PUCO Case No. 16-1413-RR-FED

To whom it may concern:

I am writing you concerning the above-referenced case, at the request of my client; the Ohio Rail Development Commission ("ORDC"). The ORDC desires to express its support to the Public Utilities Commission of Ohio ("PUCO") for a variance from the PUCO order to install a cantilever at the West Barre Road railroad crossing that is the subject matter of the above-referenced case.

To provide you with the background behind this request, the PUCO and the ORDC conducted a diagnostic review at the subject location on 9/28/2012 based on the hazard ranking of the crossing. The diagnostic review team recommended an upgrade of the warning devices to flashing lights and gates, with bells, sidelights and a cantilever in the northwest, which should have read northeast, quadrant. Also, the review identified limited right-of-way as a 'red flag' for this project.

Subsequently plans for the warning devices were submitted to the ORDC by Norfolk Southern ("NS") in April of 2013. Significant utility impacts were noted. ORDC and NS worked diligently to resolve the utility issues through utility relocations and adjustments to the design layout. Construction was authorized in June of 2016. Construction of some components of the warning system has been accomplished but the gate and cantilever combination unit has not been installed in the northeast quadrant.

While preparing for the installation of the cantilever a conflict was encountered in the form of a 20" water line that cannot reasonably be relocated due to the tight configuration of utilities in the vicinity. The location of a gas vent and right-of-way constraints further complicate the matter. Right-of-way acquisition would be needed for the relocation of either the water line or the gate and cantilever foundation, and problematically such an acquisition is not eligible for inclusion in this federally funded project.

The proposed cantilever is supposed to provide additional visibility of the warning devices for vehicle operators in the left turn lane (west turning south). Typically on multi-lane roadways ORDC requires that a flashing light be positioned over each inside lane in accordance with the following Ohio Manual of Uniform Traffic Control Devices ("OMUTCD"):

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. Date Processed 6/12/19 Technician

8C-13 Flashing light signals may be installed on overhead structures or cantilevered supports as shown in Figure 8C-1 where needed for additional emphasis, or for better visibility to approaching traffic, particularly on multi-lane approaches or highways with profile restrictions.

and in accordance with the Railroad Highway Grade Crossing Handbook 2007, published by the Federal Highway Administration (page 100):

A typical installation consists of one pair of cantilevered lights on each highway approach...

ORDC notes the use of the word 'may' in the OMUTCD and 'typical' in the Railroad Highway Grade Crossing Handbook. When applying guidance in the OMUTCD engineering judgment is applied as noted in Section 1A.09.02:

This Manual describes the application of traffic control devices, but shall not be a legal requirement for their installation.

and Section 1A.09.06:

If site-specific conditions lead agencies to determine that it is impossible or impractical to comply with a particular Standard and that they must deviate from the Standard at that location(s), the reasons for the deviation shall be fully documented.

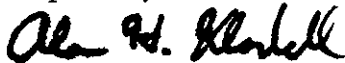
Based on extensive efforts by NS and ORDC to find solutions to the engineering difficulties in the proposed installation of a cantilever in the northeast quadrant of W. Barre Road, ORDC considers it, at a minimum, to be impractical to comply with the typical installation of cantilevered flashing lights for the left-turn lane.

ORDC and NS have collaborated in an effort to provide alternative safety measures in lieu of the cantilevered flashing lights. The proposed alternative is the installation of a standard flashing light and gate mechanism in the northeast quadrant, and a mast-mounted flashing in the southeast quadrant directed to the west bound left-turn lane. NS has indicated that the smaller foundation for a gate mechanism (compared to a gate-cantilever combination unit) can be accommodated in the northeast quadrant.

Therefore, ORDC concurs with the request submitted by NS on April 24, 2017 and respectfully requests that the PUCO approve the requested variance on this project.

Please do not hesitate to contact me if you have any questions or concerns about ORDC's request.

Respectfully submitted,



Alan H. Klodell

Senior Assistant Attorney General

Transportation Section

c: Matthew Dietrich, ORDC Executive Director
Cathy Stout, Manager, Safety Section, ORDC
Randall Schumacher, Supervisor, Rail Division, PUCO
Jill Henry, Rail Division Specialist, PUCO