

FILE

18

**Public Utilities
Commission of Ohio**

Memo

To: Docketing Division
From: George Martin, Grade Crossing Planner, Rail Division
Re: PUCO Case No. 13-1994-RR-RCP
Date: October 16, 2013

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

RECEIVED-DOCKETING DIV
2013 OCT 16 PM 2:59
PUCO

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 R Date Processed OCT 16 2013

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

Request of the Ohio Central Railroad for a downgrade of warning devices at
Chestnut St., DOT# 474200T, in Coshocton, Ohio

October 16, 2013

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 Ohio Central Railroad (OHCR) is a 70-mile short line freight railroad that interchanges with the Columbus & Ohio River Railroad, CSX Transportation, Norfolk Southern, Ohio Southern Railroad and Wheeling & Lake Erie Railway.

Commodities transported include coal, steel and stone.

The OHCR was acquired by Genesee & Wyoming in 2008.

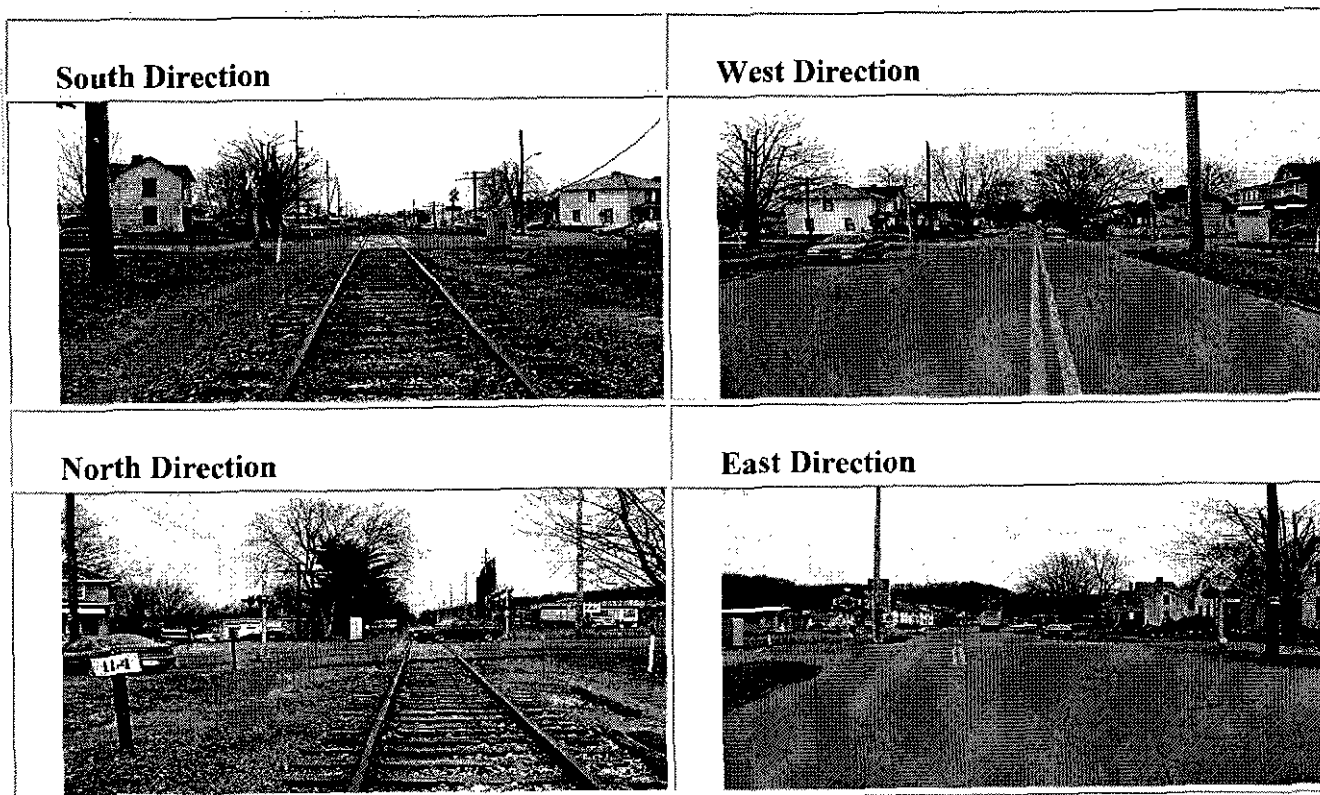
II. PROJECT DESCRIPTION

On September 26, 2013, under PUCO Case No. 13-1994-RR-RCP, the Ohio Central Railroad (OHCR) filed a request for the downgrade of the active warning devices, specifically the mast-mounted flashing lights, located at the Chestnut St grade crossing, DOT# 474200T, in the City of Coshocton, Coshocton County.

III. Database photos from RRIS



Public Utilities Commission of Ohio



Site Information	
AARDOT:	474200T
AARDOT Source:	Railroad
Adj. AARDOT:	
Adj. AARDOT Source:	Field
Survey Site ID:	COS552
Init. Agency for Change:	State

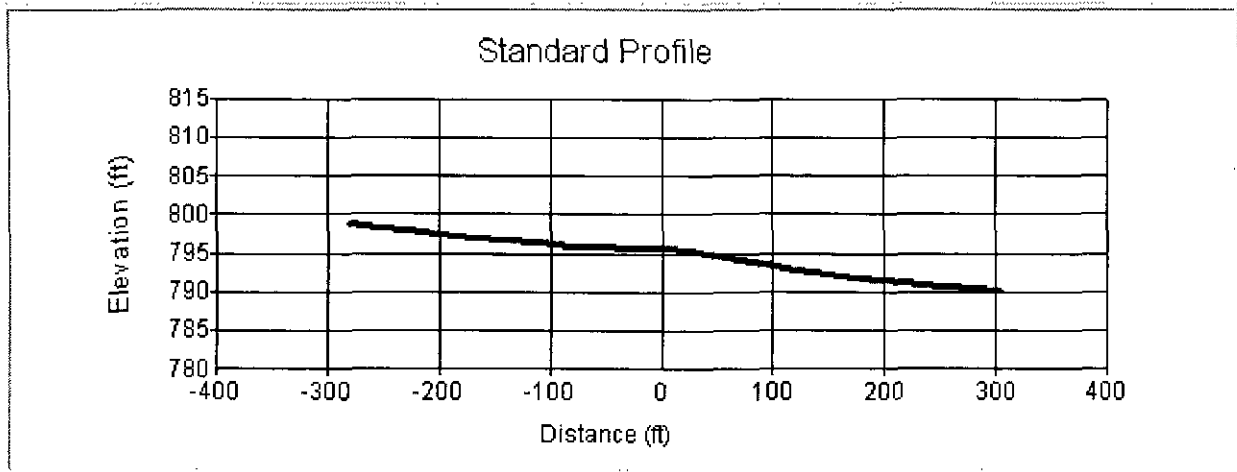
Reason for Change:	Updated Record
Effective Date:	Dec 19 2012 12:00AM
Railroad Information	
Operating RR:	Ohio Central Railroad, Inc.
Division:	WESTERN
Sub-Division:	PITTSBURGH DIV
Branch/Line Name:	ZANESVILLE DIST
Milepost:	113.99
Railroad ID:	
Nearest Time Table Station:	COSHOCTON
Parent RR Company:	OHCR
Crossing Owner:	OHCR
Location and Classification Information	
County:	COSHOCTON
(Nearest) City:	COSHOCTON
Street:	CHESTNUT ST
Highway and SLM:	
High Speed Corridor:	
County Map Ref. Number:	
ODOT NLF ID:	MCOSMR00040**C
Latitude:	40.2761016
Longitude:	-81.8483809
Elevation (ft):	795.6817
Crossing Type:	Public
Position:	At-Grade
Emergency Contact:	
Railroad Contact:	(740) 622-0039
State Contact:	

LHA:	CITY OF COSHOCTON
LHA2:	
Dev. Type:	Residential
Crossing Angle:	60-90 Degrees
Main Tracks:	1
Other Tracks:	0
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:	Dec 17 2012 12:00AM
Highway AADT:	17371
Date of AADT:	2008

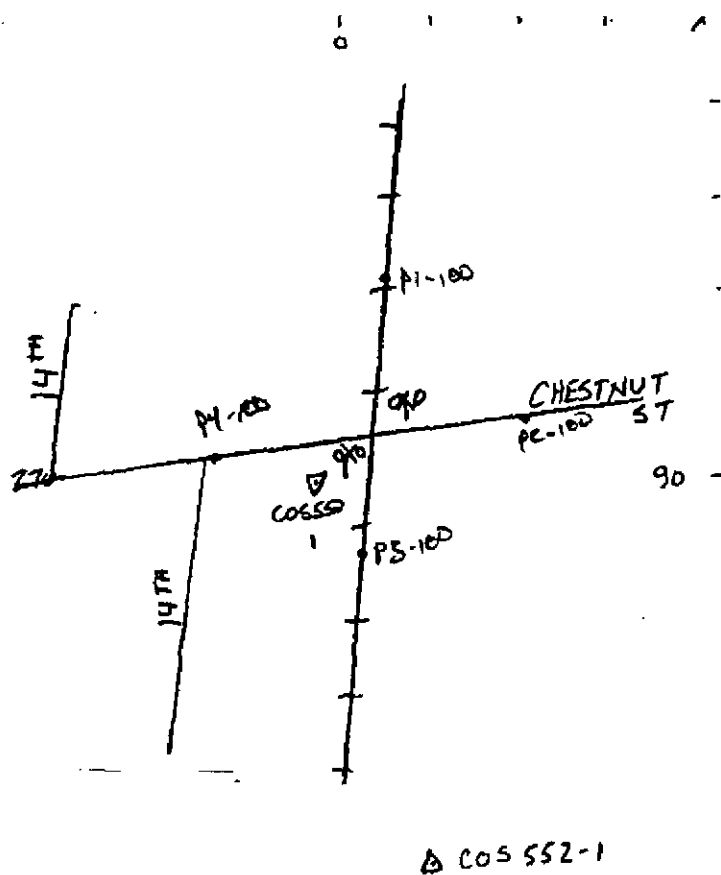
Highway Information	
Distance to Nearest Intersection:	30
Type of Intersection:	Residential Drive
Number of HW-HW Intersections:	1

Highway 1:	
Traffic Light:	NO
Flashing Light:	NO
Stop Sign:	YES
Yield Sign:	NO
Distance from Tie to Center of Intersection:	60
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: October 3, 2013

Date of Inspection: October 9, 2013

**Subject: 13-1994-RR-RCP, Application for downgrade of active warning devices,
Chestnut Street, Coshocton, Coshocton County, Ohio Central
Railroad (OHCR).**

DOT #: 474200T

FINDINGS

**On receipt of the present assignment, I conducted an inspection of the crossing on
October 9, 2013. The railroad has petitioned the Public Utilities
Commission of Ohio (PUCO) to downgrade the active warning device
at the Chestnut Street highway rail grade crossing.**

**On the above noted day, I inspected the highway rail grade crossing which is located
in Coshocton. Upon inspection I found a two lane roadway that
travels east and west and is intersected by a highway rail grade
crossing owned by the Ohio Central Railroad. The tracks intersect the
roadway at M.P. 113.99 and runs north and south. The crossing GPS
coordinates are N 40.27620, W-81.84840. The crossing consists of one
main track which currently has standard flashers as an active
highway rail grade crossing warning system. The posted roadway
speed limit is 35 mph. The AADT is 17371 and was taken in 2008.**

**Upon inspection I found the tracks have been removed from the
roadway. The crossing surface and roadway have been repaved. I also
found the lights and crossbucks have been removed from the signal
mast.**

13-1994-RR-RCP

RECOMMENDATIONS

It is recommended the railroad be granted the downgrade of the active highway rail grade crossing system as long as the railroad agrees to meet the following exceptions and stipulations.

If rail service is ever restored across the highway rail grade crossing the active warning devices must be restored and meet the current Manual of Uniform Traffic Control Devices (MUTCD) standards in effect at the time they are restored.

The grade crossing surface and active warning devices will be restored at the railroad's expense.

Since the line has not been formally abandoned by the Surface Transportation Board (STB), the railroad understands they are required to provide rail service to any customer at any time it is requested on this line in the future. This is better outlined in the attached email from the STB.

SUMMARY AND CONCLUSIONS

It is recommended the Ohio Central Railroad be granted the requested downgrade at the Chestnut Street highway rail grade crossing with the understanding they must meet the requirements set forth in the recommendations within this report.

**Shawn Zurfley
PUCO/FRA S&TC Rail Inspector
Date: October 11, 2013**

V. Email from Surface Transportation Board

From: Brian.OBoyle@stb.dot.gov
To: Zurfley, Shawn
Cc: David.Kruschwitz@stb.dot.gov
Subject: RE: Grade crossing removal.
Date: Thursday, August 08, 2013 12:01:44 PM

Mr. Zurfley,

I am writing on behalf of the STB's Office of Public Assistance, Governmental Affairs &

Compliance, in response to your inquiry below. Mr. Kruschwitz forwarded your inquiry to

me, as he thought I could better provide you with an answer.

All rail carriers have a legal obligation to provide rail service upon request (the "common

carrier" obligation). Accordingly, a rail carrier cannot simply decide to stop providing rail

service without STB authority. However, if there are no shippers that want rail service

and it does not appear that there will be for some time, the carrier can temporarily cease

operations.

In such situations, the STB has held that it is generally acceptable for a railroad to remove short sections of track (including over street crossings), so long as the railroad is

willing and capable of putting the track back in place if there are requests for rail service.

By capable, I mean that the carrier has the financial means to do so -- sometimes carriers that are having financial problems will remove track with the promise of putting it

back in when needed, even though in reality there is no way that they would be able to

afford to do so. If there is a demand for rail service, and the carrier cannot or will not put the tracks back in place, it would be in violation of its common carrier obligation and

could face penalties from the STB.

As we usually tell rail carriers that are contemplating removing track without authority,

they are permitted to do so, but they do so at their own risk.

I hope that this information helps. Please let me know if you have further questions.

Brian O'Boyle

Surface Transportation Board

Office of Public Assistance, Governmental Affairs & Compliance

Section Chief, Rail Customer & Public Assistance program

1-866-254-1792

(202) 245-0245 (Board Mainline)

Opinions expressed by employees of the Rail Customer & Public Assistance Program

(RCPA) of the Surface Transportation Board (Board) are theirs alone, and do not represent opinions of, or by, the Board or its Commissioners or Directors. Formal opinions of the Board may only be obtained via a formal proceeding. Positions taken by RCPA employees might not be followed by the Board should a formal proceeding be initiated; and spoken or written comments may be withdrawn by the Board at its discretion. All matters discussed with RCPA employees are confidential and subject to the same confidentiality provisions as administrative dispute resolutions pursuant to 49 C.F.R. 1109.3 and 5 U.S.C. 574. Except as specifically set forth in 5 U.S.C. 574, neither RCPA employees nor the parties to an informal matter before the RCPA shall disclose any informal dispute resolution communication.

.....

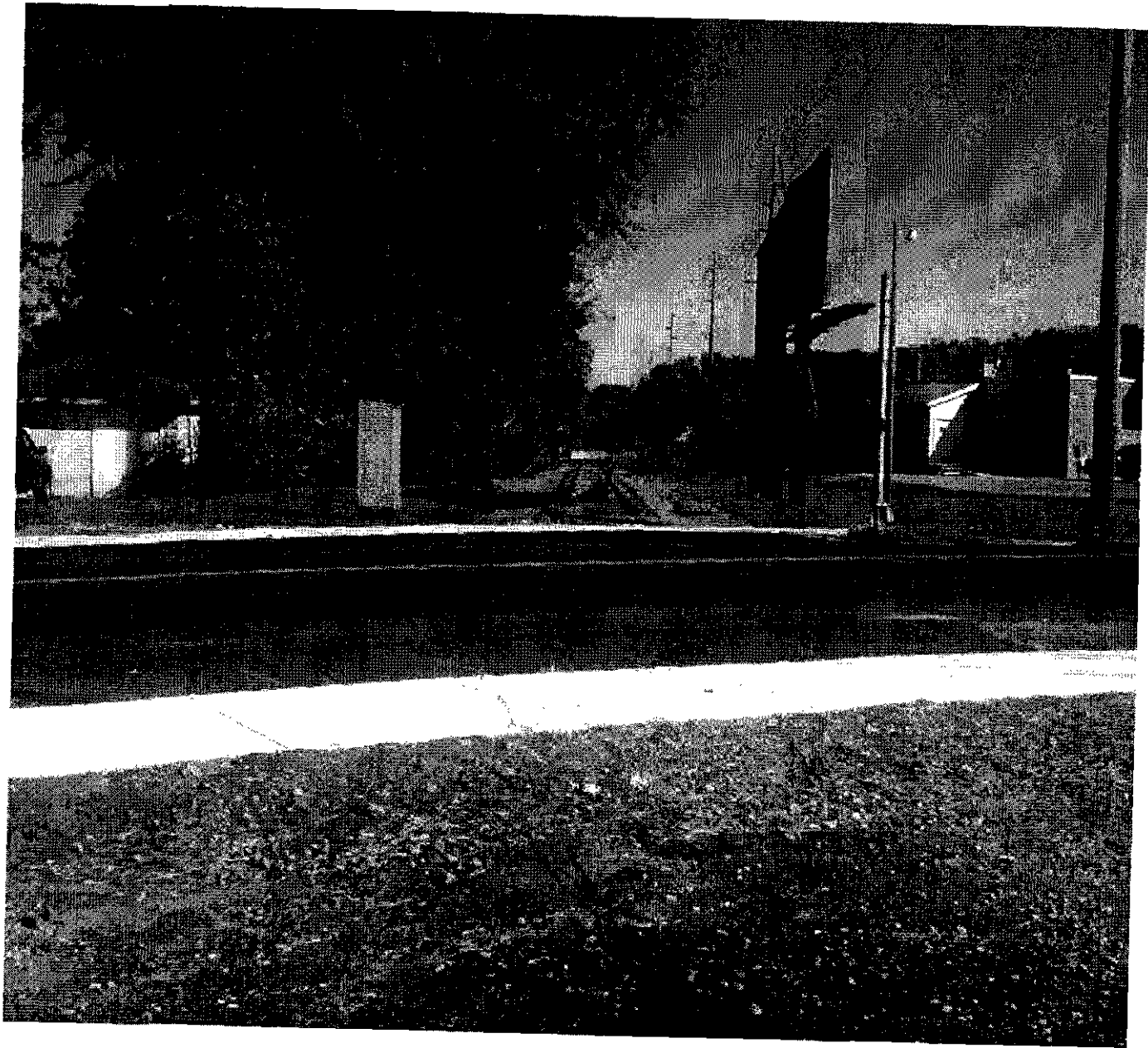
From: "Zurfley, Shawn" <Shawn.Zurfley@puc.state.oh.us>
To: "David.Kruschwitz@stb.dot.gov" <David.Kruschwitz@stb.dot.gov>
Date: 08/07/2013 08:38 AM
Subject: Grade crossing removal.

Mr. Kruschwitz,

I am a rail inspector for the State of Ohio and have spoken with you before on other rail related issues. I have a railroad who is looking at placing a line in abeyance till business picks up. They are looking at removing the rails from the roadway and paving the roadway. I can't find any laws or regulations in the state of Ohio that would prevent them from doing this. Is there any objections the Surface and Transportation Board would have with them removing the rail from the roadway.
Thank you,
Shawn Zurfley

PUCO/FRA S&TC Rail
Inspector

VI. Staff photos





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)

An Equal Opportunity Employer and Service Provider