

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of the Ohio )  
Central Railroad for a Downgrade of ) Case No. 13-1994-RR-RCP  
Warning Devices at Chestnut Street )  
DOT 474-200T in Coshocton, Ohio. )

FINDING AND ORDER

*The Commission finds:*

- (1) On September 26, 2013, Ohio Central Railroad, Inc. (OCR) filed a request to downgrade the warning devices at the Chestnut Street crossing (474-200T) located in the city of Coshocton. OCR noted that there have been no train movements over the crossing for five years and it has made the decision that the track should be removed from the crossing. OCR requests to close the crossing and remove all warning devices. In addition, OCR stated that it understands that, should a customer request rail service requiring the re-opening of this crossing, it will pay the expense required to restore the roadbed and the warning devices.
- (2) By Entry of October 1, 2013, interested parties were given the opportunity to file comments on OCR's request.
- (3) On October 16, 2013, Staff filed its report of investigation of the request. Staff noted that it inspected the crossing and found the rails, warning lights, and crossbucks had been removed from the roadway and the crossing surface and roadway have been repaved. Staff recommended the downgrade be approved and, that, if rail service is ever restored across the highway rail grade crossing, then the grade crossing surface and active warning devices must be

restored at the railroad's expense and meet the current Manual of Uniform Traffic Control Devices standards in effect at the time they are restored. Staff further noted that, because the rail line has not been formally abandoned by the Surface Transportation Board, the railroad will be required to provide rail service to any customer at any time it is requested on this line in the future.

- (4) On November 18, 2013, the city of Coshocton (city) filed a letter in support of the removal of railroad warning devices at the crossing. The city noted that this portion of the track has been abandoned and removed by OCR.
- (5) Upon review, we find that OCR's request to downgrade should be approved subject to the recommendations in the staff report. Nevertheless, we would be remiss if we did not counsel OCR that R.C. 4907.473 and R.C. 4907.49 provide that no person shall remove any sign, signal, gate, protective device, or other safety equipment without Commission approval. Because the Commission had not approved OCR's request, OCR had no authority to remove rail or grade crossing safety equipment from the Chestnut Street crossing prior to the issuance of this Finding and Order. Accordingly, OCR is cautioned that, in the future, actions such as the removal of grade crossing warning devices and track shall not be taken prior to Commission approval.

It is, therefore,

ORDERED, That OCR's request to downgrade is approved subject to the conditions set forth in the staff report. It is, further,

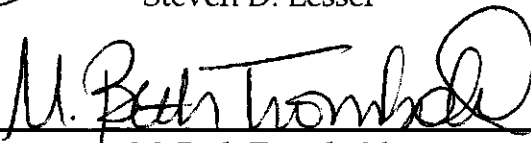
ORDERED, That a copy of this finding and order be served on OCR, the city of Coshocton, and all interested persons of record.

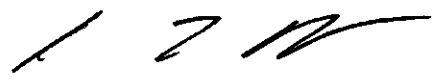
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
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Todd A. Snitchler, Chairman

  
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Steven D. Lesser

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Lynn Slaby

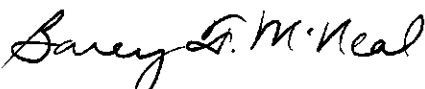
  
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M. Beth Trombold

  
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Asim Z. Haque

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Entered in the Journal

**DEC - 4 2013**

  
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Barcy F. McNeal  
Secretary