

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Request of Ohi-Rail)
Corp. for Removal of the Grade)
Crossing at Alliance Road/State Route) Case No. 15-369-RR-RCP
183 (DOT#503-479K), in Carroll County,)
Near Minerva, Ohio.)

ENTRY

The Commission finds:

- (1) On February 19, 2015, Ohi-Rail Corp. (OHIC) filed a request to remove the railroad track at the grade crossing located on Alliance Road/State Route 183 (S.R. 183), in Carroll County, near Minerva, Ohio (DOT#503-479K), and thereby eliminate the crossing. OHIC is a railroad, subject to the jurisdiction of the Commission under R.C. 4905.04, operating in Carroll, Harrison, and Jefferson counties. OHIC explains that the S.R. 183 grade crossing is located at the Summitville Tile (Summitville) industrial spur track¹ and has not been used for several years. OHIC also indicates that Summitville is the only industry that can be served by the spur track and Summitville confirmed it has no plans for rail shipments in the foreseeable future. Further, OHIC notes that S.R. 183 is scheduled for resurfacing in the summer of 2015 and removal of the grade crossing can occur in conjunction with the repaving work.
- (2) On March 9, 2015, Summitville filed a letter indicating that it does not object to elimination of the S.R. 183 grade crossing. Summitville notes that it has not used rail service for many years and does not anticipate doing so in the future.
- (3) On April 3, 2015, Staff filed a memorandum addressing OHIC's request. Staff confirms that the spur track has no rail traffic for several years and that this is reflected in the Commission's Grade Crossing Inventory database that indicates a zero train count at this location since 2007. Staff

¹ A spur track is a side track that is connected to a main track.

also states that the Ohio Department of Transportation District 11 (ODOT 11) has expressed interest in working with OHIC to remove the S.R. 183 grade crossing during a summer 2015 resurfacing project. Staff recommends that the S.R. 183 grade crossing be considered for removal and closure.

- (4) R.C. 4955.201 provides that if the Surface Transportation Board (STB)² approves the abandonment of a railroad track that crosses a road or highway at grade, the railroad shall immediately remove the track at the crossing after the approval of the abandonment. This section also provides that the railroad shall fill the space previously occupied by the rails with the same material that comprises the road or highway at the crossing.
- (5) R.C. 4907.49 provides that a gate, automatic bell, or other mechanical device at a crossing shall not be removed, substituted, or abandoned unless the Commission consents to the removal, substitution, or abandonment.
- (6) Upon review, we find that OHIC should advise Staff when it receives approval from the STB, if applicable, for the removal of the track at the S.R. 183 grade crossing. Thereafter, OHIC should remove the track and all warning devices on either side of the track in accordance with R.C. 4955.201 and any other applicable standards and coordinate this project with ODOT 11 and Staff. OHIC should also advise Staff and file a notice in this docket when the track and all warning devices are removed and the road surface work is finished. In the event OHIC seeks to resume rail operations at this location, OHIC should advise the Commission which will reevaluate this matter, in accordance with R.C. 4905.04.

² The Interstate Commerce Commission Termination Act of 1995 ("ICCTA") (49 U.S.C.A. §10101 et seq.) abolished the Interstate Commerce Commission and gave the Surface Transportation Board (STB) exclusive jurisdiction over the construction, acquisition, operation, abandonment, or discontinuance of certain spur, industrial, team, switching, or side tracks, or facilities. 49 U.S.C. § 10501(b).

It is, therefore,

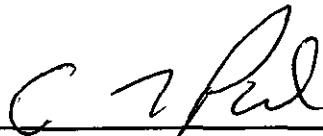
ORDERED, That OHIC advise Staff when it receives approval from the STB, if applicable, and remove the track located at the grade crossing located on Alliance Road/State Route 183 in Carroll County, near Minerva, Ohio (DOT#503-479K) in accordance with R.C. 4955.201 and any other applicable standards. It is, further,

ORDERED, That OHIC remove all crossbucks and any other mechanical warning device on either side of the track in accordance with R.C. 4955.201 and any other applicable standards. It is, further,

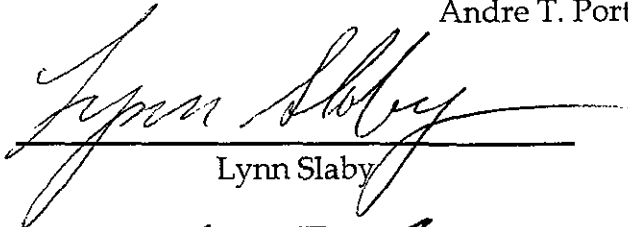
ORDERED, That OHIC advise Staff and file a notice upon the completion of this work. It is, further,

ORDERED, That a copy of this Entry be served on OHIC, ODOT 11, Summitville Tile, and all interested persons of record.

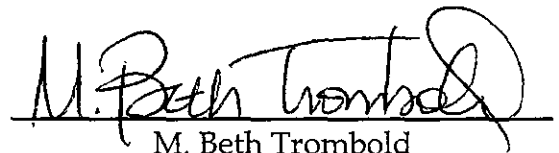
THE PUBLIC UTILITIES COMMISSION OF OHIO



Andre T. Porter, Chairman



Lynn Slaby



M. Beth Trombold



Asim Z. Haque



Thomas W. Johnson

JML/sc

Entered in the Journal **MAY 1-3-2015**



Barcy F. McNeal
Secretary