

## PUCO EXHIBIT FILING

Date of Hearing: 4/5/16Case No. 15-1914-RR-DNCPUCO Case Caption: Ohio - Rail Corp.

## List of exhibits being filed:

Ex - 1 Aerial PhotoEx - 2 Aerial PhotoEx - 3 Expert Testimony

Reporter's Signature: \_\_\_\_\_

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Document Technician

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the :  
Petition of Ohi-Rail Corp. :  
to Close to Vehicular : Case No.  
Traffic the W. Plain Street : 15-1714-RR-UNC  
Grade Crossing Located in :  
the Village of Minerva, Ohio, :  
Carroll County. :

- - -

PROCEEDINGS

Before Jim Lynn, Attorney Examiner, held at the  
Public Utilities Commission of Ohio, 180 East  
Broad Street, Hearing Room 11-D, Columbus, Ohio,  
on Tuesday, April 5, 2016, at 1:00 P.M.

- - -

Armstrong & Okey, Inc.  
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Columbus, Ohio 43215  
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Exhibit  
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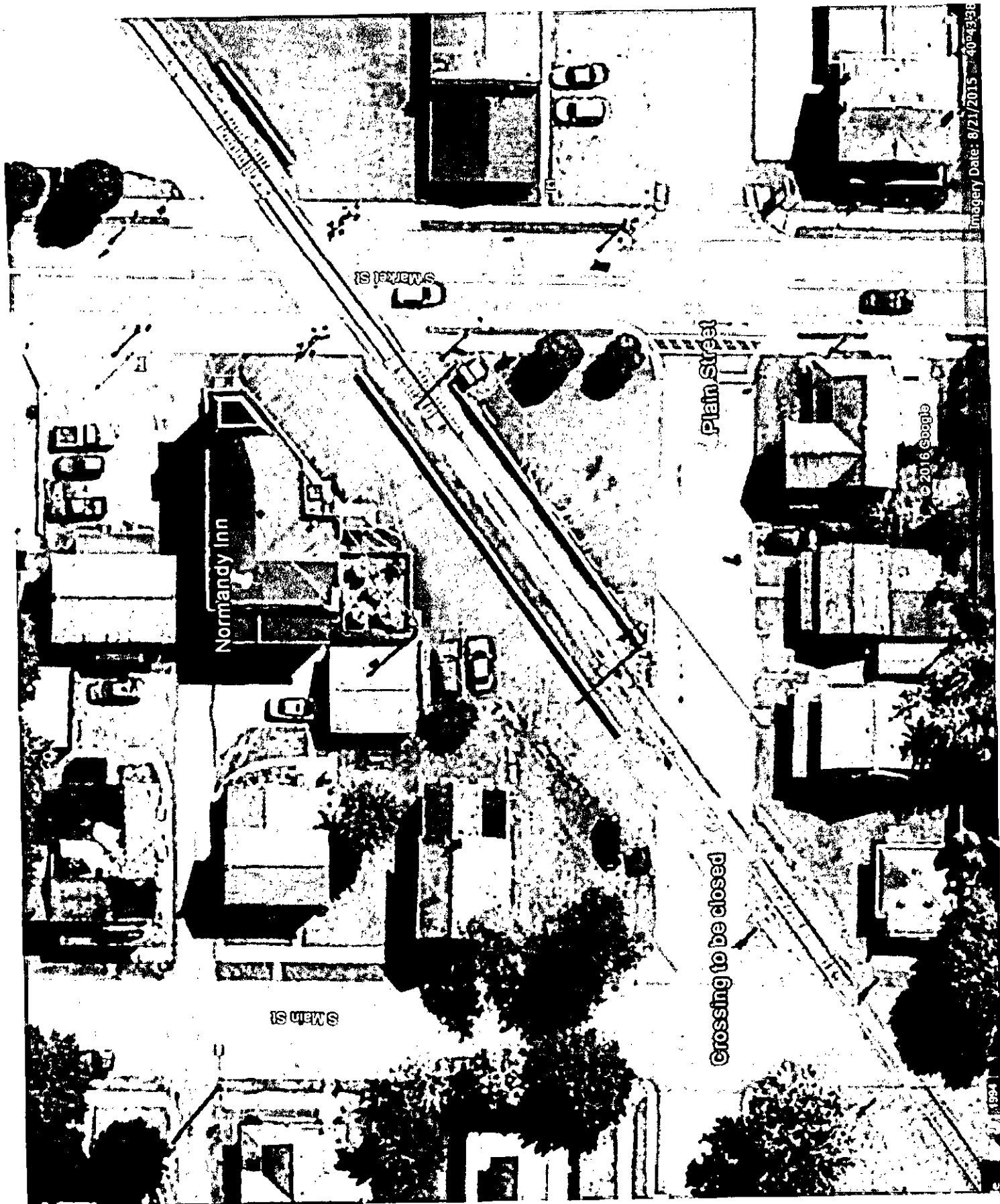
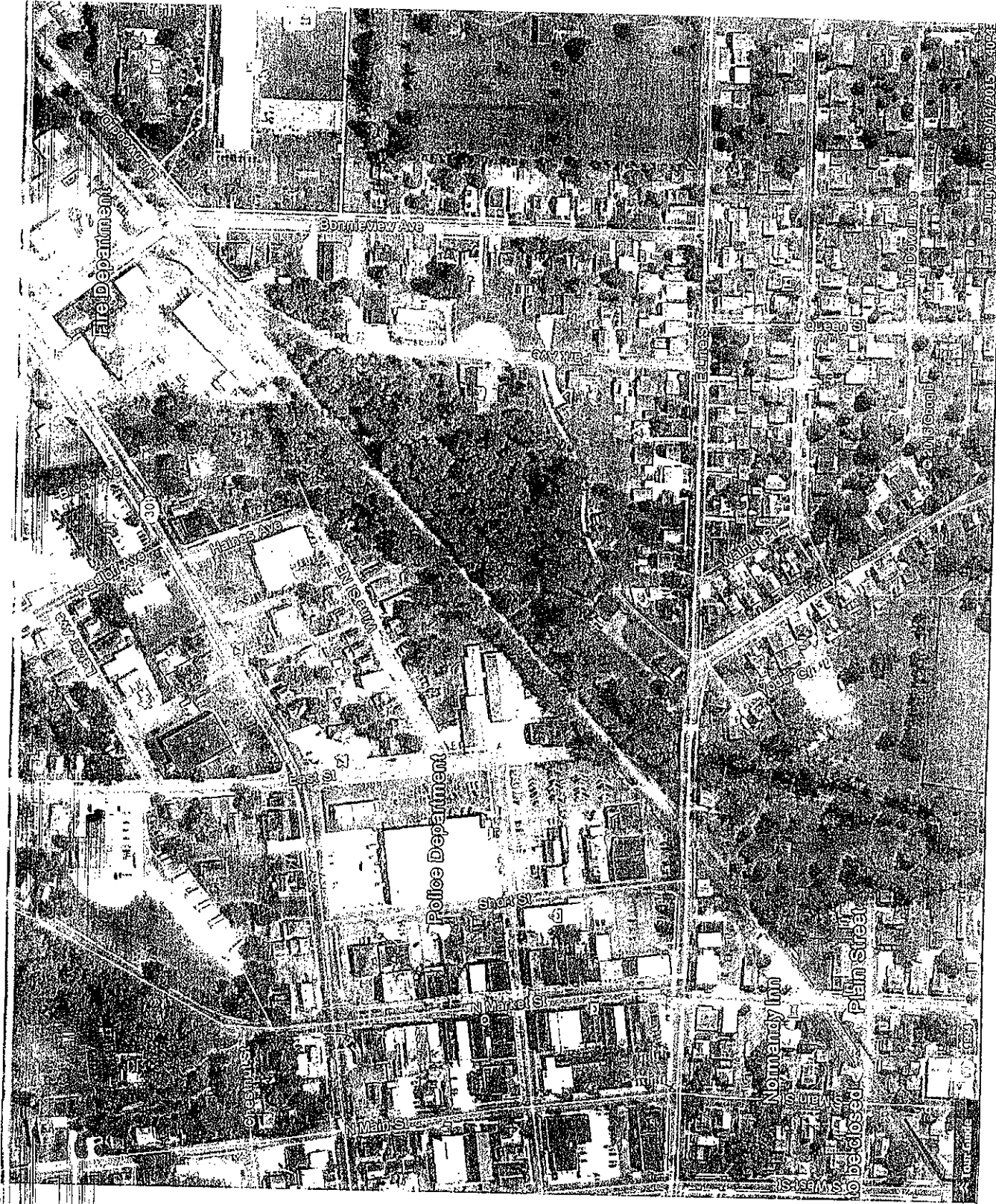


Exhibit  
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EXPERT TESTIMONY

Case No. 15-1714-RR-UNC -- the Petition of Ohi-Rail Corp. to Close to Vehicular Traffic the W. Plain Street Grade Crossing (DOT No. 503425E), Located in the Village of Minerva, Ohio, Carroll County.

1. Market Street/State Route 183 is the main north-south thoroughfare in Minerva and the only approved truck route. Accordingly, the State of Ohio in order to improve the safety of the grade crossing, for both the public and for the railroad, mandated that the Automatic Warning Devices at Market Street be upgraded to mast-mounted flashing lights and roadway gates. However, in order for the upgraded warning system to operate effectively, reliably, and optimally, two grade crossings south of Market Street, will have to be rehabilitated. Those two grade crossings are Main Street and East Plain Street.

2. Since the warning system was modified almost 20 years ago, there have been significant changes in the physical plant which have resulted in an unreliable grade crossing warning system (with high resistance in the circuits) due to the following:

1. Improper crossing surfaces on Plain Street and on Main Street – currently asphalt; no timbers, concrete, or rubber (exacerbated during summer months by wet conditions and during winter months by salt from snow and ice removal).
2. Poor rail conditions south of Market Street and continuing through the two grade crossings: Plain Street and Main Street.

3. In addition to the upgraded Automatic Warning Devices and to further enhance the safety of the system because of the above concerns, the Market Street project also includes rehabilitation of the Main Street grade crossing, which will not only improve the reliability and functioning of the of the Market Street Automatic Warning Devices, but will also, through the replacement of substandard track, reduce the possibility of a derailment, thereby greatly improving the overall safety aspects of the project.

4. That leaves the Plain Street grade crossing, which Ohi-Rail has proposed closing to increase the reliability and effectiveness of the Market Street Project. However, there are several safety issues which the closing of the Plain Street grade crossing would also alleviate:

- a. Because of the layout of the village streets and the direction of the railroad tracks, the Plain Street grade crossing and the railroad tracks meet at a 60° angle, which puts the driver of a vehicle moving west on Plain Street at a distinct disadvantage when looking for trains travelling northeast to southwest, i.e. the driver must look over his/her right shoulder and through the passenger side of the vehicle to see an approaching train, thereby compromising safety. This problem area is significantly worsened when the vehicle is a truck.
- b. Due to the proximity of the Plain Street grade crossing to Main Street (the distance from the clearance point of the grade crossing to Main Street is only 50 feet), there have been instances where vehicles have stopped or been forced to stop on the grade crossing with a

a train approaching while trying enter or cross Main Street. This creates a dangerous situation for both the travelling public and for train crews and is, thus, an important safety consideration, which would also be alleviated with the closure of the Plain Street grade crossing.

c. Train crews have reported that some drivers use Plain Street as an alternative to having to wait for a train to pass when the crossing lights at Market Street are activated by an train approaching from the east. This safety issue will be exacerbated when roadway gates are installed at Market Street, leaving the impatient drivers no alternative but to use the Plain Street “shortcut”. This, in turn, increases the possibility of a train-vehicle collision due to the Main Street/Plain Street problem highlighted in item b. above.

d. Because of the track configuration at the interchange (where railroads exchange cars) with the Norfolk Southern Railway at Bayard, Ohio (two and a half miles northeast of Minerva), it is necessary for Ohi-Rail to shove cars from the Minerva Yard to Bayard, i.e. the locomotive pushes rather than pulls the cars. This necessitates that the conductor has to ride on the side of the leading car. Rules require the conductor to stop the train, get down on the ground, and “flag” the crossing, i.e. physically warn traffic, until the leading car is through the grade crossing. In the past, drivers using Plain Street to avoid getting stopped at Market Street once the flashing lights have activated have posed a risk to the conductors as they’ve “darted” down Plain Street. Again, the installation of roadway gates will adversely affect this safety issue.

e. One of the goals of both the Federal Railway Administration (FRA) and the Public Utilities Commission of Ohio (PUCO) is to enhance the safety of the travelling public and the safety of railroad train crews, by eliminating unnecessary grade crossings. Elimination of the Plain Street grade crossing will greatly enhance the safety of both and will help both the FRA and PUCO meet their goal.

f. The Plain Street grade crossing has problems with poor drainage and substandard track which, while affecting the proper functioning of the Automatic Warning Devices, also increase the possibility of derailments. Ohi-Rail, at its own expense, will fix the drainage problem and replace the track, but has not budgeted for replacing the crossing nor has the State of Ohio included the crossing replacement in the Market Street Project.

5. Ohi-Rail conducted random traffic surveys of the Plain Street grade crossing at various times during the month of March 2016. During this period, an average of less than three vehicles used the crossing per hour during the 8:00 a.m. to 4:30 p.m. hours.

### **Comments on December 17, 2015 Public Hearing**

1. Reference the testimony of David Harp, Village Administrator of Minerva: Mr. Harp references “two homes on the short portion of it [Plain Street] between Market and Main. And then there is the business itself”. We assume that the business to which he referred is the Normandy Inn, which,

in fact, is located on Market Street and not Plain Street. The only part of the business on Plain Street is a .036 acre parking lot, with an access on Plain Street, that is located across the railroad right-of-way from the restaurant (a portion of which is leased from Ohi-Rail). Access to the business itself is from Market Street and the portion of Plain Street west of the grade crossing that we propose closing. Access to the restaurant by fire and ambulance vehicles will be not affected by the closing of the Plain Street grade crossing.

2. Reference the testimony of Aaron Stoller, Minerva Fire Department representative: Mr. Stoller states that closing the Plain Street grade crossing “will limit the access to the commercial business”. We assume that the business to which he referred is the Normandy Inn. In fact, the access to the restaurant will remain as it currently is. The only change would be that vehicles would not be able to enter the main Normandy Inn parking lot after proceeding west on Plain Street (from Market Street). However, it must be noted currently that would necessitate a 240° right turn while the vehicle is on top of the railroad tracks, which would be very difficult, if not impossible, for fire trucks.

3. Reference the testimony of Gary Ruff, Minerva Councilman: Mr. Ruff states that the railroad has placed “large cement barriers on both sides of the track, which has already taken away, probably 20 parking spaces”. He also states that the business is on Plain Street. We assume that the business to which he referred is the Normandy Inn. Again, we would like to point out that the business is located on Market Street, and the only portion on Plain Street is a 0.036 acre parking lot. It should be noted that the primary parking lot for the restaurant is on recently leased (from Ohi-Rail) property. It must also be noted that the reason that the railroad placed the concrete barriers along the railroad right-of-way was for the safety of the public and for the safety of railroad personnel. Before the concrete barriers were in place, restaurant patrons routinely trespassed on railroad property by crossing the tracks to get to the restaurant from the Plain Street parking lot, and the restaurant received deliveries from trucks that backed across the tracks at that point using an unapproved crossing made by placing fill material between the rails.

In April 2014, an Ohi-Rail train struck an F-250 truck that was illegally parked in the Normandy Inn parking lot too close to the tracks. The collision heavily damaged the truck, caused damage to seven rail cars, and could have caused a derailment since the cars were empty. In addition, the collision posed a grave danger to the train’s conductor who was riding the first car that hit the truck.

The constant crossing of the tracks by the Normandy Inn delivery trucks tended to fill in the flangeways of the rail (the area between the fill material and the rails through which the rail car wheel flanges pass) at the unapproved crossing. This greatly increased the possibility of a derailment at that point especially in the winter when ice and snow caused empty rail cars “climb” the clogged flangeways. This also adds resistance to the Market Street Automatic Warning Devices circuits (compounding the resistance added by the Main Street and Plain Street grade crossings), which, in turn, causes false activations of the warning devices.

Therefore, to deter trespassing, to prevent collisions with parked vehicles, and to prevent the possibly of derailments, Ohi-Rail placed the concrete barriers along the right-of-way for the safety of the public and rail crews.

4. Reference the testimony of Billie Rowe, Minerva Council member: Ms. Rowe references “at least 12 new stop signs that they – the railroad has put up in the past year”. While not truly germane to the proposed closing of the Plain Street grade crossing, we would like the proceedings to reflect that the signs were mandated by a change to Section 4511.61 of the Ohio Revised Code, and that Ohi-Rail was directed by the Ohio Department of Transportation (ODOT) to install the Stop signs. We would also like to note that the Village of Minerva was given the opportunity by ODOT to determine which village grade crossings had the Stop signs installed in lieu of Yield signs.

Ms. Rowe also recommends that the railroad could have used “parking bumps” rather than the concrete barriers to protect the public and the railroad right-of-way. The “parking bumps” were in use prior to placement of the concrete barriers. They did not stop the trespassers or the delivery trucks, nor did they prevent the collision with the F-250 truck. Therefore, Ohi-Rail decided that the concrete barriers were the proper solution.

#### **Attachment**

We have attached an overhead photograph of the referenced area. The red lines indicate the Ohi-Rail property lines.



**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**3/31/2016 11:50:11 AM**

**in**

**Case No(s). 15-1714-RR-UNC**

**Summary: Testimony Ohi-Rail Expert Testimony electronically filed by Mr. Neil A Youngman on behalf of Ohi-Rail Corporation**

FILE

# OH-RAIL corp.

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Between Minerva & Hopedale • Serving Southeastern Ohio

March 29, 2016

Public Utilities Commission of Ohio  
Attn: PUCO Docketing  
180 East Broad Street  
Columbus, Ohio 43215-3793

To Whom It May Concern:

With reference to Case No. 15-1714-RR-UNC -- the Petition of Ohi-Rail Corp. to Close to Vehicular Traffic the W. Plain Street Grade Crossing (DOT No. 503425E), Located in the Village of Minerva, Ohio, Carroll County, Ohi-Rail Corporation submits the attached Expert Testimony.

If you have any questions, please contact me at (740) 610-1435 or by e-mail at [dv@ohi-rail.com](mailto:dv@ohi-rail.com).

Sincerely,



Dennis D. Varian  
General Manager

Attachment  
Ohi-Rail Corporation Expert Testimony w/attachment

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