

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

In the Matter of a Downgrade and Exemption Request at the Norfolk Southern
Grade Crossing at SR 104 (DOT#481-916N), in Scioto County, Ohio.

Case Number 16-0243-RR-RCP

May 4, 2016

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 (ORC) §4905.471

The PUCO has the authority to close public at grade crossings pursuant to ORC §§4907.474 and 4907.475. These 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 and/or pedestrian traffic 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 ORC §4907.471.

The PUCO has the authority under ORC §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.

DESCRIPTION OF APPLICANT

Norfolk Southern Railway (NS) is a major Class I railroad, operating over 20,000 miles of track in 22 states and the District of Columbia. Operations in Ohio cover 2,233 miles of track.

PROJECT DESCRIPTION

On January 28, 2016, The Ohio Department of Transportation District Nine (ODOT) filed a request for exemption for the Norfolk Southern grade crossing located at SR 104 (DOT#481-916N) located in Scioto County, Ohio. This would prevent school buses and motor vehicles carrying certain hazardous materials from stopping at the grade crossing.

On January 28, 2016, the Norfolk Southern Railway Company (NS) filed a request for a downgrade for the same crossing located in Scioto County, Ohio. This would be to downgrade from flashing devices to standard crossbuck signage.

BACKGROUND

The NS SR 104 grade crossing has not experienced train traffic for over 10 years and NS has no plans to reinstate train service. This crossing is located at milepost (MP) 99.34 on the NS tracks. Currently, the tracks are disconnected West of the crossing at MP 73.5 and East of the crossing at MP 105. This roadway is a state highway and the crossing is located on an S curve within the roadway.






The Scioto County Engineer reported to staff that there have been numerous traffic accidents at this crossing. The Scioto County Engineer has expressed a desire to have this crossing made safer.

Following an on-site meeting in November 2014, it was decided that the best course of action would be as follows:

- 1) Downgrade the crossing and post proper passive warning devices.
- 2) Make the crossing exempt to prevent stopping at the crossing since no train traffic will be on the tracks.
- 3) Remove the NS pole line near the crossing. This pole line is not in use anymore and the poles represent a hazard for vehicles that are involved in crashes at the crossing.

III INFORMATION FROM RAIL DATABASE

Record ID: **3371**

South Direction	West Direction
	
North Direction	East Direction
	
Photograph 5	
	
Site Information	
AARDOT:	481916N
AARDOT Source:	Railroad
Adj. AARDOT:	
Adj. AARDOT Source:	Railroad

Survey Site ID:	SCI531
Init. Agency for Change:	State
Reason for Change:	Updated Record
Effective Date:	Nov 1 2013 12:00AM
Railroad Information	
Operating RR:	Norfolk Southern Corp
Division:	CENTRAL
Sub-Division:	NW
Branch/Line Name:	CINN.
Milepost:	99.34
Railroad ID:	CT
Nearest Time Table Station:	MCDERMOTT
Parent RR Company:	NS
Crossing Owner:	NS
Location and Classification Information	
County:	SCIOTO
(Nearest) City:	MCDERMOTT
Street:	SR 104
Highway and SLM:	SR104-8.66
High Speed Corridor:	
County Map Ref. Number:	73
ODOT NLF ID:	SSCISR00104**C
Latitude:	38.8324316
Longitude:	-83.0198251
Elevation (ft):	541.46
Crossing Type:	Public
Position:	At-Grade
Emergency Contact:	8009464744
Railroad Contact:	
State Contact:	
LHA:	State

LHA2:	
Dev. Type:	Residential
Crossing Angle:	0-29 Degrees
Main Tracks:	1
Other Tracks:	0
Lanes:	2
Warning Devices	
Crossbucks, Standard:	5
Crossbucks, Buckeye:	0
Lights, Mast Mounted:	3
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:	Apr 4 2012 12:00AM
Highway AADT:	3880
Date of AADT:	2011

Highway Information	
Distance to Nearest Intersection:	23
Type of Intersection:	Highway
Number of HW-HW Intersections:	1

Highway 1:	
Traffic Light:	NO
Flashing Light:	NO

IV FIELD INSPECTION REPORT

PUBLIC UTILITIES COMMISSION OF OHIO TRANSPORTATION DEPARTMENT RAIL DIVISION

Date of Inspection: 04/28/2016

Subject: Inspection Request for Consideration to Down Grade Crossing and Change to Exempt Status, located State Route 104, Scioto County, OH Norfolk Southern

DOT No.: 481-916N

FINDINGS

On April 28, this Inspector conducted an inspection of State Route 104 railroad crossing for consideration of downgrade of crossing to crossbucks only and exempt crossing status.

On date of inspection, I found State Route 104 to be a 2 lane state highway running in an east-west direction with a crossing at grade with Norfolk Southern. A single track crosses the road at grade in a north-south direction. McDermott Rushtown Rd connects to SR 104 on the west side of the crossing. There are mast mounted flasher lights that provides warning to auto traffic in the eastbound SR 104 lane. Two concrete foundations and metal bases are also in place along SR 104 and McDermott Rushtown Rd southwest corner. Previously, there were flasher lights used to provide warning to auto traffic on McDermott Rushtown Rd and westbound traffic on State Route 104. They were damaged by collision with automotive traffic several years ago and the railroad has not replaced them. The crossing surface is composed of pavement with timber flange ways.

SR 104 railroad crossing is located at railroad milepost 99.34

This rail line has not seen any rail service in several years now and the rail has been disconnected from the active portion of railroad on the east side of the Cincinnati Line near Portsmouth at milepost 105. This has been done via a rail joint has been unbolted and the north rail has been moved a couple feet to west of the south rail so the north and south rail no longer match up. The west end of the Cincinnati line a rail joint has been unbolted and the rail moved as well at milepost 73.5 As such no rail traffic can reach the SR 104 crossing.

SUMMARY AND CONCLUSIONS

In regards to the crossing being downgraded from flasher lights to standard crossbucks this inspector recommends this action be taken as this rail line has not seen any rail service in several years now and the rail has been disconnected from the active portion of railroad by the rail joint being disconnected the rail moved to prevent rail traffic from accessing this crossing.

In regards to the crossing being changed to exempt status, this inspector recommends this action be taken. This section rail line has been inactive for several years and the rail is disconnected down the line at milepost 105 east of the crossing and milepost 73.5 west of the crossing so no rail traffic can reach this crossing.

Joshua Elzey
PUCO Inspector
April 28, 2016



SR 104/rail
crossing looking
north.



SR 104/rail crossing
looking south.



SR 104 looking
south.



SR 104 looking
north.



Rail disconnected
milepost 105.



Rail disconnected
milepost 73.5



Old crossbuck
base/foundation.

V STAFF RECOMENDATIONS

PUCO Rail Staff recommend the following actions be taken:

- 1) Approve the downgrade request for the crossing and order NS to post proper passive warning devices to meet current code requirements for grade crossing devices.
- 2) Approve the exemption request for the crossing to prevent vehicles from stopping at the crossing, since no train traffic will be on the tracks.
- 3) Recommend approval for the removal of the NS pole line near the crossing. This pole line is not in use anymore and the poles represent a hazard for vehicles that are involved in crashes at the crossing.

VI OTHER INFORMATION

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 5,300 miles of track and 5,800 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 obstructions, 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
Andre T. Porter, Chairman

180 E. Broad Street, Columbus, Ohio 43215-3793
(800) 686-PUCO (7826)

An Equal Opportunity Employer and Service Provider

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/4/2016 4:21:05 PM

in

Case No(s). 16-0243-RR-RCP

Summary: Staff Report Filed Rail Division Staff Report for SR 104 (DOT#481-916N) Scioto County, Ohio electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division