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**Public Utilities
Commission of Ohio**

Memo

To: Docketing Division
From: George Martin, Grade Crossing Planner, Rail Division
Re: PUCO Case No. 16-1419-RR-RCP
Date: July 25, 2016



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

RECEIVED-DOCKETING DIV.
2016 JUL 25 AM 11:47
PUCO

C: Legal Department

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

PUCO Case No 16-1419-RR-RCP

In the Matter of the Petition by Providence Township for Exempt Crossing
Designations at five Toledo, Lake Erie & Western Railway grade crossings in Lucas
County, Ohio

July 25, 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 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 Providence Township Trustees are the local highway authority with jurisdiction over five petitioned crossings at-grade with the Toledo, Lake Erie & Western Railway (TLEW).

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II. PROJECT DESCRIPTION

On June 15, 2016, Ken Biller, Road Superintendent, of Providence Township, filed in this docket a request for the following grade crossings to be designated “exempt” under 4511.63 Ohio Revised Code:

475255J, Bailey Rd/TR 145

475258E, Pollock Rd/TR 147

475262U, Patton Rd/TR 148

475264H, Hartman Rd/TR 113

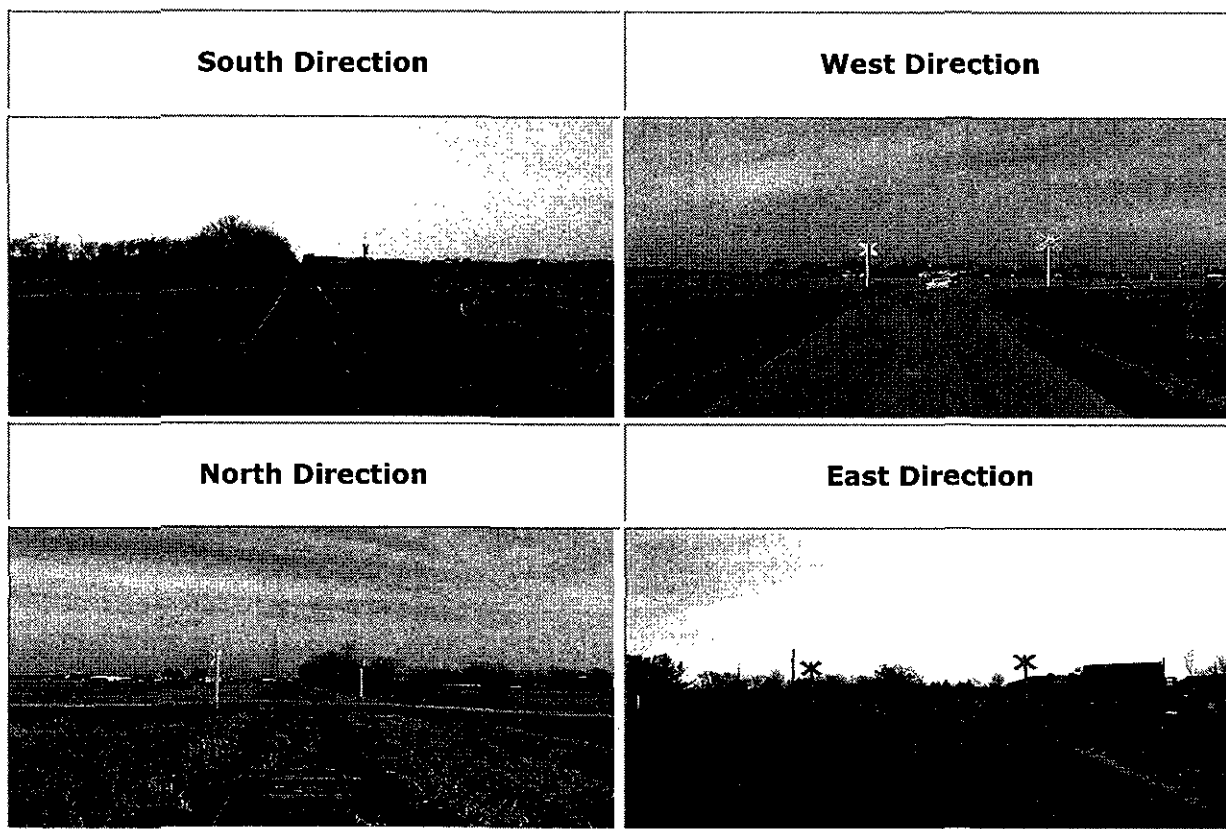
475265P, Yawberg Rd/TR 112

III. Database photos



Public Utilities Commission of Ohio

Record ID: **1434**



Site Information	
AARDOT:	475255J
AARDOT Source:	Field
Adj. AARDOT:	
Adj. AARDOT Source:	Field
Survey Site ID:	LUC051

Init. Agency for Change:	State
Reason for Change:	Updated Record
Effective Date:	Oct 30 2012 12:00AM
Railroad Information	
Operating RR:	Toledo, Lake Erie & Westen Railway (scenic)
Division:	WESTERN
Sub-Division:	FORT WAYNE
Branch/Line Name:	DELPHOS DIST.
Milepost:	19.22
Railroad ID:	
Nearest Time Table Station:	WATERVILLE
Parent RR Company:	TLEW
Crossing Owner:	TLEW
Location and Classification Information	
County:	LUCAS
(Nearest) City:	WATERVILLE
Street:	BAILEY RD
Highway and SLM:	TR145
High Speed Corridor:	
County Map Ref. Number:	
ODOT NLF ID:	TLUCTR00145**C
Latitude:	41.4576827
Longitude:	-83.7912252
Elevation (ft):	649.6709
Crossing Type:	Public
Position:	At-Grade
Emergency Contact:	
Railroad Contact:	
State Contact:	
LHA:	PROVIDENCE TWP

LHA2:	
Dev. Type:	Open Space
Crossing Angle:	60-90 Degrees
Main Tracks:	1
Other Tracks:	0
Lanes:	2

Warning Devices

Crossbucks, Standard:	2
Crossbucks, Buckeye:	0
Lights, Mast Mounted:	0
Lights, Cantilevered:	0
Lights, Other:	0
Gates:	0

Traffic Information

Day Thru Trains:	1
Day Switching Trains:	0
Night Thru Trains:	0
Night Switch Trains:	0
Date of Train Count:	Jun 13 2003 12:00AM
Highway AADT:	152
Date of AADT:	2008

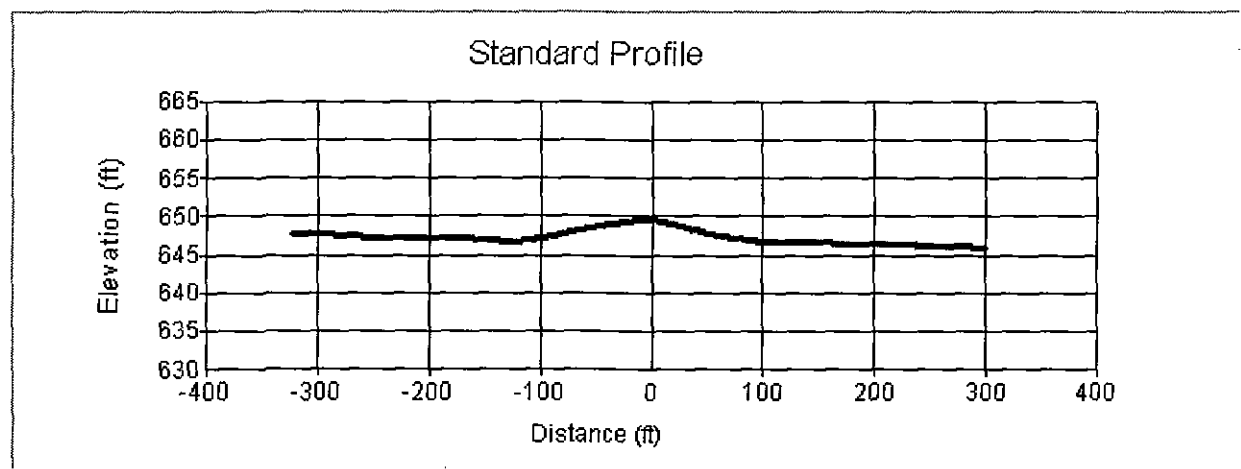
Highway Information

Distance to Nearest Intersection:	40
Type of Intersection:	Highway
Number of HW-HW Intersections:	1

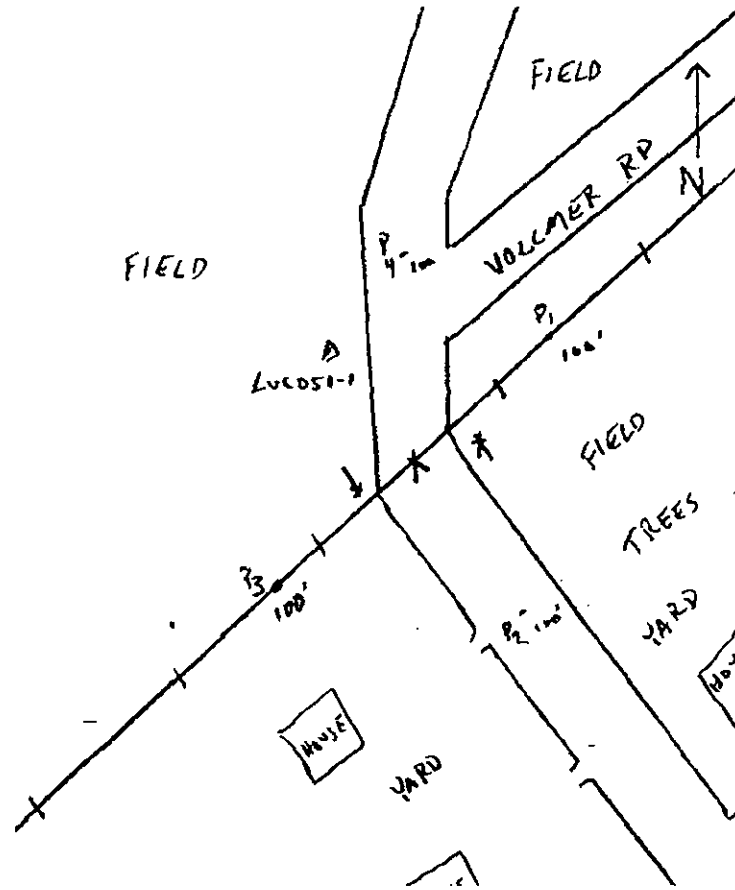
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Highway 1:	
Traffic Light:	NO
Flashing Light:	NO
Stop Sign:	YES
Yield Sign:	NO
Distance from Tie to Center of Intersection:	40
DO NOT STOP ON TRACK(S) Sign:	NO

Site Comments
No comments.



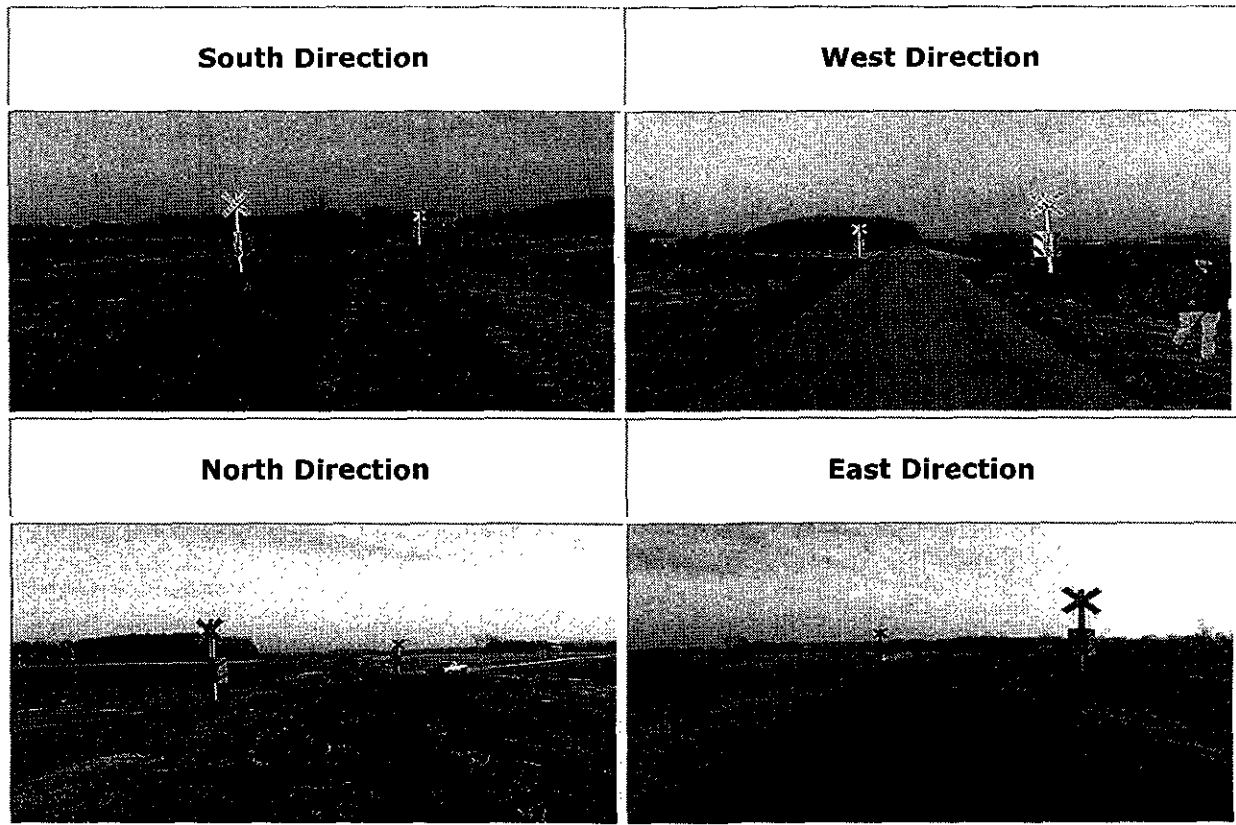
Site Sketch





Public Utilities Commission of Ohio

Record ID: 1421



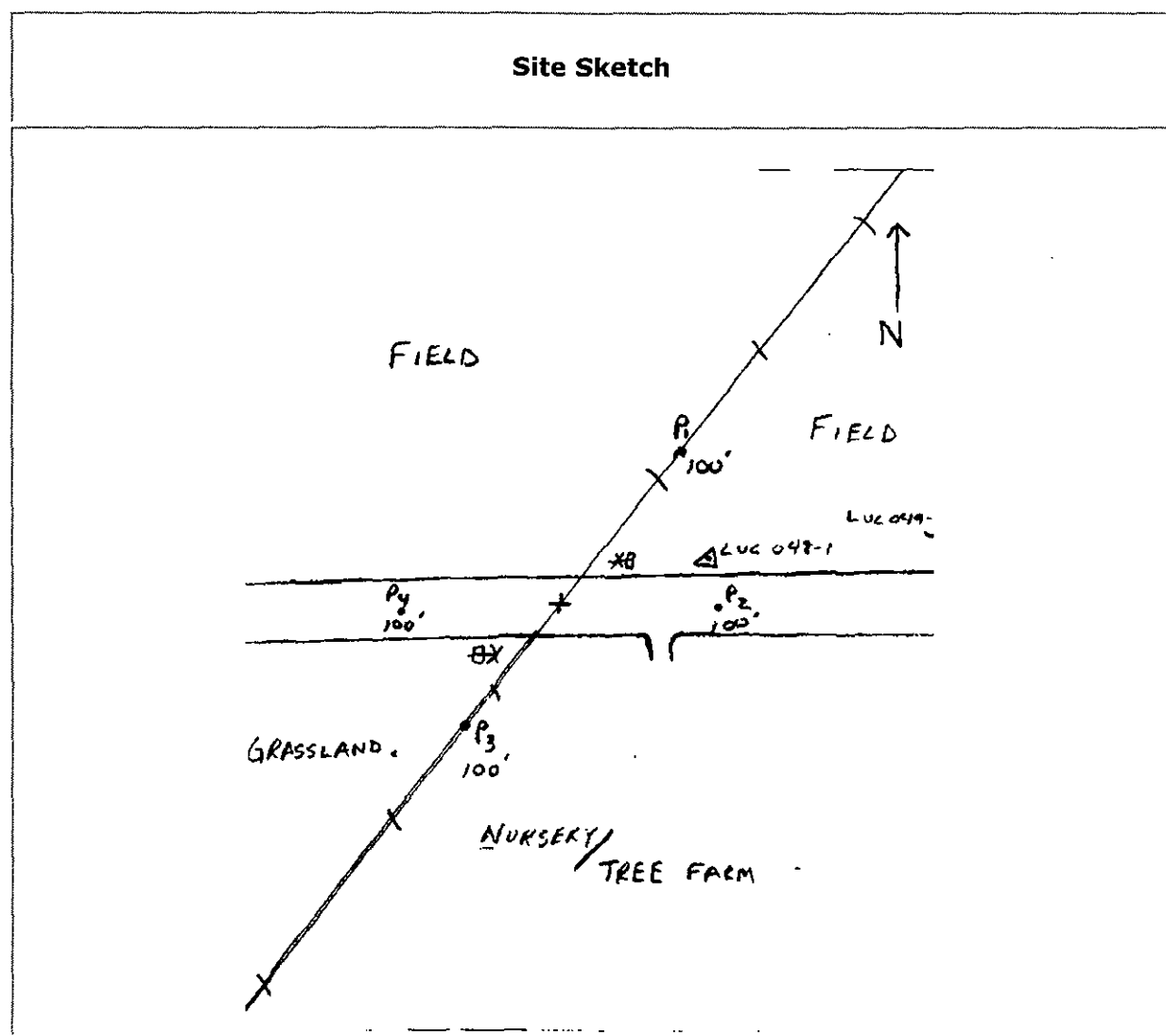
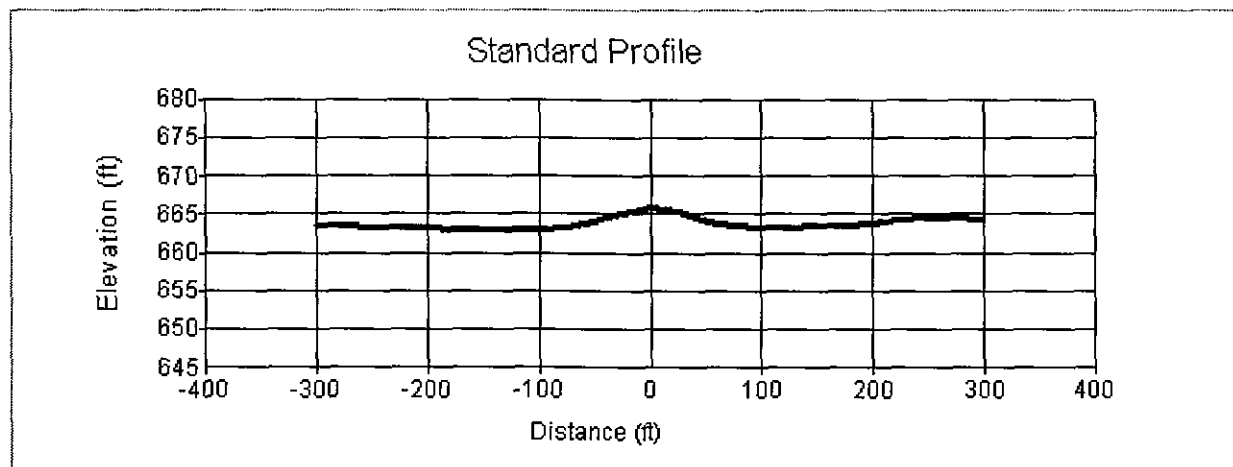
Site Information	
AARDOT:	475258E
AARDOT Source:	Field
Adj. AARDOT:	
Adj. AARDOT Source:	Field
Survey Site ID:	LUC048
Init. Agency for Change:	State
Reason for Change:	Updated Record
Effective Date:	Oct 30 2012 12:00AM

Railroad Information	
Operating RR:	Toledo, Lake Erie & Westen Railway (scenic)
Division:	WESTERN
Sub-Division:	FORT WAYNE
Branch/Line Name:	DELPHOS
Milepost:	20.48
Railroad ID:	
Nearest Time Table Station:	
Parent RR Company:	TLEW
Crossing Owner:	TLEW
Location and Classification Information	
County:	LUCAS
(Nearest) City:	GRAND RAPIDS
Street:	POLLOCK RD
Highway and SLM:	TR147
High Speed Corridor:	
County Map Ref. Number:	
ODOT NLF ID:	TLUCTR00147**C
Latitude:	41.4446450
Longitude:	-83.8090068
Elevation (ft):	665.787
Crossing Type:	Public
Position:	At-Grade
Emergency Contact:	
Railroad Contact:	
State Contact:	
LHA:	PROVIDENCE TWP
LHA2:	
Dev. Type:	Open Space
Crossing Angle:	30-59 Degrees

Main Tracks:	1
Other Tracks:	0
Lanes:	2
Warning Devices	
Crossbucks, Standard:	0
Crossbucks, Buckeye:	2
Lights, Mast Mounted:	0
Lights, Cantilevered:	0
Lights, Other:	0
Gates:	0
Traffic Information	
Day Thru Trains:	1
Day Switching Trains:	0
Night Thru Trains:	0
Night Switch Trains:	0
Date of Train Count:	Jun 13 2003 12:00AM
Highway AADT:	99
Date of AADT:	2008

Highway Information	
Distance to Nearest Intersection:	88
Type of Intersection:	Commercial Drive
Number of HW-HW Intersections:	0

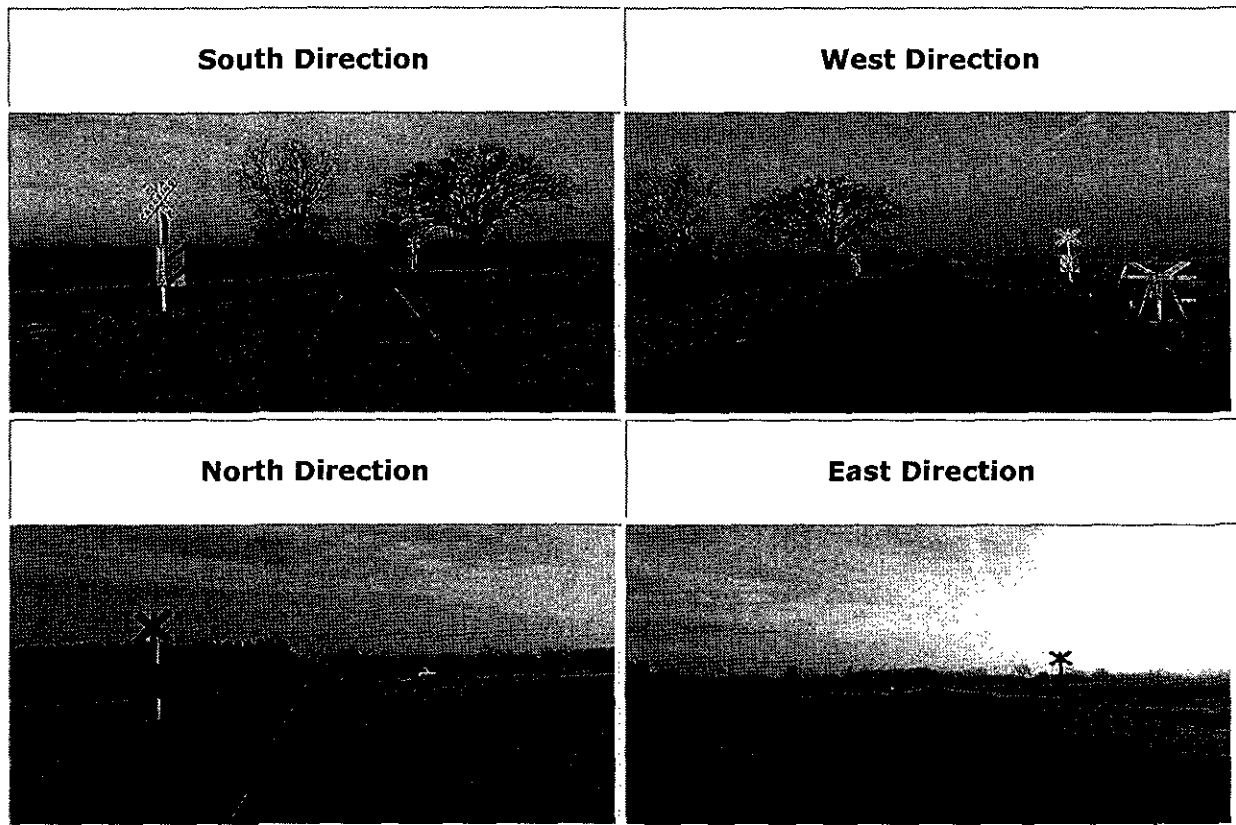
Site Comments	
No comments.	





Public Utilities Commission of Ohio

Record ID: **1381**



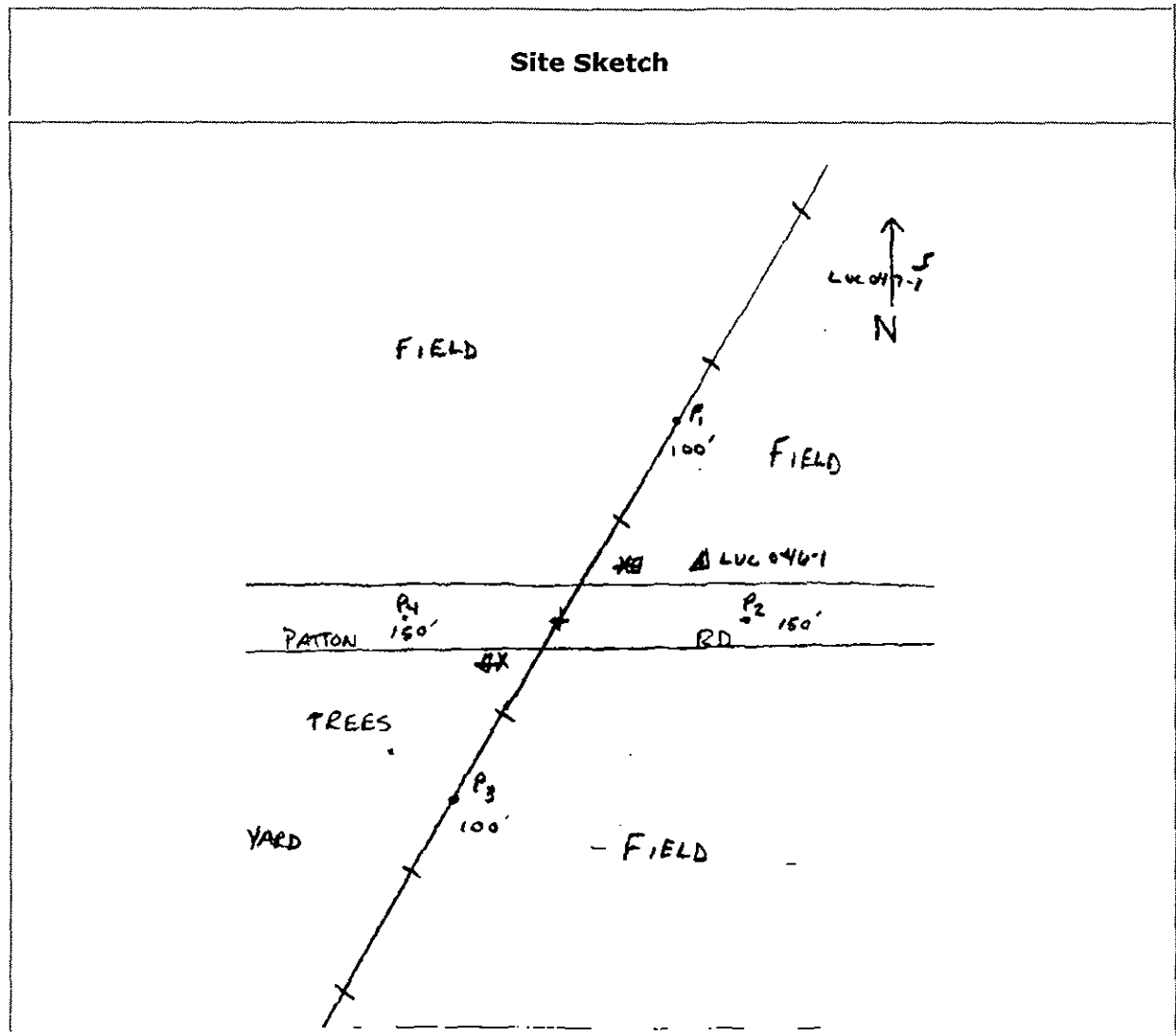
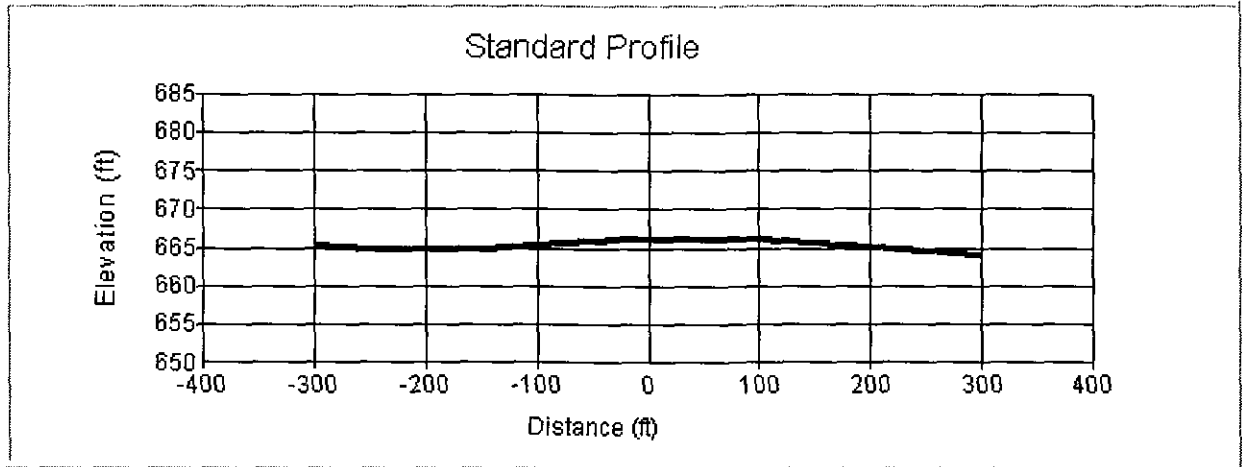
Site Information	
AARDOT:	475262U
AARDOT Source:	Field
Adj. AARDOT:	
Adj. AARDOT Source:	Field
Survey Site ID:	LUC046
Init. Agency for Change:	State
Reason for Change:	Updated Record

Effective Date:	Oct 30 2012 12:00AM
Railroad Information	
Operating RR:	Toledo, Lake Erie & Westen Railway (scenic)
Division:	WESTERN
Sub-Division:	FORT WAYNE
Branch/Line Name:	DELPHOS
Milepost:	21.61
Railroad ID:	
Nearest Time Table Station:	
Parent RR Company:	TLEW
Crossing Owner:	TLEW
Location and Classification Information	
County:	LUCAS
(Nearest) City:	GRAND RAPIDS
Street:	PATTON RD
Highway and SLM:	TR148
High Speed Corridor:	
County Map Ref. Number:	
ODOT NLF ID:	TLUCTR00148**C
Latitude:	41.4372617
Longitude:	-83.8275174
Elevation (ft):	666.2726
Crossing Type:	Public
Position:	At-Grade
Emergency Contact:	
Railroad Contact:	
State Contact:	
LHA:	PROVIDENCE TWP
LHA2:	
Dev. Type:	Open Space

Crossing Angle:	30-59 Degrees
Main Tracks:	1
Other Tracks:	0
Lanes:	2
Warning Devices	
Crossbucks, Standard:	0
Crossbucks, Buckeye:	2
Lights, Mast Mounted:	0
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:	Oct 30 2012 12:00AM
Highway AADT:	896
Date of AADT:	2008

Highway Information	
Distance to Nearest Intersection:	500
Type of Intersection:	Unknown
Number of HW-HW Intersections:	0

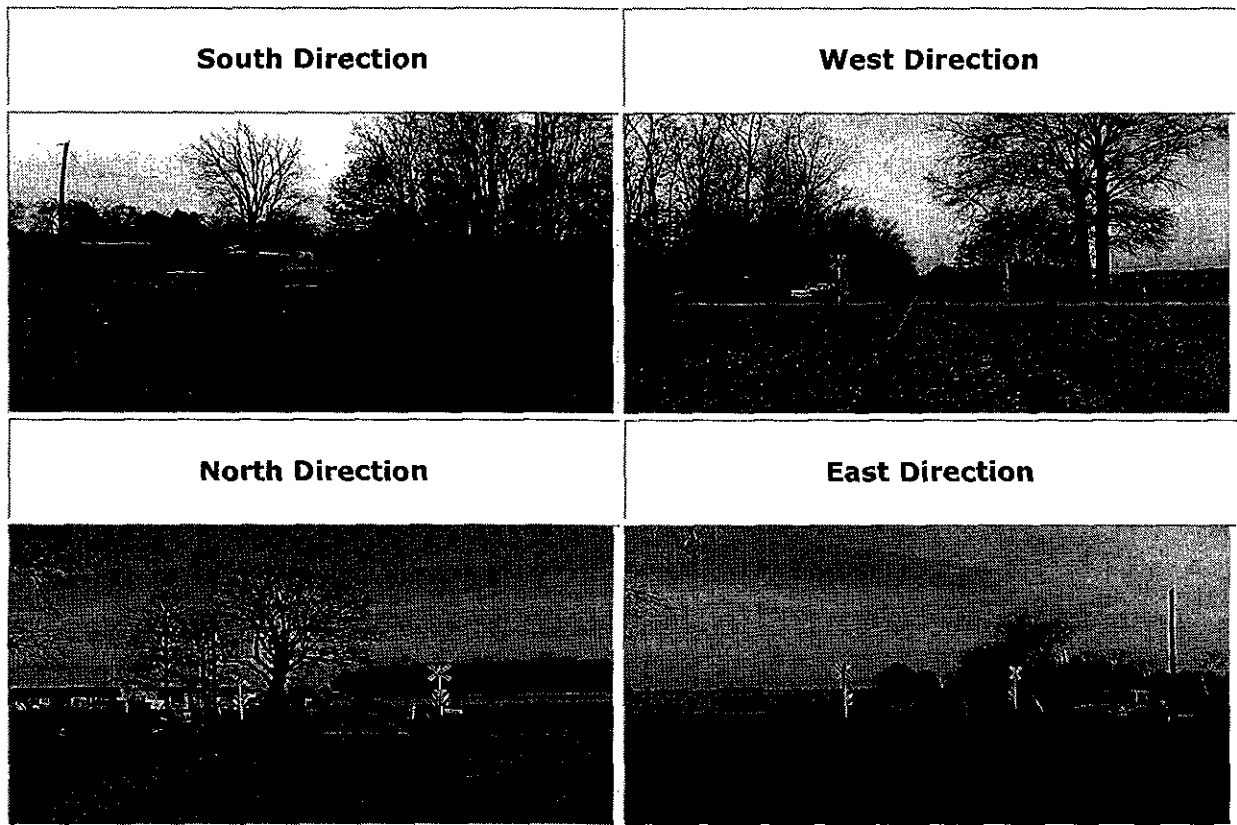
Site Comments	
Seasonal excursion train. GM 10/30/2012	





Public Utilities Commission of Ohio

Record ID: **1382**



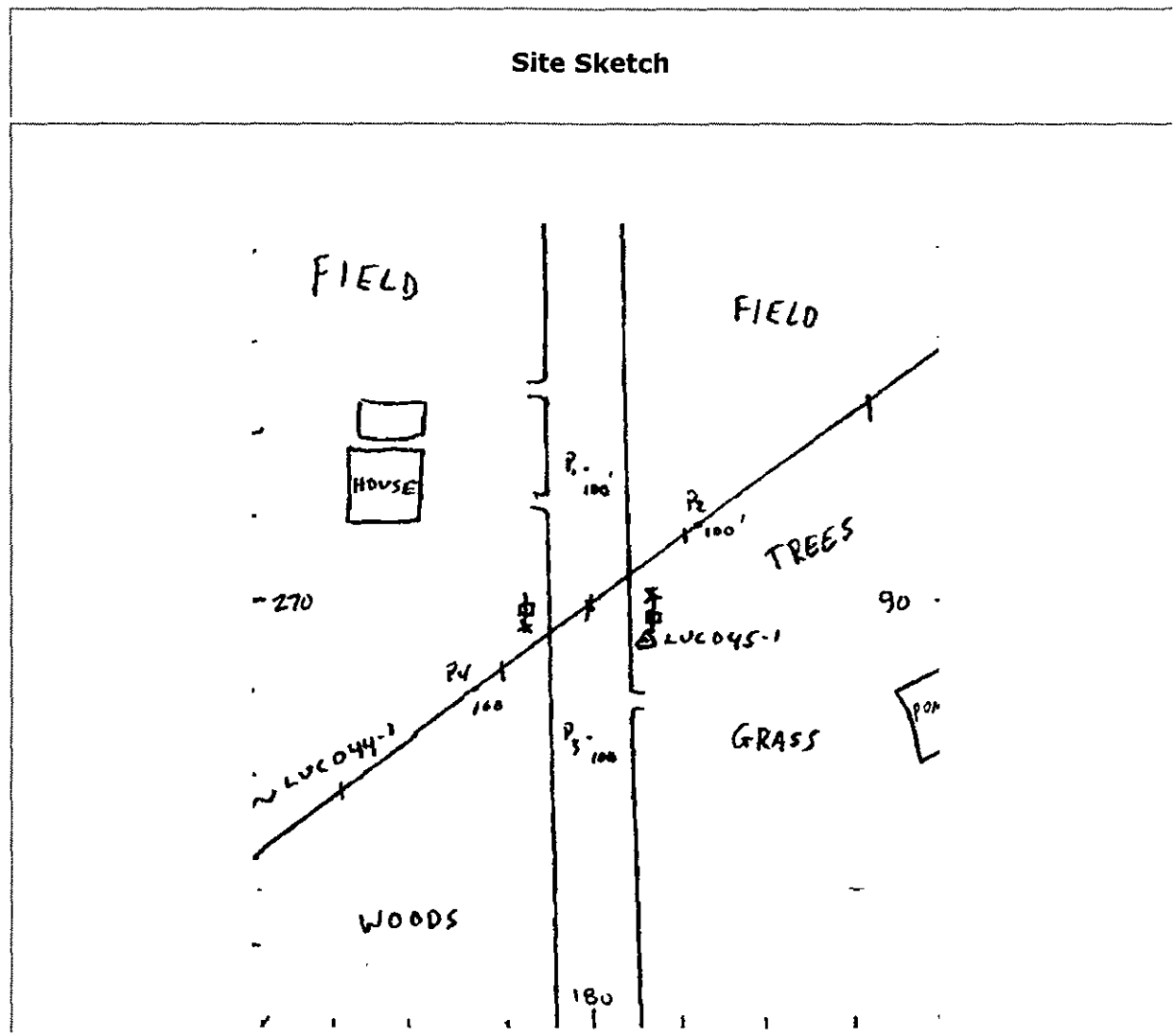
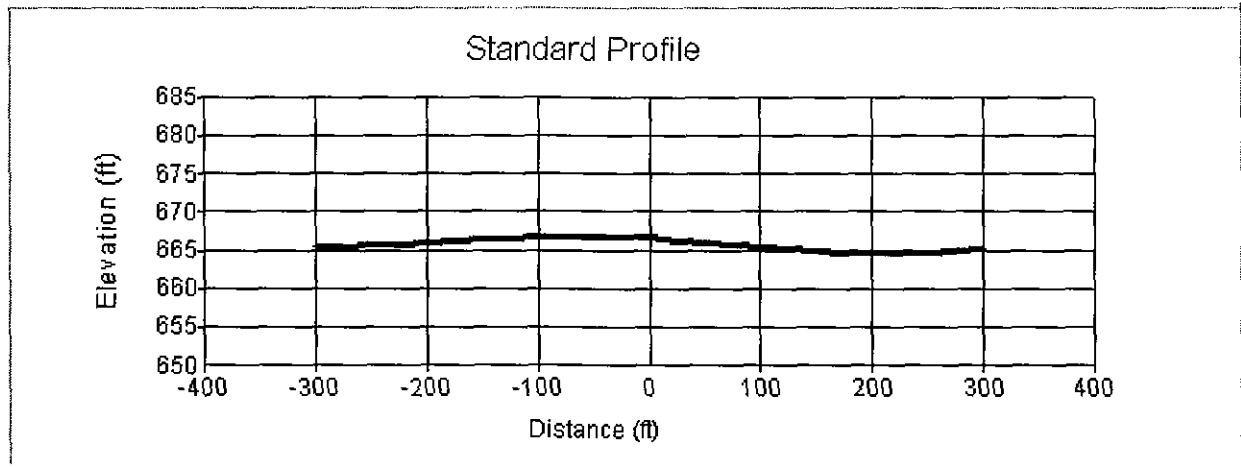
Site Information	
AARDOT:	475264H
AARDOT Source:	Field
Adj. AARDOT:	
Adj. AARDOT Source:	Field
Survey Site ID:	LUC045
Init. Agency for Change:	State
Reason for Change:	Updated Record

Effective Date:	Oct 30 2012 12:00AM
Railroad Information	
Operating RR:	Toledo, Lake Erie & Westen Railway (scenic)
Division:	WESTERN
Sub-Division:	FORT WAYNE
Branch/Line Name:	DELPHOS DIST.
Milepost:	22.31
Railroad ID:	
Nearest Time Table Station:	
Parent RR Company:	TLEW
Crossing Owner:	TLEW
Location and Classification Information	
County:	LUCAS
(Nearest) City:	GRAND RAPIDS
Street:	HARTMAN RD
Highway and SLM:	TR113
High Speed Corridor:	
County Map Ref. Number:	
ODOT NLF ID:	TLUCTR00113**C
Latitude:	41.4324421
Longitude:	-83.8395907
Elevation (ft):	666.6425
Crossing Type:	Public
Position:	At-Grade
Emergency Contact:	
Railroad Contact:	
State Contact:	
LHA:	PROVIDENCE TWP
LHA2:	
Dev. Type:	Residential

Crossing Angle:	30-59 Degrees
Main Tracks:	1
Other Tracks:	0
Lanes:	2
Warning Devices	
Crossbucks, Standard:	0
Crossbucks, Buckeye:	2
Lights, Mast Mounted:	0
Lights, Cantilevered:	0
Lights, Other:	0
Gates:	0
Traffic Information	
Day Thru Trains:	1
Day Switching Trains:	0
Night Thru Trains:	0
Night Switch Trains:	0
Date of Train Count:	Jun 13 2003 12:00AM
Highway AADT:	129
Date of AADT:	2008

Highway Information	
Distance to Nearest Intersection:	65
Type of Intersection:	Residential Drive
Number of HW-HW Intersections:	0

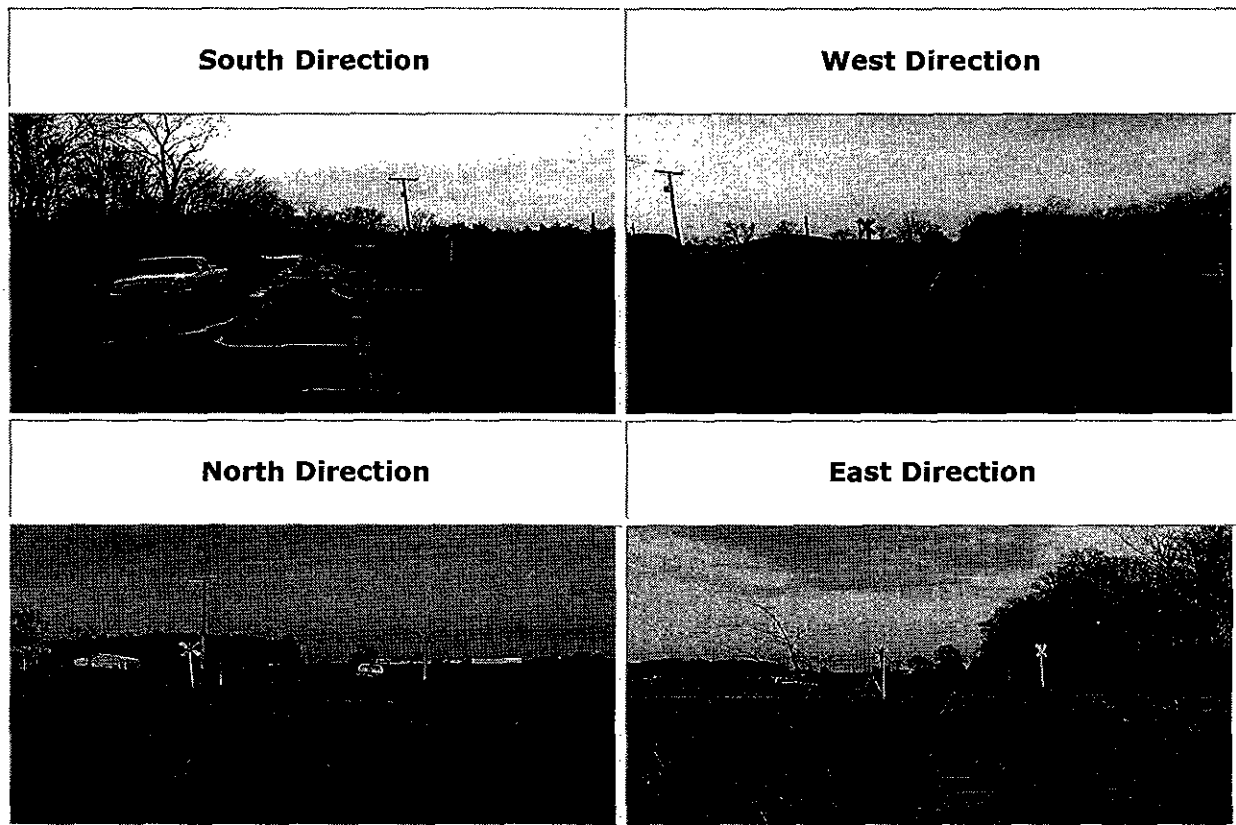
Site Comments	
No comments.	





Public Utilities Commission of Ohio

Record ID: **1383**



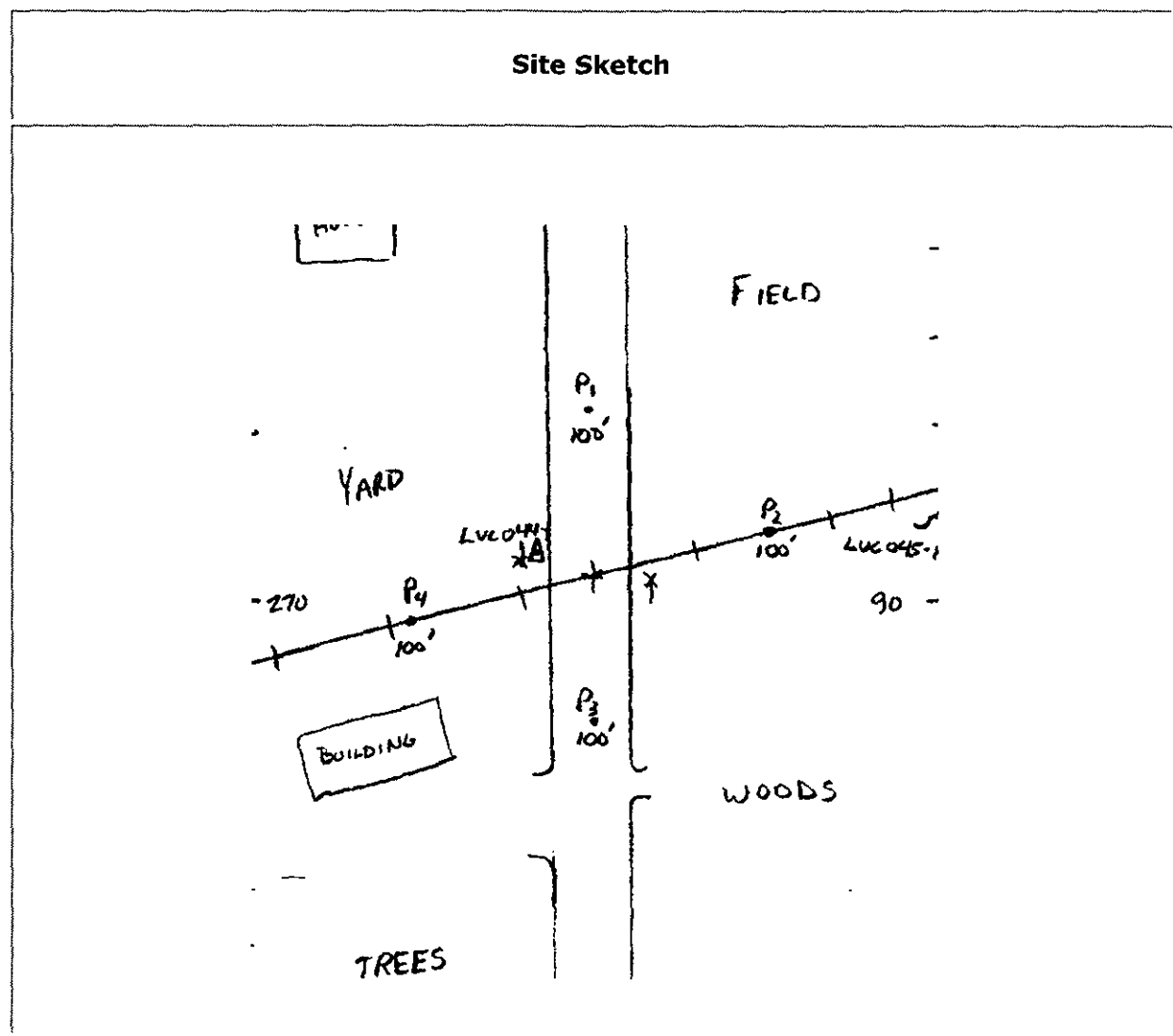
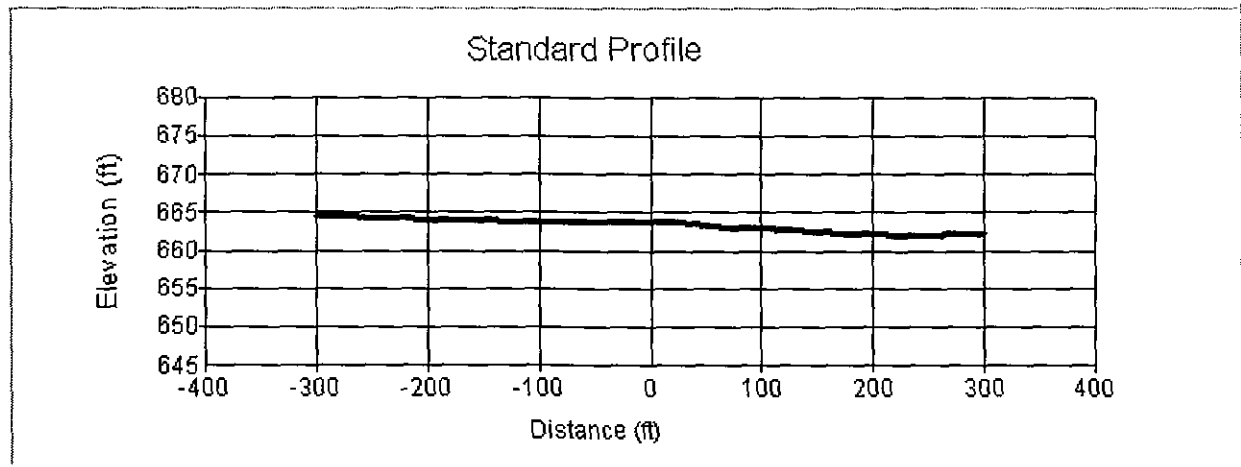
Site Information	
AARDOT:	475265P
AARDOT Source:	Field
Adj. AARDOT:	
Adj. AARDOT Source:	Field
Survey Site ID:	LUC044
Init. Agency for Change:	State
Reason for Change:	Updated Record

Effective Date:	Oct 30 2012 12:00AM
Railroad Information	
Operating RR:	Toledo, Lake Erie & Westen Railway (scenic)
Division:	SYSTEM
Sub-Division:	FORT WAYNE
Branch/Line Name:	DELPHOS
Milepost:	22.6
Railroad ID:	
Nearest Time Table Station:	
Parent RR Company:	TLEW
Crossing Owner:	TLEW
Location and Classification Information	
County:	LUCAS
(Nearest) City:	GRAND RAPIDS
Street:	YAWBERG RD
Highway and SLM:	TR112
High Speed Corridor:	
County Map Ref. Number:	
ODOT NLF ID:	TLUCTR00112**C
Latitude:	41.4305448
Longitude:	-83.8443476
Elevation (ft):	663.8573
Crossing Type:	Public
Position:	At-Grade
Emergency Contact:	
Railroad Contact:	
State Contact:	
LHA:	PROVIDENCE TWP
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:	0
Lights, Cantilevered:	0
Lights, Other:	0
Gates:	0
Traffic Information	
Day Thru Trains:	1
Day Switching Trains:	0
Night Thru Trains:	0
Night Switch Trains:	0
Date of Train Count:	Jun 13 2003 12:00AM
Highway AADT:	251
Date of AADT:	2008

Highway Information	
Distance to Nearest Intersection:	143
Type of Intersection:	Unknown
Number of HW-HW Intersections:	0

Site Comments	
No comments.	



**TRANSPORTATION DEPARTMENT
RAIL DIVISION**

Date of Assignment: July 1. 2016

Date of Inspection: July 6. 2016

Subject: 16-1419-RR-RCP petition for exemption, Bailey Rd., Pollock Rd., Patton Rd., Hartman Rd., Yawberg Rd., Lucas County, Toledo, Lake Erie & Western Railroad

DOT No: 475-255J, 475-258E, 475-262U, 475-264H, 475-265P

FINDINGS

Bailey Rd is a two lane township road that runs east and west, and has a posted speed limit of 10 MPH. It is located in Providence Township, Lucas County, Ohio, and it crosses a currently unused Toledo, Lake Erie and Western Railway (TLEW) single line track. The crossing warning devices are passive with crossbucks and yield signs. There are Manual of Uniform Traffic Control (MUTCD) compliant pavement markings and advanced warning signs present. Currently, obstructive vegetation is present within 600 feet of the crossing, and a Track and Structure Inspection report has been submitted with one defect noted for removal of obstructive vegetation.

Pollock Rd is a two lane township road that runs east and west, and has a posted speed limit of 55 MPH. It is located in Providence Township, Lucas County, Ohio, and it crosses a currently unused TLEW single track. The crossing warning devices are passive with crossbucks and yield signs. There are MUTCD compliant pavement markings and advanced warning signs present. Currently, obstructive vegetation is present with-in 600 feet of the crossing, and a Track and Structure Inspection report has been submitted with one defect noted for removal of obstructive vegetation.

Patton Rd. is a two lane township road that runs east and west, and has a posted speed limit of 55 MPH. It is located in Providence Township, Lucas County, Ohio, and it crosses a currently unused TLEW single track. The crossing warning devices are passive with crossbucks and yield signs. There are MUTCD compliant advanced warning signs present. However, there are no pavement markings.

Hartman Rd. is a two lane township road that runs north and south, and has a posted speed limit of 55 MPH. It is located in Providence Township, Lucas County, Ohio, and it

crosses a currently unused TLEW single track. The crossing warning devices are passive with crossbucks and yield signs. There are MUTCD compliant pavement markings and advanced warning signs present.

Yawberg Rd. is a two lane township road that runs north and south, and has a posted speed limit of 55 MPH, that is reduced to 20 MPH at the crossing. It is located in Providence Township, Lucas County Ohio, and it crosses a currently unused TLEW single track. The crossing warning devices are passive with crossbucks and yield signs. There are MUTCD compliant pavement markings and advanced warning signs present. Currently, there is obstructive vegetation present within 600 feet of the crossing, and a Track and Structure Inspection report has been submitted with one defect noted for removal of obstructive vegetation.

After contacting R.E. Westphal, Vice President of TLEW, he informed me that while these tracks are currently not in use, they intend to put the crossings back in service by the end of summer. Furthermore, TLEW wants to dispute these crossings being declared Exempt. Mr. Westphal also stated that when the railroad is running again they plan to operate on Saturdays and Sundays between 11AM and 6PM, with the occasional need to operate a special train during the weekdays for maintenance, or a special passenger charter, and that would occur between the hours of 9AM and 6PM. The train count would be between two and six per day. Also, the train speed would be 10MPH and slower at grade crossing to acclimate the public to the presence of train operations for an initial period time.

In addition, I contacted Kenneth Biller, Road Superintendent for Providence Township. Mr. Biller stated they did not contact the railroad when requesting Exempt status for these crossings.

SUMMARY

At present, there are no trains operating over these crossings. TLEW expects to resume operations by the end of summer, but will need to address the obstructive vegetation noted at the above crossings.

CONCLUSIONS & RECOMMENDATIONS

Currently the railroad does not have any traffic over the roadway. The roads are used by both school buses and multiple hazardous material vehicles. Declaring these crossings Exempt would mitigate the possibility of rear end crashes. Although the railroad has the intent to start operations, they do not have a date set and the tracks have not been in use for multiple years. As a result, I recommend the commission grant the request for Exempt status with the requirement that the railroad place a stop and flag order on the crossings for any future train movements. Moreover, I suggest the commission have the option to revisit this issue when and if the railroad is in operations again.

Nathan Niner
PUCO Rail Inspector
July, 19 2016

CC: Complainant

IV. 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
Asim Z. Haque, Chairman

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

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