

FILE

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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. 16-1608-RR-RCP
Date: August 16, 2016

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

RECEIVED-DOCKETING
2016 AUG 16 AM 10:17
PUCO

C: Legal Department

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

PUCO Case No 16-1608-RR-RCP

**In the Matter of the Petition by ODOT District 2 for an Exempt Crossing
Designation at Berkey Southern Rd/SR 295, DOT# 475261M, Toledo, Lake Erie &
Western Railway, in Lucas County, Ohio**

August 16, 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 Ohio Department of Transportation, District 2, is the local highway authority with jurisdiction over the Berkey Southern Rd/SR 295, DOT# 475261M, grade crossing with the Toledo, Lake Erie & Western Railway (TLEW).

II. PROJECT DESCRIPTION

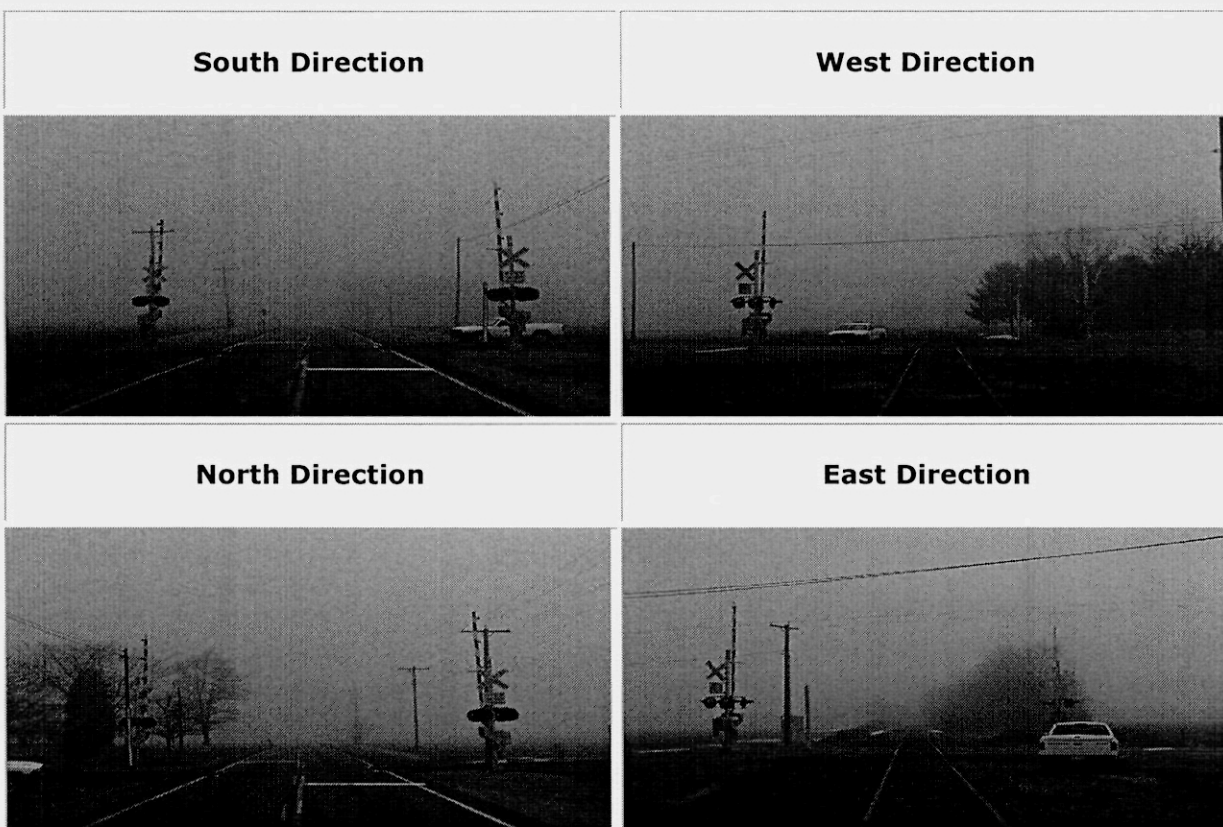
On July 25, 2016, Aaron Behrman, Rail Coordinator, ODOT District 2, filed in this docket a request for the Berkey Southern Rd/SR 295, DOT# 475261M, grade crossing to be designated "Exempt" under Section 4511.63 Ohio Revised Code.

III. Database photos



Public Utilities Commission of Ohio

Record ID: **1380**



| Site Information | |
|--------------------------|---------|
| AARDOT: | 475261M |
| AARDOT Source: | Field |
| Adj. AARDOT: | |
| Adj. AARDOT Source: | Field |
| Survey Site ID: | LUC047 |
| Init. Agency for Change: | State |

| | |
|--|---|
| Reason for Change: | Updated Record |
| Effective Date: | Apr 10 2006 12:00AM |
| Railroad Information | |
| Operating RR: | Toledo, Lake Erie & Westen Railway (scenic) |
| Division: | SYSTEM |
| Sub-Division: | FORT WAYNE |
| Branch/Line Name: | DELPHOS DIST |
| Milepost: | 21.47 |
| Railroad ID: | |
| Nearest Time Table Station: | |
| Parent RR Company: | TLEW |
| Crossing Owner: | TLEW |
| Location and Classification Information | |
| County: | LUCAS |
| (Nearest) City: | GRAND RAPIDS |
| Street: | BERKEY SOUTHERN RD |
| Highway and SLM: | SR295-0.22 |
| High Speed Corridor: | |
| County Map Ref. Number: | |
| ODOT NLF ID: | SLUCSR00295**C |
| Latitude: | 41.4381617 |
| Longitude: | -83.8252494 |
| Elevation (ft): | 666.351 |
| Crossing Type: | Public |
| Position: | At-Grade |
| Emergency Contact: | |
| Railroad Contact: | |
| State Contact: | |
| LHA: | STATE |
| LHA2: | |

| | |
|------------------------|---------------|
| Dev. Type: | Open Space |
| Crossing Angle: | 30-59 Degrees |
| Main Tracks: | 1 |
| Other Tracks: | 0 |
| Lanes: | 2 |

Warning Devices

| | |
|------------------------------|---|
| Crossbucks, Standard: | 2 |
| Crossbucks, Buckeye: | 0 |
| Lights, Mast Mounted: | 4 |
| Lights, Cantilevered: | 0 |
| Lights, Other: | 0 |
| Gates: | 2 |

Traffic Information

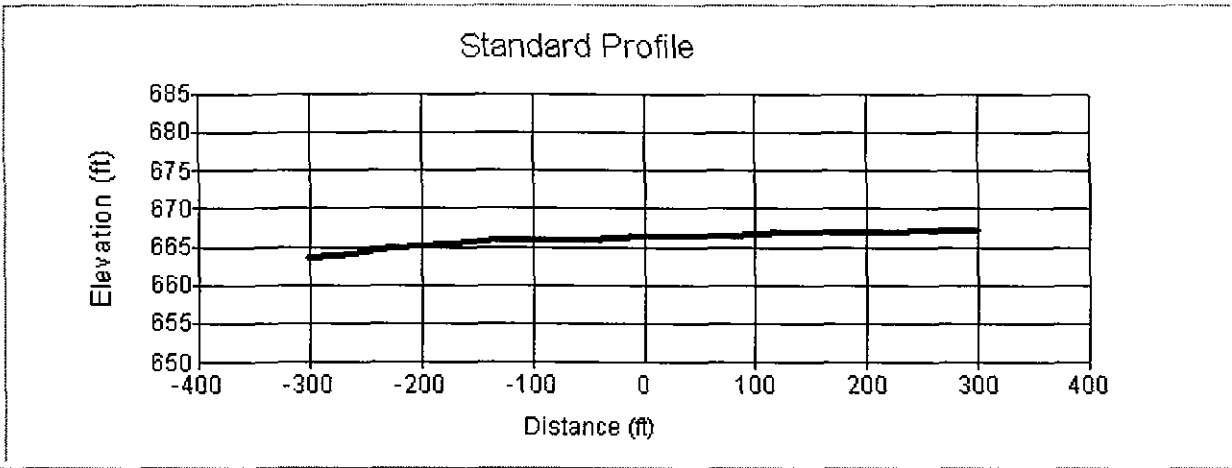
| | |
|------------------------------|---------------------|
| Day Thru Trains: | 1 |
| Day Switching Trains: | 0 |
| Night Thru Trains: | 0 |
| Night Switch Trains: | 0 |
| Date of Train Count: | Jun 13 2003 12:00AM |
| Highway AADT: | 1503 |
| Date of AADT: | 2008 |

Highway Information

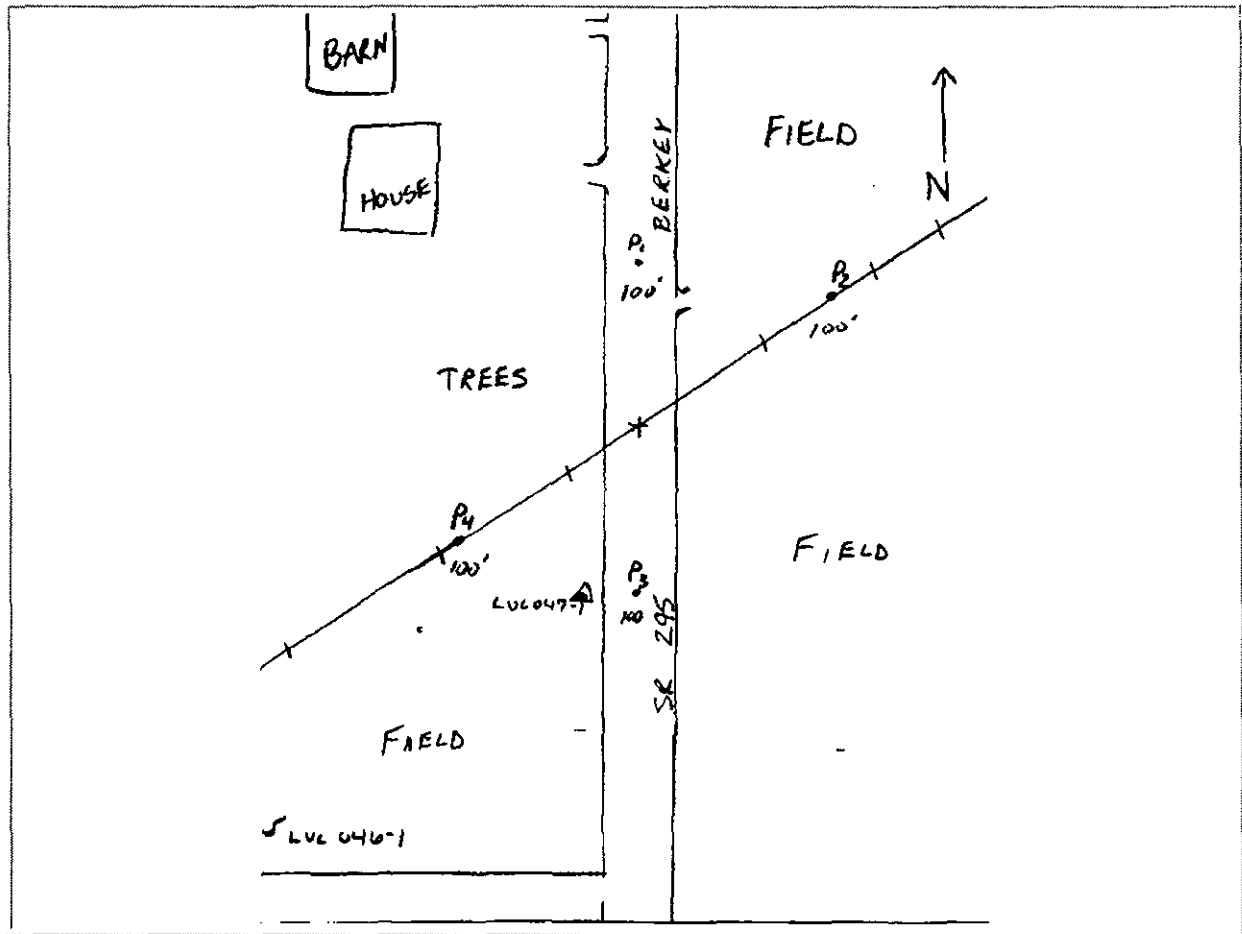
| | |
|--|-----------|
| Distance to Nearest Intersection: | 60 |
| Type of Intersection: | Farm Road |
| Number of HW-HW Intersections: | 0 |

Site Comments

No comments.



Site Sketch



**PUBLIC UTILITIES COMMISSION OF OHIO
TRANSPORTATION DEPARTMENT
RAIL DIVISION**

Date of Assignment: August 1, 2016

Date of Inspection: August 10, 2016

Subject: 16-1608-RR-RCP petition for exemption, Berkey Southern Rd.
Lucas County, Toledo, Lake Erie & Western Railroad

DOT No: 475-261M

FINDINGS

Berkey Southern Rd/SR 295 is a two lane state route 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 Toledo, Lake Erie & Western Railway (TLEW) single line track. The crossing is equipped with mast-mounted flashing lights and roadway gates, installed under PUCO Case No. 02-583-RR-FED. There are Manual of Uniform Traffic Control (MUTCD) compliant pavement markings and advanced warning signs present. Currently, a portion of the tracks at the crossing are removed and patched over with asphalt.

After contacting R.E. Westphal, Vice President, TLEW, he informed me that while these tracks are currently not in use, they intend to replace the tracks at the crossing and put the crossing back into service by the end of summer. Furthermore, TLEW wants to dispute this crossing being declared "Exemp". Mr. Westphal, also let me know that when the railroad is running again they plan to operate on Saturday and Sunday 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.

SUMMARY

Currently there is no train traffic at this crossing, but the railroad expects the crossing to be put into service by the end of summer.

CONCLUSIONS & RECOMMENDATIONS

Currently the railroad does not have any traffic over the roadway. The road is used by both school buses and multiple hazardous material vehicles. An "Exempt" crossing status would help reduce the possibility of rear end collisions caused by vehicles required to stop. 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 exemption with the option to reopen the case once the railroad is in operations again.

Nathan Niner
PUCO Rail Inspector
August 12, 2016

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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