

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

In the Matter of an Exemption Request at the Grade Crossing at Middlebury Road
(DOT#264-899X), in Portage County, Ohio.
Case Number 16-1946-RR-RCP

December 1, 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

The City of Tallmadge, located in Portage County, is the local highway authority with jurisdiction over Middlebury Road grade crossing that is the subject of this petition for exemption under 45 ORC 4511.63.

PROJECT DESCRIPTION

The City of Tallmadge has petitioned for an exemption from school busses and hazardous material transporters stopping at the Middlebury Road (DOT# 264-889X) grade crossing in Tallmadge.

According to the City of Tallmadge, this crossing has received numerous complaints about school buses having to stop. At this time, the tracks are blocked from the East and the rail has been removed on the West side of the crossing. The City indicates in their petition that by granting an exemption, no vehicles would be required to stop.

This crossing is currently owned and maintained by the Metro Regional Transit Authority (MRTA) and is operated by the Shelly Company. MRTA indicates that the crossing has no train traffic.



Site Information	
AARDOT:	264889X
AARDOT Source:	Field
Adj. AARDOT:	
Adj. AARDOT Source:	Field
Survey Site ID:	POR900
Init. Agency for Change:	State
Reason for Change:	Updated Record
Effective Date:	Sep 28 2016 12:00AM
Railroad Information	
Operating RR:	Other
Division:	
Sub-Division:	
Branch/Line Name:	
Milepost:	193.81

Railroad ID:	
Nearest Time Table Station:	KENT
Parent RR Company:	
Crossing Owner:	MRTA
Location and Classification Information	
County:	PORTAGE
(Nearest) City:	TALLMADGE
Street:	MIDDLEBURY RD
Highway and SLM:	
High Speed Corridor:	
County Map Ref. Number:	77
ODOT NLF ID:	MPORMR00251**C
Latitude:	41.1354086
Longitude:	-81.3927070
Elevation (ft):	1060.187
Crossing Type:	Public
Position:	At-Grade
Emergency Contact:	
Railroad Contact:	
State Contact:	
LHA:	CITY OF TALLMADGE
LHA2:	
Dev. Type:	Commercial
Crossing Angle:	60-90 Degrees
Main Tracks:	1
Other Tracks:	
Lanes:	2
Warning Devices	
Crossbucks, Standard:	2
Crossbucks, Buckeye:	0
Lights, Mast Mounted:	

Lights, Cantilevered:	0
Lights, Other:	
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 30 2012 12:00AM
Highway AADT:	2150
Date of AADT:	2012

Highway Information

Distance to Nearest Intersection:	130
Type of Intersection:	Highway
Number of HW-HW Intersections:	2

Highway 1:		Highway 2:	
Traffic Light:	NO	Traffic Light:	NO
Flashing Light:	NO	Flashing Light:	NO
Stop Sign:	YES	Stop Sign:	YES
Yield Sign:	NO	Yield Sign:	NO
Distance from Tie to Stop Bar:	130	Distance from Tie to Center of Intersection:	150
DO NOT STOP ON TRACK(S) Sign:	NO	DO NOT STOP ON TRACK(S) Sign:	NO

Site Comments

Operated by Shelly's Materials #347, Dennis Krohn Plant Manger, Kent OH 330-673-3646. 4/30/12, ltd.
Crossing is not in use. Crossbucks currently at location. 8 16
9/2016 - RSS - LHA Changed to TALLMADGE

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

Date of Assignment: November 1, 2016

Date of Inspection: November 10, 2016

Subject: 16-1946-RR-RCP: Request for Exempt Signs for Railroad
Crossing of the Metro Regional Transit Authority at Middlebury
Road, DOT 264-889X by the City of Tallmadge, Ohio.

DOT No: 264-889X

FINDINGS

At the request of Tallmadge, an inspection (RAJ-0130-000773) was conducted on the above noted day at Middlebury Rd. for an exemption request. The Crossing is owned and maintained by the Metro Regional Transit Authority (MRTA). The crossing currently has crossbucks as a passive highway rail grade crossing warning system. The crossing consists of one main track which runs east and west intersected at mile post 193.81 by the highway which travels north and south direction. The rail to the west direction has heavy vegetation growing over the rails, signifying no recent train traffic. To the east direction, the track has a pile of gravel to block access through the roadway crossing. The operating company Shelly and Sands, has no train movements over the crossing.

The crossing has a moderate volume of vehicular traffic over the crossing with multiple Tallmadge City Schools busses having to stop at this crossing at least once each day. To comply with Ohio Revised Code: 4511.63, the flow of vehicles at the crossing is adversely affected.

On the above noted day, I contacted Roger Bacon from MRTA and I advised him of the application for exemption. Mr. Bacon advised Staff that MRTA and Shelly and Sands, the operating company, are in agreement with the request to grant an exemption to this crossing.

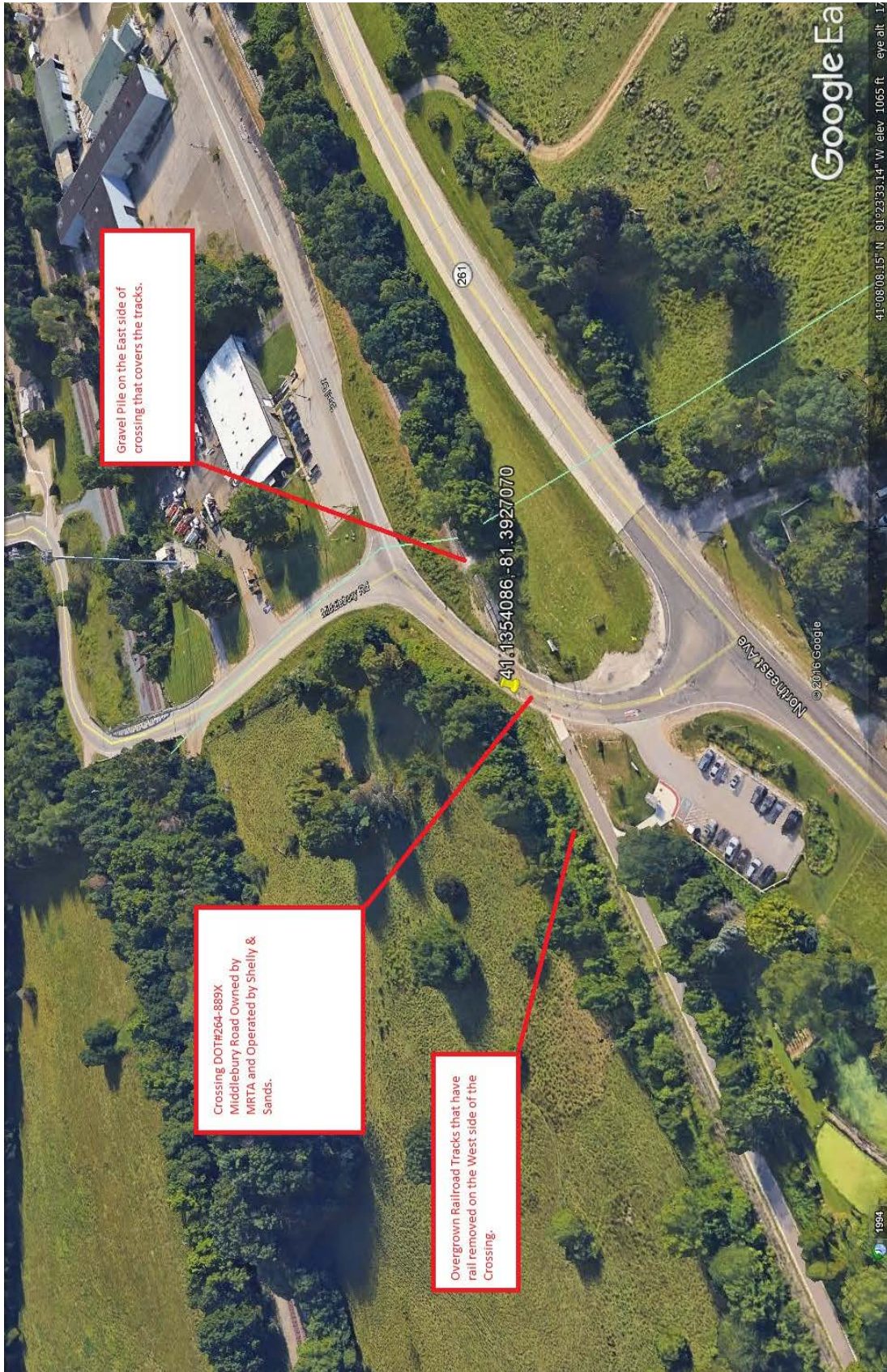
SUMMARY

The crossing has no train traffic at this time, the owner and operator are in agreement with the request for exemption status to the crossing. The crossing is used by both school buses and multiple hazardous material vehicles. The exemption would help reduce the possibility of rear end collisions at the crossing which has no train traffic.

CONCLUSIONS & RECOMMENDATIONS

In view of the foregoing findings and conclusion, I recommend the commission grant the exemption with requirement the owner of the crossing install a permanent de-rail on the track, so as to prevent train movements over the highway rail grade crossing.

Randy Johr
PUCO Rail Inspector Date:
11/18/2016





Middlebury Road DOT#264-889X Crossing looking North.



Middlebury Road DOT#264-889X Crossing looking East.



Middlebury Road DOT#264-889X Crossing looking South.



Middlebury Road DOT#264-889X Crossing looking West.

V STAFF RECOMENDATIONS

PUCO Rail Staff recommends the following actions be taken:

- 1) Approve the exemption request for the crossing to prevent vehicles from stopping at the crossing, since no train traffic is on the tracks.
- 2) Require the operating railroad to place a derail device at the crossing to prohibit trains from entering the crossing.
- 3) Require the operating railroad to place a stop and flag order on the crossing if train movements begin over the crossing.
- 4) If train traffic begins at the crossing, require operating railroad to notify the Commission, so that the exemption status can be reviewed to verify if it should remain in place.

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. Additionally, inspections are conducted on railroad equipment at rail yards and other facilities and they review safety concerns of both the PUCO and railroad employees.

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 15 years, the PUCO has participated in the installation of lights and gates at more than 1,900 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
Asim Z. Haque, Chairman

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

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Summary: Staff Report Filed In the Matter of an Exemption Request at the Grade Crossing at Middlebury Road (DOT#264-899X), in Portage County, Ohio. electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division