

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

In the Matter of Request by the City of Waterville, Ohio for an Exemption from
Stopping for School Buses and Hazardous Materials Vehicles at the Four Specific
Grade Crossings Located in Lucas County, Ohio.

Case Number 16-1942-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 Waterville, located in Lucas County, is the local highway authority with jurisdiction over four grade crossings that are the subject of this petition for exemption under 45 ORC 4511.63.

PROJECT DESCRIPTION

The City of Waterville has petitioned for an exemption from school busses and hazardous material transporters stopping at the following crossings:

- 1) Waterville-Monclova Road (DOT# 475-245D) Toledo Lake Erie & Western Railroad
- 2) Farnworth Road (DOT#475-242H) Norfolk Southern Railway
- 3) Michigan Avenue (DOT#475-241B) Norfolk Southern Railway
- 4) Village Parkway (DOT#876-659M) Norfolk Southern Railway

According to the City of Waterville, the Waterville-Monclova crossing has not had rail traffic for several years and the remaining three crossings are on a section of track that was taken out of service by Norfolk Southern Railway. The City indicates in their petition that by granting an exemption, no vehicles would be required to stop.

According to Norfolk Southern Railway, they have not operated on these crossings for some time and have no plans to use these crossings in the future. The Toledo Lake Erie & Western crossing is currently not operational and the railroad has no set date as to when they will operate over this crossing again.

Waterville-Monclova Road
Record ID: **13610**



Site Information

AARDOT:	475245D
AARDOT Source:	Field
Adj. AARDOT:	
Adj. AARDOT Source:	Railroad
Survey Site ID:	LUC054
Init. Agency for Change:	State
Reason for Change:	Updated Record
Effective Date:	Nov 28 2016 12:00AM

Railroad Information

Operating RR:	Toledo, Lake Erie & Western Railway (scenic)
Division:	
Sub-Division:	FORTWAYNE
Branch/Line Name:	DELPHOS
Milepost:	15.42

Railroad ID:	
Nearest Time Table Station:	WATERVILLE
Parent RR Company:	
Crossing Owner:	TLEW
Location and Classification Information	
County:	LUCAS
(Nearest) City:	WATERVILLE
Street:	WATERVILLE-MONCLOVA RD
Highway and SLM:	
High Speed Corridor:	
County Map Ref. Number:	
ODOT NLF ID:	MLUCMR02294A*C
Latitude:	41.4919096
Longitude:	-83.7381630
Elevation (ft):	659.2741
Crossing Type:	Public
Position:	At-Grade
Emergency Contact:	
Railroad Contact:	(419) 654-1589
State Contact:	
LHA:	CITY OF WATERVILLE
LHA2:	
Dev. Type:	Commercial
Crossing Angle:	0-29 Degrees
Main Tracks:	1
Other Tracks:	
Lanes:	2
Warning Devices	
Crossbucks, Standard:	2
Crossbucks, Buckeye:	
Lights, Mast Mounted:	0
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:	Oct 19 2010 12:00AM
Highway AADT:	968
Date of AADT:	2009
Highway Information	
Distance to Nearest Intersection:	30
Type of Intersection:	Unknown
Number of HW-HW Intersections:	0

Farnsworth Road
Record ID: 1430

South Direction	West Direction
	
North Direction	East Direction
	
Site Information	
AARDOT:	475242H
AARDOT Source:	Railroad
Adj. AARDOT:	
Adj. AARDOT Source:	Railroad
Survey Site ID:	LUC055
Init. Agency for Change:	State
Reason for Change:	Updated Record
Effective Date:	Mar 31 2016 12:00AM
Railroad Information	
Operating RR:	Norfolk Southern Corp
Division:	DEARBORN
Sub-Division:	FORT WAYNE
Branch/Line Name:	DELPHOS DIST

Milepost:	14.8
Railroad ID:	
Nearest Time Table Station:	WATERVILLE
Parent RR Company:	
Crossing Owner:	NS
Location and Classification Information	
County:	LUCAS
(Nearest) City:	WATERVILLE
Street:	FARNSWORTH RD
Highway and SLM:	
High Speed Corridor:	
County Map Ref. Number:	
ODOT NLF ID:	MLUCMR02268**C
Latitude:	41.4992189
Longitude:	-83.7263991
Elevation (ft):	653.2723
Crossing Type:	Public
Position:	At-Grade
Emergency Contact:	
Railroad Contact:	
State Contact:	
LHA:	CITY OF WATERVILLE
LHA2:	
Dev. Type:	Residential
Crossing Angle:	30-59 Degrees
Main Tracks:	1
Other Tracks:	0
Lanes:	2
Warning Devices	
Crossbucks, Standard:	2
Crossbucks, Buckeye:	0
Lights, Mast Mounted:	2
Lights, Cantilevered:	0

Lights, Other:	0
Gates:	0
Traffic Information	
Day Thru Trains:	0
Day Switching Trains:	1
Night Thru Trains:	0
Night Switch Trains:	0
Date of Train Count:	
Highway AADT:	2935
Date of AADT:	2009
Highway Information	
Distance to Nearest Intersection:	62
Type of Intersection:	Unknown
Number of HW-HW Intersections:	0

Michigan Avenue
Record ID: **1753**



Site Information	
AARDOT:	475241B
AARDOT Source:	Field
Adj. AARDOT:	
Adj. AARDOT Source:	Field
Survey Site ID:	LUC056
Init. Agency for Change:	State
Reason for Change:	Updated Record
Effective Date:	Mar 31 2016 12:00AM
Railroad Information	
Operating RR:	Norfolk Southern Corp
Division:	DEARBORN
Sub-Division:	FORT WAYNE
Branch/Line Name:	DELPHOS DIST

Milepost:	14.7
Railroad ID:	
Nearest Time Table Station:	WATERVILLE
Parent RR Company:	
Crossing Owner:	NS
Location and Classification Information	
County:	LUCAS
(Nearest) City:	WATERVILLE
Street:	MICHIGAN AVE
Highway and SLM:	SR64-0.68
High Speed Corridor:	
County Map Ref. Number:	
ODOT NLF ID:	SLUCSR00064**C
Latitude:	41.5002760
Longitude:	-83.7250167
Elevation (ft):	657.8761
Crossing Type:	Public
Position:	At-Grade
Emergency Contact:	
Railroad Contact:	
State Contact:	
LHA:	CITY OF WATERVILLE
LHA2:	
Dev. Type:	Commercial
Crossing Angle:	30-59 Degrees
Main Tracks:	2
Other Tracks:	1
Lanes:	2
Warning Devices	
Crossbucks, Standard:	2
Crossbucks, Buckeye:	0
Lights, Mast Mounted:	2
Lights, Cantilevered:	0

Lights, Other:	0
Gates:	0
Traffic Information	
Day Thru Trains:	0
Day Switching Trains:	1
Night Thru Trains:	0
Night Switch Trains:	0
Date of Train Count:	
Highway AADT:	6038
Date of AADT:	2009

Highway Information	
Distance to Nearest Intersection:	70
Type of Intersection:	Highway
Number of HW-HW Intersections:	1

Highway 1:	
Traffic Light:	NO
Flashing Light:	NO
Stop Sign:	YES
Yield Sign:	NO
Distance from Tie to Center of Intersection:	70
DO NOT STOP ON TRACK(S) Sign:	NO

Village Parkway
Record ID: **12794**



Site Information	
AARDOT:	876659M
AARDOT Source:	Railroad
Adj. AARDOT:	
Adj. AARDOT Source:	Railroad
Survey Site ID:	LUC057
Init. Agency for Change:	Railroad
Reason for Change:	Updated Record
Effective Date:	Jan 27 2011 12:00AM
Railroad Information	
Operating RR:	Norfolk Southern Corp
Division:	DEARBORN
Sub-Division:	
Branch/Line Name:	

Milepost:	13.2
Railroad ID:	
Nearest Time Table Station:	WATERVILLE
Parent RR Company:	NS
Crossing Owner:	NS
Location and Classification Information	
County:	LUCAS
(Nearest) City:	WATERVILLE
Street:	VILLAGE PKWY
Highway and SLM:	
High Speed Corridor:	
County Map Ref. Number:	
ODOT NLF ID:	MLUCMR02293M*C
Latitude:	41.5102667
Longitude:	-83.7211896
Elevation (ft):	648.2073
Crossing Type:	Public
Position:	At-Grade
Emergency Contact:	
Railroad Contact:	
State Contact:	
LHA:	CITY OF WATERVILLE
LHA2:	
Dev. Type:	Residential
Crossing Angle:	60-90 Degrees
Main Tracks:	1
Other Tracks:	
Lanes:	2
Warning Devices	
Crossbucks, Standard:	2
Crossbucks, Buckeye:	0
Lights, Mast Mounted:	0
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:	
Highway AADT:	1462
Date of AADT:	2009

Highway Information	
Distance to Nearest Intersection:	70
Type of Intersection:	Residential Drive
Number of HW-HW Intersections:	0

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

Date of Assignment: November 4, 2016

Date of Inspection: November 7, 2016

Subject: 16-1942-RR-RCP Petition for exemption, Farnsworth Rd., Michigan Ave., Village Pkwy. and Waterville-Monclova Pkwy. Lucas County, Toledo, Lake Erie & Western Railroad & Norfolk Southern Railroad

DOT No: 475-242H, 475-241B, 876-659M, 475-245D

FINDINGS

Farnsworth Rd is a two lane city street that runs east and west, and has a posted speed limit of 35 MPH. It is located in Waterville, Lucas County, Ohio, and it crosses a currently unused Norfolk Southern Railroad single line track. The crossing warning devices are active with crossbucks and flashing lights installed. There are Manual of Uniform Traffic Control pavement markings and advanced warning signs present.

Michigan Ave. is a two lane city street that runs east and west, and has a posted speed limit of 35 MPH. It is located in Waterville, Lucas County, Ohio, and it crosses a currently unused Norfolk Southern Railroad single line track. The crossing warning devices are active with crossbucks and flashing lights installed. There are Manual of Uniform Traffic Control pavement markings and advanced warning signs present.

Village Pkwy. is a two lane city street that runs east and west, and has a posted speed limit of 25 MPH. It is located in Waterville, Lucas County, Ohio, and it crosses a currently unused Norfolk Southern Railroad single line track. The crossing warning devices are passive with crossbucks and yield signs. There are Manual of Uniform Traffic Control advanced warning signs and pavement markings present.

Waterville-Monclova Pkwy. is a two lane road that runs north and south, and has a posted speed limit of 35 MPH. It is located in Waterville, Lucas County, Ohio, and it crosses a currently unused Toledo, Lake Erie and Western Railway single line track. The crossing warning devices are passive with crossbucks and yield signs installed. There are Manual of Uniform Traffic Control pavement markings and advanced warning signs present.

After contacting David Dowell Track Supervisor for Norfolk Southern I was informed that they have not operated on these crossing in “quite some time” and have no future plans to use these crossings. Toledo Lake Erie and Western Railway is not operational at this time and has no date set on when they will be operational again.

CONCLUSIONS & RECOMMENDATIONS

Currently the railroads do not have any traffic over the crossings. The roads are used by both school buses and multiple hazardous material vehicles. The exemptions would help reduce the possibility of rear end collisions on the roads over grade crossings that have no current train traffic. Although Toledo Lake Erie & Western Railway has the intent to start operations, they do not have a date set and the tracks have not been in use for multiple years. Furthermore, Norfolk Southern has not used their tracks in years and has no plans to do so in the future. As a result, I recommend the commission grant the exemptions with the requirement the railroad must place a stop and flag order on the crossing for any future train movements over the highway rail grade crossing. Moreover, I suggest the commission have the option to revisit this issue when and if the railroad is operational again.

Nathan Niner
PUCO Rail Inspector
November 28, 2016



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 stop and flag order on the crossing if train movements begin over the crossing.
- 3) 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
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Case No(s). 16-1942-RR-RCP

Summary: Staff Report Filed In the Matter of a Request by the City of Waterville, Ohio for and Exemption from Stopping for School Buses and Hazardous Materials Vehicles at the Four Specific Grade Crossings Located in Lucas County, Ohio. electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division