

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REQUEST  
BY NORFOLK SOUTHERN RAILWAY  
COMPANY TO RELOCATE AND/OR  
MODIFY CERTAIN GRADE CROSSING  
WARNING DEVICES IN CANTON,  
STARK COUNTY.

CASE NO. 16-1592-RR-RCP

FORMAL COMMENTS OF INTERESTED PARTY  
CITY OF CANTON, OHIO

WHEREAS, Attorney Examiner James M. Lynn has found via his Journal Entry dated October 13, 2016, as follows:

That 1) R.C. 4905.04 provides that the Commission has statutory authority to regulate and promote the welfare and safety of railroad employees and the traveling public; and

2) R.C. 4907.52 provides that when a railroad and street or highway cross at grade, if, in the opinion of the Commission, public safety requires protection, the Commission may make an order requiring the railroad to install such devices as, in the opinion of the Commission, will properly protect such crossing; and

3) Norfolk Southern Railway Company (NS) is a railroad as defined in R.C. 4907.02 and subject to the jurisdiction of the Commission under R.C. 4905.04; and

4) On July 19, 2016, NS filed a request for Commission authorization to relocate existing warning devices at eleven grade crossings on its Fort Wayne line in Canton, Stark County, and modify warning devices at seven crossings along the same line; and

5) NS seeks also Commission approval to modify the warning devices at seven crossings; and

6) Any interested parties have the opportunity to file comments on NS's request and to file comments in the docket; and

Finally, the attorney examiner found that the Commission has no authority over the removal of railroad tracks;

THEREFORE, Interested Party, the city of Canton (Canton), through its City Engineer Dan Moeglin, respectfully requests that the Commission consider the following brief comments on NS's requests:

1. The possible closing of 8th St. crossing NE; according to the city of Canton's newly approved city Comprehensive Plan, the area along the creek is to be converted back to natural area that may include reforestation of flood plains, passive recreation, agriculture, and bike trails. At this time, the 8th St. crossing only serves two residential properties that both have access from 9th St.

2. Regarding the 8th St. closure; the city of Canton would like to have an at grade bike trail crossing somewhere in the area of 8th St. The exact location is not yet determined and is flexible.

3. The Pro Football Hall of Fame Village is in the process of building a \$600 million development that will drastically increase the number of tourists visiting Canton. The city of Canton is working to have Cuyahoga Valley Scenic RR (CVSR) service reinstated to Canton. Currently, Akron Metro owns the line used by CVSR that turns into the NS line. The line used to have dual curve sections that connect to NS. At some point, the EB curve was removed that connected to the NS 3rd track. In addition to seeing CVSR service reinstated to Canton, the city actually desires to have it extended east along the 3rd track to the former Amtrak station at Market Ave. S. to service downtown and the nearby large scale Hercules Residential Development which is under


construction and located in the old historic Hercules engine plant, at the SE corner of the Market/NS crossing. The long term goal is to reinstall the east curve and use the area as a scenic/passenger line. These two major economic developments are currently well underway and include residential/commercial/tourism elements that will greatly benefit the health, safety, and welfare of the residents of Canton and its visitors.

Therefore, the city of Canton respectfully requests that the 3rd track remain in place and in service. Canton would support the removal of the remainder of the 3rd track in Canton. When CVSR service is reinstituted, the EB curve could be replaced.

4. Given the residential nature of the Hercules development and its immediate proximity to the south side of the tracks east of Market Avenue S., the city of Canton is very interested in achieving a Quiet Zone designation for the area adjacent to the development and will work with all parties toward that end.

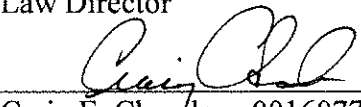
Respectfully submitted,

CITY OF CANTON  
JOSEPH MARTUCCIO, LAW DIRECTOR



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Joseph Martuccio - 0024145  
Law Director



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Craig E. Chessler - 0016077  
Assistant Law Director  
Canton Law Department  
218 Cleveland Ave. S.W.  
P.O. Box 24218  
Canton, Ohio 44701-4218  
(330) 489-3251

### PROOF OF SERVICE

A copy of the foregoing Formal Comments of Interested Party City of Canton, Ohio was emailed this 22 day of May, 2017 to: sandra.coffey@puc.state.oh.us; randall.schumacher@puco.ohio.gov, **Randall Schumacher**, Supervisor, Rail Division, Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215; catherine.stout@dot.ohio.gov, **Catherine Stout**, Manager, Safety Programs, Ohio Rail Development Commission, 1980 W. Broad Street, Mail Stop 3140, Columbus, Ohio 43223; george.martin@puco.ohio.gov, **George Martin**, Grade Crossing Planner, PUCO Rail Division, Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215; jill.henry@puco.ohio.gov, **Jill Henry**, Rail Specialist, PUCO Rail Division, Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215; jill.henry@puc.state.oh.us; and dcalbott@eastmansmith.com, **D. Casey Talbott**, One SeaGate, 24th Floor, P. O. Box 10032, Toledo, Ohio 43699-0032.



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Joseph Martuccio  
City of Canton, Ohio

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 16-1592-RR-RCP**

Summary: Comments Formal Comments of Interested Party City of Canton, Ohio  
electronically filed by Mr. Joseph Martuccio on behalf of City of Canton