

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

In the Matter of a Request by the Ohio Department of
Transportation for an Exemption from Stopping for School
Buses and Hazardous Materials Vehicles at the State Route 14,
State Route 534, and US Route 224 Grade Crossings in
Mahoning County.

Case Number 18-1278-RR-RCP

October 17, 2018

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 Ohio Department of Transportation, District #4, is the local highway authority with jurisdiction over the SR 14, SR 534 and US 224 grade crossings that are the subject of this petition for exemption under 45 ORC 4511.63.

PROJECT DESCRIPTION

The Ohio Department of Transportation (ODOT), District #4 has petitioned for an exemption from school buses and hazardous material transporters stopping at the SR 14/Cleveland E Liverpool Road (DOT#502-470V) and SR 534/S. Pricetown Road (DOT#502-473R), and US 224/W Akron Canfield Road (DOT#502-474X) grade crossings in Mahoning County, Ohio.

In the petition, ODOT District #4 states that this rail line has not been in use for several decades and that an exemption from stopping will increase safety for the traveling public. ODOT made this petition at the request of the West Branch Local School District and the Marlinton Local School District.

These crossings are currently owned and maintained by Norfolk Southern Railroad (NS). NS has confirmed that the rail line is out of service and that NS does not have train service at these crossings.

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

Date of Assignment: July 20, 2018

Date of Inspection: August 1, 2018

Subject: 18-1278-RR-RCP: Petition for exemption, Cleveland-East Liverpool Rd., South Pricetown Rd., W Akron Canfield Rd. Mahoning County, Norfolk Southern Railway, Pittsburgh Division, Lordstown Secondary.

DOT No: 502-470V; 502-473R; 502-474X

FINDINGS

On receipt of the present assignment, I conducted an inspection of the crossings on August 1, 2018. ODOT District #4 is seeking an exemption for the grade crossings under Ohio Revised Code 4511.63.

On the above noted day, I inspected the highway rail grade crossings which are located in Smith Township, and Berlin Township. The three crossings are owned by Norfolk Southern. The grade crossing warning devices at Cleveland-East Liverpool Rd. have been removed. The other two grade crossings are equipped with active warning devices. All three road crossings are single main track with heavy vegetation growing over the rails on both sides of each crossing, signifying no recent train traffic.

Each of these crossings have moderate volume of vehicular traffic over them with the school buses of West Branch Local School District and Marlinton Local School District fleet having to stop at these crossings at least once each day to comply with Ohio Revised Code: 4511.63.

On September 28, 2018, I spoke with Mr. Mike Heslop, a railroad official. I advised him of the application for exemption and requested information on the railroads train traffic over the line. Mr. Heslop advised me track was removed at the line segment to Lordstown secondary, which no trains can be active over said subject.

SUMMARY

Currently the railroad does not have any traffic over the roadway. The county road is used by both school districts, county and multiple hazardous material transporters. The exemption would help reduce the possibility of rear end collisions on a county road over a grade crossing with no train traffic.

CONCLUSIONS & RECOMMENDATIONS

In view of the foregoing findings and conclusions, I recommend the commission grant the exemption over the highway rail grade crossings with requirement the railroad must place a stop and flag order on the crossings for any future train movements over the highway rail grade crossings.

Randy A. Johr

PUCO Inspector

Date: September 28, 2018



SR 14/Cleveland-E Liverpool Rd Mahoning County, Ohio DOT#502-470V



South of Crossing looking North.



West of Crossing looking East.

**SR 534/S. Pricetown Rd Mahoning County, Ohio
DOT#502-473R**



East of Crossing looking West.



South of Crossing looking North.

US 224/W Akron Canfield Rd Mahoning County, Ohio DOT#502-474X



South of Crossing looking North.



East of Crossing looking West.

STAFF RECOMENDATIONS

PUCO Rail Staff recommends the following actions be taken:

- 1) Approve the exemption request for the crossings to prevent vehicles from stopping at each crossing, since no train traffic is on the tracks.
- 2) Require the operating railroad to place a stop and flag order on each crossing if train movements begin over the crossings.
- 3) If train traffic begins at the crossings, require operating railroad to notify the Commission, so that the exemption status can be reviewed to verify if it should remain in place.
- 4) Require staff to conduct a follow-up inspection to verify that exemptions signs are posted and to update the rail database.

DATABASE INFORMATION

Detailed database crossing information for this location can be found at

<https://gradecrossings.puco.ohio.gov>.

or at these specific links:

<https://gradecrossings.puco.ohio.gov/crossing/3396;guid=25d156c0-4ea9-4bf1-9811-497aa9d3ac15>

<https://gradecrossings.puco.ohio.gov/crossing/3399;guid=2f1dae8a-1247-441f-bbf9-1bec115bd184>

<https://gradecrossings.puco.ohio.gov/crossing/3400;guid=3dc66ae7-02d6-4ed5-9bc9-11e1410f0a9d>

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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Summary: Staff Report Filed In the Matter of a Request by the Ohio Department of Transportation for an Exemption from Stopping for School Buses and Hazardous Materials Vehicles at the State Route 14, State Route 534, and US Route 224 Grade Crossings in Mahoning County. electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division