

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

In the Matter of the Request by Cleveland Commercial Railroad to Downgrade  
Warning Devices at the E. 93rd Street (DOT# 262-418B) & E. 65th Street,  
(DOT#262-413S) Grade Crossings in Cuyahoga County, Ohio.

Case Number 18-1117-RR-RCP

January 28, 2019

## 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) §4905.04.

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**

Cleveland Commercial Railroad (CCRL) is a short line railroad that operates in Northeast Ohio. They operate over 35 miles of track and have interchanges with CSX Transportation, Norfolk Southern Railway, Wheeling & Lake Erie Railroad, and Port of Cleveland.

### **PROJECT DESCRIPTION**

On July 12, 2018, CCRL petitioned for approval to downgrade the warning devices at E. 93<sup>rd</sup> Street (DOT#262-418B) and E 65<sup>th</sup> Street (DOT#262-413S) in the City of Cleveland, Cuyahoga County, Ohio. CCRL states in the petition that they would like permission to remove the pedestrian gates at both locations. This request is based upon the following changes since the gates were originally installed:

- 1) The number of tracks at the crossing has changed from two to one.
- 2) The track speed has been downgraded from 50 mph to 10 mph.
- 3) Train traffic has significantly decreased from 49 trains a week to 3 or 4 round trip trains a week.





**E. 93<sup>rd</sup> Street DOT#262-418B- City of Cleveland, Cuyahoga County, Ohio.**

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

**Date of Assignment:** July 30, 2018

**Date of Inspection:** August 7, 2018

**Subject: 18-1117-RR-RCP** Application for possible downgrade of active warning devices, 93<sup>rd</sup> Street, Cleveland, Cuyahoga County, Cleveland Commercial Railroad (CCRL)

**DOT #: 262-418B**

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**FINDINGS**

On receipt of the present assignment, I conducted an inspection of the crossing on August 7, 2018. The railroad has petitioned the Public Utilities Commission of Ohio (PUCO) to downgrade the active warning device at the 93<sup>rd</sup> Street highway rail grade crossing. The railroad is requesting the PUCO grant them permission to remove the pedestrian gates in the southwest and northeast quadrant.

On the above noted day, I inspected the highway rail grade crossing which is located in Cleveland. Upon inspection I found a four lane roadway that travels north and south and is intersected by a highway rail grade crossing owned by the Cleveland Commercial Railroad. The tracks intersect the roadway at M.P.6.3 and runs east and west. The crossing GPS coordinates are N 41.451793, W -81.621368. The crossing consists of one main track which currently has standard flashers and gates with pedestrian gates as an active highway rail grade crossing warning system.

Upon inspection I found the pedestrian gate in the northeast quadrant was missing. The pedestrian gate in the southwest quadrant was still there and appeared to be functional.

Pedestrian gates are not required per the Manual of Uniform Traffic Control Devices (MUTCD). They can be suggested on high speed lines usually with passenger rail service. This rail line is currently 10MPH and is considered a low speed low train volume line.

**CONCLUSIONS**

Pedestrian gates are not required as part of the MUTCD and are not required by any of the PUCO design standards. Therefore it is recommended that the railroad be granted the downgrade and be allowed to remove the Pedestrian gates.

**Shawn Zurfley**  
**PUCO/FRA S&TC Rail Inspector**  
**Date: August 13, 2018**



## E 93<sup>rd</sup> Street Pictures



E. 93<sup>rd</sup> Street looking North.



Pedestrian Gate located in SW quadrant on E. 93<sup>rd</sup> St.

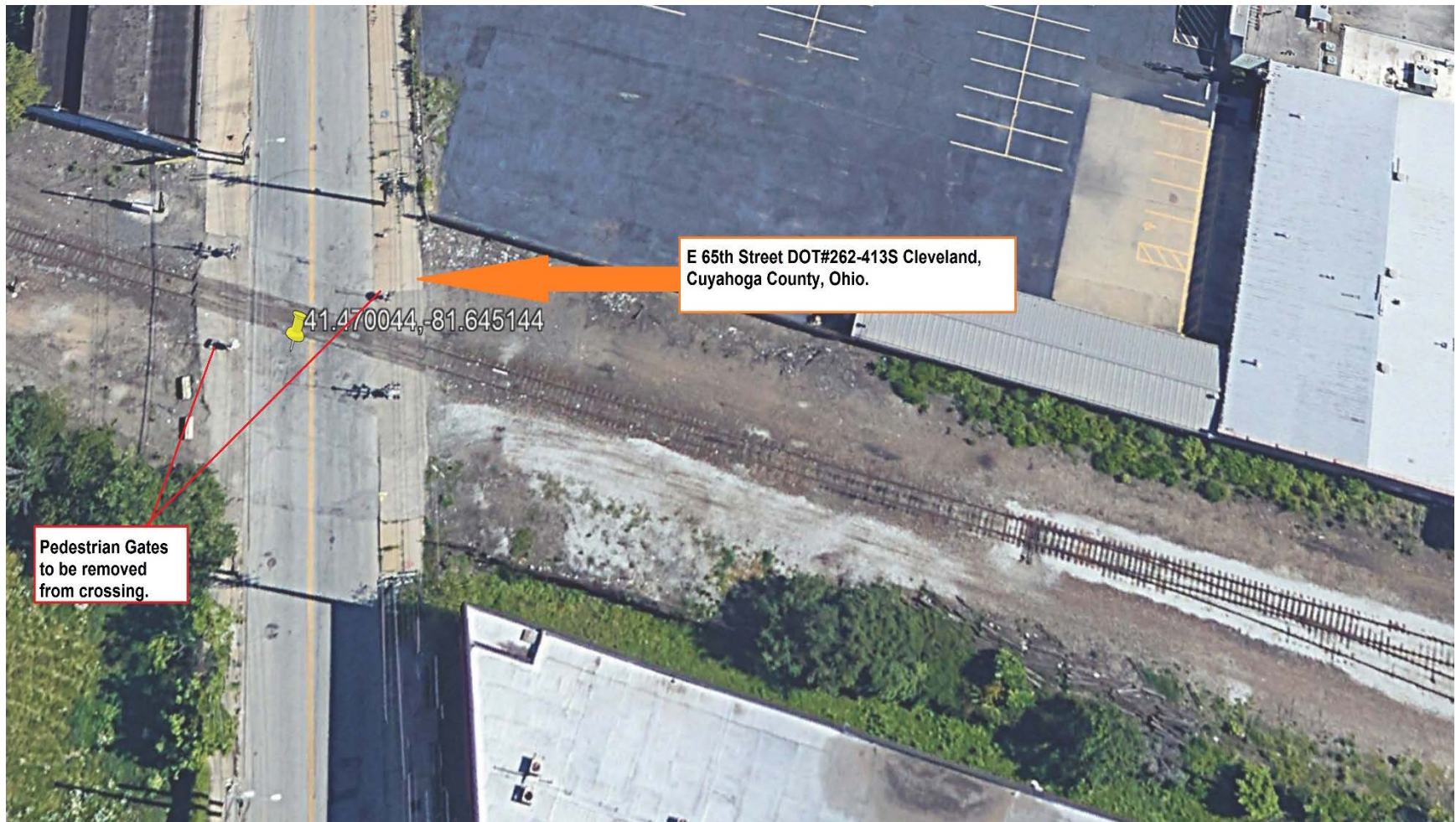


E. 93<sup>rd</sup> Street looking South.



Missing Pedestrian Gate in NE quadrant.





**E. 65<sup>th</sup> Street DOT#262-413S- City of Cleveland, Cuyahoga County, Ohio.**

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

**Date of Assignment:** July 30, 2018

**Date of Inspection:** August 7, 2018

**Subject: 18-1117-RR-RCP** Application for possible downgrade of active warning devices, 65th Street, Cleveland, Cuyahoga County, Cleveland Commercial Railroad (CCRL)

**DOT #: 262-413S**

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**FINDINGS**

On receipt of the present assignment, I conducted an inspection of the crossing on August 7, 2018. The railroad has petitioned the Public Utilities Commission of Ohio (PUCO) to downgrade the active warning device at the 65<sup>th</sup> Street highway rail grade crossing. The railroad is requesting the PUCO grant them permission to remove the pedestrian gates in the southwest and northeast quadrant.

On the above noted day, I inspected the highway rail grade crossing which is located in Cleveland. Upon inspection I found a two lane roadway that travels north and south and is intersected by a highway rail grade crossing owned by the Cleveland Commercial Railroad. The tracks intersect the roadway at M.P.4.3 and runs east and west. The crossing GPS coordinates are N 41.470053, W -81.645109. The crossing consists of one main track which currently has standard flashers and gates with pedestrian gates as an active highway rail grade crossing warning system.

Upon inspection I found pedestrian gates in the northeast and southwest quadrants were there and appeared to be functional.

Pedestrian gates are not required per the Manual of Uniform Traffic Control Devices (MUTCD). They can be suggested on high speed lines usually with passenger rail service. This rail line is currently 10MPH and is considered a low speed low train volume line.

**CONCLUSIONS**

Pedestrian gates are not required as part of the MUTCD and are not required by any of the PUCO design standards. Therefore it is recommended that the railroad be granted the downgrade and be allowed to remove the Pedestrian gates.

**Shawn Zurfley**  
**PUCO/FRA S&TC Rail Inspector**  
**Date: August 13, 2018**



## E 65<sup>th</sup> Street Pictures



**E. 65<sup>th</sup> Street Crossing looking North.**



**Pedestrian Gate in the SW quadrant.**



**E. 65<sup>th</sup> Street Crossing looking South.**



**Pedestrian Gate in the NE quadrant.**

## **STAFF RECOMENDATIONS**

PUCO Rail Staff recommends the following actions be taken:

- 1) Approve the CCRL request to downgrade the warning devices at the crossings by removing the pedestrian gates
- 2) Require CCRL to notify Staff when the work is completed.
- 3) Require staff to conduct follow-up inspections to verify that the modifications have been made as approved.

## **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 4,900 miles of track and over 5,700 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 staff and administration, 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 from 326 to 68 in 2017 and the number of fatalities has dropped from 59 to 8 in 2017. 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 safety upgrades at more than 3,300 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.PUCO.ohio.gov](http://www.PUCO.ohio.gov) for answers to all of your railroad crossing needs.



The Public Utilities Commission of Ohio  
Asim Z. Haque, Chairman

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Summary: Staff Report Filed In the Matter of a Request for a Downgrade to the Cleveland Commercial Railroad E. 93rd Street (DOT# 262-418B) & E 65th Street, (DOT#262-413S) Grade Crossings in Cuyahoga County, Ohio. electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division