

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

In the Matter of a Request for a Downgrade of the Chicago  
Ft. Wayne & Eastern Railroad Crossing in the Village of  
Middle Point, Van Wert County.  
Case Number 19-1090-RR-RCP

August 12, 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) §4905.471.

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 is responsible for determining if modifications and/or downgrades can be made to existing warning devices pursuant to ORC §4907.52 which 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.

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

Chicago, Ft. Wayne & Eastern Railroad (CFE) is a short line railroad that began operations in 2004. They operate from Crestline, Ohio west to Chicago, Illinois. They operate 139 miles of track in Ohio and have interchanges in Ohio with CSX Transportation and Norfolk Southern Railway. They were acquired by Genesee & Wyoming in 2012.

## PROJECT DESCRIPTION

On May 13, 2019, CFE petitioned for approval to remove the pedestrian warning bell at the crossing on Main Street (DOT#532-757C) in the Village of Middle Point, Van Wert County, Ohio. CFE requested to remove the pedestrian bell from the crossing because the equipment case at this location was recently damaged by a local garbage truck. In the request, CFE states that this crossing is operated by a DC circuit and has excessive approach lengths. The Main Street crossing is not on a major thoroughfare through town and has a minimal car count per day. Train traffic is currently an average of 4 trains per day.

## PUBLIC COMMENTS

Public Comments were filed in the docket, on July 18, 2019, from the Van Wert County Commissioners. They requested the Commission deny the downgrade request because two different schools systems use the Main Street crossing. On July 23, 2019, public comments from the Village of Middle Point, Angels on Track, and the Middle Point Fire Department were filed in the docket. All three parties requested the Commission deny the downgrade request because of visual obstructions at the crossing and the use of the crossing by school busses.

Staff sends out surveys to all school districts on an annual basis requesting school bus information at railroad crossings. The database has a zero school bus count because no response was received from the local school system. A PUCO field inspector visited the Lincolnview Schools, on July 23, 2019, and received verbal and e-mail confirmation, from Superintendent Jeffrey Snyder, that they **do not** cross the tracks at Main Street with busses (see Appendix A). Staff reached out to the Van Wert Developmental Disabilities Transportation Program about their potential use of the Main Street Crossing. Staff was informed that they had used the crossing in the past, but had not yet determined if the crossing would be used in the coming school year.

## FIELD INSPECTION REPORT

**Date of Assignment:** May 24, 2019

**Date of Inspection:** June 11, 2019

**Subject:** 19-1090-RR-RCP – Crossing Downgrade, Main Street, Middle Point, Van Wert County, Chicago Fort Wayne & Eastern Railroad

**DOT #:** 532-757C

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### FINDINGS

On receipt of the present assignment, I conducted an inspection of the crossing on June 11, 2019. The railroad has petitioned the Public Utilities Commission of Ohio (PUCO) to remove the pedestrian bell at the Main Street highway rail grade crossing.

On the above noted day, I inspected the highway rail grade crossing, which is located in Middle Point. 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 Chicago Fort Wayne and Eastern Railroad (CFE). The tracks intersect the roadway at M.P 280.07 and runs east and west. The crossing consists of one main track, which currently has one stand alone pedestrian bell and standard cross bucks with stop signs as the highway rail grade crossing warning system. The crossing GPS coordinates are N 40.85414, W -84.443257. The posted roadway speed limit is 25 mph.

Upon inspection, I found the track speed has been reduced to 25 miles per hour. The track speed was 49 miles per hour at the time the pedestrian bell was originally installed. There had been a school on the south side of the tracks, at one time, which no longer exists. In the course of three hours, I only witnessed three vehicles, and no pedestrians cross said tracks. Upon talking to a railroad official for Chicago Fort Wayne and Eastern Railroad, I was informed they run between two and four trains a day on this track, depending on the season. \*\*\*

### SUMMARY AND RECOMMENDATIONS

It is recommended the railroad be granted the downgrade and remove the pedestrian bell from service. If train traffic, vehicle traffic or other conditions change at the crossing a diagnostic survey should be completed to determine what types of additional if any safety measures need to be implemented at the crossing.

Timothy Flessner  
PUCO Rail Inspector  
Date: June 11, 2019

***\*\*\*NOTE: Staff was informed on July 30, 2019 by the railroad that the train count has increased to 9 trains per day due to recent operational agreements.***

Main Street, Middle Point, Van Wert County, Ohio





**Main Street, Middle Point, Van Wert County, Ohio**  
**DOT#532-757C**



Pedestrian bell at the crossing that CF wants to remove.



West of Crossing looking East.



**Main Street, Middle Point, Van Wert County, Ohio**  
**DOT#532-757C**



North of crossing looking South.



South of the crossing looking North.

**Main Street, Middle Point, Van Wert County, Ohio  
DOT#532-757C**



East of crossing looking West.

### **STAFF EVALUATION**

A stand alone pedestrian warning bell is considered a supplementary warning device at a crossing. The State of Ohio does not install stand alone pedestrian warning bells. In researching our database, we have only one other crossing which has two stand alone pedestrian warning bells (DOT#915-865J- Mary Avenue, Cuyahoga County). Staff has no background information as to why either of these installations were made or when they were made. They are clearly older installations that occurred prior to our inventory recordkeeping.

According to the USDOT Federal Highway Administration Railroad Highway Grade Crossing Handbook, a pedestrian warning bell is defined as:

*A crossing bell is an audible warning device used to supplement other active traffic control devices. A bell is most effective as a warning to pedestrians and bicyclists.*



## **STAFF RECOMENDATIONS**

PUCO Rail Staff recommends the following action be taken:

- 1) Approve the CFE downgrade request.
- 2) Require CFE to remove the pedestrian warning bell and associated equipment from the crossing, within 12 months, since this will help remove the visual obstructions at the crossing.
- 3) Require CFE to notify Staff when the work has been completed.
- 4) Require CFE to report a change in operating conditions at this crossing. Staff would then determine if a diagnostic review would be needed to determine if the existing warning devices are adequate.
- 5) Require staff to conduct a follow-up inspection to verify that modifications have been made as approved.

## **DATABASE INFORMATION**

Detailed database crossing information for this location can be found at

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

or at the specific link:

<https://gradecrossings.puco.ohio.gov/crossing/13033;quid=96b6022a-ff1b-4dc4-86e8-88c41d63d5c2>

## APPENDIX A

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**From:** Jeffrey Snyder [mailto:[jsnyder@lincolnview.k12.oh.us](mailto:jsnyder@lincolnview.k12.oh.us)]  
**Sent:** Monday, July 22, 2019 10:23 AM  
**To:** Flessner, Timothy <Timothy.Flessner@puco.ohio.gov>  
**Cc:** Jeffrey Snyder <[jsnyder@lincolnview.k12.oh.us](mailto:jsnyder@lincolnview.k12.oh.us)>  
**Subject:** Jeff Snyder - Superintendent of Lincolnview Local Schools

Mr. Flessner,

I reviewed our routes and also talked to the person who assists on putting all of our routes together and we “do not” drive a bus over the train tracks on Main St. in Middle Point, OH. If you have any more questions please don’t hesitate to e-mail back or call me.

Thanks

Jeff

Jeffrey T. Snyder  
Superintendent  
Lincolnview Local Schools  
15945 Middle Point Road  
Van Wert, OH 45891  
(419)-968-2226  
[jsnyder@lincolnview.k12.oh.us](mailto:jsnyder@lincolnview.k12.oh.us)

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## **OTHER INFORMATION**

### **Ohio's Rail Grade Crossing Programs**

Ohio is a national leader in terms of railroad operations. Ohio is home to nearly 36 railroads that operate thousands of trains in Ohio every day over approximately 5,000 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 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 28 years, the PUCO has participated in the installation of lights and gates at more than 2,100 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 <https://www.puco.ohio.gov/> or <https://gradecrossings.puco.ohio.gov> for answers to all of your railroad crossing needs.



The Public Utilities Commission of Ohio  
Mike DeWine, Governor  
Sam Randazzo, 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 a Request for a Downgrade of the Chicago Ft. Wayne & Eastern Railroad Crossing in the Village of Middle Point, Van Wert County. electronically filed by Mrs. Jill A Henry on behalf of PUCO/Rail Division