

Memo

To: Docketing Division

From: Thomas Persinger, Rail Project Specialist, Rail Division

Date: 2-28-2023

Re: PUCO Case No. 16-1598-RR-STP- In the Matter of Authorization for the
Defiance County Consolidation Project- Closures and Roadway Modifications.

BACKGROUND

On May 10, 2016, Commission Staff (PUCO), CSX Transportation (CSX), Defiance County (County), and Delaware Township, Defiance County (Township) entered into an agreement to close three public and two private crossings in exchange for roadway modifications that move the roadways off the railroad track to CR 424 in Defiance County, Ohio. On November 9, 2016, the Commission approved the agreement, but indicated under ORC 4955.27, the Commission does not have jurisdiction on private crossing. Thus, the private crossings with DOT#'s 142376L and 142378A were excluded. The crossings to be closed are:

Crossing	DOT#
Ashwood Road	142374X
Tittle Road	142377T
Jacobs Trail Road	142379G

During the construction, multiple delays occurred due to existing pipeline infrastructure, environmental issues, and land acquisition problems. On November 14, 2022, the Defiance County Engineer confirmed work was complete with reconfigured roadway so Ashwood and Tittle Road crossings can be closed. However, Jacobs Road has not been closed because of the inability to acquire right of way from a landowner. The County Engineer met with landowners along the right of way for the Jacobs Road project multiple times and they refused to sell right of way access needed to close the grade crossing. The Defiance County Commissioners were unwilling to pursue eminent domain to secure the needed right of way. Thus, the Jacobs Trail Road crossing will remain open.

FINDINGS

Our local field inspector has visited the crossings on February 1, 2023, and verified the Ashwood and Tittle crossings have permanent barricades installed (See attached pictures). The Jacobs Trail Road crossing remains open. While the Commission lacks jurisdiction on private crossings, Private Crossing 142376L is showing as closed in the FRA database while Private Crossing 142378A remains open.

SUMMARY AND CONCLUSIONS

Defiance County and CSX have complied with the Commission Order for closing the Ashwood and Tittle Road crossings by installing permanent barricades and moving roadway toward CR 424. The Jacobs Trail Road closure portion of the project has been cancelled due to the landowner refusing to provide right of way. Accordingly, the case should be closed.

**Ashwood Road Crossing (USDOT# 142374X)
Defiance County, Ohio**

Looking North



Looking East



Tittle Road Crossing (USDOT# 142377T)
Defiance County, Ohio
Looking South



Looking East



**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

2/28/2023 8:50:23 AM

in

Case No(s). 16-1598-RR-STP

Summary: Memorandum Memo regarding completion of the Defiance County Consolidation Project- Closures and Roadway Modifications filed by Tom Persinger, Rail Project Specialist. electronically filed by Mr. Thomas Persinger on behalf of PUCO/Rail Division