

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

In the Matter of an Exemption Request by the Village of Sugarcreek for the Ohio Central Railroad, Inc. Crossings at Dover Road NW/SR 39 (DOT#474-267A) and 3rd Street NW (DOT#474-265L) in Tuscarawas County, Ohio.

Case Number 22-1066-RR-RCP

April 6, 2023

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/RAILROAD

The Ohio Central Railroad was established in 1988 and is headquartered in Coshocton, Ohio. They operate 74 miles in Central and Eastern Ohio. They have interchange points with Wheeling and Lake Erie, CSX, and Norfolk Southern.

The Village of Sugarcreek is in western Tuscarawas County, Ohio. This small village, which was established in 1814, has a population of 2,373 according to the 2020 census. The village is located at the confluence of several major roadways including SR 39 and SR 93., Sharpsburg Road.

PROJECT DESCRIPTION

On October 11, 2022, the Village of Sugarcreek (Village) filed a request for exemption for SR 39 (DOT#474-267A). In the request, the Village stated that an exemption would increase safety for school buses and motor vehicles carrying certain hazardous materials travelling through the crossing. The Village has indicated there is no train traffic except for minimal train traffic at the Belden Brick Company.

On March 8, 2023, the Village filed a request for exemption for Third Street NW (DOT#474-265L). In the request, the Village stated similar points from the request on SR 39, as well as indicating this street gets significant truck traffic going to Superb Industries.

BACKGROUND

This portion of Ohio Central line has not experienced significant train traffic for several years, except for the Belden Brick Company.

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

Date of Assignment: March 2, 2023

Date of Inspection: March 10, 2023

Subject: 22-1066-RR-RCP – Petition for exemption, Dover Road (SR39), Sugarcreek, Tuscarawas County, Ohio Central Railroad (OHCR).

DOT #: 474267A

FINDINGS

On receipt of the present assignment, I conducted an inspection of the crossing on March 10, 2023. The village of Sugarcreek is seeking an exemption for the grade crossing under Ohio Revised Code 4511.63.

On the above noted day, I inspected the highway rail grade crossing which is located in Sugarcreek. Upon inspection I found a two-lane roadway that travels east and west and is intersected by a highway rail grade crossing owned by the Ohio Central Railroad. The tracks intersect the roadway at M.P. .59 and run north and south. The crossing consists of one industrial spur track which currently has standard crossbucks and yield signs as a passive highway rail grade crossing warning system. The roadway has a speed limit of 35 mph. The rail line has a timetable posted speed limit of 10 mph.

This crossing is part of a spur line that is used to service businesses within the village of Sugarcreek. This crossing is the very last road crossing before the spur line dead ends onto the Belden Brick Company's property. I observed several school buses as well as commercial vehicles hauling hazardous material cross over the crossing.

On March 3, 2023, I sent an email to the Ohio Central Railroad. I advised them of the application for the crossing exemption and requested information on the railroads train traffic over the line. The railroad advised the crossing is rarely if ever used and they have no exceptions to the crossing receiving an exemption.

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SUMMARY AND CONCLUSIONS

Currently the railroad does not have any traffic over the roadway. The roadway is used by both school buses and hazardous material vehicles. The exemption would help reduce the possibility of rear end collisions at a crossing with no current rail traffic.

RECOMMENDATIONS

In view of the foregoing findings and conclusion, I recommend the commission grant the exemption with the requirement the railroad must place a stop and flag order on the crossing for any future train movements over the highway rail grade crossing and in the event rail traffic greatly increases the exemption status should be reviewed to verify it is feasible to remain in place.

Shawn Zurfley
PUCO/FRA Rail Inspector
Date: March 16, 2023

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

Date of Assignment: March 8, 2023

Date of Inspection: March 10, 2023

Subject: 22-1066-RR-RCP – Petition for exemption, Third Street, Sugarcreek, Tuscarawas County, Ohio Central Railroad (OHCR).

DOT #: 474265L

FINDINGS

On receipt of the present assignment, I conducted an inspection of the crossing on March 10, 2023. The village of Sugarcreek is seeking an exemption for the grade crossing under Ohio Revised Code 4511.63.

On the above noted day, I inspected the highway rail grade crossing which is located in Sugarcreek. 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 Ohio Central Railroad. The tracks intersect the roadway at M.P. .3 and run east and west. The crossing consists of one industrial spur track which currently has standard crossbucks and yield signs as a passive highway rail grade crossing warning system. The roadway has a speed limit of 25 mph. The rail line has a timetable speed limit of 10 mph.

This crossing is part of a spur line that is used to service businesses within the village of Sugarcreek. This crossing is used by the railroad to service the Belden Brick company plant 4. The roadway is a residential street with residential houses on the south side of the tracks and a mixture of commercial property and residential houses on the north side of the crossing. The school is also located north of the crossing. During my inspection I observed vehicle traffic over the crossing from 1:30 PM till 3:30PM. During that time I observed 86 vehicles cross the crossing. The majority of the vehicles crossed as school was letting out. During that time, I only observed one school van that was required to stop at the crossing. The school buses I did observe all turned down Yoder Avenue which is just north of the crossing.

On March 9, 2023, I sent an email to the Ohio Central Railroad. I advised them of the application for the crossing exemption and requested information on the railroads train traffic over the line. The railroad advised the crossing is used on average once per week to provide rail service to the Belden Brick Company's plant 4, which is located just west of the crossing.

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SUMMARY AND CONCLUSIONS

Currently the railroad is reporting they are actively using the crossing once per week. The roadway appears to have moderate vehicular traffic over it, however the vehicles using the crossing that are required by law to stop at the crossing appear to very limited.

RECOMMENDATIONS

In view of the foregoing findings and conclusion, I do not recommend the commission grant the exemption. The railroad is still routinely using the crossing and the vehicular traffic using the crossing that is required by law to stop is very limited. Therefore, the exemption would not be beneficial at this current time.

Shawn Zurfley
PUCO/FRA Rail Inspector
Date: March 17, 2023

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SR 39/Dover Road NW (DOT#474-267A) / Tuscarawas County, Ohio



3rd Street NW (DOT#474-265L) / Tuscarawas County, Ohio



Crossing Pictures



Dover Road NW (DOT#474-267A)
West of Crossing looking East.



Dover Road NW (DOT#474-267A)
South of Crossing looking North.



Dover Road NW (DOT#474-267A)

East of Crossing Looking West



Dover Road NW (DOT#474-267A)

North of Crossing looking South.



3rd Street NW (DOT#474-265L)
South of Crossing looking
North.



3rd Street NW (DOT#474-265L)
East of Crossing looking
West.



3rd Street NW (DOT#474-265L)
West of Crossing looking
East.



3rd Street NW (DOT#474-265L) South of Crossing
looking North.

STAFF RECOMENDATIONS

PUCO Rail Staff recommend the following actions be taken:

- 1) Approve the exemption request for Dover Road NW/SR 39 in Tuscarawas County, to prevent vehicles from stopping at the crossing, since minimal train traffic will be on the tracks.
- 2) Deny the exemption request for 3rd Street NW in Tuscarawas County due to the limited placarded vehicle and school bus traffic, lack of commercial businesses south of the crossing, and lack of benefit from an exemption being granted at this railroad crossing.
- 3) Require Ohio Central Railroad to notify the PUCO if rail traffic increases at the Dover Road NW/SR 39 Grade Crossing.
- 4) Require Ohio Central Railroad to stop and flag whenever trains go across the Dover Road NW/SR 39 grade crossing.
- 5) 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 the specific link:

[**Dover Road NW/SR 39 Tuscarawas County**](#)

[**3rd Street NW Tuscarawas County**](#)

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 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 32 years, the PUCO has participated in the installation of lights and gates at more than 2,200 grade crossings across Ohio. We look forward to working with your community to help make grade crossings as safe as possible.

The Public Utilities Commission of Ohio
Mike DeWine, Governor
Jenifer French, Chair

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Commission of Ohio Docketing Information System on**

4/6/2023 3:17:01 PM

in

Case No(s). 22-1066-RR-RCP

Summary: Staff Report Filed Staff Report In the Matter of an Exemption Request by the Village of Sugarcreek for the Ohio Central Railroad, Inc. Crossings at Dover Road NW/SR 39 (DOT#474-267A) and 3rd Street NW (DOT#474-265L) in Tuscarawas County, Ohio. electronically filed by Mr. Thomas Persinger on behalf of PUCO/Rail Division.