

PETITION TO OPEN A HIGHWAY CROSSING AT GRADE

**STATE OF INDIANA
INDIANA DEPARTMENT OF TRANSPORTATION**

PETITION OF BROWN COUNTY, INDIANA,
FOR THE APPROVAL OF THE
ESTABLISHMENT OF A GRADE CROSSING
ON PROPOSED INDIAN HILL ROAD, OVER
MAINLINE TRACKS OWNED BY THE CSX
TRANSPORTATION IN NASHVILLE,
INDIANA.

PETITIONER,

and

CSX TRANSPORTATION AND
UTILITY CONSUMER COUNSELOR
FOR THE STATE OF INDIANA,
(ETC.), ANYONE ELSE DIRECTLY
AFFECTED

RESPONDENTS.

PETITION TO OPEN HIGHWAY CROSSING AT GRADE IN NASHVILLE, BROWN COUNTY, INDIANA

Brown County, Indiana, (Petitioner), respectfully petitions the Indiana Department of Transportation (INDOT) for approval of the establishment of a crossing at grade at the junction of Indian Hill Road and the Railway tracks of CSX Transportation.

In support of this petition, Petitioner alleges the following:

1. Petitioner is a duly constituted, authorized and elected public body legally authorized and charged with the responsibility of constructing, reconstructing, and maintaining the operation of all streets and roads, with the exception of state highways and private roads, in Nashville, Indiana.
2. CSX Transportation is named as Respondent for the reason that it owns the railway tracks over which the new proposed at grade crossing is to be constructed.
3. The Utility Consumer Counselor of Indiana is named Respondent pursuant to Ind. Code §8-1-1-5.
4. Accordingly, this petition is filed pursuant to Ind. Code §8-6-1-7 for the construction of a highway crossing over a railroad line.

5. Indian Hill Road currently intersects railway tracks operated by CSX Transportation. These railway tracks and the point of intersection of the proposed at-grade crossing are in the vicinity of, and adjacent to: DOT #292 193F in relation to Trevlac, Helmsburg, and SR-45. This proposed crossing was an active railroad crossing for several years until May, 2020, when Petitioner and CSX Transportation agreed to close the crossing pursuant to Ind. Code §8-6-7.7-3.1(e). The crossing was officially closed in June, 2020. After its closure, crossbucks and other signage were removed and barricades were placed on both sides of the crossing. After constituent input, and the economic and recreational hardships caused by the closing, Petitioner would like to reopen the crossing that was formerly identified as DOT #292 193F.

6. Petitioner desires to reopen the crossing on Indian Hill Road to provide residents, farmers, local business owners, public safety personnel, and pedestrians with a feasible means of traveling north and south of the railroad in the safest, most efficient manner. As previously stated, the proposed crossing was an active railroad crossing until June, 2020.

Since its closure, former users of this route have cited several hardships from having to take a detour along state Road 45 of Tecumesh Trail. For vehicles, the detour adds roughly fifteen (15) minutes of travel time affecting farmers, business owners, and residents. Moreover, the Department of Natural Resources' (DNR) trail map does not show this detour route because of its danger to pedestrians.

All this considered, local area property values, daily activities, and safety have been negatively impacted because of the closure of this crossing, and Petitioner would like to ease this burden by reinstating this railroad crossing for public use. Further letters of support advocating for the opening of this crossing can be found in Exhibit D.

7. The tentative location, details and blueprints of the proposed construction are shown in Exhibit A, which is attached hereto and made a part hereof by reference (all parties of record shall be furnished with a copy of the plans).

8. Petitioner has responded in detail to the 105 Indiana Administrative Code (IAC) 5-10-1 criteria listed and has provided proper documentation as set forth in the IAC, all of which is more particularly described in Exhibit C, which is attached hereto and incorporated herein.

9. Under the designated plans of the Petitioner, the proposed Indian Hill Road will intersect CSX Transportation Railway tracks at an angle of approximately 30 degrees.

10. Average daily vehicular traffic (ADT) over the proposed Indian Hill Road, which has a design speed of 30 MPH, is estimated to be less than 50 vehicles. Petitioner will further reduce the speed near the crossing if needed per a safety study.

11. The proposed rail-highway intersection profile is: further defined and depicted in Exhibit A.

12. Approximately fourteen (14) trains per week currently use the CSX Transportation railway tracks. These trains travel at an approximate speed of between 25-30 MPH.

13. The roadway view sights for a motorist at the proposed grade crossing are clear on both sides with no obstruction blocking the view of an oncoming train. This was shown to be evident as this crossing, when it was an active and safe crossing until June, 2020, did not have any accidents in its history to our knowledge. To the extent that trees and shrubs continue to grow along the view sight, the Petitioner can address any arising safety concerns.

14. The plans for this project demonstrate that the crossing should be what type of protection?

CHECK THOSE THAT APPLY

<input type="checkbox"/>	A.	Gates
<input type="checkbox"/>	B.	Standard Flashers
<input type="checkbox"/>	C.	Cantilever Flashers
<input type="checkbox"/>	D.	Audible (Bell)
<input checked="" type="checkbox"/>	E.	Crossbucks
<input checked="" type="checkbox"/>	F.	Advanced Warning Signs
<input type="checkbox"/>	G.	Paint
<input type="checkbox"/>	H.	Other

15. Standard flashers are not required at this crossing. While there are other crossings in the county that have standard flashers (i.e., SR 45 to the west), these are State Highway Crossings that have a significantly higher volume of traffic than the proposed crossing which is at the intersection of a county road. Because the number of the vehicles passing through this proposed railroad crossing is projected to be so low, there is no need for flashers. Prior to its closure, this crossing did not contain standard flashers or cantilever flashers, and to our knowledge there were no accidents at this crossing. Therefore, we do not believe there is a need for flashers both now and in the future.

16. The proposed rail-highway intersection is located in an area zoned as agricultural.

17. There are no factors present that will divert or distract driver attention away from the Indian Hill Road rail-highway intersection.

18. An aerial photo of the affected area is included as Exhibit B, which is attached hereto and incorporated herein.

19. The crossing surface shall be composed of:

CHECK THOSE THAT APPLY

<input type="checkbox"/>	A.	Rubber
<input checked="" type="checkbox"/>	B.	Timber
<input checked="" type="checkbox"/>	C.	Timber & Asphalt
<input type="checkbox"/>	D.	Asphalt
<input type="checkbox"/>	E.	Concrete
<input type="checkbox"/>	F.	Other


20. Petitioner will bear the cost of materials and construction of the grade crossing and the protection warning devices.

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WHEREFORE, the Petitioner requests that INDOT authorize the Petitioner pursuant to Ind. Code §8-6-1-7 to construct a highway crossing at grade across the rail line of the respondent CSX Transportation at the location set forth in the Petition and for all other proper relief.

I affirm, under the penalties for perjury, that I have read the foregoing Petition; that I do not have personal knowledge regarding all of its representations; but that the matters set forth herein are true and correct to the best of my knowledge and belief.

Dated this 26th day of May, 2023.

By 
Attorney for Petitioner

(PLEASE PRINT)

Name: JACOB GERMAN

Address: 11 S Meridian St

Address: Indianapolis

Address: Indiana, 46204

Telephone Number: (317) 231-7538

Fax Number: _____

CERTIFICATE OF SERVICE

Comes now Jacob German, Attorney for the Commissioners of the
County of Brown, Indiana and certifies that on

this 26th day of May, 2023, has served copies of the foregoing:

Mr. William Fine, Director
Indiana Office of Utility Consumer Counselor
115 W. Washington Street, Suite 1500 South
Indianapolis, Indiana 46204

Railroad Resident Agent

Local Public Entity Official

INDOT District Railroad Coordinator

All bodies affected public and/or private

File: PETITION 1-2018