

RICK MILLER, Mayor



MICHAELA BOSLER, RMC
Municipal Clerk

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January 7, 2022

Dwayne R. Snead, Sr., Senior Engineer
Bureau of Structural & Railroad Engineering Services (BSRES)
State of New Jersey, Department of Transportation
Engineering & Operations Building
1035 Parkway Avenue
P.O. Box 600
Trenton, New Jersey 08625-0600

**Re: McClellan Avenue At-Grade Crossing
Berlin Borough, Camden County**

Dear Mr. Snead:

As requested, I am acknowledging receipt your correspondence received on January 7, 2022, setting forth your recommendation to proceed with the closure of the McClellan Avenue At-Grade Crossing. While I am bitterly disappointed to receive your recommendation, I understand its part of the NJDOT's review process. I am, however, encouraged by the fact that you will now consider the Borough's December 13, 2021 technical submittal which included our traffic study, closure opposition letters from our residents, impacts to houses of worship, commercial businesses and other related public safety concerns. I understand our package of information will be considered as part of the 30-day comment period, in response to the Memorandum of Record, by the NJDOT.

Once again, it is the position of the Borough of Berlin that we staunchly and steadfastly oppose your recommendation. I believe once you review the materials the Borough has submitted, you will have a change of position.

Finally, I accept your offer to meet and discuss potential alternatives to the closing of the McClellan Avenue crossing. We will be submitting additional materials with respect to potential alternatives and would like to meet as soon as practical. I can be reached on my cell phone at any time: (856) 266-0312.

Very truly yours,

Rick Miller, Mayor
Berlin Borough, Camden County

CC: Borough Council
Michaela Bosler, RMC
Essential Safety Personnel
Howard C. Long, Jr., Borough Solicitor



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

DIANE GUTIERREZ-SCACCETTI
Commissioner

SHEILA Y. OLIVER
Lt. Governor

January 7, 2022

IN THE MATTER OF REVIEW OF THE)
ELIMINATION OF THE HIGHWAY-RAIL AT)
GRADE CROSSING OF NEW JERSEY)
TRANSIT RAIL OPERATIONS, INC. "NJ)
TRANSIT" ATLANTIC CITY RAIL LINE)
BRANCH - USDOT INVENTORY NO.)
586048W MCCLELLAN AVENUE IN THE)
BOROUGH OF BERLIN, CAMDEN COUNTY,)
NEW JERSEY)

MEMORANDUM OF RECORD

MCCLELLAN AVENUE
DOT DOCKET NO. 14-2022CM

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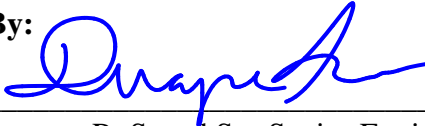
To the Mentioned Addressees:

The Department's Bureau of Structural & Railroad Engineering Services Unit Diagnostic Team hereby issues the attached **MEMORANDUM OF RECORDS (MOR)**, pertaining to the above captioned matter.

Direct any questions or comments in writing to the NJDOT's Structural and Railroad Engineering Services Unit, Diagnostic Team Leader Dwayne R. Snead Sr. via email @ Dwayne.Snead@dot.nj.gov

NEW JERSEY DEPARTMENT OF TRANSPORTATION

Approved By:



Dated: 1/07/2022

Signed by Dwayne R. Snead Sr., Senior Engineer FOR
Joshua Szulczewski, Ph.D., P.E, Project Engineer
Bureau of Railroad Engineering Services & Safety Unit
New Jersey Department of Transportation



State of New Jersey

DEPARTMENT OF TRANSPORTATION
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PHILIP D. MURPHY
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January 7, 2022

IN THE MATTER OF REVIEW OF THE)
ELIMINATION OF THE HIGHWAY-RAIL AT-)
GRADE CROSSING OF NEW JERSEY TRANSIT)
RAIL OPERATIONS, INC. "NJ TRANSIT")
ATLANTIC CITY RAIL LINE BRANCH - USDOT)
INVENTORY NO. 586048W MCCLELLAN)
AVENUE IN THE BOROUGH OF BERLIN,)
CAMDEN COUNTY, NEW JERSEY)

MEMORANDUM OF RECORD

MCCLELLAN AVENUE
DOT DOCKET NO. 14-2022CM

The New Jersey Department of Transportation's (hereinafter "NJDOT" or the "Department") Commissioner initiated a review of the aforementioned Public Railroad-Highway At-Grade Crossing on her own motion as a result of Safety Evaluations on the New Jersey Transit Rail Operations, Inc., hereinafter "NJ TRANSIT" Atlantic City Rail Branch Line. This review was in conjunction with NJ TRANSIT for the elimination of the McClellan Avenue At-Grade Crossing CR. #586048W.

Subsequent to the Initiation of Proceedings (IOP) notice, the NJDOT Bureau of Structural & Railroad Engineering Services Unit (hereinafter "BSRES") Diagnostic Team held a Diagnostic Meeting on Wednesday, October 27th, 2021 at the McClellan Avenue At-Grade Crossing CR. #586048W Highway-Rail At-Grade Crossing located in the Borough of Berlin, Camden County, New Jersey. The following participants attended the Diagnostic Team Meeting:

ATTENDEES

NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT)

Dwayne R. Snead Sr. Diagnostic Team Leader NJDOT - BSRES Unit
Gerard Houck Engineering Technician 3 NJDOT - BSRES Unit
Joshua Szulczewski, Ph.D., P.E. Project Engineer NJDOT - BSRES Unit

NEW JERSEY TRANSIT RAIL OPERATIONS, INC. "NJ TRANSIT" (RAILROAD)

Joseph Haddad Chief Engineer of Right of Way
Brenan Stult Senior Safety Officer

Stacy Hood	Division Engineering-Newark Division
Harry Oddo	Senior Safety Officer
Chuck Reed	Line Engineer - Safety
Franklin Taylor Jr.	Principal Project Engineer
Barbara Lazzaro	Senior Director ~ Government & Community Relations
James Brown	Safety Officer
William McMahan	Senior Safety Officer

BERLIN BOROUGH

Bill Behnke	Deputy Fire Chief
John Allsebrook, CPWM	Superintendent of DPW

The Diagnostic Team (hereinafter the “Team”), involving those in attendance, reviewed the site conditions at the Highway-Rail At-Grade Crossing at the intersection of *NJ TRANSIT’s Atlantic City Rail Branch Line* as pertaining to, the elimination of the existing At-Grade Crossing Railroad Warning Devices, Roadway Traffic Control Devices, Roadway Geometry, Roadway Surface Features and Approaches.

**Please be advised that for the purpose of our review and discussion pertaining to the above captioned Highway-Rail At-Grade Crossing. The Two-way / two (2) lane roadway of McClellan Avenue runs in the North/South travel way direction, which is crossed At-Grade by a single (1) rail track of NJ TRANSIT traveling in the West/East direction within the Atlantic City Rail Branch Line. The Diagnostic Meeting was held on the Southwestern Side of the Right-of-Way (R.O.W.) in an open area along the R.O.W. adjacent to the Southwest Quadrant of the NJ TRANSIT, Atlantic City Rail Branch Line At-Grade Crossing.*

BSRES DIAGNOSTIC TEAM FINDINGS

1. The McClellan Avenue Railroad At-Grade Crossing tracks are owned, operated, and maintained by NJ TRANSIT. The Railroad At-Grade Crossing is identified as USDOT Crossing (CR.) #586048W McClellan Avenue in the Borough of Berlin, Camden County within the Atlantic City Rail Line Branch of NJ TRANSIT @ NJ TRANSIT’s Milepost (MP) #16.70; @ (Latitude: 39°47’35.8” N / 39.7932870 ~ Longitude: -74°55’27.0” W / -75.9241720) is approximately 400 Feet (0.0758 Mile) South from the Washington Avenue At-Grade Crossing USDOT Crossing #586047P.
2. McClellan Avenue is a Roadway under the jurisdiction of the Borough of Berlin that is crossed At-Grade by a single (1) rail track alignment of NJ TRANSIT that operates as a passenger commuter train on this track alignment / Atlantic City Rail Line.
3. McClellan Avenue is a public residential Two-way lane traffic roadway with no sidewalk access and no roadway shoulders. McClellan Avenue has a posted vehicle speed of 25 MPH along the Northbound & Southbound traveled way.

4. In close proximity to the McClellan Avenue Crossing, there are intersecting roadways/streets identified as North Atlantic Avenue and Hamilton Avenue, which are situated on the Eastern side and runs in the Eastbound and Westbound travel ways.
 - North Atlantic Avenue is a Roadway that’s perpendicular to McClellan Avenue is parallel to the tracks on the northeastern side/quadrant that’s under the jurisdiction of the Borough of Berlin.
 - Hamilton Avenue is a Roadway that’s perpendicular to McClellan Avenue and is parallel to the tracks on the southeastern side/quadrant that’s under the jurisdiction of the Borough of Berlin.
5. **CR. #586048W** McClellan Avenue At-Grade Crossing surface consists of a rubber style with asphalt approaches. According to the latest BSRES’s Railroad Crossing Inspection, the Crossing surface has been deemed to be in a satisfactory condition.
6. McClellan Avenue **CR. #586048W** At-Grade Crossing is an **Active** Railroad At-Grade Crossing. The Railroad Crossing is controlled by Railroad Warning Devices that consists of two (2) automatic roadway gate masts erected with back-to-back post-mounted twelve-inch (12”) incandescent bulb flashing light signals installed with a single double-faced Railroad Crossing Crossbuck (MUTCD R15-1) situated on the Northwest (NW) and Southeast (SE) quadrants; one (1) stand-alone automatic pedestrian gate masts on the Northeast (NE) quadrant. There are Advance Warning Railroad Pavement Markings, Railroad Stop Bar/Line, and Advanced Railroad Warning Signs (MUTCD W10-1) on the approaches to the At-Grade Crossing. Each mast has an Emergency Notification Sign (ENS) for Crossing Identification & Emergency number installed on both NW & SE Quadrants with an affixed mechanical-style bell installed on the SE quadrant.
7. Please be advised that this MOR is based off the 13th & 15th of October 2021 Initiation of Proceedings, hereinafter “IOP”, granted by the Department’s Commissioner to conduct a Diagnostic Team Meeting “DTM” on the 27th of October 2021. The IOP was initiated as a request to discuss the Full Closure / Elimination of the McClellan Avenue At-Grade Crossing.
8. Please be further advised that this Full Removal and/or Elimination of the McClellan Avenue At-Grade Crossing was also a request / recommendation based off the Department’s BSRES Diagnostic Team Meeting held on Thursday, May 20th, 2021 at the **Washington Avenue ~ USDOT # 586047P** Highway-Rail At-Grade Crossing located in the Borough of Berlin, Camden County, New Jersey.
9. The BSRES’s Washington Avenue Memorandum of Record (MOR) Docket #38-2021CM was issued on June 15, 2021 regarding Signal and Surface Upgrades to Washington Avenue with request / recommendations regarding the Full Closure / Elimination of the McClellan Avenue At-Grade Crossing #586048W.
10. During the May 20th, 2021 Washington Avenue DTM, the attending Team discussed two (2) Options regarding the upgrade of the Washington Avenue Crossing and the existing **Active** Railroad Warning Devices to accommodate the modernized Masts with Railroad Crossing

Automatic Vehicular and Pedestrian Gates within the Northwest, Southwest, and Southeast Quadrants of the Crossing and Surface Modernization to concrete type panels. The following Options were expressed as **Option (1)** and **Option (2)**. Option 1 described the proposed Railroad Signal Upgrade Options to be constructed within the four (4) quadrants of the At-Grade Crossing and Option 2 which included Option 1 recommendations as well as the recommendation for the Full Closure / Elimination of the McClellan Avenue At-Grade Crossing #586048W as specified below:

Proposed Railroad Signal Upgrade Option (2) with Full Closure / Elimination of the McClellan Avenue At-Grade Crossing #586048W:

- **McClellan Avenue At-Grade Crossing Elimination / Removal & Full Closure** – Full Removal and/or Elimination of the At-Grade Crossing involves closure of the roadway at the At-Grade Crossing. The roadway approaches to the At-Grade Crossing will be removed and the appropriate signs and object markers shall be placed at the roadway end and/or at the NJ TRANSIT’s Right-of-Way boundary line in accordance with ***MUTCD Section 2C.66 & MUTCD Section 8A.05 Grade Crossing Elimination***. The rail track surface shall be removed as well as the Active Railroad Warning Devices. McClellan Avenue travel way and roadway will be close to vehicular and pedestrian traffic on both approaches indefinitely.
11. On Thursday, May 20th, 2021, the Team discussed **Option #2** as a highly recommendation from Representatives of NJ TRANSIT. The Team initially discussed closure options involving Washington Avenue At-Grade Crossing, however, McClellan Avenue was deemed to be the best approach for elimination/closure of an At-Grade Crossing. In accordance with 2013 New Jersey Revised Statutes TITLE 48 – PUBLIC UTILITIES Section 48:12-76 et al, “**N.J.S.A § 48:12-76 (2013)**”, Closing, Abandoning or Combining Crossings. In connection with the elimination of any Crossing At-grade, the improvement, relocation, alteration or reconstruction of any crossing not At-grade, or the location and construction of any new crossing not At-grade under sections 48:12-68 to 48:12-75 of this Title, the Board of Public Utility Commissioners on petition of the State Highway Department or of any railroad company affected or of any party in interest may close, abandon or combine any railroad crossing or crossings at grade of any State, county or municipal highway or highways, when the board shall determine that the public safety so requires or public convenience so permits and that by reason of said State highway construction or improvement the Crossing is or the Crossings are no longer necessary. Amended by L.1962, c. 198, s. 134.
12. Please be advised that a Railroad-Highway At-Grade Crossing can be closed /removed/eliminated due to Crossings within close proximity or within ¾ mile (3960 feet) radius or distance of each other. There are five (5) Railroad-Highway At-Grade Crossings within a ½ mile (2,640 feet) stretch of the Atlantic City Rail Line Branch of NJ TRANSIT. The five (5) Crossings are identified as Cross Keys Road, Harker Avenue, East Taunton Avenue, Washington Avenue, and McClellan Avenue. However, the following three (3) Railroad-Highway At-Grade Crossings are within close proximity and are identified as:

- **USDOT Crossing (CR.) #586048W McClellan Avenue** within the Atlantic City Rail Line Branch of NJ TRANSIT @ NJ TRANSIT’s Milepost (MP) #16.70; @ (Latitude: 39°47’35.8” N / 39.7932870 ~ Longitude: -74°55’27.0” W / -75.9241720) is approximately 400 Feet (0.0758 Mile) South from the Washington Avenue At-Grade Crossing. See Figure 16A from DOCKET # 38-2021CM – Washington Avenue At-Grade Railroad Crossing ~ USDOT #586047P below.

- **USDOT Crossing (CR.) #586047P Washington Avenue** within the Atlantic City Rail Line Branch of NJ TRANSIT @ NJ TRANSIT’s Milepost (MP) 16.50 @ (Latitude: 39°47’38.2” N / 39.7939380 ~ Longitude: -74°55’31.0” W / -74.9252860) is approximately 400 Feet (0.0758 Mile) North from the McClellan Avenue At-Grade Crossing. See Figure 16A from DOCKET # 38-2021CM – Washington Avenue At-Grade Railroad Crossing ~ USDOT #586047P below.

- **USDOT Crossing (CR.) #586046H Taunton Avenue ~ Camden County Route 536 SPUR** within the Atlantic City Rail Line Branch of NJ TRANSIT @ NJ TRANSIT’s Milepost (MP) #16.40; @ (Latitude: 39°47’35.8” N / 39.7945320 ~ Longitude: -74°55’27.0” W / -75.9263050) is approximately 360 Feet (0.0682 Mile) North from the Washington Avenue At-Grade Crossing. See Figure 16A from DOCKET # 38-2021CM – Washington Avenue At-Grade Railroad Crossing ~ USDOT #586047P below.



(Figure 16A)

13. Pursuant to the Federal Highway Administration (FHWA) and UNITED STATES CODE ~ TITLE 23 - HIGHWAYS - Chapter 1 ~ Federal Aid Highways ~ Section 130 Railway-Highway Crossings, “**23 U.S. Code § 130(i) et al**”, the Borough of Berlin will receive a total of **\$15,000.00 incentive** for the agreement to close McClellan Avenue At-Grade Crossing from both NJDOT and NJ TRANSIT. The incentive payment for the McClellan Avenue At-Grade Crossing **CR. #586048W** Closure **shall** be allocated only to future roadway / street / transportation safety improvements within the Berlin Borough, Camden County, State of New Jersey.
14. On August 2, 2021, BSRES sent an email correspondence to the Borough of Berlin Representatives on record, following up on the decision regarding the Full Closure / Elimination of the McClellan Avenue At-Grade Crossing #586048W. BSRES advised the Borough that, As of that Date, **NO** Comments nor any Objections were received from the general public and/or the concerned parties of interest in this matter. Prior to proceeding with the ORDER process and Initiation of Proceedings (IOP) to conduct a Diagnostic Meeting at McClellan Avenue At-Grade Crossing #586048W for the full closure and Pursuant to Findings / Recommendations in paragraph 3 & 4 on Page 17 of 19 of the **June 15, 2021** Effective MOR which was **attached**. BSRES gave notice to the Borough that the Department will be proceeding with Option #2 as described and quoted below.
- A. BOROUGH OF BERLIN SHALL:**
- If Option #2 is Chosen**
3. *Notify the Department in writing during the 30-day comment period of the Boroughs decision. Please be advised that failure to respond within that timeframe will be taken as acceptance.*
4. *Receive a fifteen-thousand-dollar **\$15,000.00** incentive payment for the agreement to close McClellan Avenue At-Grade Crossing. The amount of seventy-five hundred dollars (**\$7,500.00**) from both NJDOT and NJ TRANSIT will be payable to the Borough of Berlin upon the closure of the McClellan Avenue At-Grade Crossing. The incentive payment for the **McClellan Avenue At-Grade Crossing CR. #586048W** Closure **shall** be allocated only to future roadway / street / transportation safety improvements within the Berlin Borough, Camden County, State of New Jersey.*
15. The McClellan Avenue At-Grade Crossing CR. #586048W has four (4) Quadrants that are positioned in the Northwest, Northeast, Southwest, and the Southeast on both approaches that encompass Railroad Warning Devices and other important attributes to the Crossing. Please see the following Quadrant descriptions specified in the findings on page #7 as well as the Quadrant descriptions depicted in Figure 15A.



(Figure 15A)

McClellan Avenue CR #586048W Quadrant Descriptions:

- **Southwest (SW) Quadrant** – Currently is an open access area consisting of maintained grass area and gravel/ballast. Within this Quadrant, there is also erected guide rail that delineate the intersecting roadway/street.
- **Northwest (NW) Quadrant** - Currently has an **Active** Railroad Automatic Vehicular Roadway Gate Warning Device with Mast and Foundation affixed with a mechanical railroad bell and post-mounted Back-to-Back twelve-inch (12”) incandescent bulb flashing-Light signals on the supporting Mast directed/situated towards the Northbound and Southbound traveled way and approach as well as a set of post-mounted twelve-inch (12”) incandescent bulb flashing-Light signals facing towards Atlantic Avenue intersection and approach. The Warning Device has an affixed single-faced Railroad Crossing Crossbuck Sign (MUTCD R15-1) directed/situated towards the southbound traveled way and approach. Within this Quadrant, there is an open area that consists of a vegetated tree line behind a chain link fence, gravel/ballast along the R.O.W. and an erected utility pole. An existing Railroad Circuitry-Signal & Equipment House and signal box is also within this quadrant and along the R.O.W.
- **Southeast (SE) Quadrant** – Currently has an **Active** Railroad Automatic Vehicular Roadway Gate Warning Device with Mast and Foundation affixed with a mechanical railroad bell and post-mounted Back-to-Back twelve-inch (12”) incandescent bulb flashing-Light signals on the supporting Mast directed/situated towards the Northbound and Southbound traveled way and approach. The Warning Device has an

affixed single-faced Railroad Crossing Crossbuck Sign (MUTCD R15-1) directed/situated towards the northbound traveled way and approach. Within this Quadrant, there is a vegetated tree line with gravel/ballast along the R.O.W. A second track and/or spur with a track bumper that does not cross at-grade. An erected guiderail is within this quadrant at the intersection of Hamilton Avenue and McClellan Avenue.

- **Northeast (NE) Quadrant** – Currently has an **Active** Stand-Alone Railroad Automatic Pedestrian Gate Warning Device with Mast and Foundation. There is an open space with gravel/ballast and a chain link fence along the R.O.W along the R.O.W. Parallel to and at the intersection of Atlantic Avenue and McClellan Avenue.
16. The McClellan Avenue CR #586048W is an illuminated Crossing with Street Lighting within approximately fifty (50’) feet from the nearest rail.
 17. Based on field observations and notification from Representatives of the Borough of Berlin during the Diagnostic Meeting, McClellan Avenue is a Low / moderate travel way for motorist and various size delivery trucks.
 18. At the present time, a Representative of NJ TRANSIT advised the Team that their Train operations currently consist of approximately twelve (12) to twenty-six (26) passenger / commuter trains per day and approximately 180 passenger / commuter trains per week traveling at 60 MPH on the Atlantic City Rail Branch Line. In addition to the passenger / commuter trains, various Freight trains, i.e., CONRAIL, etc., have operational rights on this Rail Branch Line that travels at 40 MPH
 19. Based on the existing roadway alignment and Crossing conditions including traveling along the Two-Way direction on McClellan Avenue, the BSRES’s Diagnostic Team Leader determined that the sight distance on the Northbound and Southbound approaches were clear and without any obstruction to the At-Grade Crossing as well as the Railroad Advance Warning Devices.
 20. While approaching the At-Grade Crossing, the vehicle sight distance at the Railroad Stop Bars to the approaching Train were clear and without any obstruction.
 21. On Wednesday, the 27th of October 2021, the Team discussed the proposal for Full Removal and/or Elimination of the At-Grade Crossing that involves closure of the roadway at the At-Grade Crossing. The roadway approaches to the At-Grade Crossing will be removed and the appropriate signs and object markers shall be placed at the roadway end and/or at the NJ TRANSIT’s Right-of-Way boundary line in accordance with *MUTCD Section 2C.66 & MUTCD Section 8A.05 Grade Crossing Elimination*. The rail track surface shall be removed as well as the Active Railroad Warning Devices. McClellan Avenue travel way and roadway will be close to vehicular and pedestrian traffic on both approaches indefinitely.
 22. During the Meeting, the Borough of Berlin’s Deputy Fire Chief and the Superintendent of DPW, expressed the Borough’s opposition to the **McClellan Avenue At-Grade Crossing CR. #586048W Elimination / Removal & Full Closure**. The Representatives from the Borough advised the Team that the closure will have impacts to their emergency service response time and

addressed other concerns regarding the community access to the Crossing. The BSRES Representative acknowledged the objection and concerns and informed the Borough’s Representatives that justification should be submitted to the Department for further review.

23. Prior to concluding the DTM, the BSRES advised the Team that a **Memorandum of Record (MOR)** for the McClellan Avenue At-Grade Railroad Crossing DTM will be distributed to those invited in the October 13th & 15th of 2021 Initiation of Proceedings and the October 27th, 2021 Diagnostic Team Meeting attendees. The public will be noticed in local newspapers or publications. Unless a meritorious objection to the recommendations is advanced by any of the interested parties or by members of the general public, the matter will be submitted to the Commissioner of the New Jersey Department of Transportation for her final determination. In addition, BSRES advised that Meritorious Objections received will be submitted to the Department’s Exception Review Committee to determine further action upon the receipt of the issuance of the Department’s BSRES MOR.
24. Concluding the Team’s discussion, the Team conversed about the objection / concerns, the proposed scope and limit of work involved in this **McClellan Avenue At-Grade Crossing CR. #586048W Elimination / Removal & Full Closure** and other important attributes to the Crossing regarding safety measures. BSRES informed the Team that the Departments procedure for the McClellan Avenue At-Grade Crossing CR. #586048W Elimination / Removal & Full Closure will remain in effect.

BSRES also advised the Team that once the Official Memorandum of Record (MOR) has been issued, the 30-day public comment period has begun, submission of justification showing that McClellan Avenue is not a candidate for closure, and any/or all meritorious objections and comments received will be submitted to the Department’s Exception Review Committee to determine further action. Submitted justifications shall address and provide detailed analysis for the Emergency Services Response time impacts, School Bus Route impacts, and Traffic impacts to the area.

25. On November 1st, 2021, BSRES started to receive multiply email correspondences regarding this matter. BSRES forwarded the following response addressing each individual ~ *The New Jersey Department of Transportation’s (hereinafter “NJDOT” or the “Department”) Bureau of Structural & Railroad Engineering Services (“BSRES”) received your comments / objection regarding the proposed **McClellan Avenue At-Grade Crossing Elimination / Removal & Full Closure**. Please be advised that the NJDOT BSRES Unit acknowledges the receipt of your comments / objection.* The response also included a brief explanation regarding the matter.
26. On the 13th of December 2021, BSRES received an email correspondence from the Borough of Berlin. Attached to the correspondence was a copy of Resolution 2021:165 of the Mayor and Council of the Borough of Berlin, County of Camden for review. Additionally, a copy of a Traffic Study of McClellan Avenue prepared by Pennoni Associates labeled **“Traffic Study, Closing of McClellan Avenue At-Grade Crossing, Berlin Borough, Camden County, New Jersey, dated December 2021, prepared for Borough of Berlin by Pennoni Associates”** was attached.

27. Please be advised that the Traffic Study submission, the multiply email correspondences mentioned in paragraph 25, and other Resolutions received from Berlin Borough Board of Education and the Mayor regarding this matter will be submitted to the Department’s Exception Review Committee for discussion and to determine further action. Once this Official Memorandum of Record (MOR) has been issued and the 30-day public comment period has begun, submission of additional justification showing that McClellan Avenue is not a candidate for closure, and any/or all meritorious objections and comments received will also be submitted to the Department’s Exception Review Committee for discussion and to determine further action.
28. Please see the following Diagnostic Team Recommendations for each Quadrant involved with the proposed **McClellan Avenue At-Grade Crossing CR. #586048W Elimination / Removal & Full Closure** specified in the findings below, on pages 11 thru 15, as well as the Quadrant descriptions depicted in Figure 15A.

DIAGNOSTIC TEAM RECOMMENDATIONS

A. NEW JERSEY TRANSIT RAIL OPERATIONS, INC. “NJ TRANSIT” (RAILROAD) SHALL:

General

1. Remove ALL existing Railroad **Active** Warning Devices with supporting Mast and Foundations on the Northwest, Northeast, and the Southeast Quadrants of **CR# 586048W**. More Specifically, remove all vestiges associated with the McClellan Avenue Railroad-Highway At-Grade Crossing. Those vestiges shall include, crossbucks (MUTCD R15-1), automatic flashing lights, audible bells, masts and foundations, crossing surface, asphalt approaches, and railroad circuitry-signal & equipment house with associated power drop utility pole.
2. Remove the existing rubber style Crossing Surface and all associated aspects of the current surface, including the railroad rails and ties and existing asphalt approaches to the Crossing.
3. Install new Railroad Track Rails and Ties and Tamper (Tamp) the approaching rails/track approaches on both sides of the Crossing. The distance shall be deemed as an in-field/on-site determination to incorporate a smooth transition and proper alignment of the track.
4. Install Typical Type 4 End of Road Markers MUTCD OM4-1 (18” x 18” – Red on Red with nine (9) Red Reflectors) on both approaches of the At-Grade Crossing in accordance with (Section 3C-4) of the Manual on Uniform Traffic Control Devices (MUTCD).
5. Install U-Channel Post mounted “NO TRESPASSING” Signs on both approaches on McClellan Avenue.
6. Install “NO OUTLET” (MUTCD W14-2) Signs on both approaches on McClellan Avenue.

7. Install / Erect chain link fencing and guide rail with a vegetated tree line along the Railroads R.O.W. on both North & South approaches to obstruct motor vehicle and pedestrian traffic. The chain link fence shall meet the footprint of the existing fencing on both approaches (North & South). Install / Erect guide rail at the end of roadway in front of chain link fence.
8. Make a fifteen-thousand-dollar **\$15,000.00** incentive payment to the Borough of Berlin for the agreement to close McClellan Avenue At-Grade Crossing. The amount of seventy-five hundred dollars (**\$7,500.00**) from both NJDOT and NJ TRANSIT will be payable to the Borough of Berlin upon the closure of the McClellan Avenue At-Grade Crossing. The incentive payment for the **McClellan Avenue At-Grade Crossing CR. #586048W Closure** **shall** be allocated only to future roadway / street / transportation safety improvements within the Berlin Borough, Camden County, State of New Jersey.
9. NJ TRANSIT shall Complete the appropriate Highway-Rail Crossing Inventory Reporting documentation/notification of crossing closure for submission to the Federal Railroad Administration in accordance with **49 CFR 234**.
10. NJ TRANSIT shall provide a signed and dated **“Contractor’s Certificate of Compliance – Items Containing Steel & Iron”, NJDOT Form DC-17RR (12/2020) ~ For Compliance with the "Buy America" Provision ~ NJDOT Standard Specification 106.03 & 106.07 and 23 CFR 635.109 & 635.410**. The form shall be completed with the Contractor’s Statement of Certification section marked as “No Iron/Steel Used in This Project”. Nonetheless, for the first construction invoice to be processed, the Bureau of Railroad Engineering Services “BSRES” must have the “Contractor’s Certificate of Compliance”, NJDOT Form DC-17RR (12/2020) for acceptance and approval.
11. Upon Completion of all construction of **McClellan Avenue At-Grade Crossing CR. #586048W Elimination / Removal & Full Closure** Project and for the purposes of Project Closeout, NJ TRANSIT shall provide a “Statement of Certification” specifying, “the Railroad certifies that all materials received meet or exceed the applicable A.R.E.M.A. and N.J.D.O.T. Standards and all work has been completed to the satisfaction of N.J.D.O.T.” This project is paid in full, if applicable at the time of letter.
12. Upon approval of the appropriate documents and associated funding the State of New Jersey shall reimburse NJ TRANSIT for costs incurred to implement the recommendation to the railroad warning devices.
13. The Department’s BSRES Diagnostic Team always reserves the right to reconvene if these Railroad Traffic Control Devices, Advanced Warning Devices, Roadway Approaches, and Crossing Surfaces are not adequate for safety.
14. Upon Completion of the **McClellan Avenue At-Grade Crossing CR. #586048W Elimination / Removal & Full Closure** NJDOT’s BSRES Unit will send out Notification of Project Closeout, at which time, New Jersey Transit Rail Operations, Inc., “NJ TRANSIT” has forty-five (45) calendar days to submit FINAL invoices, if any.

No invoices will be accepted after the 45th day notification period. Please be advised that **NO INVOICE(S) WILL BE PROCESSED AFTER THE FEDERAL PROJECT END DATE.**

***The Railroad Project End Date Compiles with NJDOT Policy & Procedure #365 “Determining the Federal Project End Date on Federally Funded Projects:**

- ***Railroad Construction*** – Scope of Work/Directive in **ORDER**. Two (2) Years from the issuance of the **Effective** Signed Commissioner’s **ORDER** Date.
- ***Final Acceptance*** – Inspection/Corrective Action/Compliance. *Six (6) Months from Construction End Date
- ***Final Voucher*** – Railroad Statement of Certification, Railroad Final Invoice. *Three (3) Months from end of Final Acceptance period.



(Figure 15A)

Northwest (NW) Quadrant

1. Remove the existing **Active** Railroad Automatic Vehicular Roadway Gate Warning Device with Mast and Foundation affixed with a mechanical railroad bell and post-mounted Back-to-Back twelve-inch (12”) incandescent bulb flashing-Light signals on the supporting Mast directed/situated towards the Northbound and Southbound traveled way and approach as well as the set of post-mounted twelve-inch (12”) incandescent bulb flashing-Light signals facing towards Atlantic Avenue intersection and approach.

2. Remove the single-faced Railroad Crossing Crossbuck Sign (MUTCD R15-1) directed/situated towards the southbound traveled way and approach.
3. Remove the existing Railroad Circuitry-Signal & Equipment House and signal box and associated power utility pole.
4. Remove the existing MUTCD (I-13) Emergency Notification Sign (ENS) for Crossing Identification & Emergency number.

Southeast (SE) Quadrant

5. Remove the existing **Active** Railroad Automatic Vehicular Roadway Gate Warning Device with Mast and Foundation affixed with a mechanical railroad bell and post-mounted Back-to-Back twelve-inch (12”) incandescent bulb flashing-Light signals on the supporting Mast directed/situated towards the Northbound and Southbound traveled way and approach.
6. Remove the single-faced Railroad Crossing Crossbuck Sign (MUTCD R15-1) directed/situated towards the northbound traveled way and approach.
7. Remove the existing MUTCD (I-13) Emergency Notification Sign (ENS) for Crossing Identification & Emergency number.
8. Remove the existing erected guide rail within this quadrant at the intersection of Hamilton Avenue and McClellan Avenue.

Northeast (NE) Quadrant

9. Remove the existing **Active** Stand-Alone Railroad Automatic Pedestrian Gate Warning Device with Mast and Foundation.

Southwest (SW) Quadrant

10. Remove the existing erected guide rail within this quadrant on McClellan Avenue.

B. BOROUGH OF BERLIN SHALL:

1. Receive a fifteen-thousand-dollar **\$15,000.00** incentive payment for the agreement to close McClellan Avenue At-Grade Crossing. The amount of seventy-five hundred dollars (**\$7,500.00**) from both NJDOT and NJ TRANSIT will be payable to the Borough of Berlin upon the closure of the McClellan Avenue At-Grade Crossing. The incentive payment for the **McClellan Avenue At-Grade Crossing CR. #586048W** Closure **shall** be allocated only to future roadway / street / transportation safety improvements within the Berlin Borough, Camden County, State of New Jersey.

2. Remove **ALL** Advance Railroad Pavement Markings and associated Traffic Markings & Striping, Railroad Stop Bars/Lines, and the Advanced Railroad Warning Signs (MUTCD W10-1) on both approaches to the At-Grade Crossing as well as the Advanced Railroad Warning Signs (MUTCD W10-4L & W10-4R) on the paralleling streets (Atlantic Avenue & Hamilton Avenue) in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). Roadway Signage and Advance Railroad Pavement Markings shall be no longer required with the change in the roadway network.
3. Implement Communication as a public notice and/or an alert (digital and/or newspaper) announcing **McClellan Avenue** At-Grade Crossing Closure. The alert shall notify the motoring public and pedestrians of the proposed closure and a No Outlet Status within two (2) weeks prior to commencement of work activities.

C. INCLUSIVE:


1. Please be advised that ALL Railroad Pavement Markings, Railroad Stop Bars/Lines, and Traffic Striping shall be in compliance and installed in accordance with the MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) on each approach of the at-grade crossing. (“MUTCD”).
2. Appropriate maintenance of traffic (detour) and traffic controls for trains, vehicles, and pedestrians affected by this work at the Crossing are to be established prior to commencement of any work on site.
3. The Department’s BSRES Diagnostic Team always reserves the right to reconvene if these Railroad Traffic Control Devices, Advanced Warning Devices, Roadway Approaches, and Crossing Surfaces are not adequate for safety.
4. All work associated with this matter SHALL be subject to final acceptance by New Jersey’s Department of Transportation’s Bureau of Structural and Railroad Engineering Services Unit (“BSRES”).
5. The work described above should be completed within two (2) years upon the issuance of an ORDER signed by the Commissioner. This completion date will be included in the pending ORDER that will be issued by the New Jersey Department of Transportation.
6. The Department’s BSRES Diagnostic Team always reserves the right to reconvene if these railroad traffic control devices advanced warning devices, roadway approaches, and crossing surfaces are not adequate for safety.

This **Memorandum of Record** will be distributed to those invited in the Initiation of Proceedings and the Diagnostic Team Meeting attendees. The public will be noticed in local newspapers or publications. Unless a meritorious objection to the recommendations is advanced by any of the interested parties or by members of the general public, the matter will be submitted to the Commissioner of the New Jersey Department of Transportation for her final determination. Anyone **NOT** in accord with these provisions **MUST** reply in writing within (30) days from the receipt of this Memorandum of Record. **Failure to respond will be taken as Acceptance.**

All Objections received will be submitted to the Department’s Exception Review Committee to determine further action.

Any Questions and/or objections concerning this matter should be directed to:

Dwayne R. Snead Sr., Diagnostic Team Leader/Senior Engineer
Office Phone: (609) 963-1300 | **Mobile Phone:** (609) 462-1733 | **Office Fax:** (609) 530-2704
Bureau of Structural & Railroad Engineering Services (BSRES)
State of New Jersey, Department of Transportation (NJDOT) - Engineering & Operations Building
1035 Parkway Avenue, PO Box 600, Trenton, NJ 08625-0600
Dwayne.Snead@dot.nj.gov

Signature:  Date: 1/07/2022
Dwayne R. Snead Sr.
Diagnostic Team Leader/Senior Engineer