

PUBLIC UTILITIES COMMISSION OF OHIO

PUBLIC HEARING

IN RE: PETITION OF NORFOLK SOUTHERN
RAILWAY COMPANY

TO CLOSE RAILROAD CROSSINGS
TOWNSHIP ROAD 256 DOT NO. 472447R
AND/OR TOWNSHIP ROAD 261 DOT NO. 472441A
WASHINGTON TOWNSHIP, HANCOCK COUNTY

CASE NO. 08-97-RR-UNC

Thursday, April 24th, 2008

Arcadia Community Park
County Road 216/Township Road 254
Arcadia, Ohio

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On behalf of Norfolk Southern

K.C. Collette, Esquire
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On behalf of Township Trustees

1
2 MR. BULGRIN: This is the -- the
3 Public Utilities Commission has assigned for hearing
4 at this time and place Case No. 08-97-RR-UNC, being
5 the matter of the petition of Norwalk Southern
6 Railroad Railway Company to close Township Road 256,
7 DOT No. 472447R, and/or Township Road 261, DOT
8 No. 472441A, a crossing in Washington Township,
9 Hancock County, Ohio.

10 My name is Dick Bulgrin; I'm the Attorney
11 Examiner assigned by the Public Utilities Commission
12 to conduct the hearing and with me are a couple
13 representatives, Tammy Mitchell and Andrea Smith from
14 our Service Monitoring Enforcement Division, and the
15 railroad -- as a matter of fact, Mr. Talbott, if you
16 want to make an appearance on the record?

17 MR. TALBOTT: Yes. My name is Casey
18 Talbott; I'm with a law firm up in Toledo, Ohio. I'm
19 here on behalf of Norwalk Southern. I've met a
20 number of you folks before and we appreciate all of
21 you coming in and coming in tonight for, I guess, say
22 that most of you are, if not all of you, are not in
23 favor of closing it, but we still welcome your
24 comments and appreciate you taking the time out of
25 your day, day and evening to come in today. Thank

1 you.

2 MR. BULGRIN: And Mr. Collette, if
3 you want to --

4 MR. COLLETTE: Yes. No relation at
5 all, but my first name is K.C. also. And the
6 Township Trustees have indicated one, to assisting
7 Hancock County Prosecutors and I'm here, here on
8 behalf of the Trustees. The way I'll do this all and
9 -- I don't know, I mean, you'll probably explain the
10 process that will take place?

11 MR. BULGRIN: Yes.

12 MR. COLLETTE: Good to see you.

13 MR. BULGRIN: Okay. On February 4th,
14 2008, Norfolk Southern Railroad Company filed a
15 petition to close Township Road 256 and/or Township
16 Road 261 crossings in Washington Township to
17 vehicular and pedestrian traffic. Norfolk Southern
18 contends that these crossings experience light
19 vehicular traffic which could be diverted without
20 unreasonable inconvenience to other adjacent roads
21 and vehicular crossings, which are or will be
22 equipped with greater crossing protection. On
23 February 25th, 2008 the Commission's staff filed it's
24 report of investigation recommending a public hearing
25 be conducted. Petitions for closure of railroad

1 crossings are governed by Ohio Revised Code Sections
2 4907.474 and 4907.475, which require that in order to
3 grant a petition for closure the Commission must find
4 that there is not a demonstrable need for the
5 crossing to exist. These sections also provide that
6 a hearing on a petition to close a grade crossing be
7 held in a location within the boundaries of the
8 municipal corporation or in the case of a rural
9 crossing the County in which the crossing is located,
10 and that notice of such hearing be provided through a
11 publication once a week for three consecutive weeks
12 prior to the hearing in a newspaper of general
13 circulation in the county. An evidentiary hearing
14 will also be held in this case on Wednesday, May
15 28th, 2008, at 10:00 a.m. at the Public Utilities
16 Commission in Columbus. And at that time Norfolk
17 Southern will be presenting evidence and witnesses to
18 support it's petition. If there's any party that
19 wishes to intervene in that proceeding, they need to
20 do so by May 21st, and there's information available
21 on the Commission's Website, which is
22 www.puco.ohio.gov, or by calling the 800 number,
23 (800) 686-7826. But tonight's hearing is being
24 conducted to provide the public an opportunity to
25 testify regarding the possible closing of either

1 crossing, the need for such crossing to exist and the
2 effect such crossing -- closing such crossing would
3 have on traffic -- the traffic patterns within the
4 county. The Commission, which is made up of five
5 people that are appointed by the governor, is not
6 bound by the railroad's petition, the recommendations
7 of the staff or any party. And the Commission will
8 make its decision based the record of these
9 proceedings, including the public testimony that
10 you're going to give tonight. So this is your
11 opportunity to let the Commission know what you
12 think. And if you would like to testify we have
13 sign-up sheets, so I've got one here and there's one
14 here, because I'm going to kind of go by the sign-up
15 sheets for the order. And I'll basically be taking
16 in the order that you're signed in. A couple
17 things. I will ask you to identify by giving your
18 name and address and if you could spell your names
19 and if the address is tricky, if you could spell that
20 out for our court reporter. And we'll put you under
21 oath. And the attorney for the railroad will also be
22 permitted to ask you any questions, so. And keep in
23 mind that we're transcribing your testimony with a
24 court reporter, so take your time; speak as clearly
25 as plainly as you can. We appreciate your

1 participation and we want everyone who wishes to make
2 a public statement to be able to do so, so please be
3 considerate of those that are waiting to give their
4 testimony.

5 Mr. Talbott, did you want to say anything in
6 particular about this particular crossing?

7 MR. TALBOTT: Yes, sure. Just by way
8 of introduction, we were asked, we being Norfolk
9 Southern, and other railroad companies been asked to
10 identify crossings throughout the State of Ohio and
11 beyond that might be appropriate for closure. Or at
12 least that warrant closer, a closer study. So this
13 isn't something that we're picking on Washington
14 Township or here in particular. But, you know,
15 rather, we've had discussions and -- like this
16 throughout the State of Ohio that I'm involved in,
17 where we've come in and met with communities to see
18 if, you know, we've identified some crossings that we
19 think might be appropriate for discussion for closure
20 and then we've come in and talked to the different
21 communities to get their input. And on occasion, but
22 if it seems appropriate, you know, we'll engage in
23 some settlement negotiations. We have done that with
24 the Washington, you know, Washington Township folks
25 here; we've offered incentive money for either or

1 both crossings and we've offered to look at one and
2 stayed the heck away from another, meaning, you know,
3 talk about whether if one might be more appropriate
4 for closure than the other. You know, part of the
5 deal could be we'd like to close one and not the
6 other. So we would certainly welcome your comments
7 tonight as to whether one might be more appropriate
8 for closure than another, or, you know, whatever you
9 have to say about that.

10 One of the reasons, you know, that we're here
11 is, you know, the community is often, you know, you'd
12 like to have a crossing at each and every roadway
13 because that's the most convenient, but, you know,
14 studies have shown that it's not, it's not as safe.
15 That, you know, the safest crossing is a closed
16 crossing. If you have a one mile stretch of roadway
17 and you have road -- one mile stretch of track and
18 you have four crossings going over it, it's quite a
19 bit more dangerous than if you had one or two. You
20 know, that's, that's one of the main reasons we're
21 here. Your thought -- of course, you know, cost is
22 an issue, as well. You know, for every crossing that
23 remains open it costs the railway money, it costs the
24 State of Ohio money, it costs the Federal government
25 money. So that's, you know, that's why we're here

1 to, you know, to welcome your comments. We have met,
2 we had a good, you know, I've talked to a Gary Conine
3 and Mr. Holman a number of times and more recently
4 your counsel, K.C. Collette, they're all fine
5 gentlemen and they're very professional to deal with,
6 so we appreciate that and we hope that they think the
7 same about us, that we have not tried to shove this
8 down your throat, we're not trying to do it. We are
9 welcoming the dialog and then we'll step back and we
10 hope to have further discussions with Mr. Collette,
11 you know, before we, you know, proceed further.
12 Thank you.

13 MR. BULGRIN: Okay. Thank you. Just
14 a little summary of the process in this case. After
15 tonight's hearing -- this is the opportunity for
16 local people to come out and give their input to the
17 Commission. We have a evidentiary hearing scheduled
18 for May 28th, but that would be coming to Columbus to
19 give your input. You're also welcome to send in
20 letters, there's also a way on the website where you
21 can submit comments, as well. But I think tonight is
22 more or less a fact finding mission for not only the
23 Commission, but also for the railroad, to get an idea
24 of what the public thinks. The hearing in Columbus,
25 I will caution you if you're planning on coming down,

1 you might want to check with one of us first and make
2 sure it's going. That may be rescheduled, I think.
3 I can't remember whether those dates are good or
4 not. But at any rate, the bottom line is, before you
5 drive to Columbus, give us a call. But at any rate,
6 eventually we'll take not only this testimony, but
7 whatever the railroad decides, unless they decide to
8 back off all together and ask for the case to be
9 dismissed. Eventually, when the hearings are
10 concluded, I will put together an opinion and that's
11 what the Commission, the five member Commission in
12 Columbus, will be voting on. And then there's an
13 opportunity to request for re-hearings and there's
14 also -- the appeals from the Commission decisions go
15 directly to the Ohio Supreme Court, so that's a
16 little bit of in terms of the process. If there's
17 not any questions initially -- yes.

18 UNIDENTIFIED SPEAKER: Yes, I have one. What
19 was the full case number on this again, because that
20 goes back to where you can pick that up on the
21 Internet, correct?

22 MR. BULGRIN: Yes. Thank you. The
23 Case No., the important numbers to remember are --
24 let me find it. It's 08, which is 2008, and the
25 sequence number is 97. So if you put in 0897 we'll

1 find it, and you'll find it, you'll find the records
2 on there. The other part, the full Case No. is
3 08-97-RR, for railroad, and dash UNC, which
4 basically is an unclassified -- we don't -- we have
5 not done a lot of these crossing closure cases. So
6 to a certain extent, I think we're all kind of
7 feeling our way along on this. Okay. Let's get
8 started because it is getting later.

9 Mr. Holman, I believe you're first up. If
10 you want to come up.

11 MR. HOLMAN: And swear me in?

12 MR. BULGRIN: Yes. If you want to
13 come up and I guess maybe --

14 MR. HOLMAN: You don't have the
15 Bible.

16 MR. BULGRIN: If we just have you sit
17 right there. Do you swear or affirm the testimony
18 you're about to give in this proceeding is the
19 truth?

20 MR. HOLMAN: Yes, I do.

21 MR. BULGRIN: Okay. If you'd state
22 your name and spell out your name and address.

23 MR. HOLMAN: My name is Dennis
24 Holman, D-E-N-N-I-S, H-O-L-M-A-N. My address is 2555
25 Township Road 249, and I'm a Township Representative

1 here, so I'm going to -- I'm glad I get to start so I
2 can kind of break the ice for everybody here. We
3 were approached by the railroad here late last fall
4 and shun the idea of closing either one of the
5 crossings. And that's basically in a nutshell why
6 we're here tonight. I wanted input from all you
7 residents. We initially -- or we, we were against it
8 in the aspect of it that if you close one of them, or
9 either one of them, the concerns with the trains that
10 constantly back up on that rail and the response time
11 for the firemen. We have a fire department here in
12 the township that responds. And just the idea from
13 the response time of when you leave the -- when you
14 leave the garage up there, not knowing where the
15 trains are going to be parked out there -- on whether
16 or not you should go east or west or what not. And
17 other concerns, if you close 256 you're diverting
18 traffic either west or east. If you come west up to
19 254, you come back south to another crossing that's
20 unmarked, coming up here past, past the building
21 we're in now to get up to Route 12. And if you go
22 east to 257, then you turn south and go back and
23 approach Route 12, and if you get to Route 12 the
24 visibility at that intersection is not near as good
25 as it is at 256 and Route 12. And I realize there's

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1 only 55 cars that the federal study has reported that
2 use 256 in a day, but in the same aspect there's only
3 29 trains that use that rail per day, so there's
4 almost twice as many cars using it as rail, so. But
5 those are some of the current concerns that we have
6 and, you know, the issue, the biggest issue for
7 everybody on that side of town is the number of
8 trains that park and wait there, that being the
9 secondary B Line that goes through Fostoria. It's my
10 understanding that they can't, they can't proceed
11 through Fostoria unless they can go directly and get
12 clear through Fostoria. So they, they're always
13 parked out there on this side of town and, you know.
14 Depending on which crossing it is and what time of
15 day it is, some of them are open and some of them
16 aren't, so from that aspect of it, unless there's
17 some clarification on how the trains are going sit in
18 there, we're not interested in having any of them
19 closed. So that's my comment.

20 MR. BULGRIN: Okay.

21 MR. TALBOTT: Yes, Mr. Holman.

22 MR. HOLMAN: Yes.

23 MR. TALBOTT: Just to, so I

24 understand, because when I walk out of here tonight,
25 of course, I report to people and I'd to like have a

1 clear understanding. I just have a couple
2 questions. That trains that you say are parked,
3 those are trains that you understand are awaiting
4 entry into Fostoria?

5 MR. HOLMAN: Well, they actually get
6 -- they leave them out there over the weekend, too.

7 MR. TALBOTT: But you're talking
8 about mainly eastbound trains into Fostoria?

9 MR. HOLMAN: Right.

10 MR. TALBOTT: And then what crossings
11 do you see blocked more commonly than others?

12 MR. HOLMAN: All of them. All of
13 them.

14 MR. TALBOTT: Well, which ones are
15 you talking about?

16 MR. HOLMAN: 261 and --

17 UNIDENTIFIED SPEAKER: 218.

18 MR. HOLMAN: 257.

19 UNIDENTIFIED SPEAKER: 261 is blocked a lot.

20 MR. BULGRIN: One at a time here.

21 MR. TALBOTT: Yes. Just, and this is
22 me jumping in again. It will be impossible for the
23 court reporter to note who's saying what, unless
24 we're having a, you know, a dialog like this. So all
25 of you of course are going to have an opportunity to

1 sit up there and weigh in a little bit. But the --
2 if we're heading, if we're heading west, I guess,
3 from Fostoria, what crossings are you talking about
4 you're seeing blocked more commonly than others?

5 MR. HOLMAN: It's a weekly
6 occurrence, at least, and maybe more than that, but
7 the guys that confront that intersection. The trains
8 will block 261 and they'll extend all the way back to
9 the west and block the county road, which is 257,
10 which is where you're going to divert this traffic to
11 if you close 256. So if 256 is closed and 257 is
12 blocked by a train and so is 261, when we leave
13 Arcadia we got to go clear to Fostoria to get across
14 the rail, that's if 262 is open. So, I mean, it's,
15 there's a lot of trains that go through Fostoria
16 every day.

17 MR. TALBOTT: Okay.

18 MR. HOLMAN: And it inconveniences
19 everybody o this side of town. And once that ethanol
20 plant gets opened up on the other side of Fostoria
21 there's going to be even more trains that are going
22 to be traversing both the A and B line trying to get
23 through Fostoria and, you know. I know they wait on
24 the B line. They have to wait on the B line. I've
25 been told by railroad people that they can't proceed

1 through Fostoria unless they can go all the way
2 through town. So we out here in the township will be
3 at their mercy getting through town. So it's, in my
4 opinion, safety, you know, and not just railroad
5 safety, but vehicular traffic safety with Route 12
6 and everything out there, the \$250,000 to upgrade the
7 crossings seems like money that should be spent. 256
8 is also the first artery outside of the village here,
9 and if you drive around the village it's all
10 residential development west of town; east of town
11 is, we've got ear tagged through our zoning, is
12 industrial development. And once you close 256 and
13 there's any development out there, the chances of it
14 being very large is not near as good with the
15 railroad being closed.

16 MR. TALBOTT: Thank you.

17 MR. HOLMAN: I could go on and on.

18 MR. BULGRIN: Well, let's give
19 somebody else a shot. Doug Smith. Do you swear the
20 testimony you're about to give in this proceeding is
21 the truth?

22 MR. SMITH: I do.

23 MR. BULGRIN: Please be seated and if
24 you could state your name and address.

25 MR. SMITH: My name is Doug Smith;

1 my address is 17024 State Route 12, Findlay. I'm the
2 Transportation Supervisor for Arcadia School and we
3 run buses up each one of the roads west of town -- or
4 east of town, I'm sorry. We have students on both
5 sides of the track in most places. I've seen as high
6 as five trains parked between here and Fostoria
7 waiting to clear Fostoria, and each time that happens
8 then we have to reroute the buses. Last year's
9 figure from the State, to run our buses, was over
10 \$3.00 a mile; that was before the price of fuel has
11 gone up tremendously. So each time we have to run
12 buses around a closed track or a blocked track, we're
13 talking substantial amount, extra money. Not talking
14 about the amount of time extra that the students are
15 on the bus. If we have to go through Fostoria to get
16 around a parked train, use the underpass in Fostoria
17 and come back out, then I have to pick up kids on the
18 wrong side of the road and make them cross a State
19 highway, a serious safety concern at that point. I'm
20 not sure that closing the crossings is the right
21 thing to do. I need most of those crossings just to
22 get buses around some days when we have heavy train
23 traffic. Go ahead, a question.

24 MR. TALBOTT: From, Mr. Smith, from
25 your perspective, if you were forced to give up 261

1 versus 256, which one is more important to you?

2 MR. SMITH: Neither one, really,
3 truthfully. They were working on 257 last week, we
4 needed 256 to come around the other way. And you
5 never know, I mean, if they had parked a train and
6 blocked 261, we'd have had more issues. So it's just
7 the number of trains that they park out there and
8 it's a weekly occurrence of, you know, where the
9 trains are at and how we get around them. With the
10 price of fuel to run the extra mileage, I watch very
11 hard about how many extra miles we run. You're
12 talking railroad money to, you know, how much you're
13 going to save by closing these, but you're going to
14 transfer that money to the local school district to
15 -- we're going to spend more when you save.

16 MR. TALBOTT: Thanks.

17 MR. SMITH: Sure.

18 MR. BULGRIN: Thank you. Carl
19 Graham.

20 MR. GRAHAM: I'm Carl Graham.

21 MR. BULGRIN: Do you swear the
22 testimony you're about to give in this proceeding is
23 the truth?

24 MR. GRAHAM: What little I know.

25 MR. BULGRIN: Thank you. Could you

1 state your name?

2 MR. GRAHAM: Carl Graham is my name,
3 I live on County Road 330, Fostoria mail route. And
4 what I'd like to ask the railroad is, them crossings
5 has been there better than 150 years and they've been
6 needed. Why do they want to close them now? And if
7 they want to close them, then whatever it costs to
8 keep a crossing up should be paid every year to the
9 township for benefits and I mean that goes on for
10 indefinite, not just one year, but totally. Thank
11 you.

12 MR. BULGRIN: Thank you.

13 MR. GRAHAM: Do you got anything you
14 want to ask me?

15 MR. TALBOTT: No, thank you, sir.

16 MR. BULGRIN: Mr. or Mrs. Addington.
17 You guys decide which go first.

18 MR. ADDINGTON: That's unusual, by the
19 way.

20 MRS. ADDINGTON: I told him to hold me
21 back.

22 MR. BULGRIN: Do you swear the
23 testimony you're about to give in this proceeding is
24 the truth?

25 MR. ADDINGTON: Yes.

1 MR. BULGRIN: If you could state your
2 name and address for the record, please.

3 MR. ADDINGTON: John Addington,
4 A-D-D-I-N-G-T-O-N, 2106 Township Road 256. We've
5 lived out there for about 35 years, just for the
6 record. I drive to work every morning. I normally
7 go to, down 218 to-- towards Beerco; usually there's
8 a train parked there, usually. Sometimes it's
9 blocking 261, sometimes it's not, then turn on Route
10 12. 262 is often blocked. I think they're closing
11 for a couple reasons. First off, I mean, he says
12 that they are seldom used. We don't get a lot of
13 traffic, that's true, but we did last week because
14 257 was closed. It was supposed to be closed -- my
15 friend, Bob, says it was closed for three days, or
16 supposed to be; it was about a week and half,
17 honestly. They were working on the railroad
18 crossing. We got a lot of traffic at that point, so
19 it was all diverted our way. If you closed 256
20 and/or 261, you leave 257. If 257 is closed, you now
21 have Arcadia and 262, which is often, often blocked
22 by a train. Often. I think probably the motive in
23 this is the ethanol plant, honestly, that there will
24 be more trains coming through to fuel that ethanol
25 plant and that's where the trains they once -- they

1 want to park them across 256 and 261. I don't know
2 what else I have to say. You can handle that.

3 MR. TALBOTT: Mr. --

4 MR. ADDINGTON: Yes, Addington.

5 MR. TALBOTT: Yes, Mr. Addington.

6 MR. ADDINGTON: Yes.

7 MR. TALBOTT: You say you live on
8 256, where?

9 MR. ADDINGTON: I live on 256.

10 MR. TALBOTT: Where do you live?

11 MR. ADDINGTON: I live about a mile and
12 a quarter off Route 12, probably a mile north of the
13 track.

14 MR. TALBOTT: Okay.

15 MR. ADDINGTON: Beyond 109.

16 MR. TALBOTT: What's your experience
17 as far as how many vehicles a day you're seeing on
18 256 in a normal week? I mean, you talked about the
19 week when 257 was closed.

20 MR. ADDINGTON: Right.

21 MR. TALBOTT: But a normal week when
22 257 is not closed?

23 MR. ADDINGTON: I don't see a lot of
24 traffic, quite honestly, up my way.

25 MR. TALBOTT: What would be your

1 best -- when you say not a lot of traffic, what's
2 your best estimate?

3 MR. ADDINGTON: I don't know, 15 to 20
4 cars a day.

5 MR. TALBOTT: Okay. All right.
6 Thank you.

7 UNIDENTIFIED SPEAKER: More than that.

8 MR. ADDINGTON: More than that?

9 UNIDENTIFIED SPEAKER: There's more than that.

10 MR. ADDINGTON: Okay. I'm at work all
11 day, during the week anyway. I think that's all I
12 have.

13 MR. TALBOTT: Thank you.

14 MR. BULGRIN: Thank you.

15 Mrs. Addington.

16 MRS. ADDINGTON: Okay.

17 MR. BULGRIN: Do you swear the
18 testimony you're about to give in this proceeding is
19 the truth?

20 MRS. ADDINGTON: Yes.

21 MR. BULGRIN: Please be seated.

22 MRS. ADDINGTON: My name is Edyie,
23 E-D-Y-I-E, Addington, and 2106 Township Road 256 is
24 my address.

25 MR. BULGRIN: The same address?

1 MRS. ADDINGTON: It's the same address,
2 yes. He missed some things. Well, first off, I'm
3 home all day and so I see a whole lot of trains
4 parked; they're not being broken, they're just parked
5 over every darn intersection, except maybe ours.
6 Last Friday I came from Fostoria and the only way I
7 could get home was my road, 256. All of them were
8 totally parked up. They don't break the trains, and
9 I can understand why: It really isn't financially,
10 you know, a good idea, because it takes more money to
11 put it back together than anything else, just pay the
12 fine. But also 256 is mighty close to a switching
13 station between Arcadia and 256. So what's the
14 point, if they're going to park a train, it's going
15 to go across 256, 109, 218, it's going to go across
16 all of them. 250 -- no, not 218. I'm sorry, I take
17 that back. 256, 109 and 257. And -- which means I
18 have to go clear to Fostoria or I have to go to
19 Arcadia to go anywhere, not to mention everybody that
20 has farmland, including our nearest neighbor, has to
21 come from the south side of 12 to get to his land
22 right next to us, which means he has to go either
23 clear to Arcadia on Route 12, or he has to go to
24 Fostoria to get his farm equipment there. And you're
25 talking about a state highway, so nobody wants to be

1 behind big slow farm machinery. And you said how
2 many cars?

3 MR. ADDINGTON: I said 20.

4 MRS. ADDINGTON: It was a big joke.
5 When we first moved out there 35 years ago it was, we
6 were lucky to have the milk truck, the school bus and
7 us. And now it's crazy. I put four bikes out there
8 and the first car took all four bikes. That's how
9 busy it's gotten. So that's it.

10 MR. BULGRIN: Okay. Thank you.

11 MRS. ADDINGTON: Thank you.

12 MR. TALBOTT: Yes. Mrs. Addington,
13 that -- the PUCO staff, I believe, did a study at
14 some point in 2007, estimated approximately 55
15 vehicles per day; is that consistent with your --

16 MRS. ADDINGTON: Compared to three,
17 that's quite a difference. And 257 being closed for
18 a week and a half there, I can't tell you how many,
19 how many have come down.

20 MR. TALBOTT: In a, like separate and
21 apart from that week and a half when that was
22 closed. So would your estimate of the average number
23 of cars be about 55, or higher or lower than that?

24 MRS. ADDINGTON: Between 50 and 75, I
25 would say, at least, and that's not counting farm

1 equipment. And that is our only access to 12. We
2 need emergency out there, you know? I do, anyway.
3 Is that it?

4 MR. TALBOTT: Yes, that is. Thank
5 you.

6 MRS. ADDINGTON: Good.

7 MR. BULGRIN: Is there anybody else
8 that is going to testify? We have more.

9 MS. SMITH: Here's another slip.

10 MR. BULGRIN: Okay. Gene Lewis.

11 MR. BULGRIN: Do you swear the
12 testimony you're about to give in this proceeding is
13 the truth?

14 MR. LEWIS: Yes, sir.

15 MR. BULGRIN: Could you give us your
16 name and address?

17 MR. LEWIS: Gene Lewis, 3627
18 Township Road 257.

19 MR. BULGRIN: Thank you.

20 MR. LEWIS: I think one of the
21 things that we're missing here and Edyie touched on
22 it, was there's several of us sitting in here that
23 farm on both sides of that railroad track. If they
24 close those we're going to have to go down Route 12
25 to get to them, and I am sure you guys never drove a

1 slow piece of equipment down a road like Route 12.
2 It's very hazardous any time of day. And the other
3 point I'd like to make, it looks to me like the
4 railroad is on a bulk transition here, if it isn't a
5 big number, they don't want anything to do with it.
6 I think in Washington Township we -- boy, I can't
7 think of the word I want to use -- we value
8 everybody, whether it's one person going across there
9 or 500.

10 MR. BULGRIN: Mr. Talbott, anything?

11 MR. TALBOTT: No questions for you.

12 Thank you, Mr. Lewis.

13 MR. LEWIS: You got to speak up,
14 I'm sorry.

15 MR. TALBOTT: I don't have anything,
16 any questions for you. Thank you, Mr. Lewis.

17 MR. BULGRIN: Okay, I think -- is
18 this the last sheet we've got? So anybody that
19 haven't signed up that wants to sign up, see one of
20 these ladies here. Bob Hill.

21 MR. BULGRIN: Do you swear the
22 testimony you're about to give in this proceeding is
23 the truth?

24 MR. HILL: Yes, sir.

25 MR. BULGRIN: Please be seated.

1 State your name.

2 MR. HILL: My name is Bob Hill, I
3 live at 22497 U.S. 224, Fostoria, 44830. I represent
4 the local fire department; I'm the Fire Chief in
5 Washington Township. One of the problems that we run
6 into is closing down any crossing any place creates
7 us greater time to make access to any kind of an
8 emergency situation. In the case of 256, I would
9 have to go, continue east for approximately a mile,
10 go up 257 to 109, and then bring 109 back to 256 to
11 make an emergency response to the houses that are
12 located on 256 itself. And I'm sure you've probably
13 heard figures, which can be substantiated by our fire
14 marshal's office, any kind of a house fire doubles in
15 size every two and a half minutes. In that case, if
16 you cause me to be five minutes longer, a very small
17 kitchen fire can now become an entire fire in a
18 house. Another thing that I run into, we're a rural
19 fire department, we don't have fire hydrants. We
20 rely upon hydrants that may be located either in the
21 village or along Route 12. Our water for our village
22 comes from Fostoria. But for me to get to those
23 hydrants I no longer could go directly up 256 or 261
24 to get to a fire hydrant. I've got to make that mile
25 to two and a half mile trip to tank all that water

1 back up to whatever kind of a structure I may be
2 working on. And even on grass fires. My grass truck
3 holds 300 gallons of water and it doesn't go very
4 far. I then have to take one of my other trucks out
5 to get water to that, and it creates a major, major
6 problem for us. The local ambulance services come
7 out of Findlay, Ohio. They would have to do exactly
8 the same thing: They'd have to go on down 12, up
9 257, and now we're only talking about 256, but it
10 just creates a major, major problem for us.
11 Approximately two weeks ago, and if memory serves me
12 right, it was on April the 8th; the railroad has a
13 tendency now to have -- and I don't know the proper
14 names for the different trains, but anything that's
15 pulling the semi trailers seems to have the priority
16 of everything over all other trains. I watched 257,
17 109, 261, and 262 blocked for 20 minutes. So I just
18 stayed and watched. That train that was blocking all
19 that was westbound. Right after that 20 minutes a
20 train from the west, going east, pulling all these
21 railroad -- or these semi trailers went through.
22 Now, in that 20 minute time frame my only crossing is
23 the village or clear into Fostoria. To do that, my
24 normal response is going to be direct to a fire, and
25 if it says it's on 261, you know, of that myriad of

1 roads out there, of course I'm going to go east. I'm
2 not going to work my way through here, because I
3 don't know that those trains are out there. So that
4 alone right there. When they seem to stop these
5 trains now, they stop them for those particular
6 trains going through. I don't -- I'm only going on
7 secondhand information that I was told, that these
8 are given priority over everything to moving freight
9 across the country. Also 257 was closed a week ago
10 and I was notified that it would last for three
11 days. It lasted for a week and a half. But nobody
12 bothered to call me, nobody ever told me about it. A
13 year ago the railroad decided to close 261, 257, and
14 256 all at the same time, and again never bothered to
15 notify me at all. Now, I started making phone calls
16 and I got 257 opened back up. But I do want to tell
17 you, you cannot talk very friendly to anybody in the
18 railroad department today. You have to call Florida,
19 you have to put up with people that really don't give
20 a rat whether I can get a fire truck across those
21 crossings or not. Years ago I could call F Tower in
22 Fostoria and I could get something done if I had a
23 problem. Today, if I shut down a railroad, which we
24 do from time-to-time for accidents, for whatever the
25 problem may be, I get reamed upon very heavily to get

1 these opened up and not by the nicest folks that ever
2 were around. I guess the railroad has really pissed
3 off a lot of us for the simple fact that they don't
4 seem to care, as long as their, their wishes are
5 okay. Up on 256 there's six houses that run up that
6 road that it would take me that much longer to go,
7 get to. On 261, that's a main feed artery for me to
8 go up 261 and to feed into a lot of different houses
9 and different roads. It goes clear across my entire
10 fire district from State Route 12, and I can take any
11 of those side roads then to go into houses, barns,
12 accidents, whatever I might have to go into in that
13 area, and it just is going to create a major, major
14 timing for me. It's going take a lot longer for me
15 to get there and every -- and minutes mean peoples'
16 lives and that's what I'm interested in. I've got a
17 number of men in this room that I'll guarantee you,
18 we don't do -- we don't get out of bed at 2 o'clock
19 in the morning because we like it; we do it because
20 of a service to our community, and this just looks
21 like somebody's trying to make that a lot more
22 difficult for us.

23 MR. BULGRIN: Mr. Talbott?

24 MR. TALBOTT: I don't have anything
25 for you. Thank you, Fire Chief.

1 MR. HILL: Yep.

2 MR. BULGRIN: Corey, is it Boes?

3 MR. BOES: No, thanks, everyone

4 has pretty much went over everything.

5 MR. BULGRIN: Doug Reed. Do you

6 swear that the testimony you're about to give in this

7 proceeding is the truth?

8 MR. REED: Yes, sir.

9 MR. BULGRIN: Please be seated. Give

10 us your name and address, please.

11 MR. REED: Doug Reed, R-E-E-D,

12 Jr., 105 West Fremont Street, Arcadia.

13 MR. TALBOTT: Mr. Bulgrin, I missed

14 his name.

15 MR. REED: Doug Reed.

16 MR. TALBOTT: Doug Reed? Okay,

17 thanks. Just, if you could keep your voice up, as

18 well. I don't hear the best.

19 MR. REED: Sure.

20 MR. TALBOTT: Thank you, much.

21 MR. REED: I live in town here and

22 I'm a volunteer fire fighter here in Washington

23 Township, also. That's all I want speak upon, is

24 what we do for the surrounding county and the

25 village. The few moments that it may take to go

1 around a stopped train or a crossing that's not there
2 anymore is life and death, quite frankly. Two
3 minutes is a world of difference between someone's
4 home or a pile of ashes, or a two year old child
5 choking, two minutes is death. There's no -- if it
6 costs you a half a million dollars to keep the
7 crossings up, it's worth one child. There's no, no
8 question about it. That's all I have.

9 MR. BULGRIN: Thank you.

10 Mr. Talbott?

11 MR. TALBOTT: From your perspective
12 as a volunteer fire department, is either of those
13 two crossings more important to your service?

14 MR. REED: Neither. We need them
15 both at all times.

16 MR. TALBOTT: Is either one of them
17 blocked more regularly than another?

18 MR. REED: Unfortunately it seems
19 like both of them and all of them are blocked too
20 often.

21 MR. TALBOTT: And by all of them,
22 you're talking about what roadways?

23 MR. REED: From the east side of
24 town, all the way back to Fostoria. From 109, 261,
25 and 257, it's not easy to get that 3,000 gallon

1 tanker down some of the roads to begin with, much
2 less than going across them, that we rely on, is
3 closed.

4 MR. TALBOTT: Do you have a sense,
5 from your experience, as living here in town and as a
6 volunteer fire fighter, whether 256 or 261 is blocked
7 more often?

8 MR. REED: That I don't know.

9 MR. TALBOTT: But your experience is
10 that both of them are blocked often?

11 MR. REED: Yes.

12 MR. BULGRIN: Okay. And if they're
13 blocked, then you use alternate roadways to get
14 around?

15 MR. REED: Because we have to,
16 unfortunately, and it burns up crucial time.

17 MR. TALBOTT: Okay, thank you.

18 MR. BULGRIN: Brad Lewis. Do you
19 swear that the testimony you're about to give in this
20 proceeding is the truth?

21 MR. LEWIS: Yes, sir.

22 MR. BULGRIN: State your name and
23 address.

24 MR. LEWIS: Brad Lewis, 3630
25 Township Road 257, Fostoria, 44830. I guess I got

1 here a little late. I would say I was held up by a
2 train, but that's probably not funny. Am I
3 addressing you, sir or either or?

4 MR. BULGRIN: Sure.

5 MR. LEWIS: Okay. If you'll check
6 a plat book, my father and myself, we farm three out
7 of the four corners on the 257 crossing. The 261
8 crossing, we farm two out of the three tillable
9 corners on that. If you'll check a plat book,
10 anything that's GMB Farms, Brad Lewis, O.J. Huffman,
11 Harry Swartz, you'll find those lie very close to the
12 railroad from Arcadia to Fostoria. I guess I'm just
13 here to express my concern about if you do decide to
14 close 256 or 261, our travel time with farm equipment
15 on Route 12. As other people have said, a combine,
16 16 foot wide without the attachment on the front, 20
17 wide with the attachment on the front, minimum. A
18 tractor 14 foot, four inches wide with equipment on,
19 both traveling less than 22 miles an hour on Route
20 12. I'm just concerned for my family. I mean, my
21 father is Gene Lewis, my mother is Nancy Lewis, we
22 all have to be in on this and that's all, that's all
23 we have. That's all we are, trying to make a
24 living. And those two minutes that Doug and Bob
25 spoke about about a house, that's two minutes you

1 know possibly longer, five minutes that I have to be
2 on Route 12. I don't like to be on Route 12. I
3 avoid Route 12 at all costs. I don't even like to
4 cross Route 12, okay? When I have to put a piece of
5 equipment down that road that wide it scares me, and
6 it scares me for my boys, you know? With that
7 crossing there, either one of them, 261 or 256, I do
8 not have to be on Route 12. I would have to go
9 approximately three quarters of a mile the one way to
10 the -- from 257 to the west I would have to go
11 approximately a mile and a quarter. It doesn't sound
12 like much, but let's time that going down Route 12 at
13 3 o'clock in the afternoon. And I can't determine, I
14 can't say I'm going down there at 9 o'clock on a
15 Sunday morning. I don't know that. As well as the
16 railroad, when the shipment needs to go through it's
17 going through, okay, and I appreciate that. I mean,
18 that's just part of doing business. My question and
19 I know it's not a question and answer, but I would
20 like to pose to somebody: If 256 is closed, is there
21 a possibility of a farm crossing being put in?
22 Okay? That's just one of the small questions that I
23 have. That would help myself. I don't want to see
24 the road closed. I do not want to see that closing
25 taken out. But I hope you're here to hear all these

1 people and that this isn't a cut and dried thing
2 already, and we -- I appreciate you hearing our
3 comments, so. And that's all I have.

4 MR. BULGRIN: Sure.

5 MR. TALBOTT: Mr. Lewis, just a
6 couple questions for you. When you started I think
7 you said that your family farms three of the four
8 corners of 257, did you say?

9 MR. LEWIS: 256.

10 MR. TALBOTT: Oh, 256. Okay. You
11 guys actually own two quadrants?

12 MR. LEWIS: I own two on the south
13 side and my father owns one on the north side.

14 MR. TALBOTT: Okay, of the tracks?

15 MR. LEWIS: Yes.

16 MR. TALBOTT: So your family -- you,
17 yourself, own two on the south side of the tracks?

18 MR. LEWIS: Yes.

19 MR. TALBOTT: And then your dad owns
20 one on the other side of the tracks?

21 MR. LEWIS: Yes.

22 MR. TALBOTT: Okay.

23 MR. LEWIS: Immediately adjacent to
24 the tracks. Now there's more that involves that
25 crossing that we have to get to.

1 MR. TALBOTT: Okay. And I think you
2 said 261, you farm two of the three tillable
3 quadrants?

4 MR. LEWIS: Correct.

5 MR. TALBOTT: You guys own those?

6 MR. LEWIS: That is -- no, we do
7 not own that, to answer your question.

8 MR. TALBOTT: Okay. Do you currently
9 use Route 12 at all for your operations? I mean, do
10 you ever have an occasion to operate your heavy farm
11 machinery on Route 12?

12 MR. LEWIS: Not at all. Not any
13 farm implements; trucks taking grain to the elevator,
14 yes, but not farm implements at all.

15 MR. TALBOTT: As you sit here, have
16 you ever operated your heavy farm equipment on Route
17 12?

18 MR. LEWIS: Yes. And it was at --
19 I was scared.

20 MR. TALBOTT: What was the occasion
21 that --

22 MR. LEWIS: A train was blocking.

23 MR. TALBOTT: What roadway?

24 MR. LEWIS: 109, 257, and 261.

25 MR. TALBOTT: Do you have an estimate

1 as to how many vehicles a day you see on 256?

2 MR. LEWIS: I wouldn't have
3 knowledge of that. I do not live on that road.

4 MR. TALBOTT: But from farming out
5 there, what's your experience as far as whether --
6 which of the two roads is more heavily traveled, 256
7 or 261?

8 MR. LEWIS: I would have to say
9 they're pretty equal as far that goes.

10 MR. TALBOTT: Okay. Thank you.

11 MR. LEWIS: Thank you.

12 MR. BULGRIN: Okay. That's everybody
13 I think we have on the list. Is there anybody else
14 that wants to give any testimony?

15 MR. BULGRIN: Do you swear that the
16 testimony you're about to give in this proceeding is
17 the truth?

18 MRS. SMITH: Yes. My name is Brenda
19 Smith and I live at 20027 Township Road 218,
20 Fostoria. I happen to live on the corner of 256 and
21 257 and I have concerns with the closure of both of
22 these railroad tracks. No. 1, we are like the
23 Lewises and we will have to go down Route 12 if they
24 close 261; we'll have to go down to Route 12 and go
25 further to bring our equipment back across. Living

1 on 256 and 218, I'm one of the houses that Bobby Hill
2 talked about that would be affected by it in case of
3 a fire or if there was an accident, or any type of
4 emergency situation there. And I can sit and look
5 out my picture window, and anybody in my family could
6 say, tell you, 257 is closed because of the cars that
7 come down, come down and they slam on the brakes and
8 then they turn down 257 because they're late going to
9 work. We have the same problem when they're coming
10 back, maybe 257 is closed or 109 is closed, so
11 they're coming down our road and they're slamming on
12 their brakes, they're turning the corner and going.
13 And I don't believe your statistics when you did it,
14 because there's sometimes when I make 10 to 12 trips
15 down that road myself, and especially -- and
16 especially when it's in the spring of the year or in
17 the fall of the year I could probably sit and see
18 Gene and Brad Lewis going up and down that road
19 probably 10 or 12 times when they're hauling grain or
20 they're moving equipment and stuff. I think your
21 statistics must have been done on a snowy day when
22 nobody was going up and down the road. I think that
23 they need to be moved up to maybe a couple hundred
24 cars are going up and down there a day and stuff.
25 261 will affect us because our farm operation is also

1 not far from there and I would say that the traffic
2 is probably close to that, too, because when the
3 trains sit out there everybody is going by and trying
4 to find a way to get there and stuff, so.

5 MR. BULGRIN: Mr. Talbott?

6 MR. TALBOTT: Yes. I have no
7 questions. Thank you.

8 MR. LEWIS: Thank you.

9 MR. BULGRIN: Anybody else? Do you
10 swear the testimony you're about to give in this
11 proceeding is the truth?

12 MR. KELBLEY: Yes. Ron Kelbley.

13 MR. BULGRIN: I'm sorry, could you --

14 MR. KELBLEY: Ron Kelbley.

15 MR. BULGRIN: How do you spell your
16 last name?

17 MR. KELBLEY: K-E-L-B-L-E-Y, 2423
18 Township Road 256.

19 MR. BULGRIN: Could you speak up?

20 MR. KELBLEY: All right. Well, I'm
21 one of the guys that live on 256, too, and we all
22 farm and we've got a lot of equipment in our barns.
23 And that little bit of -- you guys are talking about
24 keeping that crossing up, probably we have more in
25 our barns than that little bit is, I mean, three or

1 400,000 sometimes. And for Bobby to have to run
2 around and try to get to it is pretty devastating
3 when you look out there and say, "There's that train
4 and my barn is burning, or my house, or my child is
5 in trouble," or there's a wreck because someone went
6 around the train and they didn't realize the road
7 stopped, which we had that happen last week. Ran out
8 in the neighbor's field and just about took my pole
9 down, and you can go out there in the road and see
10 the marks right now. And that wouldn't have happened
11 if the crossing wouldn't have been blocked last
12 weekend, because an unfamiliar person trying to get
13 around the blocks. So in all we should keep them
14 open.

15 MR. TALBOTT: Mr., is the last name
16 Kelbler?

17 MR. KELBLEY: Kelbley.

18 MR. TALBOTT: Kelbley.

19 MR. KELBLEY: K-E-L-B-L-E-Y.

20 MR. TALBOTT: Okay. Thank you.

21 Mr. Kelbley, when you're talking about the roads
22 stopping, you're talking about 256?

23 MR. KELBLEY: Six, into 218 a guy
24 just about took a pole, or someone just about took a
25 pole down that Friday night, because they slammed on

1 the brakes so hard and they went on out, they swerved
2 and missed the pole and went out in the field and
3 turned around. And I was very shocked, when I went
4 up there in the morning, I said, "Wow." But it was
5 someone unfamiliar with the site and they was going
6 too fast and they didn't realize the road was going
7 to T.

8 MR. TALBOTT: Okay. 257, you said
9 you live on 256?

10 MR. KELBLEY: Six.

11 MR. TALBOTT: Okay. 257 is a through
12 road?

13 MR. KELBLEY: Yes.

14 MR. TALBOTT: 256 T's?

15 MR. KELBLEY: Into 218.

16 MR. TALBOTT: And on the south end of
17 12, right?

18 MR. KELBLEY: Correct.

19 MR. TALBOTT: How long is 256, ball
20 park total?

21 MR. KELBLEY: Well, you'll have to
22 get in your vehicle and drive out there and see,
23 because I can't --

24 MR. TALBOTT: Do you have an
25 estimate?

1 MR. KELBLEY: It's at least two mile,
2 I don't know.
3 MR. TALBOTT: It's what?
4 MR. KELBLEY: It's at least two mile
5 or better.
6 MR. TALBOTT: Okay.
7 MR. KELBLEY: I guess you're going to
8 have to get in your vehicle and drive out there.
9 MR. TALBOTT: Well, I'm not -- I'll
10 gladly do that, but I'm asking you if you know from
11 living there approximately how long your road is?
12 And if you don't, that's okay.
13 MR. KELBLEY: No.
14 MR. TALBOTT: Okay. Thank you very
15 much.
16 MR. BULGRIN: Thank you. Anyone
17 else? Do you swear the testimony you're about to
18 give in this proceeding is the truth?
19 MR. GREENLEE: I do.
20 MR. BULGRIN: Okay. And if you could
21 state your name?
22 MR. GREENLEE: My name is Neil
23 Greenlee.
24 MR. BULGRIN: Would you spell your
25 last name?

1 MR. GREENLEE: G-R-E-E-N-L-E-E. I
2 live at 20200 County Road 109. I live in between 256
3 and 257. I have a three year old daughter and
4 frequently County Road 256 and 257 are blocked.
5 You're talking about a couple extra minutes might
6 mean all the difference in the world. My little girl
7 is my world. If the crossings are blocked and
8 something happens that extra time can mean the
9 difference between my daughter living and dying. Not
10 only that, and I don't know the specifics, I don't
11 know details, I don't remember the dates, but I'm
12 sure people remember about the guy that was riding
13 the railroads, hiding in the box cars. You know,
14 what's the odds of that happening again? Probably
15 not very well, but it -- there's the chance there.
16 You know, is the railroad going to guarantee our
17 personal safety with these trains sitting out here?

18 MR. BULGRIN: Mr. Talbott?

19 MR. TALBOTT: No questions,
20 Mr. Greenlee. Thank you.

21 MR. BULGRIN: Thank you. Anyone
22 else?

23 MR. HILL: Could I ask a
24 question?

25 MR. BULGRIN: Hang on. Well, let's

1 get through everybody. Sir?

2 MR. BOES: Could I say something?

3 MR. BULGRIN: Yes, please.

4 Absolutely. That's what we're here for. Do you
5 swear the testimony you're about to give in this
6 proceeding is the truth?

7 MR. BOES: Yes.

8 MR. BULGRIN: Okay. And your name?

9 MR. BOES: Lanny Boes, 19694
10 Township Road 218.

11 MR. BULGRIN: I'm sorry, could you
12 repeat your name?

13 MR. BOES: Lanny Boes, L-A-N-N-Y
14 and B-O-E-S.

15 MR. BULGRIN: Okay. Thanks.

16 MR. BOES: There's a couple things
17 that I don't think were brought up this evening that
18 should be, and the main one is that it seems to me
19 that maybe the point of this meeting isn't what it
20 should be. That maybe instead of worrying about
21 closing two crossings, the railroad should be worried
22 about putting in an overpass. And the thing that got
23 me to come to this meeting was the aggravation that I
24 feel every time I pull up to one of those crossings
25 and there's two cars, two train cars short of

1 clearing the crossing. And I know that those engines
2 have measuring devices so they don't do that; they
3 know how long the trains are. They push the button
4 when they cross the crossing and they measure how far
5 they've gone past it so that they don't block a
6 crossing by two or three cars. And when you have a
7 truck that's tied up, sitting there at one of those
8 crossings for 20 minutes, you know, a car can turn
9 around and probably not get stuck in a ditch, but a
10 big truck, that's a little different story. And I,
11 after hearing about the fire department and the
12 rescue, it's just unbelievable that they consider
13 closing those crossings, but then I guess it's
14 unbelievable that they would park a train two cars
15 short of clearing them, too. So I guess the thing is
16 they don't care about us, they seem to care about
17 raising freight rates plenty well, but I'm sorry.
18 Give me your question.

19 MR. TALBOTT: No questions for you,
20 sir. Thank you.

21 MR. BULGRIN: Thank you. Anyone
22 else?

23 MR. LEWIS: I'm wondering if -- if
24 -- I've been up there and given my oath. If the
25 road --

1 MR. BULGRIN: Hang on a second and
2 let's go off the record.

3 THEREUPON, there was a brief discussion off
4 the record.

5 MR. COLLETTE: Is this something -- is
6 this questions for the --

7 MR. GREENLEE: Still want to testify?

8 MR. LEWIS: Sure, again. Maybe I
9 missed it, but I don't hear very well. But I'm
10 wondering, why is the railroad wanting to close these
11 crossings? I haven't heard any reason at all yet.

12 MR. TALBOTT: Just so the record is
13 clear, could the witness identify -- could you
14 identify yourself again? Could you state your name
15 again?

16 MR. LEWIS: Gene Lewis, 3627
17 Township Road 257.

18 MR. TALBOTT: Okay.

19 MR. LEWIS: It's your ball game.

20 MR. TALBOTT: I'll gladly -- I made
21 an introduction, an introductory spiel at the
22 beginning and told you a little about it about what,
23 you know, we're under some pressure from a lot of
24 different sides to identify crossings throughout not
25 just Washington Township, but beyond, which may not

1 be as critical to communities as other crossings;
2 because of this sense not only within the railway,
3 but within the government, we believe is, is that the
4 fewer crossings, the better. Because the safest
5 crossing is a closed crossing. If you have a closed
6 crossing you don't have the opportunity for a
7 vehicle/train collision, okay? And the other, so
8 we've got 2 main issues, safety and also cost. It
9 isn't just cost of the railway, it's cost to you and
10 everybody here that -- the tax payer pays to maintain
11 each crossing that's open, tax payers pay for, it
12 costs us money. So that, you know, those are two
13 main issues. And I said that at the beginning of the
14 night and they're aren't any real, any real secrets
15 there. So, you know, I'll gladly -- I'm going to be
16 here after the hearing tonight and -- as will your
17 counsel, Mr. Collette, and we'll gladly talk about
18 that further, if you'd like.

19 MR. BOES: Okay.

20 MR. TALBOTT: Okay?

21 MR. BOES: Thank you.

22 MR. TALBOTT: Yep, thank you.

23 MR. BULGRIN: Yes. Do you want to be
24 on? Just a few.

25 MR. HILL: Just a question. My

1 name is Bob Hill. And I'd like to direct that to
2 Casey. What -- yes, this Casey, not you.

3 MR. COLLETTE: Thanks, Bob.

4 MR. HILL: I'll get you next. I
5 where you reside. He's from Toledo, that's a long
6 way. What's it cost to put warning lights on a
7 crossing?

8 MR. TALBOTT: Mr. -- or Chief Hill,
9 I'll gladly take that type of question afterward. If
10 you have specific questions, Chief?

11 MR. HILL: We'll, I'd like it on
12 the record. Does the railroad pay for that?

13 MR. TALBOTT: Well, I --

14 MR. HILL: Does the railroad pay
15 for putting up crossing lights?

16 MR. TALBOTT: You've asked me a
17 question; you want me to answer your question?

18 MR. HILL: As best you can.

19 MR. TALBOTT: Will you give me the
20 courtesy of letting me answer now?

21 MR. HILL: Sure.

22 MR. TALBOTT: If you would -- if you
23 have fact specific questions that involve cost and
24 things like that. I do not have fact specific
25 answers for you tonight, but I will gladly -- I have

1 a good working with relationship with Mr. Collette,
2 I've got a good working relationship with
3 Mr. Conine. If you have fact specific questions and
4 communicate those to me, you know, off the record or
5 on the record, I will gladly go to try to get that
6 information for you and we'll relay it back to you.
7 But I don't have it at my disposal tonight and I just
8 cannot answer the question. If you're talking in
9 general, if you're talking about maintaining a
10 crossing or if you're talking about putting in new
11 lights and gates and things like that at a crossing,
12 it's usually a cost-share between the railway and the
13 government, you know, state or federal government.
14 It's usually a cost-share. Now as far as specifics,
15 I can't, I can't give you those.

16 MR. HILL: So we are paying for
17 those crossings to be guarded today? The people
18 sitting in this room, it comes out of our pockets?
19 It doesn't always come out of the railroad. So
20 really cost is not your objective here tonight. Your
21 main objective is just to close these things
22 irregardless of how difficult it makes this for us in
23 the communities, you just want them closed. Because
24 we pay for that, our tax dollars pay for that, and
25 I'm sure you know that.

1 MR. BULGRIN: Mr. Hill, a couple
2 things. One is, if you would want to take a look,
3 there was a recent case involving an upgrade to
4 County Road 216, and if you can go on our website and
5 look at Case No. 02276.

6 MR. HILL: 0?

7 MR. BULGRIN: 02 -- or, I'm sorry,
8 08276. I believe, I believe you might find specific
9 cost estimates and that kind of information in this
10 case.

11 MR. HILL: And that would tell me
12 who, who pays the cost --

13 MR. BULGRIN: That would give you --

14 MR. HILL: -- whether it's the
15 railroad or the State of Ohio?

16 MR. BULGRIN: Correct. I believe it
17 -- the orders eventually spell out exactly who's
18 paying what share.

19 MR. HILL: But it's not all paid
20 by the railroad?

21 MR. BULGRIN: No, it's not all paid
22 by the railroad. And I believe these, these closure,
23 this closure initiative, and it isn't just this
24 county, it is across the board. We're having other
25 cases, it is more safety driven than it is a strict

1 cost things. I mean, if you have people killed at
2 the crossing, you know, I mean, the safety issue cuts
3 both ways. So this is not an open and shut deal.
4 It's important that the Commission hear from the
5 local community if closing a crossing is going to be
6 a hardship, so that's what we're doing here tonight.
7 Ma'am, do --

8 MS. LLOYD: Can I testify?

9 MR. BULGRIN: Yes, please. Do you
10 swear the testimony you're about to give in this
11 proceeding is the truth?

12 MS. LLOYD: Yes, I do.

13 MR. BULGRIN: And if you could give
14 us your name and address?

15 MS. LLOYD: My name is Kylie,
16 K-Y-L-I-E, Lloyd, L-L-O-Y-D, 22151 U.S. Highway 224,
17 Fostoria, 44830.

18 MR. BULGRIN: Thank you.

19 MS. LLOYD: This being a safety
20 concern really concerns me, because our farmers that
21 are now going to have to be on 12, which is a
22 terrible road to begin with, that is -- I'm a fire
23 fighter and an EMT here in Washington Township.
24 Having more slow traffic on 12, which is already one
25 of our biggest accident areas, is going to increase

1 for us. It's going to make more of a problem for us,
2 than the tracks being closed, you know? Just that
3 increase in traffic out there and the slow moving
4 traffic is really going to be a problem for us. I
5 live out on 224, for me to go to the far end of our
6 district for a medical call, an accident, I take 261
7 out that way. That's my way there, otherwise I have
8 to come all the way in to go all the way out again
9 from where I live. So 261 is my only access out
10 there. It's important for me to have those crossings
11 open. And I think closing them will create bigger
12 safety hazards, even on 12, with the farm equipment,
13 extra traffic out there, than we already have now.

14 MR. BULGRIN: Mr. Talbott?

15 MR. TALBOTT: No questions. Thank
16 you, ma'am.

17 MR. BULGRIN: Thank you. I think we
18 have --

19 MR. ADDINGTON: I testified earlier, my
20 name is John Addington.

21 MR. BULGRIN: Yes.

22 MR. ADDINGTON: Yes. I just find it
23 ironic, perhaps relevant, that the two crossings
24 we're talking about are the only two crossings that
25 are unprotected between Arcadia and Fostoria.

1 MR. BULGRIN: Thank you.
2 MR. CONINE: May I testify?
3 MR. BULGRIN: Yes.
4 MR. CONINE: I'm not on the list.
5 I'll see if I can get through it, I apologize for the
6 throat. My name is Gary Conine, C-O-N-I-N-E, 148
7 County Road 257, Fostoria. Do you want to swear me
8 in?
9 MR. BULGRIN: Oh, yes, please. Do
10 you swear the testimony you're about to give in this
11 proceeding is the truth?
12 MR. CONINE: Yes, sir. Our Fire
13 Chief, Bob Hill over here, brought up a point about
14 costs, and it jogged my memory on something that was
15 brought to light to me, and everyone in this room
16 needs to know it and it needs to be on the record,
17 and especially PUCO people and the people that you're
18 going to carry this information back to in Columbus
19 need to know this. It was only per a phone call to
20 me, as township trustee, notifying me that that there
21 was going to be gates and lights installed on 256.
22 At that time we were already being told by
23 Mr. Talbott that there was proceedings that may
24 start, may start to close 256. Being up front as I
25 could be with Mr. Talbott, as I have been, is I went

1 ahead and called him, I said, "Hey, what's going on
2 here?" I do not have the individuals' names that
3 called and said that we're looking at gates and
4 lights there. I found it kind of ironic hearing this
5 whole thing that, of course, that stopped right away
6 and someone was obviously stubbed their toe in the
7 whole thing, is that why would we want -- why would
8 we be seeing gates and lights and you're trying to
9 close the crossing? And so I knew that everyone here
10 needed to know that, and especially you and the folks
11 in Columbus.

12 MR. BULGRIN: Okay.

13 MR. CONINE: Is there any
14 questions?

15 MR. TALBOTT: Mr. Conine, do you have
16 a -- living on 257, you're familiar with 256, as
17 well?

18 MR. CONINE: Yes.

19 MR. TALBOTT: Do you have an estimate
20 as to the number of vehicles on that road a day?

21 MR. CONINE: No, I don't, because
22 that's not a road that I regularly use. So I can't
23 really give an estimate. I find 70 or the number
24 that's being used is really low, if anything, but I
25 can't say for sure.

1 MR. TALBOTT: Okay. That's all I
2 have. Thanks.

3 MR. BULGRIN: Thank you. Anyone
4 else? Last call. Okay, if not, then I'm going to
5 let our court reporter go. And thank you for your
6 testimony.

7 THEREUPON, the meeting was adjourned at 7:11 p.m.

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CERTIFICATE

STATE OF OHIO)
) ss.
COUNTY OF ERIE)

I, Lori L. Delhees, Stenotype Reporter and Notary Public within and for the State aforesaid, duly commissioned and qualified, do hereby certify that the foregoing, consisting of 56 pages, is a true and complete transcript as taken by me in stenotype and later transcribed under my direction of the proceedings conducted on the 24th day of April, 2008. I do further certify that I was personally present in the room during all of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office at Sandusky, Ohio this 24th day of

May, 2008

Lori L. Delhees

HUNTLEY REPORTING SERVICE
Lori L. Delhees
Notary Public
P. O. Box 1067
Sandusky, Ohio 44870

My commission expires 11/24/2012

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Page 3

PUBLIC UTILITIES COMMISSION OF OHIO
PUBLIC HEARING

IN RE: PETITION OF NORFOLK SOUTHERN
RAILWAY COMPANY

TO CLOSE RAILROAD CROSSINGS
TOWNSHIP ROAD 256 DOT NO. 472447R
AND/OR TOWNSHIP ROAD 261 DOT NO. 472441A
WASHINGTON TOWNSHIP, HANCOCK COUNTY

CASE NO. 08-97-RR-UNC

Thursday, April 24th, 2008

Arcadia Community Park
County Road 216/Township Road 254
Arcadia, Ohio

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APPEARANCES:

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On behalf of Norfolk Southern

K.C. Collette, Esquire
222 Broadway
Suite 104
Findlay, OH 45840

On behalf of Township Trustees

MR. BULGRIN: This is the -- the Public Utilities Commission has assigned for hearing at this time and place Case No. 08-97-RR-UNC, being the matter of the petition of Norfolk Southern Railroad Railway Company to close Township Road 256, DOT No. 472447R, and/or Township Road 261, DOT No. 472441A, a crossing in Washington Township, Hancock County, Ohio.

My name is Dick Bulgrin; I'm the Attorney Examiner assigned by the Public Utilities Commission to conduct the hearing and with me are a couple representatives, Tammy Mitchell and Andrea Smith from our Service Monitoring Enforcement Division, and the railroad -- as a matter of fact, Mr. Talbott, if you want to make an appearance on the record?

MR. TALBOTT: Yes. My name is Casey Talbott; I'm with a law firm up in Toledo, Ohio. I'm here on behalf of Norfolk Southern. I've met a number of you folks before and we appreciate all of you coming in and coming in tonight for, I guess, say that most of you are, if not all of you, are not in favor of closing it, but we still welcome your comments and appreciate you taking the time out of your day, day and evening to come in today. Thank

1 you.

MR. BULGRIN: And Mr. Collette, if you want to --

MR. COLLETTE: Yes. No relation at all, but my first name is K.C. also. And the Township Trustees have indicated one, to assisting Hancock County Prosecutors and I'm here, here on behalf of the Trustees. The way I'll do this all and -- I don't know, I mean, you'll probably explain the process that will take place?

MR. BULGRIN: Yes.

MR. COLLETTE: Good to see you.

MR. BULGRIN: Okay. On February 4th, 2008, Norfolk Southern Railroad Company filed a petition to close Township Road 256 and/or Township Road 261 crossings in Washington Township to vehicular and pedestrian traffic. Norfolk Southern contends that these crossings experience light vehicular traffic which could be diverted without unreasonable inconvenience to other adjacent roads and vehicular crossings, which are or will be equipped with greater crossing protection. On February 25th, 2008 the Commission's staff filed it's report of investigation recommending a public hearing be conducted. Petitions for closure of railroad

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1 crossings are governed by Ohio Revised Code Sections
 2 4907.474 and 4907.475, which require that in order to
 3 grant a petition for closure the Commission must find
 4 that there is not a demonstrable need for the
 5 crossing to exist. These sections also provide that
 6 a hearing on a petition to close a grade crossing be
 7 held in a location within the boundaries of the
 8 municipal corporation or in the case of a rural
 9 crossing the County in which the crossing is located,
 10 and that notice of such hearing be provided through a
 11 publication once a week for three consecutive weeks
 12 prior to the hearing in a newspaper of general
 13 circulation in the county. An evidentiary hearing
 14 will also be held in this case on Wednesday, May
 15 28th, 2008, at 10:00 a.m. at the Public Utilities
 16 Commission in Columbus. And at that time Norfolk
 17 Southern will be presenting evidence and witnesses to
 18 support it's petition. If there's any party that
 19 wishes to intervene in that proceeding, they need to
 20 do so by May 21st, and there's information available
 21 on the Commission's Website, which is
 22 www.puco.ohio.gov, or by calling the 800 number,
 23 (800) 686-7826. But tonight's hearing is being
 24 conducted to provide the public an opportunity to
 25 testify regarding the possible closing of either

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1 crossing, the need for such crossing to exist and the
 2 effect such crossing -- closing such crossing would
 3 have on traffic -- the traffic patterns within the
 4 county. The Commission, which is made up of five
 5 people that are appointed by the governor, is not
 6 bound by the railroad's petition, the recommendations
 7 of the staff or any party. And the Commission will
 8 make its decision based the record of these
 9 proceedings, including the public testimony that
 10 you're going to give tonight. So this is your
 11 opportunity to let the Commission know what you
 12 think. And if you would like to testify we have
 13 sign-up sheets, so I've got one here and there's one
 14 here, because I'm going to kind of go by the sign-up
 15 sheets for the order. And I'll basically be taking
 16 in the order that you're signed in. A couple
 17 things. I will ask you to identify by giving your
 18 name and address and if you could spell your names
 19 and if the address is tricky, if you could spell that
 20 out for our court reporter. And we'll put you under
 21 oath. And the attorney for the railroad will also be
 22 permitted to ask you any questions, so. And keep in
 23 mind that we're transcribing your testimony with a
 24 court reporter, so take your time; speak as clearly
 25 as plainly as you can. We appreciate your

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1 participation and we want everyone who wishes to make
 2 a public statement to be able to do so, so please be
 3 considerate of those that are waiting to give their
 4 testimony.
 5 Mr. Talbott, did you want to say anything in
 6 particular about this particular crossing?
 7 MR. TALBOTT: Yes, sure. Just by way
 8 of introduction, we were asked, we being Norfolk
 9 Southern, and other railroad companies been asked to
 10 identify crossings throughout the State of Ohio and
 11 beyond that might be appropriate for closure. Or at
 12 least that warrant closer, a closer study. So this
 13 isn't something that we're picking on Washington
 14 Township or here in particular. But, you know,
 15 rather, we've had discussions and -- like this
 16 throughout the State of Ohio that I'm involved in,
 17 where we've come in and met with communities to see
 18 if, you know, we've identified some crossings that we
 19 think might be appropriate for discussion for closure
 20 and then we've come in and talked to the different
 21 communities to get their input. And on occasion, but
 22 if it seems appropriate, you know, we'll engage in
 23 some settlement negotiations. We have done that with
 24 the Washington, you know, Washington Township folks
 25 here; we've offered incentive money for either or

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1 both crossings and we've offered to look at one and
 2 stayed the heck away from another, meaning, you know,
 3 talk about whether if one might be more appropriate
 4 for closure than the other. You know, part of the
 5 deal could be we'd like to close one and not the
 6 other. So we would certainly welcome your comments
 7 tonight as to whether one might be more appropriate
 8 for closure than another, or, you know, whatever you
 9 have to say about that.
 10 One of the reasons, you know, that we're here
 11 is, you know, the community is often, you know, you'd
 12 like to have a crossing at each and every roadway
 13 because that's the most convenient, but, you know,
 14 studies have shown that it's not, it's not as safe.
 15 That, you know, the safest crossing is a closed
 16 crossing. If you have a one mile stretch of roadway
 17 and you have road -- one mile stretch of track and
 18 you have four crossings going over it, it's quite a
 19 bit more dangerous than if you had one or two. You
 20 know, that's, that's one of the main reasons we're
 21 here. Your thought -- of course, you know, cost is
 22 an issue, as well. You know, for every crossing that
 23 remains open it costs the railway money, it costs the
 24 State of Ohio money, it costs the Federal government
 25 money. So that's, you know, that's why we're here

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1 to, you know, to welcome your comments. We have met,
 2 we had a good, you know, I've talked to a Gary Conine
 3 and Mr. Holman a number of times and more recently
 4 your counsel, K.C. Collette, they're all fine
 5 gentlemen and they're very professional to deal with,
 6 so we appreciate that and we hope that they think the
 7 same about us, that we have not tried to shove this
 8 down your throat, we're not trying to do it. We are
 9 welcoming the dialog and then we'll step back and we
 10 hope to have further discussions with Mr. Collette,
 11 you know, before we, you know, proceed further.
 12 Thank you.

13 MR. BULGRIN: Okay. Thank you. Just
 14 a little summary of the process in this case. After
 15 tonight's hearing -- this is the opportunity for
 16 local people to come out and give their input to the
 17 Commission. We have a evidentiary hearing scheduled
 18 for May 28th, but that would be coming to Columbus to
 19 give your input. You're also welcome to send in
 20 letters, there's also a way on the website where you
 21 can submit comments, as well. But I think tonight is
 22 more or less a fact finding mission for not only the
 23 Commission, but also for the railroad, to get an idea
 24 of what the public thinks. The hearing in Columbus,
 25 I will caution you if you're planning on coming down,

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1 you might want to check with one of us first and make
 2 sure it's going. That may be rescheduled, I think.
 3 I can't remember whether those dates are good or
 4 not. But at any rate, the bottom line is, before you
 5 drive to Columbus, give us a call. But at any rate,
 6 eventually we'll take not only this testimony, but
 7 whatever the railroad decides, unless they decide to
 8 back off all together and ask for the case to be
 9 dismissed. Eventually, when the hearings are
 10 concluded, I will put together an opinion and that's
 11 what the Commission, the five member Commission in
 12 Columbus, will be voting on. And then there's an
 13 opportunity to request for re-hearings and there's
 14 also -- the appeals from the Commission decisions go
 15 directly to the Ohio Supreme Court, so that's a
 16 little bit of in terms of the process. If there's
 17 not any questions initially -- yes.

18 UNIDENTIFIED SPEAKER: Yes, I have one. What
 19 was the full case number on this again, because that
 20 goes back to where you can pick that up on the
 21 Internet, correct?

22 MR. BULGRIN: Yes. Thank you. The
 23 Case No., the important numbers to remember are --
 24 let me find it. It's 08, which is 2008, and the
 25 sequence number is 97. So if you put in 0897 we'll

1 find it, and you'll find it, you'll find the records
 2 on there. The other part, the full Case No. is
 3 08-97-RR, for railroad, and dash UNC, which
 4 basically is an unclassified -- we don't -- we have
 5 not done a lot of these crossing closure cases. So
 6 to a certain extent, I think we're all kind of
 7 feeling our way along on this. Okay. Let's get
 8 started because it is getting later.

9 Mr. Holman, I believe you're first up. If
 10 you want to come up.

11 MR. HOLMAN: And swear me in?

12 MR. BULGRIN: Yes. If you want to
 13 come up and I guess maybe --

14 MR. HOLMAN: You don't have the
 15 Bible.

16 MR. BULGRIN: If we just have you sit
 17 right there. Do you swear or affirm the testimony
 18 you're about to give in this proceeding is the
 19 truth?

20 MR. HOLMAN: Yes, I do.

21 MR. BULGRIN: Okay. If you'd state
 22 your name and spell out your name and address.

23 MR. HOLMAN: My name is Dennis
 24 Holman, D-E-N-N-I-S, H-O-L-M-A-N. My address is 2555
 25 Township Road 249, and I'm a Township Representative

1 here, so I'm going to -- I'm glad I get to start so I
 2 can kind of break the ice for everybody here. We
 3 were approached by the railroad here late last fall
 4 and shun the idea of closing either one of the
 5 crossings. And that's basically in a nutshell why
 6 we're here tonight. I wanted input from all you
 7 residents. We initially -- or we, we were against it
 8 in the aspect of it that if you close one of them, or
 9 either one of them, the concerns with the trains that
 10 constantly back up on that rail and the response time
 11 for the firemen. We have a fire department here in
 12 the township that responds. And just the idea from
 13 the response time of when you leave the -- when you
 14 leave the garage up there, not knowing where the
 15 trains are going to be parked out there -- on whether
 16 or not you should go east or west or what not. And
 17 other concerns, if you close 256 you're diverting
 18 traffic either west or east. If you come west up to
 19 254, you come back south to another crossing that's
 20 unmarked, coming up here past, past the building
 21 we're in now to get up to Route 12. And if you go
 22 east to 257, then you turn south and go back and
 23 approach Route 12, and if you get to Route 12 the
 24 visibility at that intersection is not near as good
 25 as it is at 256 and Route 12. And I realize there's

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1 only 55 cars that the federal study has reported that
 2 use 256 in a day, but in the same aspect there's only
 3 29 trains that use that rail per day, so there's
 4 almost twice as many cars using it as rail, so. But
 5 those are some of the current concerns that we have
 6 and, you know, the issue, the biggest issue for
 7 everybody on that side of town is the number of
 8 trains that park and wait there, that being the
 9 secondary B Line that goes through Fostoria. It's my
 10 understanding that they can't, they can't proceed
 11 through Fostoria unless they can go directly and get
 12 clear through Fostoria. So they, they're always
 13 parked out there on this side of town and, you know.
 14 Depending on which crossing it is and what time of
 15 day it is, some of them are open and some of them
 16 aren't, so from that aspect of it, unless there's
 17 some clarification on how the trains are going sit in
 18 there, we're not interested in having any of them
 19 closed. So that's my comment.

20 MR. BULGRIN: Okay.

21 MR. TALBOTT: Yes, Mr. Holman.

22 MR. HOLMAN: Yes.

23 MR. TALBOTT: Just to, so I

24 understand, because when I walk out of here tonight,
 25 of course, I report to people and I'd to like have a

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1 clear understanding. I just have a couple
 2 questions. That trains that you say are parked,
 3 those are trains that you understand are awaiting
 4 entry into Fostoria?

5 MR. HOLMAN: Well, they actually get
 6 -- they leave them out there over the weekend, too.

7 MR. TALBOTT: But you're talking
 8 about mainly eastbound trains into Fostoria?

9 MR. HOLMAN: Right.

10 MR. TALBOTT: And then what crossings
 11 do you see blocked more commonly than others?

12 MR. HOLMAN: All of them. All of
 13 them.

14 MR. TALBOTT: Well, which ones are
 15 you talking about?

16 MR. HOLMAN: 261 and --

17 UNIDENTIFIED SPEAKER: 218.

18 MR. HOLMAN: 257.

19 UNIDENTIFIED SPEAKER: 261 is blocked a lot.

20 MR. BULGRIN: One at a time here.

21 MR. TALBOTT: Yes. Just, and this is
 22 me jumping in again. It will be impossible for the
 23 court reporter to note who's saying what, unless
 24 we're having a, you know, a dialog like this. So all
 25 of you of course are going to have an opportunity to

1 sit up there and weigh in a little bit. But the --
 2 if we're heading, if we're heading west, I guess,
 3 from Fostoria, what crossings are you talking about
 4 you're seeing blocked more commonly than others?

5 MR. HOLMAN: It's a weekly
 6 occurrence, at least, and maybe more than that, but
 7 the guys that confront that intersection. The trains
 8 will block 261 and they'll extend all the way back to
 9 the west and block the county road, which is 257,
 10 which is where you're going to divert this traffic to
 11 if you close 256. So if 256 is closed and 257 is
 12 blocked by a train and so is 261, when we leave
 13 Arcadia we got to go clear to Fostoria to get across
 14 the rail, that's if 262 is open. So, I mean, it's,
 15 there's a lot of trains that go through Fostoria
 16 every day.

17 MR. TALBOTT: Okay.

18 MR. HOLMAN: And it inconveniences
 19 everybody on this side of town. And once that ethanol
 20 plant gets opened up on the other side of Fostoria
 21 there's going to be even more trains that are going
 22 to be traversing both the A and B line trying to get
 23 through Fostoria and, you know. I know they wait on
 24 the B line. They have to wait on the B line. I've
 25 been told by railroad people that they can't proceed

1 through Fostoria unless they can go all the way
 2 through town. So we out here in the township will be
 3 at their mercy getting through town. So it's, in my
 4 opinion, safety, you know, and not just railroad
 5 safety, but vehicular traffic safety with Route 12
 6 and everything out there, the \$250,000 to upgrade the
 7 crossings seems like money that should be spent. 256
 8 is also the first artery outside of the village here,
 9 and if you drive around the village it's all
 10 residential development west of town; east of town
 11 is, we've got ear tagged through our zoning, is
 12 industrial development. And once you close 256 and
 13 there's any development out there, the chances of it
 14 being very large is not near as good with the
 15 railroad being closed.

16 MR. TALBOTT: Thank you.

17 MR. HOLMAN: I could go on and on.

18 MR. BULGRIN: Well, let's give
 19 somebody else a shot. Doug Smith. Do you swear the
 20 testimony you're about to give in this proceeding is
 21 the truth?

22 MR. SMITH: I do.

23 MR. BULGRIN: Please be seated and if
 24 you could state your name and address.

25 MR. SMITH: My name is Doug Smith;

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1 my address is 17024 State Route 12, Findlay. I'm the
 2 Transportation Supervisor for Arcadia School and we
 3 run buses up each one of the roads west of town -- or
 4 east of town, I'm sorry. We have students on both
 5 sides of the track in most places. I've seen as high
 6 as five trains parked between here and Fostoria
 7 waiting to clear Fostoria, and each time that happens
 8 then we have to reroute the buses. Last year's
 9 figure from the State, to run our buses, was over
 10 \$3.00 a mile; that was before the price of fuel has
 11 gone up tremendously. So each time we have to run
 12 buses around a closed track or a blocked track, we're
 13 talking substantial amount, extra money. Not talking
 14 about the amount of time extra that the students are
 15 on the bus. If we have to go through Fostoria to get
 16 around a parked train, use the underpass in Fostoria
 17 and come back out, then I have to pick up kids on the
 18 wrong side of the road and make them cross a State
 19 highway, a serious safety concern at that point. I'm
 20 not sure that closing the crossings is the right
 21 thing to do. I need most of those crossings just to
 22 get buses around some days when we have heavy train
 23 traffic. Go ahead, a question.

24 MR. TALBOTT: From, Mr. Smith, from
 25 your perspective, if you were forced to give up 261

1 state your name?
 2 MR. GRAHAM: Carl Graham is my name,
 3 I live on County Road 330, Fostoria mail route. And
 4 what I'd like to ask the railroad is, them crossings
 5 has been there better than 150 years and they've been
 6 needed. Why do they want to close them now? And if
 7 they want to close them, then whatever it costs to
 8 keep a crossing up should be paid every year to the
 9 township for benefits and I mean that goes on for
 10 indefinite, not just one year, but totally. Thank
 11 you.

12 MR. BULGRIN: Thank you.

13 MR. GRAHAM: Do you got anything you
 14 want to ask me?

15 MR. TALBOTT: No, thank you, sir.

16 MR. BULGRIN: Mr. or Mrs. Addington.

17 You guys decide which go first.

18 MR. ADDINGTON: That's unusual, by the
 19 way.

20 MRS. ADDINGTON: I told him to hold me
 21 back.

22 MR. BULGRIN: Do you swear the
 23 testimony you're about to give in this proceeding is
 24 the truth?

25 MR. ADDINGTON: Yes.

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Page 20

1 versus 256, which one is more important to you?

2 MR. SMITH: Neither one, really,
 3 truthfully. They were working on 257 last week, we
 4 needed 256 to come around the other way. And you
 5 never know, I mean, if they had parked a train and
 6 blocked 261, we'd have had more issues. So it's just
 7 the number of trains that they park out there and
 8 it's a weekly occurrence of, you know, where the
 9 trains are at and how we get around them. With the
 10 price of fuel to run the extra mileage, I watch very
 11 hard about how many extra miles we run. You're
 12 talking railroad money to, you know, how much you're
 13 going to save by closing these, but you're going to
 14 transfer that money to the local school district to
 15 -- we're going to spend more when you save.

16 MR. TALBOTT: Thanks.

17 MR. SMITH: Sure.

18 MR. BULGRIN: Thank you. Carl
 19 Graham.

20 MR. GRAHAM: I'm Carl Graham.

21 MR. BULGRIN: Do you swear the
 22 testimony you're about to give in this proceeding is
 23 the truth?

24 MR. GRAHAM: What little I know.

25 MR. BULGRIN: Thank you. Could you

1 MR. BULGRIN: If you could state your
 2 name and address for the record, please.
 3 MR. ADDINGTON: John Addington,
 4 A-D-D-I-N-G-T-O-N, 2106 Township Road 256. We've
 5 lived out there for about 35 years, just for the
 6 record. I drive to work every morning. I normally
 7 go to, down 218 to-- towards Beerco; usually there's
 8 a train parked there, usually. Sometimes it's
 9 blocking 261, sometimes it's not, then turn on Route
 10 12. 262 is often blocked. I think they're closing
 11 for a couple reasons. First off, I mean, he says
 12 that they are seldom used. We don't get a lot of
 13 traffic, that's true, but we did last week because
 14 257 was closed. It was supposed to be closed -- my
 15 friend, Bob, says it was closed for three days, or
 16 supposed to be; it was about a week and half,
 17 honestly. They were working on the railroad
 18 crossing. We got a lot of traffic at that point, so
 19 it was all diverted our way. If you closed 256
 20 and/or 261, you leave 257. If 257 is closed, you now
 21 have Arcadia and 262, which is often, often blocked
 22 by a train. Often. I think probably the motive in
 23 this is the ethanol plant, honestly, that there will
 24 be more trains coming through to fuel that ethanol
 25 plant and that's where the trains they once -- they

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1 want to park them across 256 and 261. I don't know
 2 what else I have to say. You can handle that.
 3 MR. TALBOTT: Mr. --
 4 MR. ADDINGTON: Yes, Addington.
 5 MR. TALBOTT: Yes, Mr. Addington.
 6 MR. ADDINGTON: Yes.
 7 MR. TALBOTT: You say you live on
 8 256, where?
 9 MR. ADDINGTON: I live on 256.
 10 MR. TALBOTT: Where do you live?
 11 MR. ADDINGTON: I live about a mile and
 12 a quarter off Route 12, probably a mile north of the
 13 track.
 14 MR. TALBOTT: Okay.
 15 MR. ADDINGTON: Beyond 109.
 16 MR. TALBOTT: What's your experience
 17 as far as how many vehicles a day you're seeing on
 18 256 in a normal week? I mean, you talked about the
 19 week when 257 was closed.
 20 MR. ADDINGTON: Right.
 21 MR. TALBOTT: But a normal week when
 22 257 is not closed?
 23 MR. ADDINGTON: I don't see a lot of
 24 traffic, quite honestly, up my way.
 25 MR. TALBOTT: What would be your

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1 best -- when you say not a lot of traffic, what's
 2 your best estimate?
 3 MR. ADDINGTON: I don't know, 15 to 20
 4 cars a day.
 5 MR. TALBOTT: Okay. All right.
 6 Thank you.
 7 UNIDENTIFIED SPEAKER: More than that.
 8 MR. ADDINGTON: More than that?
 9 UNIDENTIFIED SPEAKER: There's more than that.
 10 MR. ADDINGTON: Okay. I'm at work all
 11 day, during the week anyway. I think that's all I
 12 have.
 13 MR. TALBOTT: Thank you.
 14 MR. BULGRIN: Thank you.
 15 Mrs. Addington.
 16 MRS. ADDINGTON: Okay.
 17 MR. BULGRIN: Do you swear the
 18 testimony you're about to give in this proceeding is
 19 the truth?
 20 MRS. ADDINGTON: Yes.
 21 MR. BULGRIN: Please be seated.
 22 MRS. ADDINGTON: My name is Edyie,
 23 E-D-Y-I-E, Addington, and 2106 Township Road 256 is
 24 my address.
 25 MR. BULGRIN: The same address?

1 MRS. ADDINGTON: It's the same address,
 2 yes. He missed some things. Well, first off, I'm
 3 home all day and so I see a whole lot of trains
 4 parked; they're not being broken, they're just parked
 5 over every darn intersection, except maybe ours.
 6 Last Friday I came from Fostoria and the only way I
 7 could get home was my road, 256. All of them were
 8 totally parked up. They don't break the trains, and
 9 I can understand why: It really isn't financially,
 10 you know, a good idea, because it takes more money to
 11 put it back together than anything else, just pay the
 12 fine. But also 256 is mighty close to a switching
 13 station between Arcadia and 256. So what's the
 14 point, if they're going to park a train, it's going
 15 to go across 256, 109, 218, it's going to go across
 16 all of them. 250 -- no, not 218. I'm sorry, I take
 17 that back. 256, 109 and 257. And -- which means I
 18 have to go clear to Fostoria or I have to go to
 19 Arcadia to go anywhere, not to mention everybody that
 20 has farmland, including our nearest neighbor, has to
 21 come from the south side of 12 to get to his land
 22 right next to us, which means he has to go either
 23 clear to Arcadia on Route 12, or he has to go to
 24 Fostoria to get his farm equipment there. And you're
 25 talking about a state highway, so nobody wants to be

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1 behind big slow farm machinery. And you said how
 2 many cars?
 3 MR. ADDINGTON: I said 20.
 4 MRS. ADDINGTON: It was a big joke.
 5 When we first moved out there 35 years ago it was, we
 6 were lucky to have the milk truck, the school bus and
 7 us. And now it's crazy. I put four bikes out there
 8 and the first car took all four bikes. That's how
 9 busy it's gotten. So that's it.
 10 MR. BULGRIN: Okay. Thank you.
 11 MRS. ADDINGTON: Thank you.
 12 MR. TALBOTT: Yes. Mrs. Addington,
 13 that -- the PUCO staff, I believe, did a study at
 14 some point in 2007, estimated approximately 55
 15 vehicles per day; is that consistent with your --
 16 MRS. ADDINGTON: Compared to three,
 17 that's quite a difference. And 257 being closed for
 18 a week and a half there, I can't tell you how many,
 19 how many have come down.
 20 MR. TALBOTT: In a, like separate and
 21 apart from that week and a half when that was
 22 closed. So would your estimate of the average number
 23 of cars be about 55, or higher or lower than that?
 24 MRS. ADDINGTON: Between 50 and 75, I
 25 would say, at least, and that's not counting farm

Page 25

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1 equipment. And that is our only access to 12. We
2 need emergency out there, you know? I do, anyway.
3 Is that it?

4 MR. TALBOTT: Yes, that is. Thank
5 you.

6 MRS. ADDINGTON: Good.

7 MR. BULGRIN: Is there anybody else
8 that is going to testify? We have more.

9 MS. SMITH: Here's another slip.

10 MR. BULGRIN: Okay. Gene Lewis.

11 MR. BULGRIN: Do you swear the
12 testimony you're about to give in this proceeding is
13 the truth?

14 MR. LEWIS: Yes, sir.

15 MR. BULGRIN: Could you give us your
16 name and address?

17 MR. LEWIS: Gene Lewis, 3627
18 Township Road 257.

19 MR. BULGRIN: Thank you.

20 MR. LEWIS: I think one of the
21 things that we're missing here and Edyie touched on
22 it, was there's several of us sitting in here that
23 farm on both sides of that railroad track. If they
24 close those we're going to have to go down Route 12
25 to get to them, and I am sure you guys never drove a

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1 slow piece of equipment down a road like Route 12.
2 It's very hazardous any time of day. And the other
3 point I'd like to make, it looks to me like the
4 railroad is on a bulk transition here, if it isn't a
5 big number, they don't want anything to do with it.
6 I think in Washington Township we -- boy, I can't
7 think of the word I want to use -- we value
8 everybody, whether it's one person going across there
9 or 500.

10 MR. BULGRIN: Mr. Talbott, anything?

11 MR. TALBOTT: No questions for you.

12 Thank you, Mr. Lewis.

13 MR. LEWIS: You got to speak up,
14 I'm sorry.

15 MR. TALBOTT: I don't have anything,
16 any questions for you. Thank you, Mr. Lewis.

17 MR. BULGRIN: Okay, I think -- is
18 this the last sheet we've got? So anybody that
19 haven't signed up that wants to sign up, see one of
20 these ladies here. Bob Hill.

21 MR. BULGRIN: Do you swear the
22 testimony you're about to give in this proceeding is
23 the truth?

24 MR. HILL: Yes, sir.

25 MR. BULGRIN: Please be seated.

1 State your name.

2 MR. HILL: My name is Bob Hill, I
3 live at 22497 U.S. 224, Fostoria, 44830. I represent
4 the local fire department; I'm the Fire Chief in
5 Washington Township. One of the problems that we run
6 into is closing down any crossing any place creates
7 us greater time to make access to any kind of an
8 emergency situation. In the case of 256, I would
9 have to go, continue east for approximately a mile,
10 go up 257 to 109, and then bring 109 back to 256 to
11 make an emergency response to the houses that are
12 located on 256 itself. And I'm sure you've probably
13 heard figures, which can be substantiated by our fire
14 marshal's office, any kind of a house fire doubles in
15 size every two and a half minutes. In that case, if
16 you cause me to be five minutes longer, a very small
17 kitchen fire can now become an entire fire in a
18 house. Another thing that I run into, we're a rural
19 fire department, we don't have fire hydrants. We
20 rely upon hydrants that may be located either in the
21 village or along Route 12. Our water for our village
22 comes from Fostoria. But for me to get to those
23 hydrants I no longer could go directly up 256 or 261
24 to get to a fire hydrant. I've got to make that mile
25 to two and a half mile trip to tank all that water

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1 back up to whatever kind of a structure I may be
2 working on. And even on grass fires. My grass truck
3 holds 300 gallons of water and it doesn't go very
4 far. I then have to take one of my other trucks out
5 to get water to that, and it creates a major, major
6 problem for us. The local ambulance services come
7 out of Findlay, Ohio. They would have to do exactly
8 the same thing: They'd have to go on down 12, up
9 257, and now we're only talking about 256, but it
10 just creates a major, major problem for us.
11 Approximately two weeks ago, and if memory serves me
12 right, it was on April the 8th; the railroad has a
13 tendency now to have -- and I don't know the proper
14 names for the different trains, but anything that's
15 pulling the semi trailers seems to have the priority
16 of everything over all other trains. I watched 257,
17 109, 261, and 262 blocked for 20 minutes. So I just
18 stayed and watched. That train that was blocking all
19 that was westbound. Right after that 20 minutes a
20 train from the west, going east, pulling all these
21 railroad -- or these semi trailers went through.
22 Now, in that 20 minute time frame my only crossing is
23 the village or clear into Fostoria. To do that, my
24 normal response is going to be direct to a fire, and
25 if it says it's on 261, you know, of that myriad of

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1 roads out there, of course I'm going to go east. I'm
 2 not going to work my way through here, because I
 3 don't know that those trains are out there. So that
 4 alone right there. When they seem to stop these
 5 trains now, they stop them for those particular
 6 trains going through. I don't -- I'm only going on
 7 secondhand information that I was told, that these
 8 are given priority over everything to moving freight
 9 across the country. Also 257 was closed a week ago
 10 and I was notified that it would last for three
 11 days. It lasted for a week and a half. But nobody
 12 bothered to call me, nobody ever told me about it. A
 13 year ago the railroad decided to close 261, 257, and
 14 256 all at the same time, and again never bothered to
 15 notify me at all. Now, I started making phone calls
 16 and I got 257 opened back up. But I do want to tell
 17 you, you cannot talk very friendly to anybody in the
 18 railroad department today. You have to call Florida,
 19 you have to put up with people that really don't give
 20 a rat whether I can get a fire truck across those
 21 crossings or not. Years ago I could call F Tower in
 22 Fostoria and I could get something done if I had a
 23 problem. Today, if I shut down a railroad, which we
 24 do from time-to-time for accidents, for whatever the
 25 problem may be, I get reamed upon very heavily to get

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1 these opened up and not by the nicest folks that ever
 2 were around. I guess the railroad has really pissed
 3 off a lot of us for the simple fact that they don't
 4 seem to care, as long as their, their wishes are
 5 okay. Up on 256 there's six houses that run up that
 6 road that it would take me that much longer to go,
 7 get to. On 261, that's a main feed artery for me to
 8 go up 261 and to feed into a lot of different houses
 9 and different roads. It goes clear across my entire
 10 fire district from State Route 12, and I can take any
 11 of those side roads then to go into houses, barns,
 12 accidents, whatever I might have to go into in that
 13 area, and it just is going to create a major, major
 14 timing for me. It's going take a lot longer for me
 15 to get there and every -- and minutes mean peoples'
 16 lives and that's what I'm interested in. I've got a
 17 number of men in this room that I'll guarantee you,
 18 we don't do -- we don't get out of bed at 2 o'clock
 19 in the morning because we like it; we do it because
 20 of a service to our community, and this just looks
 21 like somebody's trying to make that a lot more
 22 difficult for us.

23 MR. BULGRIN: Mr. Talbott?

24 MR. TALBOTT: I don't have anything
 25 for you. Thank you, Fire Chief.

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1 MR. HILL: Yep.
 2 MR. BULGRIN: Corey, is it Boes?
 3 MR. BOES: No, thanks, everyone
 4 has pretty much went over everything.
 5 MR. BULGRIN: Doug Reed. Do you
 6 swear that the testimony you're about to give in this
 7 proceeding is the truth?
 8 MR. REED: Yes, sir.
 9 MR. BULGRIN: Please be seated. Give
 10 us your name and address, please.
 11 MR. REED: Doug Reed, R-E-E-D,
 12 Jr., 105 West Fremont Street, Arcadia.
 13 MR. TALBOTT: Mr. Bulgrin, I missed
 14 his name.
 15 MR. REED: Doug Reed.
 16 MR. TALBOTT: Doug Reed? Okay,
 17 thanks. Just, if you could keep your voice up, as
 18 well. I don't hear the best.
 19 MR. REED: Sure.
 20 MR. TALBOTT: Thank you, much.
 21 MR. REED: I live in town here and
 22 I'm a volunteer fire fighter here in Washington
 23 Township, also. That's all I want speak upon, is
 24 what we do for the surrounding county and the
 25 village. The few moments that it may take to go

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1 around a stopped train or a crossing that's not there
 2 anymore is life and death, quite frankly. Two
 3 minutes is a world of difference between someone's
 4 home or a pile of ashes, or a two year old child
 5 choking, two minutes is death. There's no -- if it
 6 costs you a half a million dollars to keep the
 7 crossings up, it's worth one child. There's no, no
 8 question about it. That's all I have.

9 MR. BULGRIN: Thank you.
 10 Mr. Talbott?

11 MR. TALBOTT: From your perspective
 12 as a volunteer fire department, is either of those
 13 two crossings more important to your service?

14 MR. REED: Neither. We need them
 15 both at all times.

16 MR. TALBOTT: Is either one of them
 17 blocked more regularly than another?

18 MR. REED: Unfortunately it seems
 19 like both of them and all of them are blocked too
 20 often.

21 MR. TALBOTT: And by all of them,
 22 you're talking about what roadways?

23 MR. REED: From the east side of
 24 town, all the way back to Fostoria. From 109, 261,
 25 and 257, it's not easy to get that 3,000 gallon

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1 tanker down some of the roads to begin with, much
2 less than going across them, that we rely on, is
3 closed.

4 MR. TALBOTT: Do you have a sense,
5 from your experience, as living here in town and as a
6 volunteer fire fighter, whether 256 or 261 is blocked
7 more often?

8 MR. REED: That I don't know.

9 MR. TALBOTT: But your experience is
10 that both of them are blocked often?

11 MR. REED: Yes.

12 MR. BULGRIN: Okay. And if they're
13 blocked, then you use alternate roadways to get
14 around?

15 MR. REED: Because we have to,
16 unfortunately, and it burns up crucial time.

17 MR. TALBOTT: Okay, thank you.

18 MR. BULGRIN: Brad Lewis. Do you
19 swear that the testimony you're about to give in this
20 proceeding is the truth?

21 MR. LEWIS: Yes, sir.

22 MR. BULGRIN: State your name and
23 address.

24 MR. LEWIS: Brad Lewis, 3630
25 Township Road 257, Fostoria, 44830. I guess I got

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1 here a little late. I would say I was held up by a
2 train, but that's probably not funny. Am I
3 addressing you, sir or either or?

4 MR. BULGRIN: Sure.

5 MR. LEWIS: Okay. If you'll check
6 a plat book, my father and myself, we farm three out
7 of the four corners on the 257 crossing. The 261
8 crossing, we farm two out of the three tillable
9 corners on that. If you'll check a plat book,
10 anything that's GMB Farms, Brad Lewis, O.J. Huffman,
11 Harry Swartz, you'll find those lie very close to the
12 railroad from Arcadia to Fostoria. I guess I'm just
13 here to express my concern about if you do decide to
14 close 256 or 261, our travel time with farm equipment
15 on Route 12. As other people have said, a combine,
16 16 foot wide without the attachment on the front, 20
17 wide with the attachment on the front, minimum. A
18 tractor 14 foot, four inches wide with equipment on,
19 both traveling less than 22 miles an hour on Route
20 12. I'm just concerned for my family. I mean, my
21 father is Gene Lewis, my mother is Nancy Lewis, we
22 all have to be in on this and that's all, that's all
23 we have. That's all we are, trying to make a
24 living. And those two minutes that Doug and Bob
25 spoke about about a house, that's two minutes you

1 know possibly longer, five minutes that I have to be
2 on Route 12. I don't like to be on Route 12. I
3 avoid Route 12 at all costs. I don't even like to
4 cross Route 12, okay? When I have to put a piece of
5 equipment down that road that wide it scares me, and
6 it scares me for my boys, you know? With that
7 crossing there, either one of them, 261 or 256, I do
8 not have to be on Route 12. I would have to go
9 approximately three quarters of a mile the one way to
10 the -- from 257 to the west I would have to go
11 approximately a mile and a quarter. It doesn't sound
12 like much, but let's time that going down Route 12 at
13 3 o'clock in the afternoon. And I can't determine, I
14 can't say I'm going down there at 9 o'clock on a
15 Sunday morning. I don't know that. As well as the
16 railroad, when the shipment needs to go through it's
17 going through, okay, and I appreciate that. I mean,
18 that's just part of doing business. My question and
19 I know it's not a question and answer, but I would
20 like to pose to somebody: If 256 is closed, is there
21 a possibility of a farm crossing being put in?
22 Okay? That's just one of the small questions that I
23 have. That would help myself. I don't want to see
24 the road closed. I do not want to see that closing
25 taken out. But I hope you're here to hear all these

1 people and that this isn't a cut and dried thing
2 already, and we -- I appreciate you hearing our
3 comments, so. And that's all I have.
4 MR. BULGRIN: Sure.
5 MR. TALBOTT: Mr. Lewis, just a
6 couple questions for you. When you started I think
7 you said that your family farms three of the four
8 corners of 257, did you say?

9 MR. LEWIS: 256.

10 MR. TALBOTT: Oh, 256. Okay. You
11 guys actually own two quadrants?

12 MR. LEWIS: I own two on the south
13 side and my father owns one on the north side.

14 MR. TALBOTT: Okay, of the tracks?

15 MR. LEWIS: Yes.

16 MR. TALBOTT: So your family -- you,
17 yourself, own two on the south side of the tracks?

18 MR. LEWIS: Yes.

19 MR. TALBOTT: And then your dad owns
20 one on the other side of the tracks?

21 MR. LEWIS: Yes.

22 MR. TALBOTT: Okay.

23 MR. LEWIS: Immediately adjacent to
24 the tracks. Now there's more that involves that
25 crossing that we have to get to.

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1 MR. TALBOTT: Okay. And I think you
2 said 261, you farm two of the three tillable
3 quadrants?
4 MR. LEWIS: Correct.
5 MR. TALBOTT: You guys own those?
6 MR. LEWIS: That is -- no, we do
7 not own that, to answer your question.
8 MR. TALBOTT: Okay. Do you currently
9 use Route 12 at all for your operations? I mean, do
10 you ever have an occasion to operate your heavy farm
11 machinery on Route 12?
12 MR. LEWIS: Not at all. Not any
13 farm implements; trucks taking grain to the elevator,
14 yes, but not farm implements at all.
15 MR. TALBOTT: As you sit here, have
16 you ever operated your heavy farm equipment on Route
17 12?
18 MR. LEWIS: Yes. And it was at --
19 I was scared.
20 MR. TALBOTT: What was the occasion
21 that --
22 MR. LEWIS: A train was blocking.
23 MR. TALBOTT: What roadway?
24 MR. LEWIS: 109, 257, and 261.
25 MR. TALBOTT: Do you have an estimate

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1 as to how many vehicles a day you see on 256?
2 MR. LEWIS: I wouldn't have
3 knowledge of that. I do not live on that road.
4 MR. TALBOTT: But from farming out
5 there, what's your experience as far as whether --
6 which of the two roads is more heavily traveled, 256
7 or 261?
8 MR. LEWIS: I would have to say
9 they're pretty equal as far that goes.
10 MR. TALBOTT: Okay. Thank you.
11 MR. LEWIS: Thank you.
12 MR. BULGRIN: Okay. That's everybody
13 I think we have on the list. Is there anybody else
14 that wants to give any testimony?
15 MR. BULGRIN: Do you swear that the
16 testimony you're about to give in this proceeding is
17 the truth?
18 MRS. SMITH: Yes. My name is Brenda
19 Smith and I live at 20027 Township Road 218,
20 Fostoria. I happen to live on the corner of 256 and
21 257 and I have concerns with the closure of both of
22 these railroad tracks. No. 1, we are like the
23 Lewises and we will have to go down Route 12 if they
24 close 261; we'll have to go down to Route 12 and go
25 further to bring our equipment back across. Living

1 on 256 and 218, I'm one of the houses that Bobby Hill
2 talked about that would be affected by it in case of
3 a fire or if there was an accident, or any type of
4 emergency situation there. And I can sit and look
5 out my picture window, and anybody in my family could
6 say, tell you, 257 is closed because of the cars that
7 come down, come down and they slam on the brakes and
8 then they turn down 257 because they're late going to
9 work. We have the same problem when they're coming
10 back, maybe 257 is closed or 109 is closed, so
11 they're coming down our road and they're slamming on
12 their brakes, they're turning the corner and going.
13 And I don't believe your statistics when you did it,
14 because there's sometimes when I make 10 to 12 trips
15 down that road myself, and especially -- and
16 especially when it's in the spring of the year or in
17 the fall of the year I could probably sit and see
18 Gene and Brad Lewis going up and down that road
19 probably 10 or 12 times when they're hauling grain or
20 they're moving equipment and stuff. I think your
21 statistics must have been done on a snowy day when
22 nobody was going up and down the road. I think that
23 they need to be moved up to maybe a couple hundred
24 cars are going up and down there a day and stuff.
25 261 will affect us because our farm operation is also

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1 not far from there and I would say that the traffic
2 is probably close to that, too, because when the
3 trains sit out there everybody is going by and trying
4 to find a way to get there and stuff, so.
5 MR. BULGRIN: Mr. Talbott?
6 MR. TALBOTT: Yes. I have no
7 questions. Thank you.
8 MR. LEWIS: Thank you.
9 MR. BULGRIN: Anybody else? Do you
10 swear the testimony you're about to give in this
11 proceeding is the truth?
12 MR. KELBLEY: Yes. Ron Kelbley.
13 MR. BULGRIN: I'm sorry, could you --
14 MR. KELBLEY: Ron Kelbley.
15 MR. BULGRIN: How do you spell your
16 last name?
17 MR. KELBLEY: K-E-L-B-L-E-Y, 2423
18 Township Road 256.
19 MR. BULGRIN: Could you speak up?
20 MR. KELBLEY: All right. Well, I'm
21 one of the guys that live on 256, too, and we all
22 farm and we've got a lot of equipment in our barns.
23 And that little bit of -- you guys are talking about
24 keeping that crossing up, probably we have more in
25 our barns than that little bit is, I mean, three or

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1 400,000 sometimes. And for Bobby to have to run
 2 around and try to get to it is pretty devastating
 3 when you look out there and say, "There's that train
 4 and my barn is burning, or my house, or my child is
 5 in trouble," or there's a wreck because someone went
 6 around the train and they didn't realize the road
 7 stopped, which we had that happen last week. Ran out
 8 in the neighbor's field and just about took my pole
 9 down, and you can go out there in the road and see
 10 the marks right now. And that wouldn't have happened
 11 if the crossing wouldn't have been blocked last
 12 weekend, because an unfamiliar person trying to get
 13 around the blocks. So in all we should keep them
 14 open.
 15 MR. TALBOTT: Mr., is the last name
 16 Kelbler?
 17 MR. KELBLEY: Kelbley.
 18 MR. TALBOTT: Kelbley.
 19 MR. KELBLEY: K-E-L-B-L-E-Y.
 20 MR. TALBOTT: Okay. Thank you.
 21 Mr. Kelbley, when you're talking about the roads
 22 stopping, you're talking about 256?
 23 MR. KELBLEY: Six, into 218 a guy
 24 just about took a pole, or someone just about took a
 25 pole down that Friday night, because they slammed on

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1 the brakes so hard and they went on out, they swerved
 2 and missed the pole and went out in the field and
 3 turned around. And I was very shocked, when I went
 4 up there in the morning, I said, "Wow." But it was
 5 someone unfamiliar with the site and they was going
 6 too fast and they didn't realize the road was going
 7 to T.
 8 MR. TALBOTT: Okay. 257, you said
 9 you live on 256?
 10 MR. KELBLEY: Six.
 11 MR. TALBOTT: Okay. 257 is a through
 12 road?
 13 MR. KELBLEY: Yes.
 14 MR. TALBOTT: 256 T's?
 15 MR. KELBLEY: Into 218.
 16 MR. TALBOTT: And on the south end of
 17 12, right?
 18 MR. KELBLEY: Correct.
 19 MR. TALBOTT: How long is 256, ball
 20 park total?
 21 MR. KELBLEY: Well, you'll have to
 22 get in your vehicle and drive out there and see,
 23 because I can't --
 24 MR. TALBOTT: Do you have an
 25 estimate?

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1 MR. KELBLEY: It's at least two mile,
 2 I don't know.
 3 MR. TALBOTT: It's what?
 4 MR. KELBLEY: It's at least two mile
 5 or better.
 6 MR. TALBOTT: Okay.
 7 MR. KELBLEY: I guess you're going to
 8 have to get in your vehicle and drive out there.
 9 MR. TALBOTT: Well, I'm not -- I'll
 10 gladly do that, but I'm asking you if you know from
 11 living there approximately how long your road is?
 12 And if you don't, that's okay.
 13 MR. KELBLEY: No.
 14 MR. TALBOTT: Okay. Thank you very
 15 much.
 16 MR. BULGRIN: Thank you. Anyone
 17 else? Do you swear the testimony you're about to
 18 give in this proceeding is the truth?
 19 MR. GREENLEE: I do.
 20 MR. BULGRIN: Okay. And if you could
 21 state your name?
 22 MR. GREENLEE: My name is Neil
 23 Greenlee.
 24 MR. BULGRIN: Would you spell your
 25 last name?

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1 MR. GREENLEE: G-R-E-E-N-L-E-E. I
 2 live at 20200 County Road 109. I live in between 256
 3 and 257. I have a three year old daughter and
 4 frequently County Road 256 and 257 are blocked.
 5 You're talking about a couple extra minutes might
 6 mean all the difference in the world. My little girl
 7 is my world. If the crossings are blocked and
 8 something happens that extra time can mean the
 9 difference between my daughter living and dying. Not
 10 only that, and I don't know the specifics, I don't
 11 know details, I don't remember the dates, but I'm
 12 sure people remember about the guy that was riding
 13 the railroads, hiding in the box cars. You know,
 14 what's the odds of that happening again? Probably
 15 not very well, but it -- there's the chance there.
 16 You know, is the railroad going to guarantee our
 17 personal safety with these trains sitting out here?
 18 MR. BULGRIN: Mr. Talbott?
 19 MR. TALBOTT: No questions,
 20 Mr. Greenlee. Thank you.
 21 MR. BULGRIN: Thank you. Anyone
 22 else?
 23 MR. HILL: Could I ask a
 24 question?
 25 MR. BULGRIN: Hang on. Well, let's

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1 get through everybody. Sir?

2 MR. BOES: Could I say something?

3 MR. BULGRIN: Yes, please.

4 Absolutely. That's what we're here for. Do you

5 swear the testimony you're about to give in this

6 proceeding is the truth?

7 MR. BOES: Yes.

8 MR. BULGRIN: Okay. And your name?

9 MR. BOES: Lanny Boes, 19694

10 Township Road 218.

11 MR. BULGRIN: I'm sorry, could you

12 repeat your name?

13 MR. BOES: Lanny Boes, L-A-N-N-Y

14 and B-O-E-S.

15 MR. BULGRIN: Okay. Thanks.

16 MR. BOES: There's a couple things

17 that I don't think were brought up this evening that

18 should be, and the main one is that it seems to me

19 that maybe the point of this meeting isn't what it

20 should be. That maybe instead of worrying about

21 closing two crossings, the railroad should be worried

22 about putting in an overpass. And the thing that got

23 me to come to this meeting was the aggravation that I

24 feel every time I pull up to one of those crossings

25 and there's two cars, two train cars short of

1 MR. BULGRIN: Hang on a second and

2 let's go off the record.

3 THEREUPON, there was a brief discussion off

4 the record.

5 MR. COLLETTE: Is this something -- is

6 this questions for the --

7 MR. GREENLEE: Still want to testify?

8 MR. LEWIS: Sure, again. Maybe I

9 missed it, but I don't hear very well. But I'm

10 wondering, why is the railroad wanting to close these

11 crossings? I haven't heard any reason at all yet.

12 MR. TALBOTT: Just so the record is

13 clear, could the witness identify -- could you

14 identify yourself again? Could you state your name

15 again?

16 MR. LEWIS: Gene Lewis, 3627

17 Township Road 257.

18 MR. TALBOTT: Okay.

19 MR. LEWIS: It's your ball game.

20 MR. TALBOTT: I'll gladly -- I made

21 an introduction, an introductory spiel at the

22 beginning and told you a little about it about what,

23 you know, we're under some pressure from a lot of

24 different sides to identify crossings throughout not

25 just Washington Township, but beyond, which may not

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1 clearing the crossing. And I know that those engines

2 have measuring devices so they don't do that; they

3 know how long the trains are. They push the button

4 when they cross the crossing and they measure how far

5 they've gone past it so that they don't block a

6 crossing by two or three cars. And when you have a

7 truck that's tied up, sitting there at one of those

8 crossings for 20 minutes, you know, a car can turn

9 around and probably not get stuck in a ditch, but a

10 big truck, that's a little different story. And I,

11 after hearing about the fire department and the

12 rescue, it's just unbelievable that they consider

13 closing those crossings, but then I guess it's

14 unbelievable that they would park a train two cars

15 short of clearing them, too. So I guess the thing is

16 they don't care about us, they seem to care about

17 raising freight rates plenty well, but I'm sorry.

18 Give me your question.

19 MR. TALBOTT: No questions for you,

20 sir. Thank you.

21 MR. BULGRIN: Thank you. Anyone

22 else?

23 MR. LEWIS: I'm wondering if -- if

24 -- I've been up there and given my oath. If the

25 road --

1 be as critical to communities as other crossings;

2 because of this sense not only within the railway,

3 but within the government, we believe is, is that the

4 fewer crossings, the better. Because the safest

5 crossing is a closed crossing. If you have a closed

6 crossing you don't have the opportunity for a

7 vehicle/train collision, okay? And the other, so

8 we've got 2 main issues, safety and also cost. It

9 isn't just cost of the railway, it's cost to you and

10 everybody here that -- the tax payer pays to maintain

11 each crossing that's open, tax payers pay for, it

12 costs us money. So that, you know, those are two

13 main issues. And I said that at the beginning of the

14 night and they're aren't any real, any real secrets

15 there. So, you know, I'll gladly -- I'm going to be

16 here after the hearing tonight and -- as will your

17 counsel, Mr. Collette, and we'll gladly talk about

18 that further, if you'd like.

19 MR. BOES: Okay.

20 MR. TALBOTT: Okay?

21 MR. BOES: Thank you.

22 MR. TALBOTT: Yep, thank you.

23 MR. BULGRIN: Yes. Do you want to be

24 on? Just a few.

25 MR. HILL: Just a question. My

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1 name is Bob Hill. And I'd like to direct that to
 2 Casey. What -- yes, this Casey, not you.
 3 MR. COLLETTE: Thanks, Bob.
 4 MR. HILL: I'll get you next. I
 5 where you reside. He's from Toledo, that's a long
 6 way. What's it cost to put warning lights on a
 7 crossing?
 8 MR. TALBOTT: Mr. -- or Chief Hill,
 9 I'll gladly take that type of question afterward. If
 10 you have specific questions, Chief?
 11 MR. HILL: We'll, I'd like it on
 12 the record. Does the railroad pay for that?
 13 MR. TALBOTT: Well, I --
 14 MR. HILL: Does the railroad pay
 15 for putting up crossing lights?
 16 MR. TALBOTT: You've asked me a
 17 question; you want me to answer your question?
 18 MR. HILL: As best you can.
 19 MR. TALBOTT: Will you give me the
 20 courtesy of letting me answer now?
 21 MR. HILL: Sure.
 22 MR. TALBOTT: If you would -- if you
 23 have fact specific questions that involve cost and
 24 things like that. I do not have fact specific
 25 answers for you tonight, but I will gladly -- I have

1 MR. BULGRIN: Mr. Hill, a couple
 2 things. One is, if you would want to take a look,
 3 there was a recent case involving an upgrade to
 4 County Road 216, and if you can go on our website and
 5 look at Case No. 02276.
 6 MR. HILL: 0?
 7 MR. BULGRIN: 02 -- or, I'm sorry,
 8 08276. I believe, I believe you might find specific
 9 cost estimates and that kind of information in this
 10 case.
 11 MR. HILL: And that would tell me
 12 who, who pays the cost --
 13 MR. BULGRIN: That would give you --
 14 MR. HILL: -- whether it's the
 15 railroad or the State of Ohio?
 16 MR. BULGRIN: Correct. I believe it
 17 -- the orders eventually spell out exactly who's
 18 paying what share.
 19 MR. HILL: But it's not all paid
 20 by the railroad?
 21 MR. BULGRIN: No, it's not all paid
 22 by the railroad. And I believe these, these closure,
 23 this closure initiative, and it isn't just this
 24 county, it is across the board. We're having other
 25 cases, it is more safety driven than it is a strict

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1 a good working with relationship with Mr. Collette,
 2 I've got a good working relationship with
 3 Mr. Conine. If you have fact specific questions and
 4 communicate those to me, you know, off the record or
 5 on the record, I will gladly go to try to get that
 6 information for you and we'll relay it back to you.
 7 But I don't have it at my disposal tonight and I just
 8 cannot answer the question. If you're talking in
 9 general, if you're talking about maintaining a
 10 crossing or if you're talking about putting in new
 11 lights and gates and things like that at a crossing,
 12 it's usually a cost-share between the railway and the
 13 government, you know, state or federal government.
 14 It's usually a cost-share. Now as far as specifics,
 15 I can't, I can't give you those.
 16 MR. HILL: So we are paying for
 17 those crossings to be guarded today? The people
 18 sitting in this room, it comes out of our pockets?
 19 It doesn't always come out of the railroad. So
 20 really cost is not your objective here tonight. Your
 21 main objective is just to close these things
 22 irregardless of how difficult it makes this for us in
 23 the communities, you just want them closed. Because
 24 we pay for that, our tax dollars pay for that, and
 25 I'm sure you know that.

1 cost things. I mean, if you have people killed at
 2 the crossing, you know, I mean, the safety issue cuts
 3 both ways. So this is not an open and shut deal.
 4 It's important that the Commission hear from the
 5 local community if closing a crossing is going to be
 6 a hardship, so that's what we're doing here tonight.
 7 Ma'am, do --
 8 MS. LLOYD: Can I testify?
 9 MR. BULGRIN: Yes, please. Do you
 10 swear the testimony you're about to give in this
 11 proceeding is the truth?
 12 MS. LLOYD: Yes, I do.
 13 MR. BULGRIN: And if you could give
 14 us your name and address?
 15 MS. LLOYD: My name is Kylie,
 16 K-Y-L-I-E, Lloyd, L-L-O-Y-D, 22151 U.S. Highway 224,
 17 Fostoria, 44830.
 18 MR. BULGRIN: Thank you.
 19 MS. LLOYD: This being a safety
 20 concern really concerns me, because our farmers that
 21 are now going to have to be on 12, which is a
 22 terrible road to begin with, that is -- I'm a fire
 23 fighter and an EMT here in Washington Township.
 24 Having more slow traffic on 12, which is already one
 25 of our biggest accident areas, is going to increase

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1 for us. It's going to make more of a problem for us,
 2 than the tracks being closed, you know? Just that
 3 increase in traffic out there and the slow moving
 4 traffic is really going to be a problem for us. I
 5 live out on 224, for me to go to the far end of our
 6 district for a medical call, an accident, I take 261
 7 out that way. That's my way there, otherwise I have
 8 to come all the way in to go all the way out again
 9 from where I live. So 261 is my only access out
 10 there. It's important for me to have those crossings
 11 open. And I think closing them will create bigger
 12 safety hazards, even on 12, with the farm equipment,
 13 extra traffic out there, than we already have now.

14 MR. BULGRIN: Mr. Talbott?

15 MR. TALBOTT: No questions. Thank
 16 you, ma'am.

17 MR. BULGRIN: Thank you. I think we
 18 have --

19 MR. ADDINGTON: I testified earlier, my
 20 name is John Addington.

21 MR. BULGRIN: Yes.

22 MR. ADDINGTON: Yes. I just find it
 23 ironic, perhaps relevant, that the two crossings
 24 we're talking about are the only two crossings that
 25 are unprotected between Arcadia and Fostoria.

1 ahead and called him, I said, "Hey, what's going on
 2 here?" I do not have the individuals' names that
 3 called and said that we're looking at gates and
 4 lights there. I found it kind of ironic hearing this
 5 whole thing that, of course, that stopped right away
 6 and someone was obviously stubbed their toe in the
 7 whole thing, is that why would we want -- why would
 8 we be seeing gates and lights and you're trying to
 9 close the crossing? And so I knew that everyone here
 10 needed to know that, and especially you and the folks
 11 in Columbus.

12 MR. BULGRIN: Okay.

13 MR. CONINE: Is there any
 14 questions?

15 MR. TALBOTT: Mr. Conine, do you have
 16 a -- living on 257, you're familiar with 256, as
 17 well?

18 MR. CONINE: Yes.

19 MR. TALBOTT: Do you have an estimate
 20 as to the number of vehicles on that road a day?

21 MR. CONINE: No, I don't, because
 22 that's not a road that I regularly use. So I can't
 23 really give an estimate. I find 70 or the number
 24 that's being used is really low, if anything, but I
 25 can't say for sure.

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1 MR. BULGRIN: Thank you.

2 MR. CONINE: May I testify?

3 MR. BULGRIN: Yes.

4 MR. CONINE: I'm not on the list.
 5 I'll see if I can get through it, I apologize for the
 6 throat. My name is Gary Conine, C-O-N-I-N-E, 148
 7 County Road 257, Fostoria. Do you want to swear me
 8 in?

9 MR. BULGRIN: Oh, yes, please. Do
 10 you swear the testimony you're about to give in this
 11 proceeding is the truth?

12 MR. CONINE: Yes, sir. Our Fire
 13 Chief, Bob Hill over here, brought up a point about
 14 costs, and it jogged my memory on something that was
 15 brought to light to me, and everyone in this room
 16 needs to know it and it needs to be on the record,
 17 and especially PUCO people and the people that you're
 18 going to carry this information back to in Columbus
 19 need to know this. It was only per a phone call to
 20 me, as township trustee, notifying me that that there
 21 was going to be gates and lights installed on 256.
 22 At that time we were already being told by
 23 Mr. Talbott that there was proceedings that may
 24 start, may start to close 256. Being up front as I
 25 could be with Mr. Talbott, as I have been, is I went

1 MR. TALBOTT: Okay. That's all I
 2 have. Thanks.

3 MR. BULGRIN: Thank you. Anyone
 4 else? Last call. Okay, if not, then I'm going to
 5 let our court reporter go. And thank you for your
 6 testimony.

7 THEREUPON, the meeting was adjourned at 7:11 p.m.

1 CERTIFICATE

2 STATE OF OHIO }
3 COUNTY OF ERIE } ss.

4

I, Lori L. Delhees, Stenotype Reporter and
Notary Public within and for the State aforesaid,
duly commissioned and qualified, do hereby certify
that the foregoing, consisting of 56 pages, is a true
and complete transcript as taken by me in stenotype
and later transcribed under my direction of the
proceedings conducted on the 24th day of April,
2008. I do further certify that I was personally
present in the room during all of the proceedings.

9

10 IN WITNESS WHEREOF, I have hereunto set my hand
and seal of office at Sandusky, Ohio this day of

11

, 2008

12

13

14

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Notary Public

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My commission expires 11/24/2012

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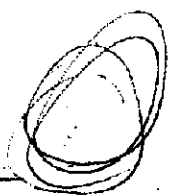
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3. Carl Graham 3741 Co RR 338 Foster RM

4. John & Elsie Addington 2106 TR 256 Fostoria
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5. Louise Addington

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8. Corey Boes 2325 CR 257
Fostoria, OH 44830
9. James Snyder 202 N Main St
Another MIG Greenwich, OH 44804
8. Doug REED JR. 105 West Fremont St
ARCADERA OH 44804
9. BRAD LEWIS 3630 TR 257
FOSTORIA, OH 44830
10. Brenda Smith
11. Ron Kelblay
12. Neil Greenlee
13. Larry Boes
14. Kylie Lloyd
15. Gary Conine
- 12.
- 13.
- 14.