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2	PUBLIC UTILITIES COMMISSION OF OHIO
3	PUBLIC HEARING
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5	IN RE: PETITION OF NORFOLK SOUTHERN
6	RAILWAY COMPANY
7	
8	TO CLOSE RAILROAD CROSSINGS
9	TOWNSHIP ROAD 256 DOT NO. 472447R
.0	AND/OR TOWNSHIP ROAD 261 DOT NO. 472441A
.1	WASHINGTON TOWNSHIP, HANCOCK COUNTY
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.3	CASE NO. 08-97-RR-UNC
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L6	Thursday, April 24th, 2008
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19	Arcadia Community Park
20	County Road 216/Township Road 254
21	Arcadia, Ohio
22	PUCO
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24	accurate and complete reproduction of a case file document delivered in the regular course of business
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2	<u>APPEARANCES</u> :
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14	On behalf of Township Trustees
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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 Norwalk 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 Norwalk 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. 2 MR. BULGRIN: And Mr. Collette, if you want to --3 MR. COLLETTE: Yes. No relation at 4 all, but my first name is K.C. also. And the 5 Township Trustees have indicated one, to assisting б 7 Hancock County Prosecutors and I'm here, here on behalf of the Trustees. The way I'll do this all and 8 -- I don't know, I mean, you'll probably explain the 9 process that will take place? 10 MR. BULGRIN: Yes. 11 MR. COLLETTE: 12 Good to see you. 13 MR. BULGRIN: Okay. On February 4th, 2008, Norfolk Southern Railroad Company filed a 14 petition to close Township Road 256 and/or Township 15 16 Road 261 crossings in Washington Township to vehicular and pedestrian traffic. Norfolk Southern 17 contends that these crossings experience light 18 vehicular traffic which could be diverted without 19 20 unreasonable inconvenience to other adjacent roads 21 and vehicular crossings, which are or will be 22 equipped with greater crossing protection. February 25th, 2008 the Commission's staff filed it's 23 report of investigation recommending a public hearing 24 be conducted. Petitions for closure of railroad 25

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crossings are governed by Ohio Revised Code Sections 4907.474 and 4907,475, which require that in order to grant a petition for closure the Commission must find that there is not a demonstrable need for the crossing to exist. These sections also provide that a hearing on a petition to close a grade crossing be held in a location within the boundaries of the municipal corporation or in the case of a rural crossing the County in which the crossing is located, and that notice of such hearing be provided through a publication once a week for three consecutive weeks prior to the hearing in a newspaper of general circulation in the county. An evidentiary hearing will also be held in this case on Wednesday, May 28th, 2008, at 10:00 a.m. at the Public Utilities Commission in Columbus. And at that time Norfolk Southern will be presenting evidence and witnesses to support it's petition. If there's any party that wishes to intervene in that proceeding, they need to do so by May 21st, and there's information available on the Commission's Website, which is www.puco.ohio.gov, or by calling the 800 number, (800) 686-7826. But tonight's hearing is being conducted to provide the public an opportunity to testify regarding the possible closing of either

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

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

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

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

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

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

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

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

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

UNIDENTIFIED SPEAKER: Yes, I have one. was the full case number on this again, because that goes back to where you can pick that up on the

Yes. Thank you. The Case No., the important numbers to remember are -let me find it. It's 08, which is 2008, and the 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

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

only 55 cars that the federal study has reported that 1 use 256 in a day, but in the same aspect there's only 2 3 29 trains that use that rail per day, so there's 4 almost twice as many cars using it as rail, so. But those are some of the current concerns that we have 5 and, you know, the issue, the biggest issue for 6 7 everybody on that side of town is the number of trains that park and wait there, that being the 8 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 parked out there on this side of town and, you know. 13 Depending on which crossing it is and what time of 14 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 understand, because when I walk out of here tonight, 24 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

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

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

MR. TALBOTT: Okay.

MR. HOLMAN: And it incoveniences everybody o this side of town. And once that ethanol plant gets opened up on the other side of Fostoria there's going to be even more trains that are going to be traversing both the A and B line trying to get through Fostoria and, you know. I know they wait on the B line. They have to wait on the B line. I've 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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my address is 17024 State Route 12, Findlay. Transportation Supervisor for Arcadia School and we run buses up each one of the roads west of town -- or east of town, I'm sorry. We have students on both sides of the track in most places. I've seen as high as five trains parked between here and Fostoria waiting to clear Fostoria, and each time that happens then we have to reroute the buses. Last year's figure from the State, to run our buses, was over \$3.00 a mile; that was before the price of fuel has gone up tremendously. So each time we have to run buses around a closed track or a blocked track, we're talking substantial amount, extra money. Not talking about the amount of time extra that the students are If we have to go through Fostoria to get on the bus. around a parked train, use the underpass in Fostoria and come back out, then I have to pick up kids on the wrong side of the road and make them cross a State highway, a serious safety concern at that point. I'm not sure that closing the crossings is the right thing to do. I need most of those crossings just to get buses around some days when we have heavy train traffic. Go ahead, a guestion.

MR. TALBOTT: From, Mr. Smith, from 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
б	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.

MR. BULGRIN:

If you could state your

name and address for the record, please.

MR. ADDINGTON:

John Addington,

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

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?

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MRS. ADDINGTON:

It's the same address,

He missed some things. Well, first off, I'm yes. home all day and so I see a whole lot of trains parked; they're not being broken, they're just parked over every darn intersection, except maybe ours. Last Friday I came from Fostoria and the only way I could get home was my road, 256. All of them were totally parked up. They don't break the trains, and I can understand why: It really isn't financially, you know, a good idea, because it takes more money to put it back together than anything else, just pay the But also 256 is mighty close to a switching station between Arcadia and 256. So what's the point, if they're going to park a train, it's going to go across 256, 109, 218, it's going to go across all of them. 250 -- no, not 218. I'm sorry, I take that back. 256, 109 and 257. And -- which means I have to go clear to Fostoria or I have to go to Arcadia to go anywhere, not to mention everybody that has farmland, including our nearest neighbor, has to come from the south side of 12 to get to his land right next to us, which means he has to go either clear to Arcadia on Route 12, or he has to go to Fostoria to get his farm equipment there. 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
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slow piece of equipment down a road like Route 12.
It's very hazardous any time of day. And the other
point I'd like to make, it looks to me like the
railroad is on a bulk transition here, if it isn't a
big number, they don't want anything to do with it.
I think in Washington Township we boy, I can't
think of the word I want to use we value
everybody, whether it's one person going across there
or 500.
MR. BULGRIN: Mr. Talbott, anything?
MR. TALBOTT: No questions for you.
Thank you, Mr. Lewis.
MR. LEWIS: You got to speak up,
I'm sorry.
MR. TALBOTT: I don't have anything,
any questions for you. Thank you, Mr. Lewis.
MR. BULGRIN: Okay, I think is
this the last sheet we've got? So anybody that
haven't signed up that wants to sign up, see one of
these ladies here. Bob Hill.
MR. BULGRIN: Do you swear the
testimony you're about to give in this proceeding is
the truth?
MR. HILL: Yes, sir.
MR. BULGRIN: Please be seated.

My name is Bob Hill, I

State your name.

MR. HILL:

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

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

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

these opened up and not by the nicest folks that ever 1 2 were around. I quess the railroad has really pissed off a lot of us for the simple fact that they don't 3 4 seem to care, as long as their, their wishes are 5 okay. Up on 256 there's six houses that run up that road that it would take me that much longer to go, 6 7 get to. On 261, that's a main feed artery for me to go up 261 and to feed into a lot of different houses 8 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' lives and that's what I'm interested in. I've got a 16 17 number of men in this room that I'll guarantee you, we don't do -- we don't get out of bed at 2 o'clock 18 in the morning because we like it; we do it because 19 20 of a service to our community, and this just looks 21 like somebody's trying to make that a lot more difficult for us. 22 Mr. Talbott? 23 MR. BULGRIN: MR. TALBOTT: I don't have anything 24 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 eve	rything.
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, ple	ase.
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.	ļ
15	MR. REED:	Doug Reed.
16	MR. TALBOTT:	Doug Reed? Okay,
17	thanks. Just, if you could k	eep 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 surroundin	g county and the
25	village. The few moments tha	t 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
б	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
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here a little late. I would say I was held up by a train, but that's probably not funny. Am I addressing you, sir or either or?

MR. BULGRIN:

Sure.

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

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

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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

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on 256 and 218, I'm one of the houses that Bobby Hill talked about that would be affected by it in case of a fire or if there was an accident, or any type of emergency situation there. And I can sit and look out my picture window, and anybody in my family could say, tell you, 257 is closed because of the cars that come down, come down and they slam on the brakes and then they turn down 257 because they're late going to We have the same problem when they're coming work. back, maybe 257 is closed or 109 is closed, so they're coming down our road and they're slamming on their brakes, they're turning the corner and going. And I don't believe your statistics when you did it, because there's sometimes when I make 10 to 12 trips down that road myself, and especially -- and especially when it's in the spring of the year or in the fall of the year I could probably sit and see Gene and Brad Lewis going up and down that road probably 10 or 12 times when they're hauling grain or they're moving equipment and stuff. I think your statistics must have been done on a snowy day when nobody was going up and down the road. I think that they need to be moved up to maybe a couple hundred cars are going up and down there a day and stuff. 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 when you look out there and say, "There's that train 3 4 and my barn is burning, or my house, or my child is in trouble," or there's a wreck because someone went 5 around the train and they didn't realize the road 6 7 stopped, which we had that happen last week. in the neighbor's field and just about took my pole 8 9 down, and you can go out there in the road and see 10 the marks right now. And that wouldn't have happened if the crossing wouldn't have been blocked last 11 weekend, because an unfamiliar person trying to get 12 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. Kelbley. 18 MR. TALBOTT: MR. KELBLEY: K-E-L-B-L-E-Y. 19 20 MR. TALBOTT: Okay. Thank you. 21 Mr. Kelbley, when you're talking about the roads stopping, you're talking about 256? 22 MR. KELBLEY: Six, into 218 a guy 23 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 have measuring devices so they don't do that; they 2 know how long the trains are. They push the button 3 4 when they cross the crossing and they measure how far 5 they've gone past it so that they don't block a crossing by two or three cars. And when you have a 6 7 truck that's tied up, sitting there at one of those crossings for 20 minutes, you know, a car can turn 8 around and probably not get stuck in a ditch, but a 9 10 big truck, that's a little different story. 11 after hearing about the fire department and the rescue, it's just unbelievable that they consider 12 closing those crossings, but then I guess it's 13 14 unbelievable that they would park a train two cars 15 short of clearing them, too. So I guess the thing is they don't care about us, they seem to care about 16 17 raising freight rates plenty well, but I'm sorry. Give me your question. 18 MR. TALBOTT: No questions for you, 19 20 sir. Thank you. MR. BULGRIN: Thank you. Anyone 21 else? 22 23 MR. LEWIS: I'm wondering if -- if -- I've been up there and given my oath. If the 24 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

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

MR. HILL: So we are paying for those crossings to be guarded today? The people sitting in this room, it comes out of our pockets? It doesn't always come out of the railroad. So really cost is not your objective here tonight. Your main objective is just to close these things irregardless of how difficult it makes this for us in the communities, you just want them closed. Because we pay for that, our tax dollars pay for that, and 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 May I testify? MR. CONINE: 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 Yes, sir. MR. CONINE: 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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1	CERTIFICATE
2	STATE OF OHIO)
3) ss. COUNTY OF ERIE)
4	I, Lori L. Delhees, Stenotype Reporter and
5	Notary Public within and for the State aforesaid, duly commissioned and qualified, do hereby certify
6	that the foregoing, consisting of 56 pages, is a true and complete transcript as taken by me in stenotype
7	and later transcribed under my direction of the proceedings conducted on the 24th day of April,
8	2008. I do further certify that I was personally present in the room during all of the proceedings.
9	propono in one reem daring din er eme presentange.
10	IN WITNESS WHEREOF, I have hereunto set my hand and seal of office at Sandusky, Ohio this Andrews
11	$\bigcap_{\mathcal{M}} \mathcal{M} \qquad , 2008 \bigcirc \qquad \bigcirc$
12	$\frac{1}{2008}$
13	Thoris T. Dolhold
14	HUNTLEY REPORTING SERVICE Lori L. Delhees
15	Notary Public
16	P. O. Box 1067 Sandusky, Ohio 44870
17	My commission expires 11/24/2012
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		Condi		
١,		Page 1	ı	Page 3
1 2	PUBLIC UTILITIES COMMISSION OF ONIO		2	MR. BULGRIN: This is the the
3	PUBLIC HEARING	!	1 -	Public Utilities Commission has assigned for hearing
١	DODIE MINING			at this time and place Case No. 08-97-RR-UNC, being
,	IN RB: PETITION OF NORFOLK SOUTHERN		l .	the matter of the petition of Norwalk Southern
6	RAILWAY COMPANY		l .	Railroad Railway Company to close Township Road 256,
7				DOT No. 472447R, and/or Township Road 261, DOT
8	TO CLOSE RAILROAD CROSSINGS		8	No. 472441A, a crossing in Washington Township,
9	TOWNSHIP ROAD 256 DOT NO. 472447R		9	Hancock County, Ohio.
10	AND/OR TOWNSHIP ROAD 261 DOT NO. 472441A		10	My name is Dick Bulgrin; I'm the Attorney
11	WASHINGTON TOWNSHIP, HANCOCK COUNTY			Examiner assigned by the Public Utilities Commission
12				to conduct the hearing and with me are a couple
13	CASE NO. 08-97-RR-UNC			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	Thursday, April 24th, 2008			want to make an appearance on the record?
17			17	MR. TALBOTT: Yes, My name is Casey
18			1	Talbott; I'm with a law firm up in Toledo, Ohio. I'm
19	Arcadia Community Park			here on behalf of Norwalk Southern. I've met a
20	County Road 216/Township Road 254			number of you folks before and we appreciate all of
21	Arcadia, Ohio		1	you coming in and coming in tonight for, I guess, say that most of you are, if not all of you, are not in
22			1	favor of closing it, but we still welcome your
24				comments and appreciate you taking the time out of
25			1	your day, day and evening to come in today. Thank
		·	 	
1		Page 2	١,	Page 4 you.
2	APPRARANCES:		2	MR. BULGRIN: And Mr. Collette, if
3			I -	you want to
4	Dick Bulgrin, Esquire PUBLIC UTILITIES COMMISSION OF ONIO		4	MR. COLLETTE: Yes. No relation at
5	180 East Broad Street Columbus, OH 43215-3793		5	all, but my first name is K.C. also. And the
6	Attorney Examiner			Township Trustees have indicated one, to assisting
7	D. Casey Talbott, Esquire		7	Hancock County Prosecutors and I'm here, here on
8	EASTMAN & SMITH One Seagate, 24th Floor		8	behalf of the Trustees. The way I'll do this all and
9	P.O. Box 10032 Toledo, OH 43699-0032 Oh 43215		9	I don't know, I mean, you'll probably explain the
10	On behalf of Norfolk Southern		10	process that will take place?
11	K.C. Collette, Esquire 222 Broadway		11	MR. BULGRIN: Yes.
13	Suite 104 Findlay, OH 45840		12	
14	On behalf of Township Trustees		13	MR. BULGRIN: Okay. On February 4th,
15	,			2008, Norfolk Southern Railroad Company filed a
16				petition to close Township Road 256 and/or Township
17				Road 261 crossings in Washington Township to vehicular and pedestrian traffic. Norfolk Southern
18				contends that these crossings experience light
19			1	vehicular traffic which could be diverted without
100				unreasonable inconvenience to other adjacent roads
20				
21			1	and vehicular crossings, which are or will be
ı			21	and vehicular crossings, which are or will be equipped with greater crossing protection. On
21			21 22	equipped with greater crossing protection. On
21 22			21 22 23	equipped with greater crossing protection. On February 25th, 2008 the Commission's staff filed it's
21 22 23			21 22 23 24	equipped with greater crossing protection. On

4 testimony.

Yes, sure. Just by way

I participation and we want everyone who wishes to make

Mr. Talbott, did you want to say anything in

2 a public statement to be able to do so, so please be

3 considerate of those that are waiting to give their

8 of introduction, we were asked, we being Norfolk

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,

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

21 communities to get their input. And on occasion, but

23 some settlement negotiations. We have done that with 24 the Washington, you know, Washington Township folks

20 and then we've come in and talked to the different

22 if it seems appropriate, you know, we'll engage in

15 rather, we've had discussions and -- like this

9 Southern, and other railroad companies been asked to

6 particular about this particular crossing?

MR. TALBOTT:

Page 5

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

25 here; we've offered incentive money for either or Page 6

Page 7

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

Page 8

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.

One of the reasons, you know, that we're here 10 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

15 Bible.

Page 11

PUCO HEARING, 4/24/08 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 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. Mr. Holman, I believe you're first up. If 10 you want to come up. And swear me in? 11 MR. HOLMAN: 12 MR. BULGRIN: Yes. If you want to 13 come up and I guess maybe --You don't have the 14 MR. HOLMAN:

If we just have you sit 16 MR. BULGRIN: 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 Okay. If you'd state MR. BULGRIN: 22 your name and spell out your name and address.

23 My name is Dennis MR. HOLMAN: 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

Page 10

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

17 not any questions initially -- yes. 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? Yes. Thank you. The MR. BULGRIN:

15 directly to the Ohio Supreme Court, so that's a

16 little bit of in terms of the process. If there's

22 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

Page 12

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

Page 13 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: Okav.

21 Yes, Mr. Holman. MR, TALBOTT:

1 clear understanding. I just have a couple

Yes. 22 MR. HOLMAN:

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

Page 14

Page 16

Page 15

3 those are trains that you understand are awaiting 4 entry into Fostoria?

2 questions. That trains that you say are parked,

MR. HOLMAN: 5

Well, they actually get -- they leave them out there over the weekend, too.

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

9 Right. MR. HOLMAN:

And then what crossings 10 MR, TALBOTT:

11 do you see blocked more commonly than others?

12 MR. HOLMAN: 13 them.

All of them. All of

MR. TALBOTT: 14

Well, which ones are

15 you talking about?

16 MR. HOLMAN: 261 and --

17 UNIDENTIFIED SPEAKER: 218.

18 MR. HOLMAN:

UNIDENTIFIED SPEAKER: 261 is blocked a lot. 19

20 MR. BULGRIN: One at a time here. Yes. Just, and this is 21 MR, TALBOTT:

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

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I 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?

It's a weekly MR, HOLMAN:

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.

And it incoveniences 18 MR. HOLMAN:

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.

Thank you. 16 MR. TALBOTT:

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

Well, let's give MR. BULGRIN: 18

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.

MR. BULGRIN:

Please be seated and if

24 you could state your name and address. 25 My name is Doug Smith;

MR. SMITH:

Page 17 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. MR, TALBOTT: 24 From, Mr. Smith, from 25 your perspective, if you were forced to give up 261

Page 19 1 state your name? 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 Thank you. MR. BULGRIN: 13 MR. GRAHAM: Do you got anything you 14 want to ask me? 15 MR. TALBOTT: No, thank you, sir. Mr. or Mrs. Addington. MR. BULGRIN: 17 You guys decide which go first. 18 MR. ADDINGTON: That's unusual, by the 19 way. 20 I told him to hold me MRS. ADDINGTON: 21 back. 22 Do you swear the MR. BULGRIN: 23 testimony you're about to give in this proceeding is

Page 18

MR. ADDINGTON:

24 the truth?

25

Page 20

1 versus 256, which one is more important to you? Neither one, really, 2 MR. SMITH: 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. MR. SMITH: Sure. 17 Thank you. Carl 18 MR. BULGRIN: 19 Graham. 20 MR. GRAHAM: I'm Carl Graham. MR. BULGRIN: Do you swear the 21 22 testimony you're about to give in this proceeding is 23 the truth? What little I know. 24 MR. GRAHAM: Thank you. Could you 25 MR. BULGRIN:

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

Yes.

	CO ILLAMINO, 4724	********	it: NON	
		Page 21		Page 23
1	want to park them acros	s 256 and 261. I don't know	MRS. ADDING	TON: It's the same address,
2	what else I have to say.	You can handle that.	yes. He missed so	ome things. Well, first off, I'm
3	MR. TALBOTT:	Mr	home all day and	so I see a whole lot of trains
4	MR. ADDINGTON:	Yes, Addington.	parked; they're no	t being broken, they're just parked
5	MR. TALBOTT:	Yes, Mr. Addington.	-	tersection, except maybe ours.
6	MR. ADDINGTON:	Yes.	•	e from Fostoria and the only way I
7	MR. TALBOTT:	You say you live on	could get home wa	as my road, 256. All of them were
8	256, where?		totally parked up.	They don't break the trains, and
9	MR. ADDINGTON:	I live on 256.	I can understand v	why: It really isn't financially,
10	MR. TALBOTT:	Where do you live?		idea, because it takes more money to
11	MR. ADDINGTON:	I live about a mile and	•	er than anything else, just pay the
12	a quarter off Route 12,	probably a mile north of the		is mighty close to a switching
13	track.			rcadia and 256. So what's the
14	MR. TALBOTT:	Okay.		oing to park a train, it's going
15	MR. ADDINGTON:	Beyond 109.	_	109, 218, it's going to go across
16	MR. TALBOTT:	What's your experience		- no, not 218. I'm sorry, I take
	•	icles a day you're seeing on	-	09 and 257. And which means I
		I mean, you talked about the	_	Fostoria or I have to go to
19	week when 257 was clo			where, not to mention everybody that
20	MR. ADDINGTON:	Right.		luding our nearest neighbor, has to
21	MR. TALBOTT:	But a normal week when		ath side of 12 to get to his land
	257 is not closed?	•	_	hich means he has to go either
23	MR. ADDINGTON:	I don't see a lot of		n Route 12, or he has to go to
24	traffic, quite honestly, u			farm equipment there. And you're
25	MR. TALBOTT:	What would be your	talking about a sta	ate highway, so nobody wants to be
1				
		Page 22		Page 24
	best when you say no	~	•	Page 24 arm machinery. And you said how
	your best estimate?	t a lot of traffic, what's	behind big slow for many cars?	arm machinery. And you said how
2	your best estimate? MR. ADDINGTON:	~	many cars? MR. ADDING	arm machinery. And you said how
2 3 4	your best estimate? MR. ADDINGTON: cars a day.	t a lot of traffic, what's I don't know, 15 to 20	many cars? MR. ADDINGT MRS. ADDING	arm machinery. And you said how TON: I said 20. TON: It was a big joke.
2 3 4 5	your best estimate? MR. ADDINGTON: cars a day. MR. TALBOTT:	t a lot of traffic, what's	many cars? MR. ADDING? MRS. ADDING When we first mo	FON: I said 20. FTON: It was a big joke. Front out there 35 years ago it was, we
2 3 4 5	your best estimate? MR. ADDINGTON: cars a day. MR. TALBOTT: Thank you.	I don't know, 15 to 20 Okay. All right.	many cars? MR. ADDING! MRS. ADDING! When we first mowere lucky to have	arm machinery. And you said how FON: I said 20. FTON: It was a big joke. Eved out there 35 years ago it was, we be the milk truck, the school bus and
2 3 4 5	your best estimate? MR. ADDINGTON: cars a day. MR. TALBOTT: Thank you. UNIDENTIFIED SPEA	t a lot of traffic, what's I don't know, 15 to 20 Okay. All right. AKER: More than that.	many cars? MR. ADDING? MRS. ADDING When we first mo were lucky to hav us. And now it's	arm machinery. And you said how FON: I said 20. FTON: It was a big joke, oved out there 35 years ago it was, we the milk truck, the school bus and crazy. I put four bikes out there
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PUCO HEARING, 4/24/08 Con	denseIt!™ NORFOLK SOUTHERN RAILWAY
Page 2	Page 27
1 equipment. And that is our only access to 12. We	1 State your name.
2 need emergency out there, you know? I do, anyway.	2 MR. HILL: My name is Bob Hill, I
3 Is that it?	3 live at 22497 U.S. 224, Fostoria, 44830. I represent
4 MR. TALBOTT: Yes, that is. Thank	4 the local fire department; I'm the Fire Chief in
5 you.	5 Washington Township. One of the problems that we run
6 MRS, ADDINGTON: Good.	6 into is closing down any crossing any place creates
7 MR. BULGRIN: Is there anybody else	7 us greater time to make access to any kind of an
8 that is going to testify? We have more.	8 emergency situation. In the case of 256, I would
9 MS. SMITH: Here's another slip.	9 have to go, continue east for approximately a mile,
0 MR. BULGRIN: Okay. Gene Lewis.	10 go up 257 to 109, and then bring 109 back to 256 to
1 MR. BULGRIN: Do you swear the	11 make an emergency response to the houses that are
2 testimony you're about to give in this proceeding is	12 located on 256 itself. And I'm sure you've probably
3 the truth?	13 heard figures, which can be substantiated by our fire
4 MR. LEWIS: Yes, sir.	14 marshal's office, any kind of a house fire doubles in
5 MR. BULGRIN: Could you give us your	15 size every two and a half minutes. In that case, if
6 name and address?	16 you cause me to be five minutes longer, a very small
7 MR. LEWIS: Gene Lewis, 3627	17 kitchen fire can now become an entire fire in a
18 Township Road 257.	18 house. Another thing that I run into, we're a rural
9 MR. BULGRIN: Thank you.	19 fire department, we don't have fire hydrants. We
20 MR. LEWIS: I think one of the	20 rely upon hydrants that may be located either in the
21 things that we're missing here and Edyle touched on	21 village or along Route 12. Our water for our village
22 it, was there's several of us sitting in here that	22 comes from Fostoria. But for me to get to those
23 farm on both sides of that railroad track. If they	23 hydrants I no longer could go directly up 256 or 261
24 close those we're going to have to go down Route 12	24 to get to a fire hydrant. I've got to make that mile
25 to get to them, and I am sure you guys never drove a	25 to two and a half mile trip to tank all that water
Page 2	1
1 slow piece of equipment down a road like Route 12.	1 back up to whatever kind of a structure I may be
2 It's very hazardous any time of day. And the other	2 working on. And even on grass fires. My grass truck
3 point I'd like to make, it looks to me like the	3 holds 300 gallons of water and it doesn't go very
4 railroad is on a bulk transition here, if it isn't a	4 far. I then have to take one of my other trucks out
5 big number, they don't want anything to do with it.	5 to get water to that, and it creates a major, major
6 I think in Washington Township we boy, I can't	6 problem for us. The local ambulance services come
7 think of the word I want to use we value	7 out of Findlay, Ohio. They would have to do exactly
8 everybody, whether it's one person going across there	8 the same thing: They'd have to go on down 12, up
9 or 500.	9 257, and now we're only talking about 256, but it
10 MR. BULGRIN: Mr. Talbott, anything?	10 just creates a major, major problem for us.
MR. TALBOTT: No questions for you.	11 Approximately two weeks ago, and if memory serves me
12 Thank you, Mr. Lewis.	12 right, it was on April the 8th; the railroad has a
13 MR. LEWIS: You got to speak up,	13 tendency now to have and I don't know the proper
14 I'm sorry.	14 names for the different trains, but anything that's
15 MR. TALBOTT: I don't have anything,	15 pulling the semi trailers seems to have the priority

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.

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.

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

Page 29
I 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

Page 31 1 MR. HILL: Yep. Corey, is it Boes? 2 MR. BULGRIN: No, thanks, everyone 3 MR. BOES: 4 has pretty much went over everything. Doug Reed. Do you 5 MR. BULGRIN: 6 swear that the testimony you're about to give in this 7 proceeding is the truth? MR. REED: Yes, sir. Please be seated. Give MR. BULGRIN: 10 us your name and address, please. Doug Reed, R-E-E-D, 11 MR, REED: 12 Jr., 105 West Fremont Street, Arcadia. Mr. Bulgrin, I missed MR. TALBOTT: 14 his name. 15 MR. REED: Doug Reed. Doug Reed? Okay, 16 MR. TALBOTT: 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. I live in town here and 21 MR. REED: 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

Page 30

Page 32

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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?
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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.
                           Thank you.
        MR. BULGRIN:
10 Mr. Talbott?
                            From your perspective
        MR. TALBOTT:
11
12 as a volunteer fire department, is either of those
13 two crossings more important to your service?
14
                          Neither. We need them
        MR. REED:
15 both at all times.
                            Is either one of them
16
        MR. TALBOTT:
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.
        MR. TALBOTT:
21
                            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

24

MR. TALBOTT: 25 for you. Thank you, Fire Chief.

I don't have anything

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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.

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.

MR. TALBOTT: But your experience is

10 that both of them are blocked often?

11 MR. REED:

Okay. And if they're 12 MR. BULGRIN:

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.

Brad Lewis. Do you 18 MR. BULGRIN:

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.

MR. LEWIS:

Brad Lewis, 3630

25 Township Road 257, Fostoria, 44830. I guess I got

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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

Page 34

10

16

19

22

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?

MR. BULGRIN:

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 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.

MR. BULGRIN: Sure.

Mr. Lewis, just a 5 MR. TALBOTT:

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.

Oh, 256. Okay. You MR. TALBOTT:

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 Okay, of the tracks? MR. TALBOTT:

15 MR. LEWIS:

> So your family -- you, MR. TALBOTT:

17 yourself, own two on the south side of the tracks?

18 MR. LEWIS:

> And then your dad owns MR. TALBOTT:

20 one on the other side of the tracks?

Yes. 21 MR. LEWIS:

> Okay. MR. TALBOTT:

Immediately adjacent to 23 MR. LEWIS:

24 the tracks. Now there's more that involves that

25 crossing that we have to get to.

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P	UCO HEARING, 4/24/08 Cond	ens	elt! MORFOLK SOUTHERN RAILWAY
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:	MR. TALBOTT: Okay. And I think you	1	on 256 and 218, I'm one of the houses that Bobby Hill
2	2 said 261, you farm two of the three tillable	2	talked about that would be affected by it in case of
] 2	quadrants?	3	a fire or if there was an accident, or any type of
4	4 MR. LEWIS: Correct.	4	emergency situation there. And I can sit and look
:	MR. TALBOTT: You guys own those?	5	out my picture window, and anybody in my family could
1	6 MR. LEWIS: That is no, we do	6	say, tell you, 257 is closed because of the cars that
'	7 not own that, to answer your question.	7	come down, come down and they slam on the brakes and
1	8 MR. TALBOTT: Okay. Do you currently	8	then they turn down 257 because they're late going to
9	9 use Route 12 at all for your operations? I mean, do	9	work. We have the same problem when they're coming
10	o you ever have an occasion to operate your heavy farm	10	back, maybe 257 is closed or 109 is closed, so
1.	1 machinery on Route 12?	11	they're coming down our road and they're slamming on
1.	2 MR. LEWIS: Not at all. Not any	12	their brakes, they're turning the corner and going.
1:	3 farm implements; trucks taking grain to the elevator,	13	And I don't believe your statistics when you did it,
Į.	4 yes, but not farm implements at all.	14	because there's sometimes when I make 10 to 12 trips
1:	5 MR. TALBOTT: As you sit here, have	15	down that road myself, and especially and
10	6 you ever operated your heavy farm equipment on Route	16	especially when it's in the spring of the year or in
1'	7 12?	17	the fall of the year I could probably sit and see
13	8 MR. LEWIS: Yes. And it was at	18	Gene and Brad Lewis going up and down that road
19	9 I was scared.	19	probably 10 or 12 times when they're hauling grain or
2	0 MR. TALBOTT: What was the occasion	20	they're moving equipment and stuff. I think your
2	1 that	21	statistics must have been done on a snowy day when
2	2 MR. LEWIS: A train was blocking.	22	nobody was going up and down the road. I think that
2	3 MR. TALBOTT: What roadway?	23	they need to be moved up to maybe a couple hundred
2	4 MR. LEWIS: 109, 257, and 261.	24	cars are going up and down there a day and stuff.
2	5 MR. TALBOTT: Do you have an estimate	25	261 will affect us because our farm operation is also
Γ	Page 38		Page 40
	1 as to how many vehicles a day you see on 256?		not far from there and I would say that the traffic
	2 MR. LEWIS: I wouldn't have	2	is probably close to that, too, because when the
1		1	

3 knowledge of that. I do not live on that road. 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? I would have to say MR. LEWIS: 9 they're pretty equal as far that goes. Okay. Thank you. MR. TALBOTT: 11 Thank you. MR. LEWIS: 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? 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

e 40 3 trains sit out there everybody is going by and trying 4 to find a way to get there and stuff, so. Mr. Talbott? 5 MR. BULGRIN: MR. TALBOTT: Yes. I have no 7 questions. Thank you. 8 MR. LEWIS: Thank you. 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. I'm sorry, could you --13 MR. BULGRIN: 14 Ron Kelbley. MR. KELBLEY: 15 How do you spell your MR. BULGRIN: 16 last name? MR. KELBLEY: 17 K-E-L-B-L-E-Y, 2423 18 Township Road 256. Could you speak up? 19 MR. BULGRIN: 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

25 further to bring our equipment back across. Living

PU	ICO HEARING, 4/24	/08 C	onden:	se	It! [™] NORF	OL	K SOUTHERN RA	JLWAY
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1	400,000 sometimes. An	d for Bobby to have to run		1	MR. KELBLEY:		It's at least two mile,	
2	around and try to get to	it is pretty devastating	2	2]	l don't know.		•	
3	when you look out there	and say, "There's that train	1 3	3	MR. TALBOTT:		It's what?	
4	and my barn is burning,	or my house, or my child i	s 4	4	MR, KELBLEY:		It's at least two mile	
5	in trouble," or there's a	wreck because someone we	nt 5	5 (or better.			
6	around the train and they	y didn't realize the road	6	6	MR. TALBOTT:		Okay.	
7	stopped, which we had to	hat happen last week. Ran	out 7	7	MR, KELBLEY:		I guess you're going t	0
8	in the neighbor's field an	nd just about took my pole	8	8 l	have to get in your	vehi	cle and drive out there	•
9	down, and you can go or	at there in the road and see	-	9	MR. TALBOTT:		Well, I'm not I'll	
10	the marks right now. As	nd that wouldn't have happe	ened [10	0 [gladly do that, but I	'm a	isking you if you knov	/ from
11	if the crossing wouldn't	have been blocked last	11	1 1	living there approxi	mate	ely how long your road	l is?
12	weekend, because an uni	familiar person trying to ge	t 12	2 4	And if you don't, th	at's	okay.	
13	around the blocks. So in	all we should keep them	13	3	MR, KELBLEY:		No.	
14	open.		14	4	MR. TALBOTT:		Okay. Thank you ve	гу
15	MR. TALBOTT:	Mr., is the last name	15	5 1	much.			1
16	Kelbler?		16		MR. BULGRIN:		Thank you. Anyone	
17	MR, KELBLEY:	Kelbley.	12	7 (else? Do you swea:	r the	testimony you're abou	it to
18	MR. TALBOTT:	Kelbley.	18	8 8	give in this proceed	ing i	s the truth?	
19	MR. KELBLEY:	K-E-L-B-L-E-Y.	19	9	MR. GREENLEE	i:	I do.	
20	MR. TALBOTT:	Okay. Thank you.	20	0	MR. BULGRIN:		Okay. And if you co	uld
21	Mr. Kelbley, when you'r	re talking about the roads	21	1 :	state your name?			
22	stopping, you're talking	about 256?	22	2	MR. GREENLEE	i:	My name is Neil	
23	MR. KELBLEY:	Six, into 218 a guy	23	3 (Greenlee.			
24	just about took a pole, o	r someone just about took a	a 24	4	MR. BULGRIN:		Would you spell your	•
25	pole down that Friday n	ight, because they slammed	on 2:	5]	last name?			
	-		ge 42					Page 44
		hey went on out, they swert		1	MR. GREENLEE		G-R-E-E-N-L-E-E. I	
1	-	went out in the field and				-	oad 109. I live in bety	
		as very shocked, when I we					year old daughter and	
		I said, "Wow." But it was		4	frequently County 1	Roac	l 256 and 257 are bloc	ked.
		h the site and they was goin	-		•		couple extra minutes n	-
	•	realize the road was going					in the world. My little	-
7	to T.				•		ssings are blocked and	
8		Okay. 257, you said					extra time can mean t	
9	you live on 256?		I .				daughter living and dy	-
10	MR. KELBLEY:	Six.			•		now the specifics, I do	
11	MR, TALBOTT:	Okay. 257 is a through	1	1	know details, I don	't re	member the dates, but	I'm
12	road?		11	2	sure people rememi	ber a	bout the guy that was	riding
13	MR. KELBLEY:	Yes.					the box cars. You kno	
14	MR. TALBOTT:	256 T's?					happening again? Pro	•
15	MR, KELBLEY:	Into 218.			•		here's the chance there	
16	MR. TALBOTT:	And on the south end of					ad going to guarantee of	
17	12, right?		1	17	personal safety wit	h the	ese trains sitting out he	re?
I		^ 4	Ι.				N. S TT - 11 44D	

22 get in your vehicle and drive out there and see,

MR. KELBLEY:

MR. TALBOTT:

MR, KELBLEY:

18

19

20 park total?

23 because I can't --

18

19

21 22 else?

25 MR. BULGRIN:

MR. BULGRIN:

MR. TALBOTT:

20 Mr. Greenlee. Thank you.

MR. BULGRIN:

Hang on. Well, let's

Thank you. Anyone

Mr. Talbott?

No questions,

Could I ask a

Correct.

How long is 256, ball

Well, you'll have to

	11014 0111 100 01111111 14 14 11 11 11
Page 45	Page 47
1 get through everybody. Sir?	1 MR. BULGRIN: Hang on a second and
2 MR. BOES: Could I say something?	2 let's go off the record.
3 MR. BULGRIN: Yes, please.	3 THEREUPON, there was a brief discussion off
4 Absolutely. That's what we're here for. Do you	4 the record.
5 swear the testimony you're about to give in this	5 MR. COLLETTE: Is this something is
6 proceeding is the truth?	6 this questions for the
7 MR. BOES: Yes.	7 MR. GREENLEE: Still want to testify?
8 MR. BULGRIN: Okay. And your name?	8 MR. LEWIS: Sure, again. Maybe I
9 MR. BOES: Lanny Boes, 19694	9 missed it, but I don't hear very well. But I'm
10 Township Road 218.	10 wondering, why is the railroad wanting to close these
11 MR. BULGRIN: I'm sorry, could you	11 crossings? I haven't heard any reason at all yet.
12 repeat your name?	12 MR. TALBOTT: Just so the record is
13 MR. BOES: Lanny Boes, L-A-N-N-Y	13 clear, could the witness identify could you
14 and B-O-E-S.	14 identify yourself again? Could you state your name
15 MR. BULGRIN: Okay. Thanks.	15 again?
16 MR. BOES: There's a couple things	16 MR. LEWIS: Gene Lewis, 3627
17 that I don't think were brought up this evening that	17 Township Road 257.
18 should be, and the main one is that it seems to me	18 MR. TALBOTT: Okay.
19 that maybe the point of this meeting isn't what it	19 MR. LEWIS: It's your ball game.
20 should be. That maybe instead of worrying about	20 MR. TALBOTT: I'll gladly I made
21 closing two crossings, the railroad should be worried	21 an introduction, an introductory spiel at the
22 about putting in an overpass. And the thing that got	22 beginning and told you a little about it about what,
23 me to come to this meeting was the aggravation that I	23 you know, we're under some pressure from a lot of
24 feel every time I pull up to one of those crossings	24 different sides to identify crossings throughout not
25 and there's two cars, two train cars short of	25 just Washington Township, but beyond, which may not
Page 46	Page 48
le a company a c	

Page 48 1 clearing the crossing. And I know that those engines 1 be as critical to communities as other crossings; 2 have measuring devices so they don't do that; they 2 because of this sense not only within the railway, 3 know how long the trains are. They push the button 3 but within the government, we believe is, is that the 4 when they cross the crossing and they measure how far 4 fewer crossings, the better. Because the safest 5 they've gone past it so that they don't block a 5 crossing is a closed crossing. If you have a closed 6 crossing you don't have the opportunity for 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 7 vehicle/train collision, okay? And the other, so 8 crossings for 20 minutes, you know, a car can turn 8 we've got 2 main issues, safety and also cost. It 9 around and probably not get stuck in a ditch, but a 9 isn't just cost of the railway, it's cost to you and 10 everybody here that -- the tax payer pays to maintain 10 big truck, that's a little different story. And I, 11 after hearing about the fire department and the 11 each crossing that's open, tax payers pay for, it 12 rescue, it's just unbelievable that they consider 12 costs us money. So that, you know, those are two 13 closing those crossings, but then I guess it's 13 main issues. And I said that at the beginning of the 14 unbelievable that they would park a train two cars 14 night and they're aren't any real, any real secrets 15 short of clearing them, too. So I guess the thing is 15 there. So, you know, I'll gladly - I'm going to be 16 they don't care about us, they seem to care about 16 here after the hearing tonight and -- as will your 17 raising freight rates plenty well, but I'm sorry. 17 counsel, Mr. Collette, and we'll gladly talk about 18 Give me your question. 18 that further, if you'd like. 19 MR. TALBOTT: No questions for you, 19 MR. BOES: Okay. 20 sir. Thank you. 20 MR. TALBOTT: Okay? 21 MR. BULGRIN: Thank you. Anyone 21 Thank you. MR. BOES: 22 else? 22 Yep, thank you. MR. TALBOTT: Yes. Do you want to be 23 MR. LEWIS: I'm wondering if -- if 23 MR. BULGRIN: 24 -- I've been up there and given my oath. If the 24 on? Just a few. 25 road --25 MR. HILL: Just a question. My

ΓU	CO (1EAKING, 4/24/06 C)
	Page
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,
	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	
	have fact specific questions that involve cost and
	things like that. I do not have fact specific
25	answers for you tonight, but I will gladly I have
	Page
1	a good working with relationship with Mr. Collette

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e 49
                                                          Page 51
             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.
             MR. HILL:
             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.
                              And that would tell me
     11
             MR. HILL:
     12 who, who pays the cost --
     13
             MR. BULGRIN:
                                 That would give you --
                              -- whether it's the
     14
             MR. HILL:
     15 railroad or the State of Ohio?
             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?
             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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e 50

19

MS. LLOYD:

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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.
       MR. HILL:
                         So we are paying for
16
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
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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 --
                          Can I testify?
 8
        MS. LLOYD:
        MR. BULGRIN:
                           Yes, please. Do you
10 swear the testimony you're about to give in this
11 proceeding is the truth?
12
                          Yes, I do.
        MS. LLOYD:
                            And if you could give
13
        MR. BULGRIN:
14 us your name and address?
        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.
                          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.

25 of our biggest accident areas, is going to increase

24 Having more slow traffic on 12, which is already one

24 we pay for that, our tax dollars pay for that, and

25 I'm sure you know that.

24

25

Page 53 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. Mr. Talbott? 14 MR. BULGRIN: No questions. Thank 15 MR. TALBOTT: 16 you, ma'am. Thank you. I think we 17 MR. BULGRIN: 18 have --I testified earlier, my 19 MR. ADDINGTON: 20 name is John Addington. 21 MR. BULGRIN: Yes. Yes. I just find it 22 MR. ADDINGTON: 23 ironic, perhaps relevant, that the two crossings 24 we're talking about are the only two crossings that

Page 55 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. Is there any 13 MR. CONINE: 14 questions? Mr. Conine, do you have 15 MR. TALBOTT: 16 a -- living on 257, you're familiar with 256, as 17 well? 18 MR. CONINE: Yes. 19 Do you have an estimate MR. TALBOTT: 20 as to the number of vehicles on that road a day? No, I don't, because 21 MR. CONINE: 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 are unprotected between Arcadia and Fostoria. 25 can't say for sure. Page 54 1 MR. BULGRIN: Thank you. May I testify? 2 MR. CONINE: Yes. 3 MR. BULGRIN: I'm not on the list. MR. CONINE: 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? 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 23 24 start, may start to close 256. Being up front as I

Page 56 Okay. That's all I MR. TALBOTT: 2 have. Thanks. Thank you. Anyone MR. BULGRIN: 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. THEREUPON, the meeting was adjourned at 7:11 p.m. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21

25 could be with Mr. Talbott, as I have been, is I went

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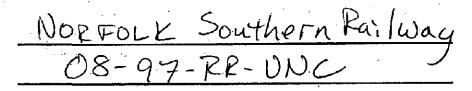
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ANYONE WANTING TO TESTIFY IN THE ABOVE CASE, PLEASE **PRINT** YOUR NAME AND ADDRESS BELOW:

NAN	ME AND ADDRESS BELOW:	
1 ₂	Mame Johnan	ADDRESS AND ZIP CODE 2555 TR 249 ARCADIA 44804
, · -		170745812 Findly OL: 45840
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4.	John & Edye Ad	lington 2106 TR 256 Fostor
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NORFOLK SOUTHERN PAILWAY 08-97-RR-UNC

ANYONE WANTING TO TESTIFY IN THE ABOVE CASE, PLEASE **PRINT** YOUR NAME AND ADDRESS BELOW:

	/ NAME	ADDRESS AND ZIP CODE
/ 12	Timo Loren	3627 CoRd 257 44830
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Norfolk Southern Railway 08.97. PR. UNC

ANYONE WANTING TO TESTIFY IN THE ABOVE CASE, PLEASE **PRINT** YOUR NAME AND ADDRESS BELOW:

	NAME	ADDRESS AND ZIP CODE
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/ 1	NODITUE	Fostoria oh 44830
X	Corey Boes	2325 CR 257
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	Jane Snyder	202 Nomain St
3. ,	A NOHLEY MIG	Queastra 14804
O 4.	Dong REED DR.	105 West Frenont St
		ARCADEA 04 44804
<i>[</i> 5.]	BRAD LEWIS	3630 TR 257
,		FOSTORIA OH 44830
/ <i>O</i> s.	Brenda Smith	
117.	Ron Kelbley	
128.	Neil Greenlee	
/ 3 9.	Lanny Box	
1 Y10.	Kylie Lloyd	
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