

FAX



**Toledo, Lake Erie & Western Railway & Museum, Inc.**

P.O. Box 168, Waterville, OH 43566-0168  
(419) 878-2177 \* [www.tlew.org](http://www.tlew.org)

July 11, 2016

Mr. Richard M. Bulgrin  
Public Utilities Commission of Ohio  
180 East Broad St.  
Columbus, OH 43215-3793

**Case No. 16-1419-RR-RCP**

Dear Mr. Bulgrin;

Toledo Lake Erie & Western Railway and Museum, Inc. (TLEW) wishes to file a blanket objection regarding the above identified case.

As cited in the documents provided by the Otsego Local Schools and The PUCO, it is stated that the tracks are no longer being used/are no longer in use. This implies finality to operations of TLEW, which is not the case. Trains were operated as recently as 2013, when our line was leased to Midwest Rail, LLC. In October 2014, an equipment move was made to position our train and locomotives so that repairs could be made to the equipment to facilitate resumption of operations. We intend to resume train movements in a limited scope in a few months, and this will entail operating our trains over the following crossings listed in the petition:

Yawberg Rd- 475265P;  
Hartman Rd- 475264H;  
Patton Rd- 475262U

Our initial operations will take us over one crossing outside the scope of this petition, as well as one crossing within the scope of this petition but not listed. Two other crossings within the scope of this petition, but not listed, will see train movements as operations expand as well.

We wish to note that at the current time, the only regular traffic that uses Bailey Rd 475255J are school buses, so there is no safety issue regarding other traffic or adverse effect on the public at this crossing. School buses should utilize a driveway at the final stop on this road to turn the vehicle, as is done at other locations on certain routes, to enable the removal of this crossing as limited vehicle traffic does not justify the burden of expense to maintain this crossing.

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Traffic counts on the petitioned roads, in our opinion, do not pose a great safety risk to buses or other vehicles for the limited exposure time due to the requirement to make a safety stop at these crossings. None of these roads is a main thoroughfare, being secondary county rural roads that do not easily permit passing of vehicles due to narrow pavement width.

It is mentioned in the petition from Providence Township that "these tracks are removed in several places". The train is capable of operating over the crossings we list as part of our intended initial operations as shown above. Our crossing of State Route 295 where an ODOT snowplow pulled up a rail, is slated for repair in August, which will allow operations to expand over the remaining two crossings listed in the petition. The other two places where "the tracks are removed" are currently outside the area of current intended operations, as well as outside the scope of this petition, and as such this comment should be removed from consideration.

In our opinion, our main line does not fit the requirements as provided in 49 CFR 392.10 (b) (1) (4) or (5). We are not a streetcar line, industrial switching line within a business district, or an industrial or spur line. We also have no crossings that qualify to be posted as "abandoned". We do currently conduct "motorcar excursions" which carry passengers over a section of our mainline outside the scope of this petition.

At this time TLEW does not feel it is in the best interest to declare any of our crossings exempt as requested in this petition. Resuming operations would cause the Commission to re-evaluate any crossings that have been declared "exempt" and could result in confusion to the drivers of those vehicles required to stop, which in itself could pose additional safety hazards. Placing "exempt" status on crossings which would be a part of our regular operations would place an additional burden on our equipment. We would have to increase our maintenance and operating budgets, with what limited resources we already have, due to more wear on braking systems to stop and protect against vehicular traffic, as well as needing to utilize extra fuel to resume movement after each stop. We would also need to equip our personnel with the proper flagging equipment for use specifically at these crossings. We feel this amounts to an unfair burden on our organization just because school buses don't want to stop any more.



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We hope that the Commission takes these matters into consideration and chooses not to grant "exempt" status to any of our rail/highway grade crossings at this time.

Thank you for the opportunity to voice our objections and concerns regarding this matter.

Sincerely yours,

Duane Karam  
President

Rick Westphal  
Vice President