

FILE



**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)

161419-RR-RCP  
16-1549-RR-RCP

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July 16, 2016

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

**Case No. 16-1549-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 document provided by The PUCO, it is stated that the tracks 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 crossing listed in the petition:

Jeffers Rd (CR 111) 475266W

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

We wish to note that at the current time, the only regular traffic that uses Hertzfeld Rd. 475254C 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 near 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. In addition, vehicles must make a greater than 100 degree turn at this crossing in order to negotiate an intersection, therefore no time is saved by not making the statutory stop.

This is to certify that the enclosed enclosures are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
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Heller Rd (CR 151) 475257X has a significant "bump" at the crossing due to superelevation of the track account of traversing a curve at this location. A significant reduction of speed is required to provide a safe ride for the students on school busses at this crossing, negating any savings from removing a requirement to make the statutory stop.

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 is expressing a willingness to provide "Exempt" status at our rail-highway grade crossings at Grand Rapids Rd (CR 1577) 475268K, and Ludwig Rd (CR 1576) 475267D due to conditions at or near these crossings which prevent us from operating train traffic at the current time.

TLEW does not feel it is in the best interest to declare any of the remaining 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. As an alternative we would also need to equip our personnel with the proper flagging equipment for use specifically at these crossings. TLEW feels this amounts to an unfair burden on our organization just because school buses don't want to stop any more and we are not willing to pay for such an expense.



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TLEW also wishes to point out that Otsego Schools do not operate busses over all the crossings as filed in this petition request by Lucas County on their behalf.

We hope that the Commission takes these matters into consideration and chooses not to grant "Exempt" status to all 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