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December 3, 2015

## VIA E-FILING

Cynthia T. Brown, Chief  
Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington DC 20423-0001

Re: Toledo, Lake Erie & Western Railway and Museum, Inc. – Operation Exemption, FD 35970

Dear Ms. Brown:

In a decision served on November 19, 2015 (“Nov. 19<sup>th</sup> Decision”), the Board invited Norfolk Southern Railway Company (“NSR”) to comment on a verified notice of exemption filed by Toledo, Lake Erie & Western Railway And Museum, Inc. (“TLEW”), which if allowed to become effective would permit TLEW to operate over a 10 mile rail line between milepost 15 in Waterville, Ohio, and the end of the line at milepost 25 in Grand Rapids, Ohio (the “Line”). NSR appreciates the opportunity to provide this comment. Based on the information currently available, NSR does not believe TLEW’s exemption should take effect.

As properly recognized by the Board in the Nov. 19<sup>th</sup> Decision, TLEW has yet to explain how it will interchange traffic or connect to the interstate rail network to provide common carrier service over the Line, given that the Line’s prior connection to the interstate rail network was terminated when NSR was granted and exercised authority to discontinue rail service over its Maumee line segment (“Maumee Segment”) earlier this year.<sup>1</sup> After reviewing all available

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<sup>1</sup> Norfolk Southern Railway – Discontinuance of Service Exemption – in Lucas County, Ohio, AB 290 (Sub-No. 377X) (STB served June 1, 2015). The Maumee Segment extended from milepost TS 13.2 (near Maumee, Ohio) to milepost TS 15 (at Waterville). In the jointly-filed notice, Midwest Rail, LLC d/b/a Toledo, Lake Erie and Western Railway also sought authority to discontinue its lease operations over the same line. Midwest Rail, LLC d/b/a/ Toledo, Lake Erie and Western Railway – Discontinuance of Service Exemption – in Lucas County, Ohio, AB 1231X (STB served June 1, 2015).

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information, NSR shares the Board's concern that the discontinued Maumee Segment was the Line's only connection to the interstate rail network. Without some form of agreement between TLEW and NSR that would allow TLEW to operate over the Maumee Segment<sup>2</sup> so as to connect its Line with the NSR at milepost 15, it does not appear that TLEW will be able to conduct interstate rail common carrier operations. Thus, NSR believes it is inappropriate to grant TLEW's notice of exemption at this time.

Sincerely,



William A. Mullins  
Attorney for Norfolk Southern Railway Company

cc: Parties of Record

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<sup>2</sup> NSR has no current plans to reactivate the Maumee Segment. Furthermore, no agreements have been reached between NSR and TL&EW that would TL&EW to operate over the Maumee Segment for interchange of traffic originating or terminating on the Line.