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Public Utilities
Commission of Ohio

2009 SEP 16 PM 4: 01

PUCO

Memo

To: Docketing Division
From: Leah Thomas-Dalton, Chief, and Rail Division
Date: September 16, 2009
Re: CSX Transportation - Alleged excessive growth of weeds and vegetation -- numerous locations in Dayton, Ohio

Case No. 09-813 -RR-CSS

Please docket the attached letter filed by the Ohio State Legislative Board, United Transportation Union.

The letter is filed against CSX Transportation. It is recommended that copies be served on:

Mr. Joseph Boda, Chairman, Chairman & State Legislative Director, Ohio State Legislative Board, 2021 East Dublin-Granville Rd, Suite 245, Columbus, Ohio 43229-3522

CSC-Lawyers Incorporated Service, CSX Transportation Designated Agent, 50 W Broad St., Columbus, Ohio 43215

Mr. Thomas C. Wood, UTU Legal Counsel, 501 Morrison Rd., Suite 203, Gahanna, Ohio 43230

In the absence of a railroad answer within fifteen (15) days, the Rail Division will arrange to investigate this complaint and file a written report of its findings.

C: PUCO Inspector Steve Horner

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SEH

September 14, 2009

The Public Utilities Commission of Ohio
180 East Broad Street, 5th Floor
Columbus, OH 43266-0573

ATTENTION: Ms. Leah Thomas-Dalton, Chief
Transportation Department
Railroad Division

Gentlemen:

The Ohio State Legislative Board, United Transportation Union, representing Ohio railroad employees wishes to file a weed and vegetation complaint (Ohio Administrative Code 4901-5-22) against CSX Transportation (CSXT), which railroad is subject to regulation under Chapters 4905 and 4907 of the Revised Code.

In conducting its railroad operation in the vicinity of Dayton, Montgomery County, Ohio, said company has permitted unsafe and hazardous walking and tripping conditions to arise due to the excessive growth of weeds and vegetation on its property at the following location:

1. At Milepost BE 58.6, at the D&U switch off of the Toledo Sub west to Germantown Street, weeds are growing in the walkway.
2. At Peerless 4 track, weeds are growing in the walkway.
3. At Germantown Street to Paul Lawrence Dunbar (Summit Street), weeds, small trees, and old tree limbs are protruding in the walkway. Also, vines are growing off the fence at Old Truss Company and protruding into the walkway.
4. At Paul Lawrence Dunbar at Rosedale Avenue, weeds and old brush are growing in the walkway. A tree is striking railroad equipment.

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5. Rosedale Avenue to Bridge Street, weeds, old piles of brush, and tree limbs are in the walkway. Also, tree limbs are striking railroad equipment. At Rosedale Avenue the Dayton Northwest Industrial Lead track starts and is owned by the city of Dayton, Ohio.
6. From Bridge Street to Gettysburg Avenue, trees are striking railroad equipment and weeds are growing in the walkway.
7. From Gettysburg Avenue to Little Richmond Road, trees are striking railroad equipment.
8. From Little Richmond Road to Wolf Creek Pike, trees are striking railroad equipment.
9. At Wolf Creek Pike to the end of the track, weeds are growing in the walkways and trees are striking railroad equipment.
10. At Malt Products Industry, weeds are growing in the walkway.

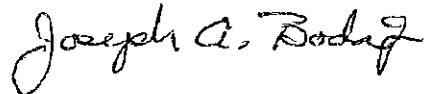
By its failure to establish or maintain an adequate vegetation control program early in the season, it is now endangering the railroad employees required to use this area in the performance of their required duties.

It is requested that an investigation be conducted, under Section 4907.08, to determine if this railroad at the above locations are in violation of your Commission's "Weed Order." If excessive growth is found, then an appropriate and timely order should be issued to require the elimination of the growth and the establishment of a vegetation control program to prevent the recurrence of such unsafe conditions.

No additional information was received.

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Respectfully submitted,



JOSEPH A. BODA, JR., Chairman
& State Legislative Director
Ohio State Legislative Board
United Transportation Union
Suite 245
2021 East Dublin Granville Road
Columbus, OH 43229-3522

JAB/N/jvs

cc: Mr. Malcolm B. Futhey, Jr.
International President, UTU

CXC-Lawyers Incorporating Service (Sent Certified Mail)
CSXT Designated Agent
50 West Broad Street, Suite 1800
Columbus, OH 43215

Mr. Thomas C. Wood
Designated UTU Legal Counsel
501 Morrison Road, Suite 203
Gahanna, OH 43230

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