



# The Public Utilities Commission of Ohio

Bob Taft, Governor

Alan R. Schriber, Chairman

JANUARY 7, 2000

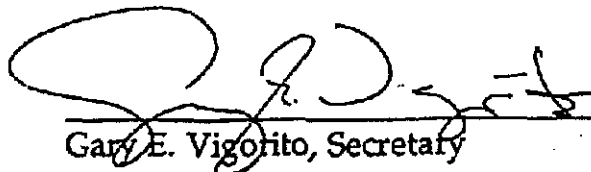
TO: OHI-RAIL CORPORATION  
TOM BARNETT  
6200 SALINEVILLE RD, NE, BOX 75  
MECHANICSTOWN, OH. 44651

RE: CASE NO. 99-1638-RR-CSS

Enclosed is a copy of a complaint filed with the Public Utilities Commission of Ohio. In accordance with Rule 4901-9-01 of the Ohio Administrative Code, you are hereby directed to file an answer or appropriate motion with the Commission, and serve a copy of such answer or motion upon the complainant(s), within fifteen (15) days after January 7, 2000

In addition to your answer, you may also file any motion that you find to be appropriate.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
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Gary E. Vigorito, Secretary

MEMORANDUM

RECEIVED - DOCKETING DIV

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PUCB

TO: Docketing Division

FROM: Robert E. Marvin, Chief  
Railroad Division

*RM*

DATE: December 13, 1999

99-1638-RR-CSS

RE: Case No. A-2687-98-122

The Railroad Division requests that the Commission open a complaint and initiate a formal investigation against Ohi-Rail Corporation (Ohi-Rail) for the railroad's failure to comply with Section 4959.02, Revised Code. That section outlines a railroad's statutory obligations to maintain its right-of-way including the requirement of a railroad to construct or maintain stock fences.

This matter initially came to the Railroad Division in late 1998 from a complainant who owns land on both sides of Ohi-Rail right-of-way near Amsterdam, Ohio. Although the Commission did not have the jurisdiction at that time to enforce the provisions of Chapter 4959, an inspector found that conditions existing in this complaint warranted relief under the provisions of Section 4959.02, Revised Code. In March 1999, applicable state law was revised to give the Commission jurisdiction to enforce Chapter 4959.

On June 23, 1999, the Railroad Division sent Ohi-Rail a letter stating that a determination had been reached that Ohi-Rail was in violation of Section 4959.02, Revised Code because of its failure to construct or maintain a fence along its right-of-way near Amsterdam. In conformance with that section, the Railroad Division directed Ohi-Rail to pay for the fencing and associated materials and directed that the complainant be responsible for the labor necessary to construct, replace or repair the fence. Despite repeated efforts, the Railroad Division has been unsuccessful in securing Ohi-Rail's compliance with our decision in this case.

It is requested that Docketing Division serve a copy of this complaint upon Ohi-Rail directing a response therefrom within 15 days. Thank you for your assistance in this matter.