



FILE

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11-5238-RR-CSS

December 6, 2011

**Sent via fax (614) 466-0313 and US Mail**

The Public Utilities Commission of Ohio  
180 East Broad Street, 5<sup>th</sup> Floor  
Columbus, OH 43215-3793

Attn.: Docketing Division 13<sup>th</sup> floor and Ms. Leah Thomas-Dalton  
Chief, Transportation Department, Railroad Division

**Re: United Transportation Union (UTU) vs. CSX Transportation  
(CSXT)  
Case No. 11-5238-RR-CSS**

Dear Ms. Thomas-Dalton and Docketing Division:

Please find enclosed a copy of CSX Transportation's formal response and answer served on October 20, 2011. This does not show on the docket as filed although it was mailed along with CSXT's responses to 11-5235, 5236 and 5237. Those cases were dismissed by Entry Ordered on November 29, 2011. As noted in the response, Roadmaster Michael McLain advised me that Mr. Jerry Gibson with PUCO had inspected the area of concern in mid-October and found no exceptions or obstructed view in the vicinity of MP QI 122.55 in Hardin County, Ohio.

We are enclosing a copy of the response for docketing and further action should it be deemed necessary by the Commission. If you have any questions, please do not hesitate to contact me at the above number.

Very truly yours,

*Rachel C Parker*

Rachel C. Parker, CP, FRP

cc: Luther G. Newsom, Chairman & State Legislative Director, UTU  
Thomas C. Wood, Esq., UTU Legal Counsel  
D. Casey Talbott, Esq., Legal Counsel for Respondent Norfolk Southern  
Rusty Orben, CSXT  
Michael McLain, CSXT

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**RACHEL C. PARKER**  
Certified Paralegal

Writer's direct telephone line  
**(904) 359-3102**

October 20, 2011

**Sent via fax and US Mail**

The Public Utilities Commission of Ohio  
180 East Broad Street, 5<sup>th</sup> Floor  
Columbus, OH 43215-3793

Attn.: Docketing Division 13<sup>th</sup> floor and Ms. Leah Thomas-Dalton  
Chief, Transportation Department, Railroad Division

**Re: United Transportation Union (UTU) vs. CSX Transportation, Inc.  
(CSXT)  
Case No. 11-5238-RR-CSS**

Dear Ms. Thomas-Dalton and Docketing Division:

Please allow this letter to serve as CSX Transportation's formal response and answer to those allegations contemplated by Ohio Administrative Code Rule 4901-9-01. As background, this complaint by the UTU was filed with PUCO on September 16, 2011 and mailed to Mr. Rusty Orben, CSXT, in Columbus, Ohio on September 23, 2011. *For future reference and to insure prompt delivery to CSXT, please add the following to your Parties of Record:*

**CSX Transportation, Inc., ATTN: Legal Intake, 500 Water Street, J150, Jacksonville, FL 32202**

In the complaint submitted by Luther G. (Glenn) Newsom, on behalf of the UTU, he alleges an unsafe condition due to excessive growth of weeds and vegetation in the vicinity of Mount Victory, Hardin County, Ohio. In addition, he alleges excessive tree growth is obscuring the view of the signal mast by the engineer and conductor at MP QI 122.55 at the location of the 1221 westward facing signal.

Upon learning of the Complaint on or about October 12, 2011, an investigation into the allegations was undertaken by contacting the Roadmaster of the area of concern, Michael McLain. Mr. McLain advised me on Monday, October 17<sup>th</sup>, that Jerry Gibson with the PUCO inspected the area of concern and confirmed Mr. Gibson found no exceptions or obstructed view at this location.



The Public Utilities Commission of Ohio  
Attn.: Docketing Division and Ms. Leah Thomas-Dalton  
October 20, 2011  
Page 2 of 2

CSXT remains committed to promptly complying with the statutes of Ohio and the rules and regulations of the Commission to ensure the safety of railroad personnel and the public.

Pursuant to Ohio Administrative Code Rule 4901-9-01, CSXT is prepared to fully cooperate with the Commission in any investigation of the allegations in Mr. Newsom's complaint, should the Commission determine further action or investigation is needed.

If you have any questions, please do not hesitate to contact me at the above number.

Very truly yours,

A handwritten signature in black ink that reads "Rachel C. Parker". The signature is written in a cursive, flowing style.

Rachel C. Parker, CP, FRP

cc: Luther G. Newsom, Chairman & State Legislative Director, UTU  
Thomas C. Wood, Esq., UTU Legal Counsel  
D. Casey Talbott, Esq., Legal Counsel for Respondent Norfolk Southern  
Rusty Orben, CSXT  
Michael McLain, CSXT