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RAIL DIVISION

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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 Q1 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.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
technician AD Date Processed 12/13/11





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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 cursive script that reads "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