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**Public Utilities
Commission of Ohio**

PUCO

Memo

To: Docketing Division

From: Leah Thomas-Dalton, Chief, Rail Division

C: Legal Department

Re: PUCO case No. 11-5238-RR-CSS – Alleged excessive growth of tree and vegetation at CSX Signal 122, Village of Mt Victory, Hardin County, CSX Transportation

Date: February 13, 2012

The Rail Division Staff was able to successfully mediate this matter. It is therefore recommended that the legal staff proceed with an entry to close the above case.

Cc: Luther Newsom, UTU

**PUBLIC UTILITIES COMMISSION OF OHIO
TRANSPORTATION DEPARTMENT
RAIL DIVISION**

Date of Assignment: September 23, 2011

Date of Inspection: September 23, October 13 & October 27 & November 3 & 17, 2011, & February 8, 2012

Subject: **11-5238-RR-CSS** - Height of excessive tree growth would be equal to height of signal mast, excess tree growth obstructs both engineer's view and the conductor's view of signal indication until engine is almost right upon the signal at CSX Signal 122

FINDINGS

The track pertaining to the complaint is two mainline tracks, Class Four, Sixty Mile per Hour, the signals located within the Village of Mt. Victory, Hardin County, OH. CSX Transportation (CSX) is the owner of this Mt. Victory Sub-division track. West Mansfield Road is the western Street in the Village and the signals are located on the east side within one hundred feet of that crossing. Public Utilities Commission of Ohio Track & Structures defect reports had been filed with CSX's local roadmaster, a meeting with CSX's local trainmaster, and an interim report in October 2011 had been filed recommending complaint remain open, inspections to occur during spring of 2012.

SUMMARY

A meeting was arranged and took place, on February 8, 2012, after CSX had corresponded with Public Utilities Commission of Ohio, Main Office, on January 23, 2012 advising "brush had been cut in the area. In addition, I have recently spoken with Manager of Engineering Programs here in Jacksonville and he confirmed this location is scheduled for an application to control excessive vegetation in the spring, with another application in the summer months." The correspondence was received from CSX's Rachel C. Parker, a representative of CSX's Corporate and Transportation Law Department on January, 30, 2012.

CONCLUSIONS & RECOMMENDATIONS

The follow-up inspection and meeting attended by representatives of CSX Transportation, United Transportation Union and Public Utilities Commission of Ohio, on February 8, 2012 determined vegetation had been cut and it is recommended that this complaint now be closed. If the complainant does not file a written response within 15 days of this report, indicating whether it agrees or disagrees with the staff finding and whether it wishes to pursue the complaint, the Commission may presume that this matter has been resolved and dismiss the complaint.

Jerry E. Gibson
PUCO/FRA Safety Inspector
February 8, 2012

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