

RECEIVED DOCKETING DIV

2002 APR 23 PM 1:40

PUCO

Public Utilities  
Commission of Ohio

3  
FILE

# Memo

**To:** Docketing Division  
**From:** Robert Marvin, Director, Transportation Department  
**Re:** Case No. 02-397-RR-CSS  
**Date:** April 23, 2002

---

Please docket the attached and include the following as parties of record:

- Mr. Bernard Bates  
4371 CR 142N  
West Mansfield, OH 43358
- Attorney J. MacAlpine Smith  
Smith, Smith, and Montgomery  
112 North Main Street  
Bellefontaine, OH 43311-2089
- Paul Carine  
CSX transportation  
4901 Belfort Road – Suite 130  
Jacksonville, FL 32256

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 04 Date Processed 4-23-02

**PUBLIC UTILITIES COMMISSION OF OHIO  
TRANSPORTATION DEPARTMENT  
RAILROAD SECTION**

**Date of Assignment:** May 14, 2001  
**Date of Inspection:** May 16, 2001, May 21, 2001  
**Subject:** A-3075-01-45 – Drainage condition, 4371 CR. 142N  
West Mansfield, Logan County, Ohio, CSX  
Transportation.

---

**SYNOPSIS**

On May 21, 2001 an investigation was held at the site of the complaint. The complaint alleges that there is a 15" tile broken/or collapsed under CSX roadbed that's preventing water from draining off his property. I contacted the carrier representative, J.D. Mallet, to facilitate the resolving of this complaint.

Mr. Mallet agreed to correct the cause for the complaint by inserting a 12" tile inside of the plugged or collapsed tile to conduct a water flow under the roadbed. I then followed up with a telephone call with the complainant. He informed me that the pipe the carrier intended to use was unacceptable, and would only accept the original 15" size tile.

**Ohio Revised Code 4959.01** *states that Waterways must be provided. The company or person operating the railroad shall make and keep open ditches or drains along such roadbed of depth, width, and grade sufficient to conduct water accumulating at the sides of the roadbed from the building or operation of the railroad to some proper outlet.*

**CONCLUSIONS AND RECOMMENDATIONS**

In view of the complainant's refusal to accept the offer made by CSX Transportation, it is recommended that this matter be closed.

Will Johnson  
Safety Inspector  
September 21, 2001



Bob Taft, Governor

Alan R. Schriber, Chairman

Commissioners

Ronda Hartman Fergus

Craig A. Glazer

Judy A. Jones

Donald L. Mason

September 25, 2001

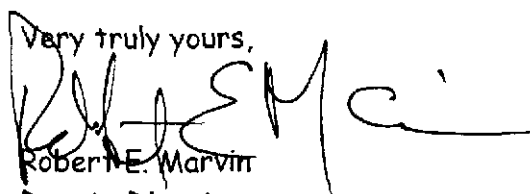
Mr. Bernard Bates  
4371 CR 142N  
West Mansfield, OH 43358

Subject: A-3075-01-45 - Drainage condition, 4371 CR 142N, West Mansfield, Logan  
County, Ohio, CSX Transportation.

Dear Mr. Bates:

Enclosed is a report submitted by PUCO/FRA Inspector Will Johnson regarding the  
above subject matter. In view of the inspector's findings and recommendations, the file is  
being closed.

If you have any additional concerns or if I may be of further assistance, do not  
hesitate to contact me.

Very truly yours,  
  
Robert E. Marvin  
Deputy Director

REM:ca  
Enclosure

C: J. D. Mallet, Roadmaster, CSX Transportation  
Will Johnson  
File