

98-1176-RR-CSS 4

RECEIVED-DOCKETING DIV
98 AUG 21 PM 3:45

PUCO

PUBLIC UTILITIES COMMISSION OF OHIO
TRANSPORTATION DEPARTMENT
RAILROAD DIVISION

RECEIVED
AUG 04 1998
RAILROAD SECTION
Public Utilities Commission of Ohio

To: Docketing

From: Robert E. Marvin, Chief *REM*

Subjects: WV 92-98-5 - Alleged excessive growth of weeds and vegetation, Spur Track, which is called the South Side, Atlas Leader, Cleveland, Cuyahoga County, Ohio, Norfolk & Western Railway Company.

WV 93-98-6 - Alleged excessive growth of weeds and vegetation, track between 55th Street Yard and Campbell Road, which is called the Cleveland Belt Line, Cleveland, Cuyahoga County, Ohio, Norfolk & Western Railway Company.

WV 94-98-7 - Alleged excessive growth of weeds and vegetation, Cleveland Connection at Milepost 6, American Distribution, Cleveland, Cuyahoga County, Ohio, Norfolk & Western Railway Company.

WV 95-98-8 - Alleged excessive growth of weeds and vegetation, Cleveland Belt Line at the firm called Packaging, Cleveland, Cuyahoga County, Ohio, Norfolk & Western Railway Company.

WV 96-98-9 - Alleged excessive growth of weeds and vegetation, Spur Track, called the South Side, at Wesko, Cleveland, Cuyahoga County, Ohio, Norfolk & Western Railway Company.

Please docket the attached complaints filed by the Ohio State Legislative Board, United Transportation Union. These complaints are filed pursuant to Rule 4901-5-22, O.A.C.

These complaints are filed against the Norfolk & Western Railway Company. It is recommended that copies be served on Mr. J. C. McCracken, Division Engineer, Norfolk & Western Railway Company, 8111 Nelson Road, Ft. Wayne, Indiana 46803 and Mr. William J. Thompson, Chairman, Ohio State Legislative Board, United Transportation Union, 2021 East Dublin-Granville Road, Suite 245, Columbus, OH 43229.

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 *Kim M. H.* Date Processed *Aug 24, 1998*

Docketing
Page - 2

In the absence of a railroad answer within fifteen (15) days, the Railroad Division will arrange to investigate these complaints and file written reports of its findings.

C: William J. Thompson
Donald E. Coates
Files

file
WILLIAM J. THOMPSON (693)
Chairman & State Legislative Director

JOSEPH A. BODA, JR. (693)
Assistant State Legislative Director

LUTHER G. NEWSOM (1549)
First Vice Chairman

OHIO STATE LEGISLATIVE BOARD



United Transportation Union

LO-038

Suite 245, 2021 East Dublin-Granville Road, Columbus, Ohio 43229-3522

2
REX A. GRICE (881)
Second Vice Chairman

THOMAS E. PRIEBE (1268)
Secretary

Telephone: (614) 847-0011

FAX: (614) 847-0081

July 29, 1998

The Public Utilities Commission of Ohio
180 East Broad Street, 5th Floor
Columbus, OH 43266-0573

ATTENTION: Mr. Robert E. Marvin, Chief
Transportation Department
Railroad Section

Gentlemen:

The Ohio State Legislative Board, United Transportation Union, a member of the Co-Operative Legislative Committee, representing Ohio railroad employees wishes to file a weed and vegetation complaint (Ohio Administrative Code 4901-5-22) against the Norfolk & Western Railway Company (N&W), which railroad is subject to regulation under Chapters 4905 and 4907 of the Revised Code.

In conducting its railroad operation at Cleveland, Ohio, said company has permitted unsafe and hazardous conditions to arise due to the excessive growth of weeds and vegetation on its property at the following location:

On the Cleveland Connection at Milepost 6, American Distribution, there are weeds and vegetation in the track areas. Also, there is a mosquito problem in this area.

By its failure to establish or maintain an adequate vegetation control program early in the season, it is now endangering the railroad employees required to use this area in the performance of their required duties.

It is requested that an investigation be conducted, under Section 4907.08, to determine if this railroad at the above location is in violation of your Commission's "Weed Order". If excessive growth is found, then an appropriate and timely order

98-1176-RR-CSS

W.V. 94-98-7

Cuyahoga Co.

RECEIVED

JUL 31 1998

RAILROAD SECTION
Public Utilities Commission of Ohio

The Public Utilities Commission of Ohio
ATTENTION: Mr. Robert E. Marvin, Chief
July 29, 1998
Page 2

should be issued to require the elimination of the growth and the establishment of a vegetation control program to prevent the recurrence of such unsafe conditions.

Respectfully submitted,

William J. Thompson / jst
WILLIAM J. THOMPSON, Chairman
& State Legislative Director

WJT/B/jvs

cc: Mr. Charles L. Little,
International President, UTU
Brotherhoods
Mr. F. Wimbush, N&W - Certified Mail
File