

FILE

Public Utilities  
Commission of Ohio

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# Memo

**To:** Docketing Division  
**From:** Leah Thomas-Dalton, Chief, Rail Division  
**C:** Legal Department  
**Case No.** 04-856-RR-CSS  
**Date:** June 2, 2004

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PUCO

Please docket the attached staff report.

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

**Date of Assignment: October 15, 2003**

**Date of Inspection: October 17, 2003, January 05, 2004, February 08, March 10,  
April 14, and May 13, 2004.**

Signed: [Signature] 10-15-2003 Alleged sight view obstructions at Briggs  
Road due to weeds blocking view Franklin County, CSX  
RR, Columbus, Ohio, Dot 151-843V

**Findings**

On the date of my initial inspection at Briggs Road, I found the complaint to be as alleged with shrub trees located in the Northwest quadrant causing a view obstruction for school bus drivers.

The railroad representative, CSX Roadmaster Chip DuCharme was contacted on all of the above dates by phone, fax, written report, etc and advised of the complaint, my findings, and the necessary required corrective action. I requested a date for this complaint to be corrected according to the Ohio Revised Code.

*4955.36 of the Ohio Revised Code states in part that every railroad company shall destroy or remove plants, trees, brush, or other obstructive vegetation upon its right-of-way at the intersection for a distance of six hundred feet or a reasonably safe distance.*

**Summary**

A number of months of follow-up inspections revealed the obstructive vegetation condition continues to exist and creates a hazard for the traveling public. A number of follow-ups to Mr. DuCharme has been made to advise of the need for immediate corrective action.

Follow-up inspections revealed the obstructive vegetation condition had not been removed and despite many assurances to the contrary the carrier representative continually ignores it.

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### CONCLUSIONS AND RECOMMENDATIONS

In the absence of corrective action by the carrier, I recommend that this matter be **closed** at staff level and referred to the Legal department of the PUCO, and the Franklin County Commissioners office for corrective action according to the Ohio Revised Code.

*Will Johnson*

Will Johnson  
PUCO/FRA Safety Inspector  
May 31, 2004

Copy: Road Master I.P. (Chip) DuCharme  
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Washington C.H., Ohio 45060

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