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Public Utilities
Commission of Ohio

PUCO

Memo

To: Docketing Division
From: Leah Thomas-Dalton, Chief, Rail Division
Date: September 16, 2009
Re: Norfolk Southern Railway Co. - Alleged excessive growth of weeds and vegetation:
In the vicinity of Sargents, Pike County

Case No. 09-814 -RR-CSS

Please docket the attached letter filed by the Ohio State Legislative Board, United Transportation Union.
The letter is filed against Norfolk Southern Railway Company. It is recommended that copies be served on:

Mr. Joseph Boda, Chairman, Chairman & State Legislative Director, Ohio State Legislative Board,
United Transportation Union, Suite 245, Columbus, Ohio 43229-3522.

Mr. Jeffrey Burton, Designated Agent, Norfolk Southern, Three Commerce Place, Norfolk, VA 23510-
9241

Mr. Thomas C. Wood, UTU Legal Counsel, 501 Morrison Rd., Suite 203, Gahanna, OH 43230

In the absence of a railroad answer within fifteen (15) days, the Rail Division will arrange to investigate this complaint and file a written report of its findings.

C: PUCO Inspector Robert Heinzman

File

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JOSEPH A. BODA, JR. (1928)
Chairman & State Legislative Director

LUTHER G. NEWSOM (1549)
Assistant State Legislative Director

STUART W. GARDNER (225)
First Vice Chairman

**OHIO STATE
LEGISLATIVE BOARD**



United Transportation Union

LO-038

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

PAUL D. O'CONNOR (14)
Second Vice Chairman

DAVID W. OTTEN (1962)
Secretary

Telephone: (614) 847-0011

Fax: (614) 847-0081



RAIL

September 14, 2009

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

ATTENTION: Ms. Leah Thomas-Dalton, Chief
Transportation Department
Railroad Division

Gentlemen:

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

In conducting its railroad operation in the vicinity of Sargents, Pike County, Ohio, said company has permitted unsafe and hazardous walking and tripping conditions to arise due to the excessive growth of weeds and vegetation on its property at the following location:

Tree limbs are blocking the signal on the Eastbound Main track at Milepost 626.0.

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.

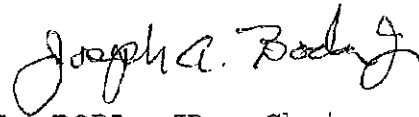
It is requested that an investigation be conducted, under Section 4907.08, to determine if this railroad at the above Location is in violation of your Commission's "Weed Order." If excessive growth is found, then an appropriate and timely order should be issued to require the elimination of the growth and the establishment of a vegetation control program to prevent the recurrence of such unsafe conditions.

No additional information was received.

RAIL DIVISION
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The Public Utilities Commission of Ohio
ATTENTION: Ms. Leah Thomas-Dalton
September 14, 2009
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Respectfully submitted,



JOSEPH A. BODA, JR., Chairman
& State Legislative Director
Ohio State Legislative Board
United Transportation Union
Suite 245
2021 East Dublin Granville Road
Columbus, OH 43229-3522

JAB/N/jvs

cc: Mr. Malcolm B. Futhey, Jr.
International President, UTU

Mr. Jeffrey H. Burton (Sent Certified Mail)
General Solicitor
NS Designated Agent
Law Department
Norfolk Southern Railway Company
Three Commerce Place
Norfolk, VA 23510-9241

Mr. Thomas C. Wood
Designated UTU Legal Counsel
501 Morrison Road, Suite 203
Gahanna, OH 43230

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