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Public Utilities
Commission of Ohio

PUCO

Memo

To: Docketing Division
C: Legal Department
From: Leah Thomas-Dalton, Chief, Rail Division
Re: PUCO Case No. 10-2431-RR-CSS, Alleged unsafe conditions on account of excessive growth of high weeds, Carey Center Siding – CSX Transportation
Date: December 14, 2010

Attached is the Staff's investigation and findings.

Please docket.

**PUBLIC UTILITIES COMMISSION OF OHIO
TRANSPORTATION DEPARTMENT
Railroad Section**

Date of Assignment: October 26, 2010

Date (s) of Investigation: November 1 & 15, and December 8, 2010

Subject: PUCO Case No. 10-2431-RR-CSS -- Alleged unsafe conditions account of excessive growth of high weeds, Carey Center Siding, CSX Transportation (CSX), Wyandot County, Ohio.

FINDINGS

The present complaint alleges that unsafe walking conditions exists at the Carey Siding account of excessive growth of weeds, which may create a tripping hazard for employees performing normal duties in and around the area.

The area identified under complaint extends for a distance of approximately 1.8 miles from east end of the Center Siding at the Crawford home signal near milepost CD71.1 westward to milepost CD73.2, Carey (approximately two tenths mile west of the Township Road 98 grade crossing). This section of railroad consists of two main tracks, the Center Siding, and an additional track designated as the Bunk Track. The Bunk Track is accessed from the Center Siding, which is in turn accessed from No. 2 main track on the east end. The Center Siding can be accessed from either No. 1 or No. 2 main tracks on the west end. It should be noted that an access road runs the length of these tracks adjacent to No. 1 main track.

My initial investigation and inspections disclosed areas that had a dense growth of weeds as well as areas that were clear of vegetation. In various locations ditches precluded any passage between the tracks. In general, no exceptions were taken to walking conditions *along and adjacent to* the tracks. One exception to this was a section of weeds between the Center Siding and Bunk Track starting about 130 feet west of site of old coal dock and extending for about 270 feet between the walkway opposite the catch basins.

My investigation subsequently developed that the condition at issue was the ability to cross on foot from one track to another or from the area where cars are left secured at the clearance points to the roadway for livery transportation from the location. During the course of my investigation, I discussed the complaint with the CSX roadmaster, Mr. Jim Conley and we agreed to meet for a joint

inspection of the area. Scheduling conflicts with United Transportation Union representation resulted in a postponement. However, during a subsequent conversation Mr. Conley advised that CSX had determined to move forward to address the complaint. Accordingly, a meeting was to occur at Carey on December 8, 2010 to identify the specific areas and conditions giving rise to the complaint. A joint inspection and meeting was conducted on that date. CSX officials in attendance were Roadmaster Jim Conley, Trainmaster Matt Kennaw, and Road Foreman of Engines Chuck Logan. Also in attendance was Mr. Harry Freeman, BLE-T and Safety Sense Coordinator. The original complainant declined to attend.

The on-site conversation disclosed that the primary area of concern is in the areas around the switches and clearance point/brake stick stations at the east and west ends of the siding. I also noted walkway areas with vegetation between the bunk track and the center siding. As a result, Mr. Conley agreed to back blade and spread stone to establish a satisfactory walkway between the brake stick area at the east end of the Center Siding and the roadway adjacent to No. 1 track. Similarly, a satisfactory walkway is to be established at the west end, just east of Township Road 98, between the brake stick area and the roadway adjacent to No. 1 track. This will require the placement of a pipe in an intervening shallow ditch with a covering of stone.

It was mutually agreed that this corrective action, in addition to clearing the area between the Center Siding and the Bunk Track noted above, would satisfy the complaint and that the work would be completed by December 20, 2010.

CONCLUSIONS & RECOMMENDATIONS

Specific areas under complaint have been identified, and a course of corrective action and completion date established. As a result, I recommend that this matter be held in abeyance for 30 days from date of report pending completion of corrective action by CSX Transportation. I will conduct a follow-up inspection at that time to confirm elimination of cause for complaint.

Rand Patterson
PUCO/FRA Inspector
December 13, 2010