

FILE

## WHEELING & LAKE ERIE RAILWAY COMPANY

Kenneth D. Malone  
Superintendent of Safety, Rules, and Training

100 East First Street  
Brewster, OH 44613

330-767-7243

Fax: 330-767-7003

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Public Utilities Commission of Ohio  
Case No. 11-4094-RR-CSS  
180 E. Broad St.  
Columbus, Ohio 43215


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PUCO

To Whom It May Concern:

This letter is in regards to the complaint filed by the BLET against the Wheeling and Lake Erie Railway concerning over grown vegetation on the Cleveland Subdivision, Sandyville Line between mileposts MPS 15 and MPS 3.

The area where the alleged over grown vegetation exists was inspected and some locations between mileposts MPS 15 and MPS 3 do have areas where the vegetation is getting close to the edge of the ties namely trees. The entire line does not have overgrown vegetation as stated in the complaint filed by the BLET. the complaint also stated "*riding the side of equipment is impossible and further any individuals walking along the right of way would have no ability to egress the tracks should a train approach*", concerning the riding of the side of equipment, during our inspection we found no areas where the brush protruded far enough over the track to prevent anyone from safely riding the side of equipment, also there were absolutely no locations between said mileposts where an individual walking along the right of way would not have the ability to egress the tracks should a train approach.

The Wheeling and Lake Erie Railway will begin to move brush cutting equipment under its own power from Pittsburgh, Pennsylvania beginning August 1<sup>st</sup>, 2011, and will tentively have it in place to start cutting the locations between MPS 15 and MPS 3 on the Cleveland Subdivision, Sandyville Line, that were identified during our inspection on or about August 8<sup>th</sup>, 2011.

  
Kenneth D. Malone

Cc: BLET

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