

FILE

**Public Utilities
Commission of Ohio**

Memo

To: Docketing Division
C: Legal Department
From: Leah Thomas-Dalton, Chief, Rail Division
Re: PUCO Case No. 11-5236-RR-CSS, Alleged Unsafe and hazardous conditions due to excessive growth of weeds & vegetation on the NS Interchange Track, Marion, Ohio
Date: October 21, 2011

Please docket. The Rail Division staff has reviewed the above case and was able to mediate this matter. It is therefore recommended that the legal staff proceed with an entry to close the above case.

Attachments

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

Date of Assignment: September 23, 2011

Date (s) of Investigation: September 28 & 29, and October 13 & 18, 2011

Subject: PUCO Case No. 11-5236-RR-CSS -- Alleged unsafe walking conditions account of excessive growth of high weeds on the NS Interchange Track, CSX Transportation, Marion, Ohio.

FINDINGS

The present complaint alleged that unsafe walking conditions existed along the interchange connecting track between Norfolk Southern Corporation (NS) and CSX Transportation (CSX) in the vicinity of milepost QI 101 in Marion, Ohio. The complaint alleged these conditions existed account of excessive growth of weeds and other vegetation, which could constitute a tripping hazard for employees performing normal duties in and around the area.

The area identified under complaint is in the northeast quadrant of the CSX/NS crossing diamond at Marion. The track extends from the CSX No. 2 main track switch providing access just east of the Leader Street bridge near milepost QI 101.24 around to the NS yard at Silver Street.

My initial investigation and inspection disclosed that approximately one half the distance southward from Silver Street, towards CSX, was completely clear of vegetation and in good order. The distance from this midway point to the derail near the CSX switch providing access was about 930 feet. Over the length of this, I observed that corrective action had been performed along the walking area from the derail westward to the Leader Street bridge. However, the area west of Leader around to the "midway point," a distance of about 430 feet, still had a growth of high weeds and brush as alleged in the complaint.

CSX Roadmaster Mike McLain declined to meet with me to have an initial discussion regarding the complaint. As a result, I contacted Trainmaster Todd Schrecengost to review my findings. Mr. Schrecengost was in conference with the CSX safety committee at the time of my call and the opportunity presented itself to review the complaint. Subsequent to a follow-up conversation with the trainmaster wherein I indicated my understanding that CSX Operating Rules required employees to walk in the area under complaint, he arranged to

accompany Roadmaster McLain to the site and gain a commitment for completion of corrective action there. Mr. McLain contacted me and advised that the work would be completed during the week of October 10th.

On October 18th, I conducted a follow-up inspection of the NS interchange track and observed that work had been completed in a satisfactory manner resulting in good walking conditions over the length of this track.

CONCLUSIONS & RECOMMENDATIONS

My investigation and inspection disclosed that although work had been performed to provide good walking conditions along a portion of the north side of the NS interchange track at Marion, Ohio, walkway conditions existed as alleged along a remaining 430-foot length. My findings were discussed with the parties to the complaint as indicated above. Corrective action by CSX has eliminated cause for complaint.

As a result, I recommend that this matter be closed. If the complainant does not file a written response within 15 days of this report, indicating whether it agrees or disagrees with the staff finding and whether it wishes to pursue the complaint, the Commission may presume that this matter has been resolved and dismiss the complaint.

Rand Patterson
PUCO/FRA Inspector
October 20, 2011