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**Public Utilities
Commission of Ohio**

Memo

RECEIVED-DOCKETING DIV
2012 JUL 12 PM 4:40
PUCO

To: Docketing Division
From: Leah Thomas-Dalton, Chief, Rail Division
Date: July 12, 2012
Re: Norfolk Southern Railway Co. and CSX Transportation - Alleged excessive growth of weeds and vegetation at NA Tower, which is located on the border of CSX and NS properties - Hamilton County

Case No. 12-2080 -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. Stuart Gardner, Chairman, Chairman & State Legislative Director, Ohio State Legislative Board, United Transportation Union, Suite 245, Columbus, Ohio 43229-3522.

Mr. Rusty Orben, Designated Agent, CSX Transportation, 137 E State St., Columbus, Ohio 43215

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

Mr. Thomas C. Wood, Designated Agent 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 Jeffrey Casto

File

Stuart W. Gardner (225)

Chairman & State Legislative Director

David W. Otten (1962)

Assistant State Legislative Director

Robert L. Smith (1397)

Secretary

**OHIO STATE
LEGISLATIVE BOARD**



United Transportation Union

LO-038

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JHC

12-2080-RR-CSS

June 29, 2012

The Public Utilities Commission of Ohio
180 East Broad Street, 5th Floor
Columbus, OH 43215-3793

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

RECEIVED
PUBLIC UTILITIES
COMMISSION OF OHIO
2012 JUL -2 PM 3:58
RAIL DIVISION

Gentlemen:

The Ohio State Legislative Board, United Transportation Union, representing Ohio railroad employees wishes to file a weed and vegetation complaint (Ohio Administrative Codes 4901-5-05 and 4901-5-07) against CSX Transportation (CSX) and Norfolk Southern Railway Company (NS), which railroads are subject to regulation under Chapters 4905 and 4907 of the Revised Code.

In conducting its railroad operation at Cincinnati, Hamilton County, Ohio, said companies have permitted unsafe and hazardous conditions to arise due to the excessive growth of weeds, vegetation, and tree limbs on their properties at the following location:

At NA Tower, which is located on the border of CSX Transportation (CSX) and Norfolk Southern Railway Company (NS) properties, tree limbs are standing 6 to 7 feet tall obscuring the view of train signals.

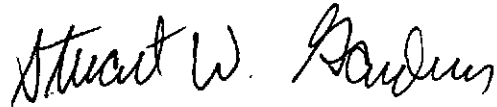
By its failure to establish or maintain an adequate vegetation control program early in the season, it is now endangering the railroad employees required to use this area in the performance of their required duties.

It is requested that an investigation be conducted, under Section 4907.08, to determine if these railroads 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.

The Public Utilities Commission of Ohio
ATTENTION: Ms. Leah Thomas-Dalton
June 29, 2012
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No additional information was received.

Respectfully submitted,



STUART W. GARDNER, Chairman
& State Legislative Director
Ohio State Legislative Board
United Transportation Union
Suite 245
2021 East Dublin Granville Road
Columbus, OH 43229-3522

SWG/jvs

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

Mr. Rusty Orben, State Relations (Sent Certified Mail)
CSX Transportation
88 East Broad Street, Room 1540
Columbus, OH 43215

CSX Transportation, Inc. (Sent Certified Mail)
ATTN: Legal Intake and
Rachel C. Parker, CP, FRP
500 Water Street, J150
Jacksonville, FL 32202

Mr. Jeffrey H. Burton (Sent Certified Mail)
General Solicitor
Norfolk Southern Railway Company Designated Agent
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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