



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

April 21, 2011

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Application of Consolidated Rail Corporation for the abolition of thirty-one crossings of the Enola Branch, LC201323, MP 3.5 to MP 27.0, Sub No. 1095, Harrisburg Division, Lancaster County; Docket No. A-00111016

Board of Supervisors of Bart Township v. Consolidated Rail Corporation, Pennsylvania Department of Transportation and Lancaster County, et al.;
Docket No. C-00913256

Dear Secretary Chiavetta:

Enclosed herewith, please find the original and three copies of the Bureau of Transportation and Safety Prosecutory Staff's Answer to Pennsylvania Department of Transportation's Motion for Extension of Time of the Commission's October 31, 2007 Order in the above-captioned matter. Copies have been served on the parties as stated on the Certificate of Service attached.

Very truly yours,

David E. Screven
Assistant Counsel

cc: Parties of Record
Enclosures

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SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Consolidated Rail Corporation
for the abolition of thirty-one crossings of the
Enola Branch, LC201323, MP 3.5 to MP 27.0, Sub No.
1095, Harrisburg Division, Lancaster County,

A-00111016

Board of Supervisors of Bart Township,

C-00913256

v.

Consolidated Rail Corporation,
and the Pennsylvania Department of
Transportation and Commissioners of the
County of Lancaster, et al.

**PENNSYLVANIA PUBLIC UTILITY COMMISSION BUREAU OF
TRANSPORTATION AND SAFETY PROSECUTORY STAFF'S ANSWER
TO THE MOTION FOR EXTENSION OF TIME OF THE
COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION**

AND NOW the Bureau of Transportation and Safety Prosecutory Staff
("BTSPS"), by its undersigned counsel and pursuant to 5.572(e) of the Public
Utility Commission's (Commission) regulations, 52 Pa. Code § 5.572(e), hereby
files this answer to the Motion for Extension of Time filed by the Commonwealth
of Pennsylvania, Department of Transportation (hereinafter "Petitioner" or
"PennDOT") in the above-captioned proceeding. BTSPS has legitimate safety
concerns regarding the crossing at issue. In support of its answer, the BTSPS
respectfully represents the following:

1. Admitted.
2. Admitted.

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3. Admitted.

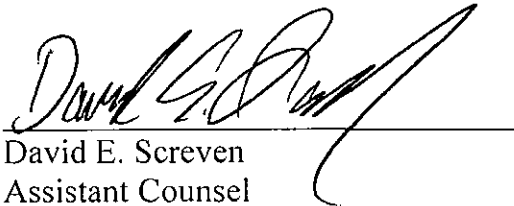
4. Admitted in part, denied in part. It is admitted only that the status reports filed in the above-captioned proceeding by the Petitioner indicates the progression of the work that the Pennsylvania Public Utility Commission ordered the Petitioner to perform at the Marticville Road crossing. All the remaining aspects of the averment are denied, as after reasonable investigation the Respondent is without knowledge or information sufficient to form a belief as to their truth. By way of further response, the BTSPS has been made aware that Martic Township, on its own initiative, has constructed a connecting road near the proximity of the Marticville Road crossing to divert traffic from the existing crossing. *See* Exhibit "A" attached hereto. The existence of this newly constructed connecting road and the public's use of this access road raise various safety issues for BTSPS such as assignment responsibilities.

5. Denied, as after reasonable investigation the Respondent is without sufficient knowledge or information sufficient to form a belief as the truth of this averment.

6. The averments of Paragraph 6 are requests for relief for which no response is required.

WHEREFORE for all foregoing reasons, the Bureau of Transportation and Safety Prosecutory Staff respectfully requests the Honorable Commission to hold the Motion for Extension of Time in abeyance until the Bureau of Transportation and Safety schedules a field conference hearing at the crossing with the parties to discuss the Township's access road and any other related pertinent issues or in the alternative, deny the Motion.

Respectfully submitted



David E. Screven
Assistant Counsel

Eric A. Rohrbaugh
Deputy Chief Counsel

(Counsel for Bureau of Transportation and
Safety Prosecutory Staff)

P.O. Box 3265
Harrisburg, PA 17105
Dated: April 21, 2011

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Consolidated Rail Corporation
for the abolition of thirty-one crossings of the
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VERIFICATION

I, David Oliver, hereby state that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief and that the Bureau of Transportation and Safety Prosecutory Staff expects to be able to prove the same at any hearings held in this matter. I understand that the statements herein are made subject to penalties set forth at 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



David Oliver
Engineer
Bureau of Transportation and Safety
Prosecutory Staff

Dated: April 21, 2011

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EXHIBIT A

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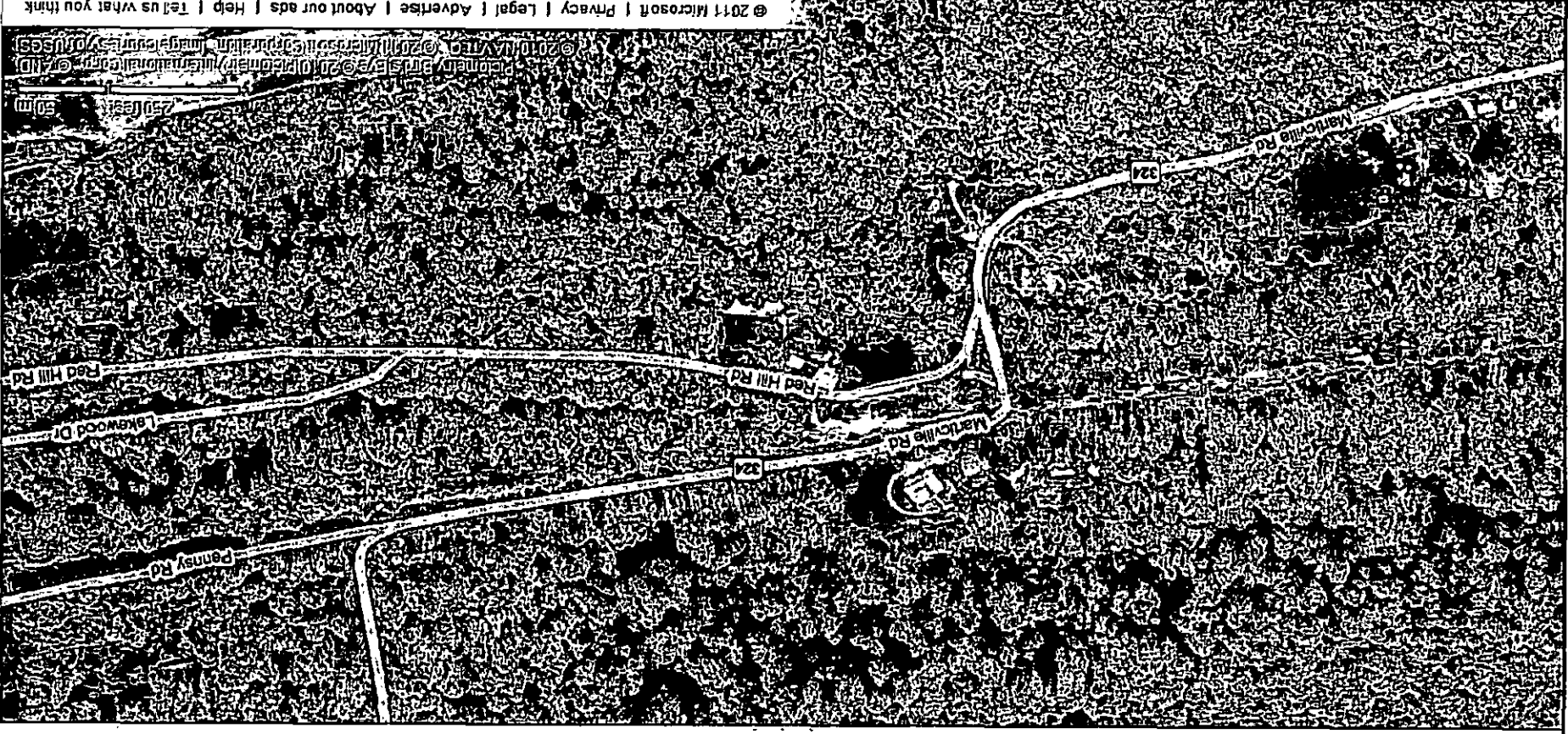
LEGEND FOR EXHIBIT A

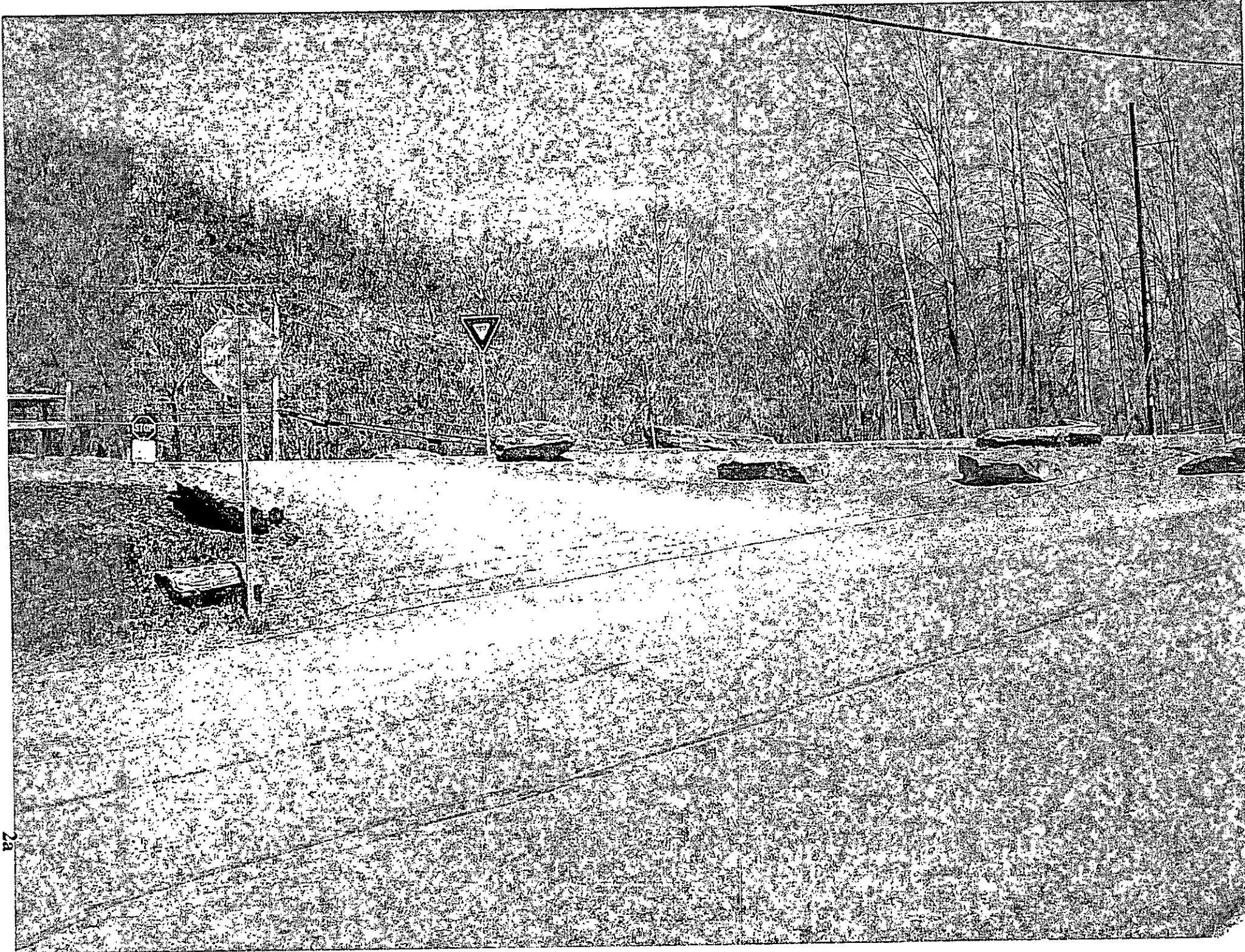
- 1a. Aerial view of terrain surrounding the Marticville Road crossing without Martic Township's newly constructed connecting road to Red Hill Road.
- 2a. Marticville Road (S.R. 324) and Martic Township's newly constructed connecting road to Red Hill Road.
- 3a. Traveling Marticville Road towards Martic Township's newly constructed connecting road.
- 4a. Traveling Red Hill Road towards Martic Township's newly constructed connecting road to Marticville Road (S.R. 324).
- 5a. View of Martic Township's newly constructed connecting road.
- 6a. Facing Marticville Road (S.R. 324) via connecting road and Red Hill Road.
- 7a. Same view as #6a.
- 8a. Facing connecting road and Red Hill Road and Marticville Road (S.R. 324).
- 9a. Facing westerly Marticville Road (S.R. 324) and Martic Township's newly constructed connecting road.
- 10a. Facing Red Hill Road from Marticville Road (S.R. 324) via Martic Township's newly constructed connecting road.
- 11a. Facing Marticville Road via Martic Township's newly constructed connecting road.
- 12a. Facing westerly Marticville Road and Martic Township's newly constructed connecting road.
- 13a. Traveling westwards on Marticville Road (S.R. 324) passing Martic Township's newly constructed connecting road.
- 14a. Traveling westwards toward Marticville Road crossing (past the newly constructed connecting road).
- 15a. Marticville Road crossing.

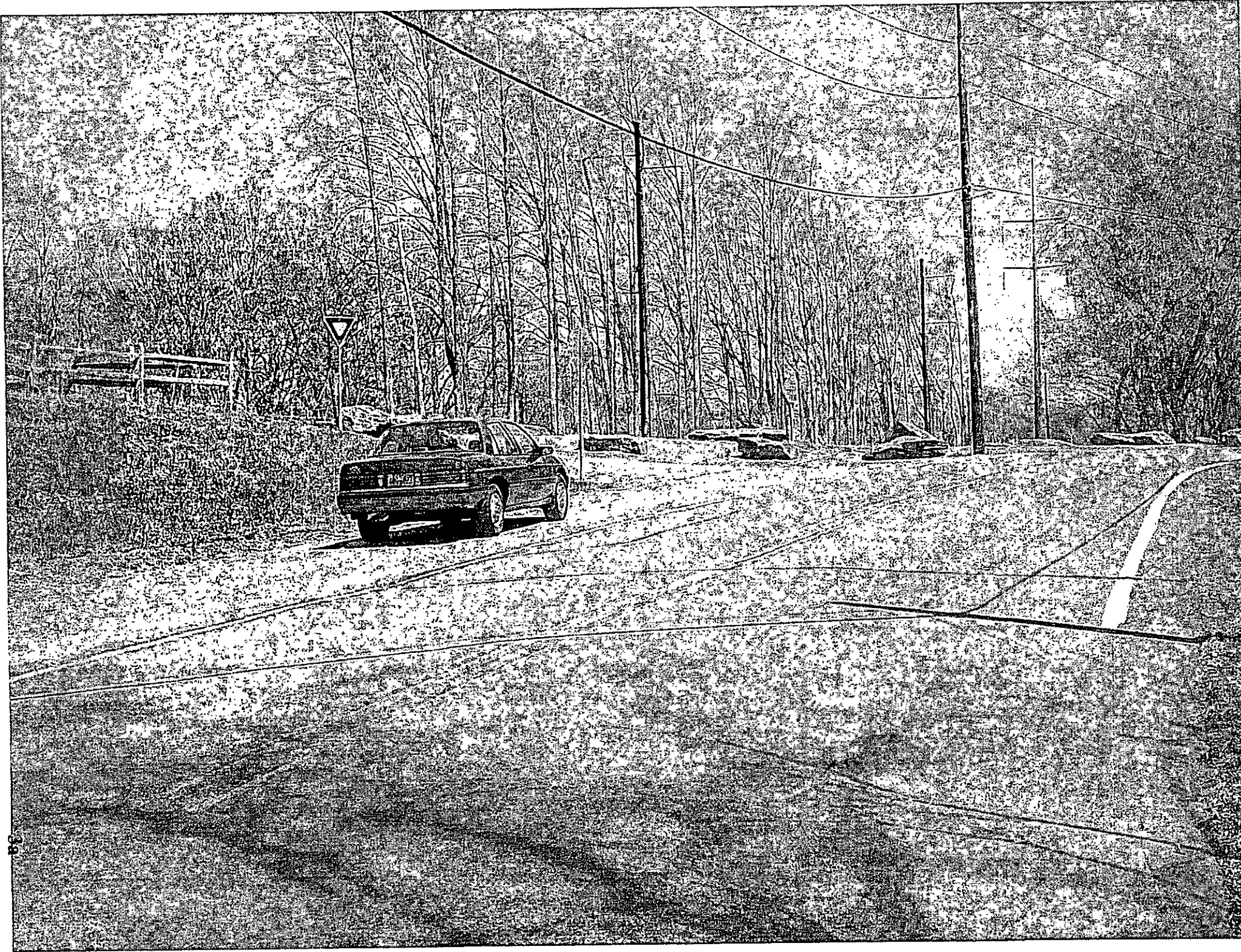
LEGEND FOR EXHIBIT A

16a. Exiting Marticville Road crossing in a westerly direction

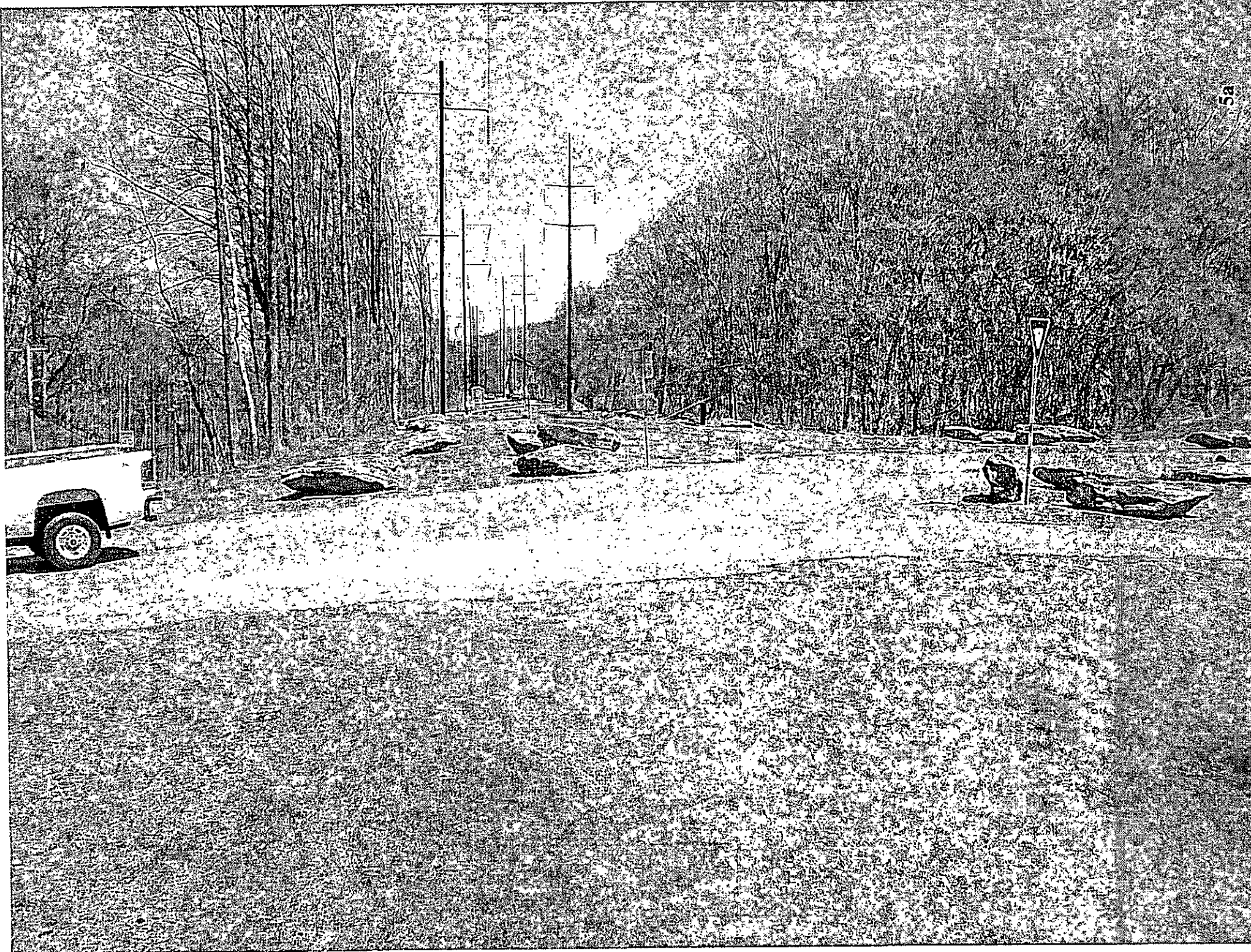
17a. View exiting Marticville Road crossing in a westerly direction and intersecting Red Hill Road.

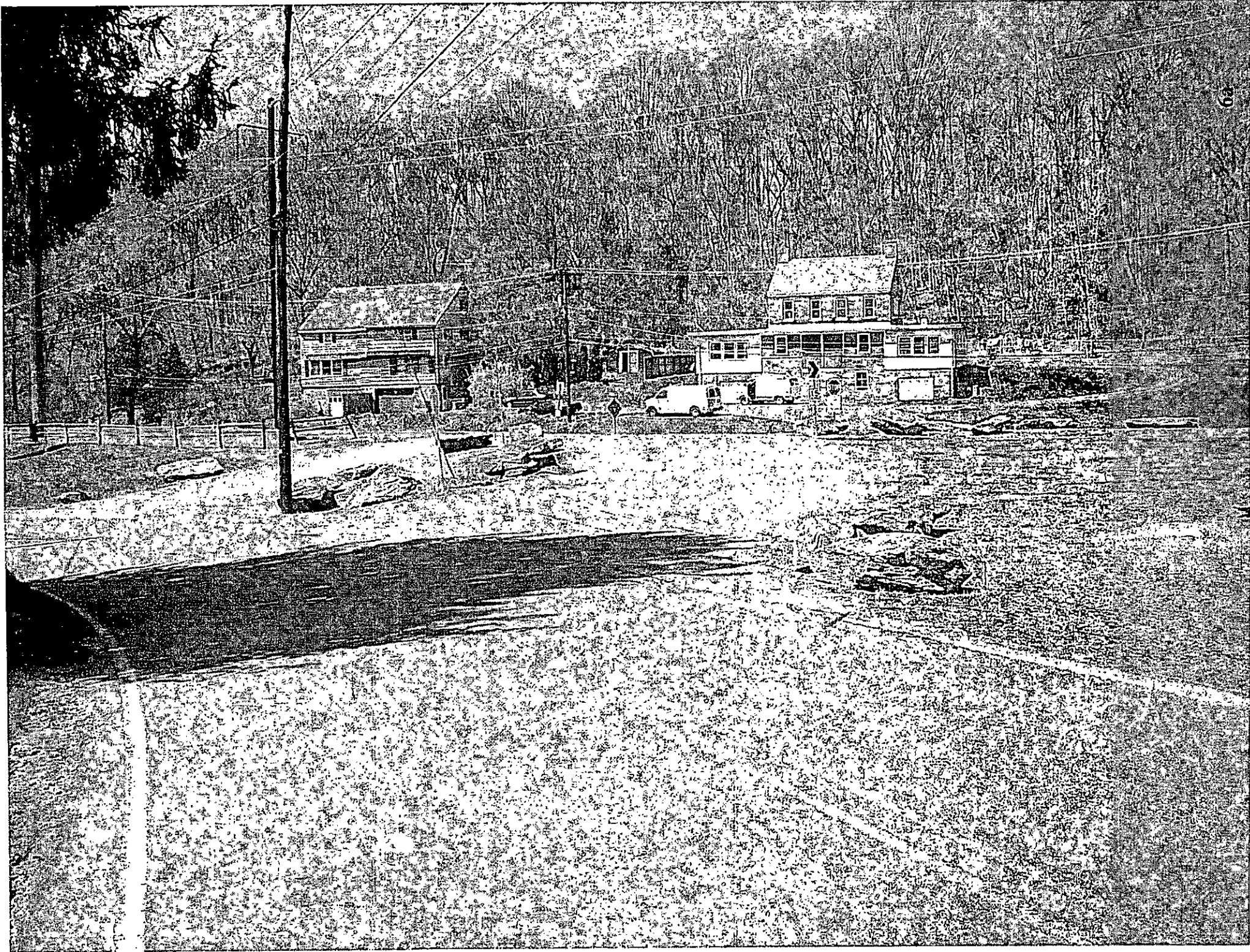


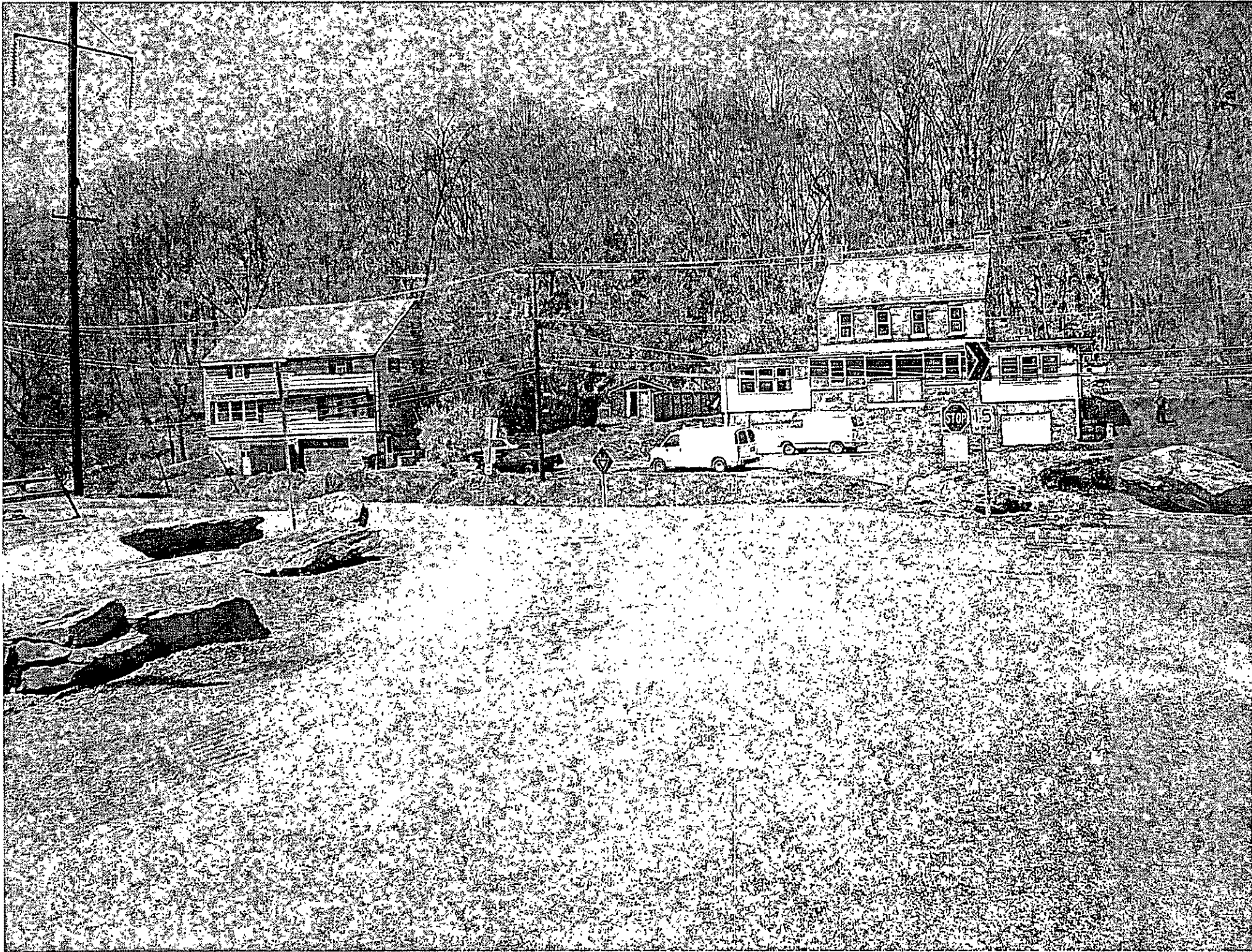




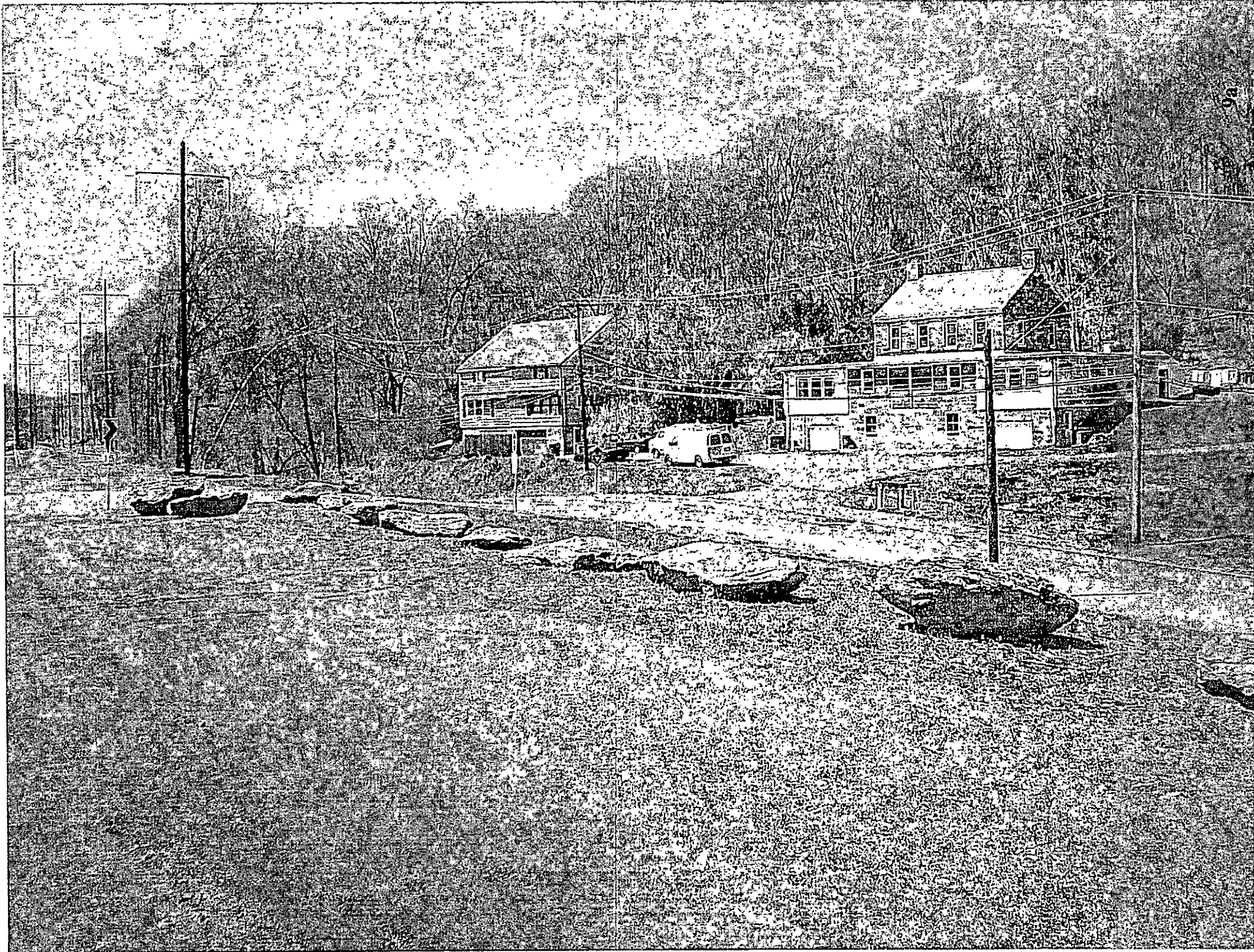






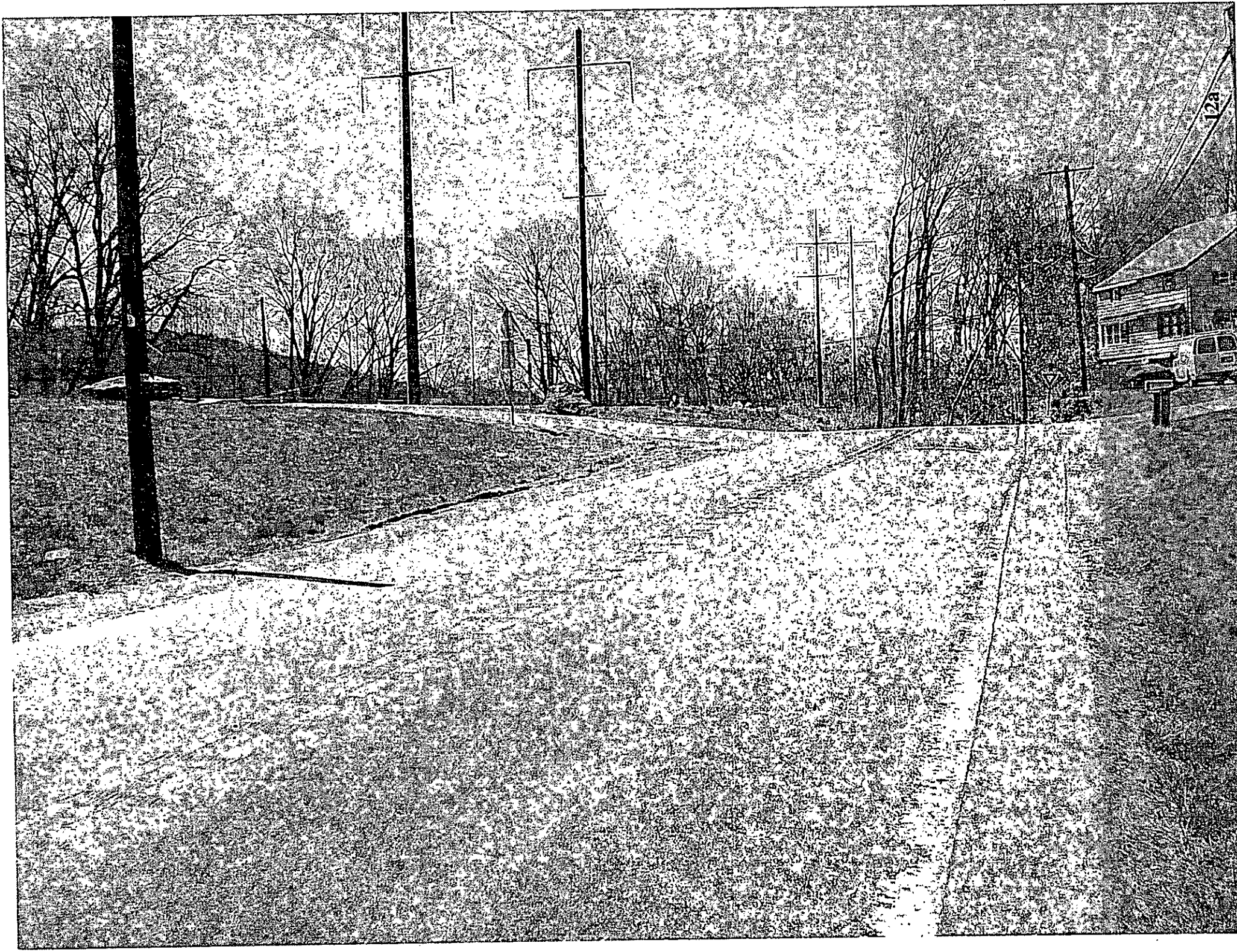






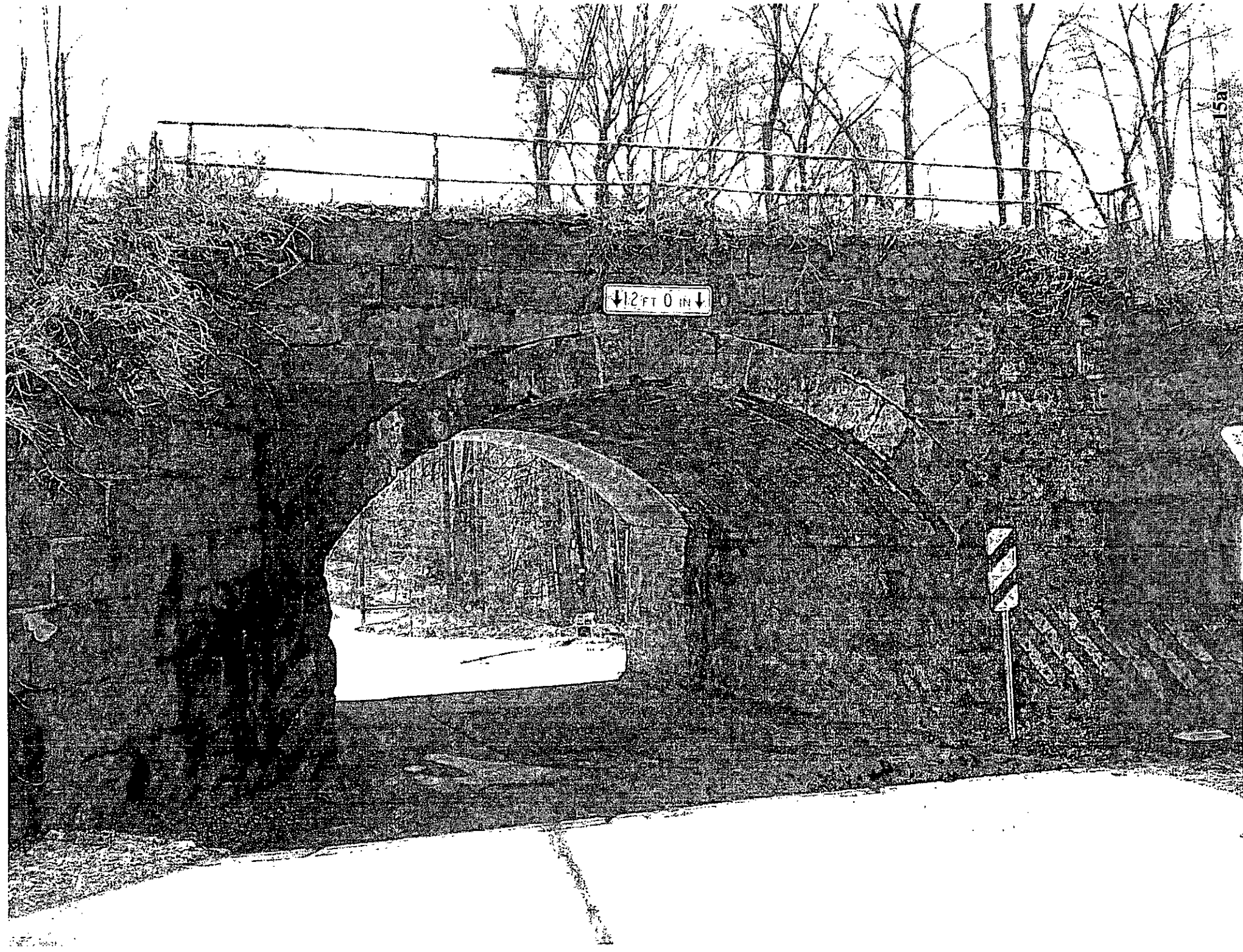












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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document, Answer to Petition for Modification, upon the participants listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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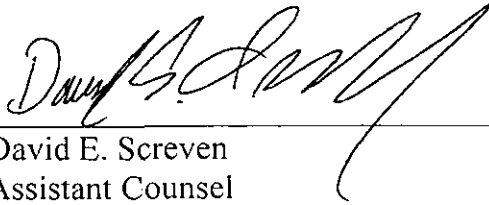
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Dated: April 21, 2011