



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

September 12, 2011

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

RE: **Docket No. A-00111016 and C-00913256**

Dear Secretary Chiavetta:

Enclosed for filing, please find the original and one copy of the *Stipulation of Martic Township, Lancaster County and Pennsylvania Department of Transportation* in the matter as docketed above.

A copy of the attached has been served upon all parties as indicated by the Certificate of Service.

Very truly yours,

Gina M. D'Alfonso
Assistant Counsel in Charge

Enclosures

220/GMD:gw

cc: Parties of Record
Mark J. Chappell, P.E., Chief, Utilities and Right-of-Way Section
Ahmed Lasloudji, Grade Crossing Administrator, Engineering District 8-0

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Consolidated Rail Corporation :
for the Abolition of 31 Crossings of the Enola : Docket No. A-00111016
Branch, LC: 201323, MP 3.5 to MP 27.0, :
Sub No. 1095X, Harrisburg Division, :
Lancaster County :

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

**STIPULATION OF MARTIC TOWNSHIP, LANCASTER COUNTY
AND PENNSYLVANIA DEPARTMENT OF TRANSPORTATION**

AND NOW COME, The Pennsylvania Department of Transportation (Department) and Martic Township, Lancaster County, Pennsylvania (Township) and set forth the following Stipulation regarding Crossing No. 27 (Marticville Road) of the Enola Branch, LC. 201323, MP 3.5 to MP 27.0, Sub No. 1095X, Harrisburg Division, Lancaster County, Pennsylvania. The Department and the Township are sometimes referred to herein as the "Parties." In support of this Stipulation, the Parties set forth as follows:

1. Ordering Paragraph 142 of the Opinion and Order originally entered by the Pennsylvania Public Utility Commission (Commission) on October 9, 1997, as modified by Order entered on October 31, 2007 (PUC Order), reads as follows:

142. That, if Pennsylvania Department of Transportation has not let a contract to reconstruct and realign S.R. 0324, Marticville Road, by December 31, 2010, then Martic Township, having agreed to do to, at its sole cost and expense, by December 31, 2010, furnish all materials and do all work necessary to remove the bridge substructure and superstructure at the Marticville Road crossing to a point

two (2) feet below the surrounding ground line, and to grade the embankments behind the structure to a two-to-one slope, and to grade, seed and mulch the areas thus disturbed to prevent soil erosion, all in a safe and satisfactory condition.

2. The Department has not yet let a contract to reconstruct and realign Marticville Road, and desires to continue with the project beyond the deadline established by the Commission.

3. The Department filed a Motion for Extension of Time requesting an extension until June 30, 2013 within which to let a contract. If the project is permitted to proceed along the normal course of final design, it is anticipated that construction can begin in early 2013 with a completion date of December 31, 2013. The Commission's Bureau of Transportation and Safety (BTS) Prosecutory Staff filed an Answer to the Motion alleging that it had safety concerns at the crossing. A Secretarial Letter dated May 19, 2011, held the Department's Motion in abeyance until BTS could hold a field conference and submit a report to the Commission.

4. The Township has constructed a temporary roadway that allows motorists to circumvent and avoid the underpass where Marticville Road travels below grade and beneath the former railway bed at Crossing No. 27.

5. The Department has approved the roadway constructed by the Township for temporary use for travel around the Marticville Road underpass.

6. Subject to the conditions of this Stipulation, the Township wishes to permit the Department to complete the reconstruction and realignment of S.R. 0324, Marticville Road, beyond the deadline established by the Commission in the PUC Order. The parties jointly request that BTS submit a report consistent with this Stipulation and withdrawing any objection to the request for extension of time and permitting the extension of time to be granted.

7. The Department agrees to meet and consult with the Township's elected officials concerning the preliminary and final design plans for the reconstruction and realignment project at Marticville Road, and to address the Township's concerns with regard to Crossing No. 27 in said design.

8. The Township agrees to quitclaim to the Department and to donate such portions of its land in the area of Crossing No. 27 as may be necessary for the Department to complete its reconstruction and realignment project. The Township further agrees to execute such documents as may be necessary to complete the release and donation of said land to the Department.

9. The Department agrees to accept title, ownership, and maintenance responsibility with respect to the land donated by the Township for the purposes of this reconstruction and realignment project.

10. The Department agrees to maintain, keep open and available for use, the temporary roadway constructed by the Township until such time as actual construction necessitates the closure of the temporary roadway. The Parties stipulate and agree that it is important to allow the traveling public to make use of the temporary roadway as long as possible until the project requires its closure.

11. At such time as the temporary roadway is closed and the reconstruction and realignment project begins, the Department agrees to establish all signage necessary to alert the traveling public of the road's closure and any detour that is established. The Township agrees to cooperate with the Department in the installation of such signage, if necessary or appropriate.

12. The Township and the Department agree that the Motion for Extension of time currently being held in abeyance should be granted in order to afford the Department the additional time necessary to complete the realignment and reconstruction project.


13. The Township and the Department agree to cooperate in seeking an Order from the Commission, if necessary, relieving the Township of the obligation of barricading or removing the structure at Crossing No. 27 (Marticville Road) upon the Department's completion of the reconstruction and realignment project.

14. The parties acknowledge that after the reconstruction and realignment project is completed and Marticville Road is once again opened to the traveling public, the current stone arch structure at Crossing No. 27 may, at the election of Martic Township, remain in place indefinitely as permitted by Paragraph 143 of the PUC Order.

15. The Department stipulates and agrees that, should it for any reason in the future abandon or fail to complete the reconstruction and realignment project identified in this Stipulation, the Department shall execute such documents as may be necessary to return to the Township at no cost any land now owned by the Township that had been quitclaimed and donated to the Department in accordance with Paragraphs 8 and 9, above.


WHEREFORE, the Pennsylvania Department of Transportation and Martic Township, by their authorized representatives, enter into this Stipulation as of the date set forth below.

Respectfully submitted,



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*Counsel for
Pennsylvania Department of Transportation*

DATED: 9-7-11

DATED: 9/12/11

**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.
1095X, Harrisburg Division, Lancaster
County,**

Docket No. A-00111016

**Board of Supervisors of Bart
Township,**

Docket No. C-00913256

v.

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

CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy and correct copy of the foregoing **STIPULATION OF MARTIC TOWNSHIP, LANCASTER COUNTY AND PENNSYLVANIA DEPARTMENT OF TRANSPORTATION** upon the participants listed below, in accordance with the requirements of 52 Pa. Code § 1.54, by electronic service and first class mail, postage prepaid this 12th day of September, 2011.

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City of Coatesville Authority
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Coatesville, PA 19320

Docket Nos.: A-00111016 & C-00913256 - Certificate of Service Continued

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DATED: September 12, 2011

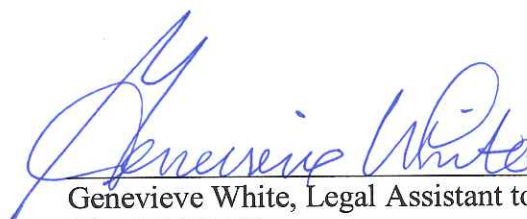
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