



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

IN REPLY PLEASE
REFER TO OUR FILE

October 5, 2011

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

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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:

By a Secretarial Letter dated May 19, 2011, in the above-captioned matter, the Bureau of Transportation and Safety (BTS)¹ was granted an opportunity to schedule a field conference at the Marticville Road crossing to discuss all pertinent issues and file a report of findings and/or recommendations. The field conference and investigation was held on June 24, 2011 and this is the report of TUS on the matters discussed at the field conference.

At the field conference, representatives from Martic Township, Lancaster County (Township) and the Pennsylvania Department of Transportation (PennDOT) agreed that they were amenable to resolve various issues in order to allow the reconstruction and realignment project at the Marticville Road crossing to go forward as planned. TUS then advised the Township and PennDOT to negotiate and discuss all issues, including the safety concerns raised by TUS, and enter into a stipulated agreement on those issues. Accordingly, on September 21, 2011, the Township and PennDOT (hereinafter collectively referred to as the "Parties") jointly filed a Stipulation in the above-captioned matter. The Parties have agreed to certain conditions in order to allow PennDOT to complete the reconstruction and realignment project at Marticville Road crossing in accordance with Ordering Paragraph 142 of the Opinion and Order originally entered on October 9, 1997, as modified by Order entered October 31, 2007.

¹ By Order entered August 11, 2011, at Docket No. 2256451, the Commission reorganized the Bureau of Transportation and Safety (BTS) as the Bureau Technical Utility Services (TUS). Hereinafter, BTS will be referred to as its successor bureau, TUS.

Since PennDOT did not let a contract to begin the reconstruction and realignment project at the Marticville Road crossing in the timeframe established by the Commission, the Township constructed a connecting access road that allowed motorists to circumvent and avoid the underpass where Marticville Road travels below and beneath the former railway bed at Crossing No. 27. TUS has previously stated that it had safety concerns regarding this connecting road. Paragraph No. 10 of the Stipulation states that PennDOT will have all maintenance and assignment responsibilities for the existing connecting roadway constructed by the Township. *See Stipulation* at ¶ 10. Thus, this paragraph addresses and resolves TUS's safety concerns regarding the connecting road.

Nevertheless, TUS has concerns regarding Paragraphs 7 and 11 of the Stipulation. Those paragraphs indicate that the Parties will work cooperatively on establishing preliminary and final design plans for the reconstruction and realignment project at Marticville Road and also to establish a detour of the connecting road once construction commences. TUS asserts that PennDOT is required to file all final design plans for the project with TUS to review and approve before PennDOT commences any work. Furthermore, PennDOT is also required to file any detour or road closure plans associated with the Marticville Road project with TUS for its review and approval before such detour or road closure is established or implemented. This matter is a railway-crossing and is subject to the exclusive jurisdiction of the Commission. *See* 66 Pa. C.S. § 2702. Thus, all final design plans, including any planned detour or road closures associated with the project, must be submitted to the Commission, specifically, TUS, for its review and approval before PennDOT commences work. The Final Order disposing of the Motion for Extension of Time should ensure that this directive is incorporated therein.

In all other respects, TUS has no objection to the Stipulation filed by the Parties. TUS only requires that its conditions set forth above are incorporated and set forth in the Final Order disposing of PennDOT's Motion for Extension of Time.

Very truly yours,



David Oliver, P.E.

Engineer

Bureau of Technical Utility Services

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document, Report of June 24, 2011 Field Conference at Marticville Road Crossing, 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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Dated: October 5, 2011

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