



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

April 2, 2012

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

RE: *Pittston Township v. RBMN Co.*
C-2011-2274074

Dear Secretary Chiavetta:

Enclosed for filing please find the *Pre-hearing Conference Statement* of the Commonwealth of Pennsylvania, Department of Transportation.

I hereby certify that a copy of the *Statement* has been sent to all parties of record as indicated on the Certificate of Service.

Very truly yours,

Jason D. Sharp
Assistant Counsel

Enclosures

220/JDS/

Cc Administrative Law Judge Ember S. Jandebour
Parties of Record
Mark Chappell, P.E., Chief, Utilities and Right-of-Way Division, 7th Floor
Lawrence M. Cernansky, P.E., Grade Crossing Engineer, District 10-0

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

PITTSTON TOWNSHIP	:	
	:	G-2011-2274074
v.	:	
	:	
READING BLUE MOUNTAIN &	:	
NORTHERN CROSSING	:	Electronically Filed
	:	

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION'S PRE-HEARING CONFERENCE MEMORANDUM

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation ("PennDOT"), by and through its counsel, Jason D. Sharp, Assistant Counsel, and submits the following pre-hearing conference memorandum in accordance with the pre-hearing conference order issued on March 14, 2012:

I. History of the Proceeding

Upon information and belief, Pittston Township ("Township") filed an informal complaint with the Commission. The Commission's Bureau of Technical Utility Services ("BTS") held a field conference at the crossing on November 3, 2011.

On or about November 11, 2011, Township filed a formal complaint in this matter. On or about December 6, 2011, PennDOT filed an answer and new matter.

BTS held a further field conference on November 17, 2011. At that meeting, the Township expressed concern regarding deterioration of the crossing. PennDOT agreed to complete temporary crossing approach repairs to the crossing using cold patching materials as hot bituminous paving would not be available during the winter months. PennDOT further agreed to complete approach repairs in the spring of 2012, once bituminous materials were available.

PennDOT cold patched the approach approximately three (3) times during the winter months. On March 29-30, 2012, PennDOT work crews complete approach repairs to the crossing.

II. Presently Identified Issues

- a. Whether or not the crossing, where two tracks of Reading Blue Mountain and Northern ("RBMN") cross, at-grade, State Route 2019 (Oak Street) in the Township, Luzerne County, is in a state of disrepair, and if so what maintenance must be completed to the crossing to alleviate any safety issues?
- b. Whether or not the crossing presents a safety hazard to the public, including vehicular and pedestrian traffic?
- c. Whether or not the crossing must be replaced or rebuilt?
- d. Whether or not RBMN should reimburse PennDOT for PennDOT's 2011-2012 crossing repairs because the deterioration of the approaches is due to the condition of the crossing?
- e. Which parties are responsible for making any necessary repairs to the crossing?
- f. Which parties are responsible for reconstruction or replacement of the crossing?
- g. Which parties should be allocated the costs of crossing maintenance?
- h. Which parties should be allocated the cost of any crossing reconstruction or replacement?

III. Name and Address of Witnesses

- a. Joseph Strok Jr., Grade Crossing Coordinator and Pavement Manager
Department of Transportation, Engineering District Office 4-0
55 Keystone Industrial Park
Dunmore PA 18512

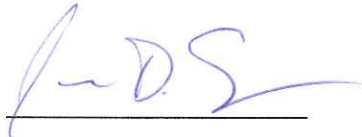
Mr. Strok will testify regarding the history of the crossing, the prior crossing surface installation, the history of problems with the crossing, the nature and cause of the crossing deterioration, and PennDOT's position as to the need for repair or replacement of the crossing surface.

- b. Douglas Yacoboski, Assistant County Maintenance Manager
Pennsylvania Department of Transportation
Maintenance District 4-0 (Luzerne County 4-3)
381 South Main Street

Ashley, PA 18706

Mr. Yacuboski will testify as to PennDOT's maintenance work on the approaches to the crossing, including PennDOT's cold patching work over the 2011-2012 winter season, and its paving work completed on March 29-30, 2012.

Respectfully Submitted,



Jason D. Sharp
Assistant Counsel
Office of Chief Counsel
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P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128

Date: April 2, 2012

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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:

CERTIFICATE OF SERVICE


I hereby certify that a true and correct copy of the *Prehearing Memorandum* was served upon the parties below by first-class mail (and via e-mail where indicated); postage prepaid this day, April 2, 2012:

Paul R. Ober, Esquire
1 Railroad Blvd.
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DATED: April 2, 2012