



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

IN REPLY PLEASE  
REFER TO OUR FILE

April 3, 2012

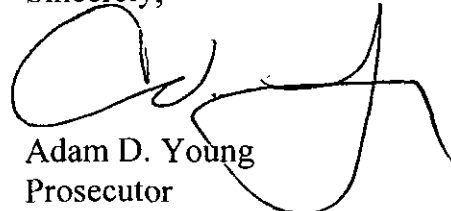
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Pittston Township v. Reading Blue Mountain and Northern Railroad  
Crossing;  
Docket No. C-2011-223~~7~~4074

Dear Ms. Chiavetta:

Enclosed for filing are an original and three (3) copies of the Pre-Hearing Conference Memorandum on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,



Adam D. Young  
Prosecutor  
Attorney ID No. 91822

Counsel for the Bureau of  
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pittston Township,</b>	:	
<b>Complainant</b>	:	
	:	
<b>VS.</b>	:	<b>C-2011-22374074</b>
	:	
<b>Reading Blue Mountain and Northern Railroad</b>	:	
<b>Crossing</b>	:	

**PRE-HEARING CONFERENCE MEMORANDUM OF THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT**

NOW COMES the Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement (BI&E) and files this Pre-hearing Conference Memorandum in accordance with the Court’s Pre-hearing Conference Order issued March 14, 2012.

**Background:**

On or about November 11, 2011, Pittston Township (Township) filed a Formal Complaint with the Commission against Reading Blue Mountain & Northern Railroad (RBMNR). The Complaint alleges that RBMNR has failed to maintain the rail-highway crossing at Oak Street in Pittston Township, PA. The complaint alleged that the crossing presents a serious safety hazard to the vehicular traffic.

On November 3, 2011 and November 17, 2011, the Bureau of Technical Utility Services (TUS) held field conferences at the site of the at-grade crossing. At these meetings, the Township expressed concern about the condition of the crossing and the approaches thereto. PennDOT agreed to complete the necessary repairs to the approaches to the crossing, and in fact, has completed such repairs as of March 29-30, 2012. RBMNR also stated that it would make the necessary repairs to the crossing, but that the

crossing likely needs a complete rebuild requiring a detour to be put in place. PennDOT is not agreeable to paying the costs of putting a detour so that the crossing can be closed and rebuilt.

**Issues to be Addressed:**

- (A) Whether the crossing, where two tracks of RBMNR cross at-grade State Route 2019 (Oak Street) in the Township of Pittston in Luzerne County, is in disrepair.
- (B) Determine whether the crossing must be repaired or rebuilt.
- (C) Determination of the party or parties responsible for paying the costs of repairs or reconstruction of the crossing at issue.
- (D) Determination of the party or parties responsible for the costs associated with repairing or replacing the crossing.
- (E) Determination of the party or parties responsible for future maintenance of the crossing at issue and costs associated with such maintenance.

**Names and addresses of witnesses to be presented:**

- (A) George Steiner, P.E.  
Rail Division  
Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105

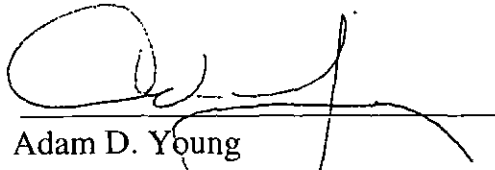
**Proposed area of testimony for each witness:**

This witness will testify as to the condition of the Oak Street crossing, as well as any necessary or recommended repairs to said crossing.

**Other matters that may aid in expediting the orderly conduct and disposition of the proceeding, including the following:**

- (i) The exchange and acceptance of service of exhibits proposed to be offered in evidence.
- (ii) The obtaining of admissions as to, or stipulations of, facts not *remaining in dispute, or the authenticity of documents which might properly shorten the hearing.*
- (iii) The discovery or production of data or other material.

Respectfully Submitted,



Adam D. Young  
Prosecutor  
Attorney ID: 91822

Counsel for the Bureau of Investigation and  
Enforcement

P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-5000

Date: April 3, 2012

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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document, Pre-Hearing Conference Memorandum, on the persons listed and in the manner indicated below which service satisfies the requirements of 52 Pa. Code §1.54.

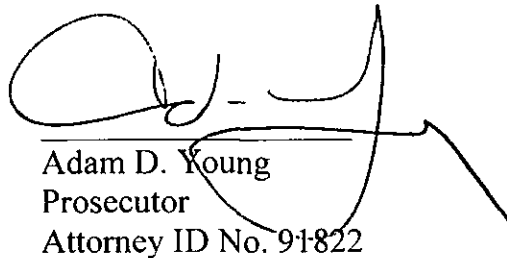
**Service by First Class Mail:**

Paul R. Ober, Esquire  
Paul R. Ober & Associates  
234 N. 6<sup>th</sup> Street  
Reading, PA 19601

Vito DeLuca, Esquire  
County Solicitor  
200 North River Street  
Wilkes Barre, PA 18702

John P. Finnerty, Esquire  
Borough Solicitor  
421 Broad Street  
Pittston, PA 18640

Pennsylvania Public Utility  
Commission  
Administrative Law Judge  
Ember S. Jandebaur  
317 State Office Building  
100 Lackawanna Avenue  
Scranton, PA 18503



Adam D. Young  
Prosecutor  
Attorney ID No. 91822

Counsel for the  
Bureau of Investigation and Enforcement

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