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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA P.U.C.
SECRETARY'S BUREAU

Borough of Windber,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2011-2248320
	:	
B&E Railroad d/b/a Allegheny Southern	:	
Railroad, Somerset County,	:	
Commonwealth of Pennsylvania	:	
Department of Transportation	:	
Respondents.	:	

PREHEARING CONFERENCE MEMORANDUM OF SOMERSET COUNTY

I. **History of the Proceeding**

This matter was initiated by a complaint filed by the Borough of Windber on or about June 24, 2011, advocating the removal of three at grade crossings that traversed State Route 160 in the Borough of Windber. It is further contended that these crossings have not been used for at least ten (10) years and are in poor condition and not able to support train travel.

It is the County's position that it has no obligations relative to the maintenance, repairs or upgrade to these at grade crossings or the State routes in question and has done no independent assessment of the importance of the existing crossing structures to the transportation system in the area. The County further has not received a copy of any PennDOT or B&E Railroad inspection reports and did not attend any field meetings between PennDOT and the Borough of Windber or the common carrier. The County is in support of the Borough's request to rectify any potential hazardous condition.

It is the County's position that B&E Railroad d/b/a Allegheny Southern Railroad is the responsible party for performing and assuming the cost of repairs and/or replacement of the existing crossings found necessary and ordered by the Commission.

II. **County's Issue for Identification**

Does the County have any responsibility, financial or otherwise, relative to the repairs, replacements or improvements to the existing crossings?

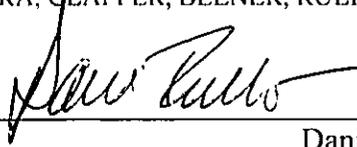
III. **County Witnesses**

Bradley A. Zearfoss, Director, Somerset County Planning Commission, 300 North Center Avenue, Suite 540, Somerset, Pennsylvania, 15501.

Respectfully submitted,

BARBERA, GLAPPER, BEENER, RULLO & MELVIN, LLP

BY



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Date: November 7, 2012

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Prehearing Conference Memorandum of Somerset County was served upon the following parties addressed as follows:

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Dated: November 7, 2012

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