

**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pittston Township	:	
	:	Docket No. C-2011-2274074
v.	:	
	:	
Reading Blue Mountain & Northern Railroad Crossing	:	Electronically Filed

**PRE-HEARING MEMORANDUM**

**I. ISSUES PRESENTED:**

1. Whether or not the Oak Street crossing in Pittston Township, Pennsylvania owned by Reading Blue Mountain & Northern Railroad is in a state of disrepair, requiring it to be rebuilt.
2. Whether or not the railroad crossing at Oak Street in Pittston Township, Pennsylvania owned by Reading Blue Mountain & Northern Railroad presents a safety hazard to vehicular traffic.
3. The responsibility of Reading Blue Mountain & Northern Railroad, the Pennsylvania Department of Transportation and/or the Township of Pittston to make repairs to the Oak Street crossing, provided they are necessary.
4. Whether Reading Blue Mountain & Northern Railroad agreed that the Oak Street crossing in Pittston Township, Pennsylvania is dangerous.

**II. WITNESSES**

1. Representative from Reading Blue Mountain & Northern Railroad, either Wes

Westenhofer or Francis Karycki

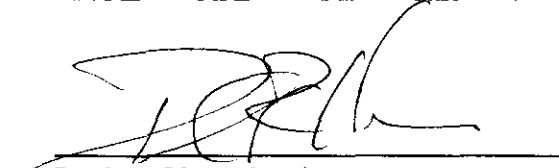
2. Scott Christie, P.E., Deputy Secretary for Highway Administration
3. George Roberts, P.E., District Executive, Engineering District 4
4. Other officers and/or employees of Reading Blue Mountain & Northern Railroad
5. Any witness called by Pittston Township, PennDOT and/or the Commission.

### **III. SUBJECT OF THE WITNESS TESTIMONY**

Each of the witnesses identified will testify as to the condition of the railroad crossing and the lack of necessity for its immediate repair. The witnesses from PennDOT, Scott Christie and George Roberts, will testify as to the past treatment by PennDOT to Reading Blue Mountain & Northern Railroad and other companies with regard to detours. Applications for subpoenas have already been sent. It is the position of Reading Blue Mountain & Northern Railroad that repairs to, or rebuilding of the crossing at the present time are not warranted and that its condition has not sufficiently deteriorated to justify the relief sought by Pittston Township. Reading Blue Mountain & Northern Railroad has not agreed that the Oak Street crossing is dangerous. Further, Reading Blue Mountain & Northern Railroad maintains that the condition of the crossing poses no safety hazard.

Respectfully submitted:

**PAUL R. OBER & ASSOCIATES**



Paul R. Ober, Esquire  
Attorney for Reading, Blue Mountain  
& Northern Railroad Company

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Railroad Crossing :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the Pre-Hearing Memorandum upon the following individuals, by first class mail, postage prepaid.

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

Stephen Menn, Esquire  
Luzerne County Solicitor  
Vinsko Law LLC  
253 South Franklin Street  
Wilkes-Barre, PA 18701

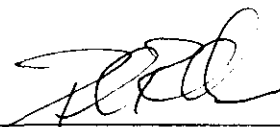
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Administrative Law Judge Jandebeur  
Room 317, Scranton State Office Building  
100 Lackawanna Avenue  
Scranton, PA 18503

Dated: 11/27/12

  
\_\_\_\_\_  
Paul R. Ober, Esquire  
234 North 6<sup>th</sup> Street  
Reading, PA 19601