

CARL LUTE,
COMPLAINANT

vs.

READING BLUE MOUNTAIN AND
NORTHERN RAILROAD,
WAYNE MICHEL, PRESIDENT
1 RAILROAD BOULEVARD
P.O. BOX 218
PORT CLINTON, PA 19549

COLUMBIA COUNTY
ANTHONY MCDONALD SOLICITOR
MAIN STREET COUNTY ANNEX
11 WEST MAIN STREET
BLOOMSBURG, PA 17815

CONYNGHAM TOWNSHIP,
P.O. BOX 10
WILBURTON, PA 17888

PENNDOT
WILLIAM J. CRESSLER
OFFICE OF CHIEF COUNSEL
P.O. BOX 8212
HARRISBURG, PA 17105-8212
RESPONDENTS

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

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:COMPLAINT DOCKET
:NO.: C-2012-2319319

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PA.P.U.C.
SECRETARY'S BUREAU

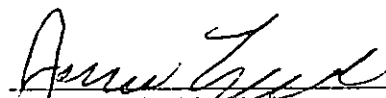
AFFIDAVIT FOR ANSWER UNDER OATH

I, James Tarlecki, in my capacity as Chairman of the Board of Supervisors of Conyngham Township hereby acknowledge that I have received a Formal Complaint together with a Formal Complaint Notice to Respond to Answer or Satisfy relative to the above-referenced complaint docket. I have reviewed the nature of the Complaint which discusses the need of repair for a railroad crossing in Columbia County in Conyngham Township Route 54

wherein the Complainant is requesting that the railroad repair the crossing. As noted in the Complaint, the railroad crossing at issue is located on State Route 54. The road is maintained by the Pennsylvania Department of Transportation. It is suggested in the Complaint that the Reading Blue Mountain and Northern Railroad is responsible for the crossing itself; although, I am taking no position as to whether this allegation is correct. In any event, Conyngham Township has no responsibility relative to the maintenance of State Route 54 nor does it have any authority to take any enforcement action against Reading Blue Mountain and Northern Railroad as described in the Complaint.

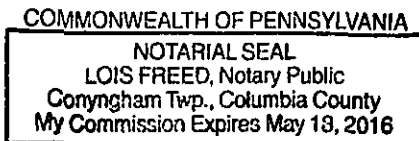
Accordingly, it is the position of Conyngham Township that we are not an appropriate party to this Complaint and would respectfully request that the Complaint be dismissed as set forth against Conyngham Township.

Respectfully submitted,



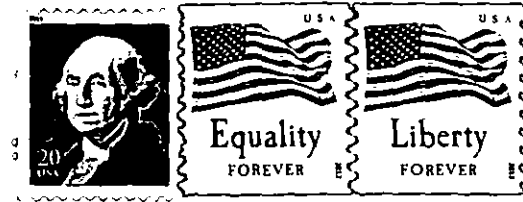
James Tarlecki, Chairperson
Conyngham Township

Dated: January 7, 2013





CONYNGHAM TOWNSHIP
PO Box 10
Wilburton, PA 17888



Commonwealth of Pa
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pa 17105-3265