

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Carl Lute	:	
	:	
v.	:	C-2012-2319319
	:	
Reading Blue Mountain &	:	
Northern Railroad, Conyngham	:	
Township, Columbia County,	:	
Commonwealth of Pennsylvania	:	
Department of Transportation	:	

**PRE-HEARING CONFERENCE MEMORANDUM OF READING BLUE
MOUNTAIN & NORTHERN RAILROAD**

AND NOW, comes Reading Blue Mountain & Northern Railroad (“RBMN”), by and through its counsel, Paul R. Ober, Esquire and states the following:

I. History of the Proceedings

This matter comes before the Commission pursuant to the Complaint of Carl Lute, a Northumberland County resident who filed a Complaint against RBMN with the Commission alleging a single track at grade crossing of the RBMN’s line at State Route 0054 (DOT # 591 833D) is in a state of disrepair. The Complainant seeks to have the RBMN repair the crossing. The Township of Conyngham and Columbia County are also named as respondents.

It is RBMN’s understanding that a field conference was held August 27, 2012 at which time the Complainant and PennDOT opined that the shoulder of the road was hazardous and needed immediate repairs. The Respondent, RBMN was not present at the time and met with the *Public Utility Commission at a separate time and agreed to these immediate shoulder repairs*. At this time, the Public Utility Commission indicated that the crossing surface was found acceptable at the field conference.

On October 3, 2012, RBMN was informed that the crossing surface has been deemed in

need of repairs as well. RMBN did not agree with this need for these repairs that were now agreed upon by Carl Lute, PennDOT and the Public Utility Commission representatives.

II. Issues

- A. Whether the subject crossing is in a state of disrepair and if so what must be done to alleviate safety concerns.
- B. Whether the crossing presents a safety hazard to the public.
- C. Whether the crossing can be repaired or must it be replaced.
- D. Which Parties shall assume a responsibility for the necessary repairs.
- E. Which Parties may be responsible for the reconstruction or replacement of the crossing.
- F. How should those costs be allocated.
- G. Who should be responsible for maintenance?

III. Name and address of witnesses

Francis Karycki, Assistant Vice President of Real Estate, Reading Blue Mountain & Northern Railroad, 1 Railroad Blvd., Port Clinton, PA 19549 and other Reading Blue Mountain & Northern Railroad employees.

IV. Subject of the witnesses' testimony

The witness will testify that the subject crossing does not need to be reconstructed or repaired.

V. Testimony

Reading Blue Mountain & Northern Railroad does not object to written testimony.

VI. Procedural schedule

Written direct testimony by April 30, 2013.

Rebuttal testimony by May 30, 2013.

Hearing date, June 30, 2013

Briefs due thirty (30) days following receipt of transcript.

Respectfully submitted:

Date: 2/6/13



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