



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

February 15, 2013

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

Re: Docket No. A-00111016 and C-00913256

Dear Secretary Chiavetta:

Enclosed for filing please find the Department's Prehearing Conference Memorandum in the above-captioned matter.

I hereby certify that a copy of this Memorandum has been served on all parties of record as per the attached Certificate of Service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Martha R. Smith".

Martha R. Smith
Assistant Counsel

cc: ALJ Elizabeth H. Barnes
ALJ Joel H. Cheskis
Parties of Record
Lauren Imgrund, Director, Bureau of Recreation and Conservation



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Consolidated Rail Corporation for the abolition of thirty-one crossings of the Enola Branch, LC201323, MP 3.5 to MP 27.0, Sub No. 1095X, Harrisburg Division, Lancaster County,	:	
	:	
	:	Docket No. A-00111016
	:	
	:	
Board of Supervisors of Bart Township,	:	
	:	
v.	:	Docket No. C-00913256
	:	
	:	
Consolidated Rail Corporation, and the Pennsylvania Department of Transportation and Commissioners of the County of Lancaster, et al.	:	

**PREHEARING CONFERENCE MEMORANDUM BY THE
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

The Commonwealth of Pennsylvania, Department of Conservation and Natural Resources (DCNR) through its attorney, Martha R. Smith, Assistant Counsel, Governor's Office of General Counsel, assigned to DCNR, files the following prehearing statement for the prehearing conference to be held on February 21, 2013.

Martha R. Smith, Assistant Counsel, shall continue to be the named representative for DCNR for purposes of the service list, and the information in the signature line below and on the service list is correct.

On January 18, 2012, DCNR filed a letter in support of Eden Township's petition to keep Crossing 10, Pumping Station Road, in place. Though DCNR has been minimally involved in the continuing legal proceedings in this matter, it did participate in the site visit in August 2012, and DCNR would like to remain involved to the extent of promoting the rail-trail along this line

since this is a priority trail as defined by the Decision Tree Process as set forth in the *Rail-Trail Bridges in Pennsylvania, A Guidebook for the Structure Disposition Process* developed with the Commonwealth of Pennsylvania, Department of Transportation, pursuant to Governor Tom Ridge's Rail-Trail Policy.

In that regard, DCNR will, if deemed necessary, offer testimony by Lauren Imgrund, Director of DCNR's Bureau of Recreation and Conservation, author of said letter in support. In the alternative, DCNR will offer testimony from staff in that Bureau, namely Thomas Ford, Diane Kripas, Lori Yeich, or Vanyla Tierney, or another staff member as assigned by the Bureau Director, all of whom can testify as to the recreational, historical, economical, and conservational benefits of the rail-trail and the importance of the subject bridge. The Bureau Director and the above-named staff can be reached at DCNR, 400 Market St., 5th Floor RCSOB, P.O. Box 8475, Harrisburg, PA 17105-8475, telephone number 717-783-2658.

A copy of the January 18, 2012 letter is attached as an Exhibit to this Prehearing Conference Memorandum, and is a synopsis of the testimony that would be offered by DCNR.

COMMONWEALTH OF PENNSYLVANIA
Dept. of Conservation and Natural Resources

By: Martha R. Smith
Martha R. Smith
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Date: February 15, 2013



pennsylvania

DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES

BUREAU OF RECREATION AND CONSERVATION

January 18, 2012

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
3rd Floor North
Commonwealth Keystone Building
Harrisburg, PA 17110

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SECRETARY'S BUREAU

Re: Petition by Eden Township, Lancaster County,
To Modify Portions of the October 9, 1997
Opinion and Order Entered by the PA PUC
(RE: A-00111016)

Dear Secretary Chiavetta:

Eden Township, in Lancaster County, has filed a petition to modify the October 9, 1997 PUC order to remove and demolish Crossing No. 10 (Pumping Station Road) on the Enola Branch rail corridor. The structure at this road crossing is a stone arch culvert located beneath the railroad embankment. The Township is requesting the 1997 order be modified to permit the structure to remain intact to support the development of the Enola Low Grade Rail Trail. The Department of Conservation and Natural Resources (DCNR) supports this request.

The municipalities along the Enola Branch rail corridor have recently acquired the portions of the railroad right-of-way within their respective municipal boundaries. They are now interested in developing the right-of-way into a rail trail. Therefore, it is critical that Crossing No. 10 (Pumping Station Road), and other crossings, remain in place. If the structures are removed, the townships will have the burden of replacing them at a much higher cost than if the structure is preserved in place and rehabilitated to meet pedestrian use and safety requirements.

The Enola Branch rail corridor is an important part of the history and character of the southern Lancaster County landscape. The Lancaster County Comprehensive Plan, under the Cultural Heritage section, calls for the preservation of the county's historic resources. The structures, along with the entire rail corridor, are historically significant resources that have been "Determined Eligible" by the Keeper of the National Register of Historic Places.

conserve sustain enjoy

400 Market Street, 6th Flr, RCSOB, Harrisburg, PA 17101 | Phone 717-783-2658 | Fax 717-787-9577


January 18, 2012

DCNR is a major advocate, funder and developer of rail trails and strongly supports saving the railroad structures along the Enola Branch Rail Corridor including the one at Pumping Station Road. Rail trails are a major source of economic development, connecting people to the outdoors and supporting a more active lifestyle for Pennsylvanians. This makes our communities healthy places to live and work.

The Enola Branch trail is a priority trail for DCNR under the Decision Tree Process as set forth in the "Rail-Trail Bridges in Pennsylvania, A Guidebook for the Structure Disposition Process", developed in conjunction with the Department of Transportation pursuant to Governor Tom Ridge's Rail Trail Policy. DCNR is a party to this PUC action, and can provide testimony in support of this rail trail when a hearing is scheduled.

Thank you in advance for your thoughtful consideration of this matter. The Department looks forward to favorable resolution of this issue. Should you have additional questions or need more information, please let me know.

Sincerely,


Lauren S. Imgrund
Bureau Director

cc: Greg Collins, Chairman, Providence Township Board of Supervisors
Michael A. Domin, AICP, Principal Planner, Lancaster County Planning Commission
Ellis Ferguson, Chairman, Eden Township Board of Supervisors
Janice Longer, Esq., Reese, Samley, Wagenseller, Mecum & Longer

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SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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	:	
v.	:	Docket No. C-00913256
	:	
	:	
Consolidated Rail Corporation, and the Pennsylvania Department of Transportation and Commissioners of the County of Lancaster, et al.	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below, in accordance with the requirements of 52 Pa. Code § 1.54, by first class mail, postage prepaid, this day, February 15, 2013 :

Notification by first class mail addressed as follows:

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Pequea, PA 17565

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Pottstown, PA 19464

Township of Sadsbury
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Christiana, PA 17509

Borough of Quarryville
330 Saint Catherine Street
Quarryville, PA 17566

Ms. Kim Flowers
PPL Electric Utilities Corporation
Two North Ninth Street/GENTW19
Allentown, PA 18101-1179

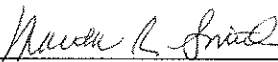
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COMMONWEALTH OF PENNSYLVANIA
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