



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

IN REPLY PLEASE  
REFER TO OUR FILE

February 14, 2013

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

Re: 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. 1095, Harrisburg Division, Lancaster County Board of Supervisors of Bart Township, v. Consolidated Rail Corporation, and the Pennsylvania Department of Transportation and Commissioner of the County of Lancaster, et al.  
Docket No. A-00111016 and C-00913256

Dear Ms. Chiavetta:

Enclosed for filing is the original copy of the Pre-Hearing Conference Memorandum on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

David E. Screven  
Assistant Counsel

Enclosures

cc: As per Certificate of Service

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Application of Consolidated Rail Corporation for the Abolition of 31 Crossings for the Enola Branch, LC201323, MP 3.5 to MP 27.0, Sub No. 1095X, Harrisburg Division, Lancaster County</b>	:	<b>Docket No. A-00111016</b>
	:	
<b>Board of Supervisors of Bart Township</b>	:	<b>Docket No. C-00913256</b>
	:	
<b>v.</b>	:	
	:	
<b>Consolidated Rail Corporation, Pennsylvania Department of Transportation and Lancaster County, et al.</b>	:	

**PRE-HEARING CONFERENCE MEMORANDUM OF THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT**

NOW COMES the Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement (I&E) and files this Pre-hearing Conference Memorandum in accordance with the Court's Pre-hearing Conference Order issued January 25, 2013.

**A. Service:**

All service on and communications to the Bureau of Investigations and Enforcement in this proceeding should be addressed to the following person:

David E. Screven  
Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

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**B. Settlement:**

BI&E is amenable to a settlement in this case, if Eden Township provides sufficient documentation addressing the existing safety concerns regarding Crossing No. 10 at Pumping Station Road.

**C. Discovery:**

BI&E proposes that discovery, if necessary, be conducted informally and be completed no less than thirty (30) days prior to hearing.

**D. Proposed litigation schedule: (fill-in dates pursuant to your schedule)**

Pre-filed Direct Testimony (Petitioner): Friday, May 10, 2013  
Pre-filed Direct Testimony (all other Parties): Friday, June 7, 2013  
Rebuttal Testimony (all Parties): Friday, June 28, 2013  
No Sur-rebuttal Testimony (all Parties): N/A  
Hearing: July 17, 2013  
Briefs: (30 days from receipt of transcripts)  
Reply Briefs : (20 days after receipt of Briefs)

**E. Names and addresses of witnesses to be presented:**

BI&E will present the following witness:

Holly Swartz  
Rail Division  
Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105

**Proposed area of testimony for each witness:**

This witness will testify as to the Rail Division's opinion regarding the safety concerns regarding Crossing No. 10 at Pumping Station Road.

**F. Issues to be Addressed:**

BI&E notes that the Eden Township has not offered any evidence purporting to demonstrate the structural soundness of the stone bridge at Crossing No. 10.

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Additionally, the Township has not submitted any traffic study to overcome the rebuttable presumption regarding the existing safety concerns involving the curvature of the Pumping Station Road at the subject crossing that are set forth in the October 9, 1997 Order.

**G. Other matters that may aid in expediting the orderly conduct and disposition of the proceeding, including the following:**

- (A) The exchange and acceptance of service of exhibits proposed to be offered in evidence.
- (B) The obtaining of admissions as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing.
- (C) The discovery or production of data or other material.



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David E. Screven, Esq.  
Prosecutor  
Attorney ID No. 80711  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission

P.O. Box 3265  
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(717) 787-5000

Dated: February 14, 2013

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## 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 (relating to service by a participant).

### SERVICE BY FIRST CLASS U.S. MAIL AND ELECTRONIC MAIL:

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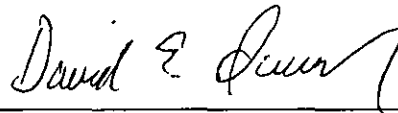
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Martic Township  
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David E. Screven  
Assistant Counsel

Dated: February 14, 2013

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