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A PROFESSIONAL CORPORATION

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February 14, 2013

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

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SECRETARY'S BUREAU

Re: Application of Consolidated Rail Corporation for the Abolition of 31 Crossings of the Enola Branch, LC: 201323, MP 3.5 to MP 27.0, Sub No. 1095 X, Harrisburg Division, Lancaster County, Docket No. A-00111016

Board of Supervisors of Bart Township v. Consolidated Rail Corporation, Pennsylvania Department of Transportation and Lancaster County, et al.; Docket No. C-00913256

PREHEARING CONFERENCE MEMORANDUM OF EDEN TOWNSHIP

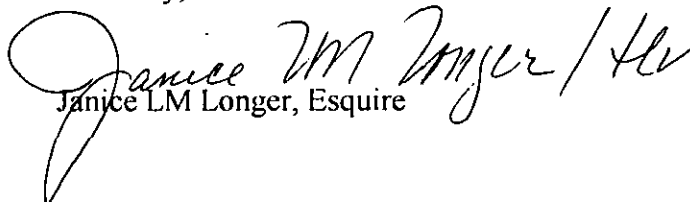
Dear Secretary Chiavetta:

Enclosed for filing is the original of the Pre-Hearing Conference Memorandum of behalf of Eden Township. Copies have been served upon the parties of record in accordance with the Certificate of Service.

Also enclosed is an additional first page of the Memorandum. Kindly time-stamp the page and return it to my attention in the envelope provided.

Thank you for your consideration. Please contact me if you need further information.

Sincerely,


Janice LM Longer, Esquire

JLML//tlv

cc: Eden Township

**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,

Board of Supervisors of Bart Township

v.

Consolidated Rail Corporation and the Pennsylvania Department of Transportation and Commissioners of the County of Lancaster, et al.

Docket No. A-00111016

Docket No. C-009132

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PRE-HEARING CONFERENCE MEMORANDUM OF EDEN TOWNSHIP

Pursuant to the Order of the Commission dated January 25, 2013, Eden Township submits the following:

1. Eden Township designates Janice L.M. Longer, Esquire, solicitor for Eden Township, whose address is 120 North Shippen Street, Lancaster, PA 17602, as the person upon service shall be made on behalf of the township.
2. Eden Township believes that settlement of the case is possible if the interested parties, particularly Penn Dot and Norfolk-Southern Railway Corporation ("Norfolk-Southern"), can agree on a cost-effective way to share responsibility and the costs involved in addressing the safety and maintenance concerns for Pumping Station Road in a manner which will allow the crossing over Pumping Station Road and the stone-arch bridge to remain in place.

Upon information and belief, Penn Dot's opposition to Eden's Petition is relative to storm water issues on Pumping Station Road in the area of the subject bridge. Eden believes that removal of the bridge will not alleviate the storm water issues and that the storm water issues can be alleviated with the stone bridge in place. Eden further believes that extensive engineering studies need to be done to address the storm water issues, even if the bridge is removed. Eden Township is without financial resources to undertake such extensive studies. Since Penn Dot is responsible for the road maintenance, Penn Dot may have or should have the necessary studies available to it or should be completing such studies.

Substantial evidence to support Eden Township's Petition will consist of testimony, including testimony of experts and related expert reports. To date, no such reports have been completed, pending settlement efforts.

3. If engineering studies are available from Penn Dot or other sources, those studies should be exchanged informally among the parties or participants within thirty days. To the extent that Eden will rely on its own expert testimony regarding the storm water management or traffic conditions on Pumping Station Road, or other evidence, Eden proposes to make reports or summaries of such testimony/evidence available to Participants not less than 30 days prior to the scheduled hearing date or within the litigation schedule established at the Pre-hearing Conference.

4. Pursuant to informal correspondence among Participants, Eden is aware that a July hearing date and related pre-filed direct and rebuttal testimony dates will be proposed. Eden Township is not necessarily opposed to the schedule which contemplates a hearing date of July 17, 2013, with Pre-filed Direct Testimony due in May and June 2013 and rebuttal testimony due three weeks prior to the hearing date, provided however that such schedule allows sufficient time to pursue settlement options.

5. Proposed witnesses for Eden Township:

David Rohrer - Eden Township Supervisor

Substance of Testimony: Conditions around the area of Pumping Station Road Bridge; Townships attempts to alleviate storm water management issues; other considerations for allowing the bridge to remain; financial hardship involved in alleviating conditions.

Mark Rudy - Eden Township Roadmaster

Substance of Testimony: Road maintenance issues; traffic and safety issues involving the subject area. Photographs which will be offered into evidence will be available at the Pre-hearing Conference.

Edward Fisher of Light-Heigel Associates, Inc. - Eden Township Engineer

Substance of Testimony: Engineering issues in the area of Pumping Station Road Bridge; proposals for amelioration without removal of the bridge.

Mike Domin - of Lancaster County Planning Commission

Substance of Testimony: Positive aspects of maintaining the subject bridge; impact on surrounding communities; benefit to Lancaster County of a continuous trail; and storm water issues.

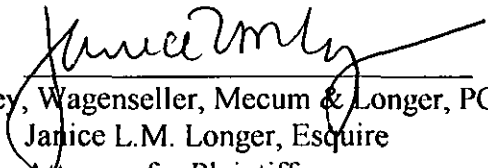
The Board of Supervisors of Eden Township reserves the right to add additional witnesses as it deems necessary and appropriate and will advise accordingly in accordance with the established litigation schedule.

6. Issues and sub-issues which Eden Township advances:

- i. There is a benefit to the community in allowing the crossing and bridge to remain.
- ii. Storm water management can be addressed without the necessity of removal.
- iii. Removal of the bridge will not alleviate storm water management issues.
- iv. The costs associated with removal and attendant storm water management requirements could be better utilized in formulating a solution which does not require removal.

2-14-2013

Respectfully submitted,



Reese, Samley, Wagenseller, Mecum & Longer, PC
Janice L.M. Longer, Esquire
Attorney for Plaintiffs
Pa Attorney I.D. No. 33057
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Lancaster, PA 17602
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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,

Board of Supervisors of Bart Township

v.

Consolidated Rail Corporation
and the Pennsylvania Department of
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CERTIFICATE OF SERVICE

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

Johnnie Simms, Esquire
PA PUC Bureau of Investigation
Enforcement Legal Technical
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Harrisburg, PA 17105-3265

Office of Special Assistants
PA Public Utility Commission
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Harrisburg, PA 17105-3265

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Berwyn, PA 19312-2401

Gina M. D'Alfonso, Esquire
PENNDOT
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Bart Township Board of Supervisors
Calvin D. Keene, Chairman
46 Quarry Road
Quarryville, PA 17566

Conestoga Township Supervisors
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Conestoga, PA 17516

David Dulick
PPL
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Allentown, PA 18101

Dennis M. Moore
National Railroad Passenger Corp
Amtrak Law Department
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Washington, DC 20002

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115 South State Street
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212 North Queen Street
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(For Providence Township)

William Crossell, Esquire
Morgan Hallgren Crosswell & Kane PC
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Lancaster, PA 17604-4686
(For Martic Township)

Lancaster County Planning Commission
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Lancaster, PA 17608-3480

Martic Township
270 Steinman Farm Road
Pequea, PA 17565

Suburban Cable TV
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Pottstown, PA 19464

Township of Sadsbury
7182 White Oak Road
Christiana, PA 17509

Scott Wyland Esquire
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Carlisle, PA 17015

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Lancaster, PA 17608-3480

Martha R. Smith, Esquire
Conservation and Natural Resources
Governor's Office of General Counsel
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Rachel Carson Bldg, 7th Floor
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Harrisburg, PA 17105

Eden Township Board of Supervisors
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Quarryville, PA 147566

Borough of Quarryville
300 Saint Catherine Street
Quarryville, PA 17566

John Chase
300 Saint Catherine Street
Quarryville, PA 17566

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

Lancaster County Commissioners
150 North Duke Street
Lancaster, PA 17603-3562

Comcast Communications, Inc.
Legal Department
1131 South Duke Street
Lancaster, PA 17602

Suburban Cable Company
Legal Department
202 Shoemaker Road
Pottstown, PA 19464

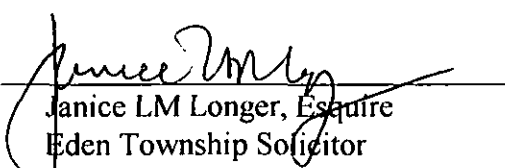
Seth A. Mendelsohn, Esquire
Pennsylvania American Water Company
800 West Hershey Park Drive
Hershey, PA 17033

Department of Environmental Protection
Legal Services
PO Box 8464
Harrisburg, PA 17105-8464

Date: 2-14-2013

Respectfully submitted:

By:


Janice LM Longer, Esquire
Eden Township Solicitor

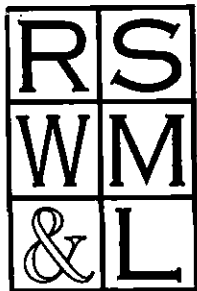
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LAW OFFICES



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