



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

IN REPLY PLEASE
REFER TO OUR FILE

September 27, 2013

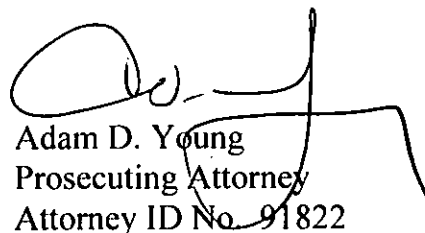
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Bridge Structure where State Route 1025 Crosses over a single
track of Canadian Pacific Railway (264 293 K) in Nicholson
Borough, Wyoming County
M-2013-2364201

Dear Ms. Chiavetta:

Enclosed for filing is a Pre-hearing Conference Memorandum 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,



Adam D. Young
Prosecuting Attorney
Attorney ID No. 91822

Counsel for the Bureau of
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

RECEIVED
2013 SEP 27 PM 3:12
PA PUC
SECRETARY'S BUREAU

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

2013 SEP 27 PM 3:18
SECRETARY'S BUREAU

Bridge Structure where State Route 1025 :
Crosses over a single track of Canadian :
Pacific Railway (264 293 K) in Nicholson : M-2013-2364201
Borough, Wyoming County :

**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.

Background:

DOT # 264 293 K, Nicholson Borough, Wyoming County (SR 1025) is a two lane state road also known as Station Hill Road. The subject bridge is a reinforced concrete arch structure carrying State Route 1025 above grade, over the single track of Canadian Pacific Railroad (CP).

On May 2, 2013, the Pennsylvania Department of Transportation (PennDOT) notified the Commission of a safety concern regarding the condition of the existing bridge structure. A field investigation/conference was held on May 14, 2013 at the site of the crossing with representatives from the PUC, PennDOT, and CP in attendance. At the field conference it was observed that the existing structural condition of the bridge structure was in such poor condition that it was necessary for PennDOT to take action to close the bridge to all vehicular and pedestrian traffic to ensure the safety of the public. All parties in attendance were agreeable to this assessment regarding the condition of the structure,

but at the time of the field conference, no party was willing to commit to performing and/or funding a structural/bridge inspection necessary to determine the feasibility and any remedial action required to reopen the bridge safely to the public. At the field conference it was also noted that according to the Commission's prior order, dated June 11, 1951, filed under PUC Application Docket No. 76276, regarding said subject bridge, The Delaware, Lackawanna and Western Railroad, at its sole cost and expense, was directed to furnish all material and do all work necessary to maintain the substructure and superstructure of the bridge, exclusive of the roadway paving. CP is unwilling to commit to any necessary maintenance or repairs regarding the subject bridge/arch structure, however CP is agreeable to provide any protection it deems necessary to protect its railroad vehicles, facilities, equipment and personnel operating in the vicinity of the crossing. On July 31, 2013, PennDOT filed a petition to perform a structural/engineering inspection and analysis necessary to determine the condition of the bridge. The structural/engineering inspection was performed in August-September of 2013. The bridge parapets were removed from the structure by CP in August of this year.

Service:

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

Adam D. Young
Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Issues to be Addressed:

The Commission must determine the following:

RECEIVED
2013 SEP 27 PM 3:18
PA PUC BUREAU
SECRETARY'S BUREAU

- (A) The condition of the crossing, the scope of work that needs to be performed on the crossing to alleviate any safety issues, and which party or parties should bear the cost of the work to be performed.
- (B) Because the bridge structure is currently closed to vehicular and pedestrian traffic, the feasibility of re-opening the bridge, even if only temporarily, should be explored.

Names and addresses of witnesses to be presented:

- (A) George Steiner, P.E.
Rail Division
Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105

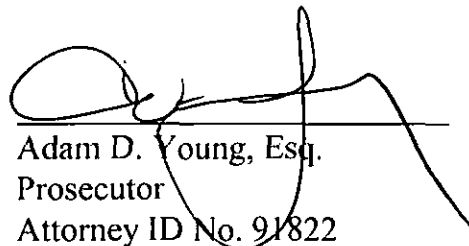
RECEIVED
2013 SEP 27 PM 3:18
PENNSYLVANIA
PUBLIC
UTILITY
COMMISSION

Proposed area of testimony for each witness:

This witness will testify as to the Rail Division's opinion regarding the condition of the crossing at issue, the scope of work that in the opinion of the Rail Division needs to be performed to alleviate any safety concerns, and who should bear the cost of the work to be performed and the future maintenance.

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.



Adam D. Young, Esq.
Prosecutor
Attorney ID No. 91822
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission

P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000

Dated: September 27, 2013

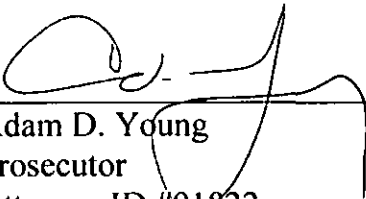
RECEIVED
2013 SEP 27 PM 8:18
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the persons listed and in the manner indicated below:

Notification by first class mail addressed as follows:

ALJ - DAVID A. SALAPA OFFICE OF ADMINISTRATIVE LAW JUDGE PO BOX 3265 HARRISBURG, PA 17105-3265	ANTHONY P LITWIN ESQUIRE 24 EAST TIOGA STREET TUNKHANNOCK PA 18657
JAMES E. DAVIS ESQUIRE 7 MARION STREET TUNKHANNOCK PA 18657	ERIN BRENNAN ESQUIRE OLIVER PRICE AND RHODES 1212 SOUTH ABINGTON ROAD PO BOX 240 CLARKS SUMMIT PA 18434
GINA M. D'ALFONSO ASSISTANT COUNSEL IN CHARGE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION P.O. BOX 8212 HARRISBURG, PA 17105-8212	



Adam D. Young
Prosecutor
Attorney ID #91822
(Counsel for Pennsylvania Public Utility
Commission)

P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 772-8582

Dated: September 27, 2013

RECEIVED
2013 SEP 27 PM 3:10
PA PUBLIC UTILITIES