

**BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

| | | |
|-----------------------------|---|--------------------|
| READING BLUE MOUNTAIN | : | |
| AND NORTHERN RAILROAD | : | |
| COMPANY | : | Complaint Docket |
| | : | No: C-2014-2426416 |
| | : | |
| Complainant | : | |
| | : | |
| v. | : | |
| | : | |
| COMMONWEALTH OF | : | |
| PENNSYLVANIA, DEPARTMENT OF | : | |
| TRANSPORTATION | : | |
| | : | |
| Respondent | : | |

**READING BLUE MOUNTAIN AND NORTHERN RAILROAD COMPANY'S
ANSWER TO RESPONSE TO PETITION FOR LEAVE TO WITHDRAW COMPLAINT
WITHOUT PREJUDICE**

AND NOW, comes Reading Blue Mountain and Northern Railroad Company ("RBM&N"), by and through its undersigned counsel, and files this Answer to PennDOT's Response to Petition for Leave to Withdraw Complaint Without Prejudice, and in support thereof, states as follows:

1. PennDOT answered RBM&N's Petition to Withdraw Complaint by asking that the withdrawal be with prejudice.

2. RBM&N objects to the withdrawal with prejudice and asks that it be without prejudice.

3. The reasons for the requested withdrawal of RBM&N of its complaint without prejudice are as follows:

a. There was an onsite meeting at the railroad crossing in question at which representatives of the PUC were present;

b. At this meeting, those PUC representatives suggested that RBM&N file a complaint with the PUC in order to allocate the costs associated with the repairing of the subject crossing;

c. The filing of the complaint resulted in the court ordering the joinder of the borough and county to the complaint.

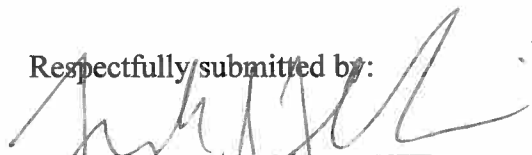
d. In the interim, RBM&N took emergency efforts to shore up the subject crossing so as to repair it in such a way that the situation was not emergent by adding a concrete pad to the crossing. However, the repairs are a temporary fix.

e. RBM&N, in order to avoid having to litigate this matter before the PUC, is hopeful that this matter can be amicably resolved by all parties. However, RBM&N is well aware that these repairs are temporary and that the condition will deteriorate again to a point where a more permanent fix needs to be undertaken.

4. The above representations are confirmed in the attached affidavit of Lieutenant Matthew Johnson. Attached hereto as Exhibit "A."

Hence, RBM&N asks to withdraw this complaint without prejudice so that efforts to work collaboratively with all affected parties could be undertaken. In that event that a collaborative effort to resolve this matter is fruitless, RBM&N would seek to avail itself to the jurisdiction of the PUC.

Respectfully submitted by:



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EXHIBIT "A"

Commonwealth of Pennsylvania

AFFIDAVIT

) S.S.

County of Berks

I, Matthew A. Johnson, of Kutztown Pennsylvania, MAKE OATH AND SAY THAT:

1. I, Matthew A. Johnson was present at a scheduled site visit at the Berwick St/ SR 940 RR crossing in the White Haven Borough in June 2014. Representatives from the White Haven Borough, Penn Dot, Reading and Northern Railroad, and the PUC were present. At this site visit no resolution was made regarding the crossing. The PUC stated the next steps taken should be the Reading and Northern Railroad filing a formal complaint against Penn Dot. Reading and Northern Railroad filed the formal complaint in June 2014. After the formal complaint was filed the Reading and Northern Railroad determined the crossing was in need of improvement and the Railroad's MOW Dept. made temporary repairs to the crossing and they are currently holding in place.

SUBSCRIBED AND SWORN TO)
 BEFORE ME, on the)
 21st day of August, 2014)

Sharon Estelle Kasper)
 NOTARY PUBLIC)
 My Commission expires: 6/15/15)
 Matthew A. Johnson

