

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

A. EDWARD SCHWARTZ,	:	
Complainant	:	
	:	Complaint Docket
v.	:	No. C-2011-2237486
	:	(No. P-2011-2241780)
CANADIAN PACIFIC RAILROAD ,	:	
LACKAWANNA COUNTY,	:	Electronically Filed
LaPLUME TOWNSHIP,	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, DEPARTMENT	:	
OF TRANSPORTATION,	:	
Respondents	:	

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PETITION FOR RECONSIDERATION OF DEMOLITION PLAN

NOW COMES Complainant, A. Edward Schwartz, who files the below Objection to the Demolition Plan of Canadian Pacific Railroad and in support thereof, avers as follows:

1. Complainant only received copies of drawings for the Demolition Plan (hereinafter the “Plan”), therefore timing and ancillary plans are not apparent from what was filed. Due to the vagueness of the Plan, many of Complainant’s questions and complaints have gone unanswered.
2. Complainant’s attorney never received copies of the Plan and received two envelopes from the PUC that contained a blank piece of paper in each one. Follow-up messages were left with the PUC to determine what was to have been sent in the envelopes, however, to date, no return phone call has been received. Eventually, Complainant received a copy of the letter indicating a deadline from another source and the instant objection is filed pursuant to documents that were also obtained by Complainant through another source.
3. The Plan does not indicate the location of a cul-de-sac/turn-around, such as the one they built on Reynolds Road, as vehicles will NOT have the ability to turn around in Complainant’s driveway. More specific information regarding the location and installation of the cul-de-sac/turn-around is required before Complainant can make a determination as to his satisfaction with the plans for the cul-de sac/turn-around.

4. The Plan does not indicate that the current dirt road will be paved as part of the demolition. Complainant has several vehicles that cannot currently get out of the property on the dirt road because it is not properly maintained by the Commonwealth of Pennsylvania, Department of Transportation. Currently the school busses will not travel on this road and other residents on this road are driving their children to another location to meet the school bus. This is certainly going to be a problem for the local, fire, police and ambulances as well as for the school and for Complainant who cannot get some of his vehicles off of his property because the alternate, dirt road is not being properly maintained and therefore there is no safe entry or exit to Complainant's property.

5. Further, the dirt road is only wide enough for a single vehicle. The road needs to be widened so that vehicles may pass in either direction.

6. Further, the dirt road needs guardrails, which are also not included in the Plan. A school bus from Abington Heights School District has already gone over the banking on the dirt road, which is why they will no longer drive down the dirt road to pick up the children. Without the guardrails, the dirt road is unsafe for travel.

7. There is no information in the Plan confirming that the road will continue to be paved and plowed. There is also no information in the Plan as to how and where the plow trucks will turn around.

8. There is no indication in the Plan regarding the Railroad's plan for the steep embankments that will remain after the removal of the bridge so that no animal or person falls down the embankments and gets injured or killed.

9. There is no information in the Plan as to increasing the maintenance and upkeep on the dirt road to ensure safe travel.

WHEREFORE, Complainant objects to the Demolition Plan for the reasons stated above and requests this Honorable Court to enter an order directing that the Plan be amended to address the concerns of the Complainant contained herein and for such other and further relief as this Honorable Court deems just and proper.

SHEILS LAW ASSOCIATES, P.C.

____s/Jill M. Spott_____
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