

Nauman Smith

Attorneys At Law

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
Telephone Extension: 21

February 23, 2015

Via Electronic Mail

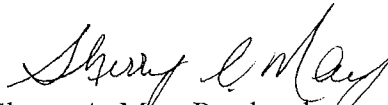
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

RE: **Joint Application of Norfolk Southern Railroad Company and the City of Lebanon for approval of the abolition, *Nunc Pro Tunc*, of the public rail-highway crossing (DOT 592 345 D) where Partridge Street crosses at-grade the former tracks of Norfolk Southern Railway Company located in the City of Lebanon, Lebanon County.**

Dear Secretary Chiavetta:

I am enclosing a Joint Application for filing on behalf of Norfolk Southern Railway Company and the City of Lebanon in the above-referenced matter. As evidenced by the attached Certificate of Service, a copy of the Application has been served on all interested parties.

Sincerely yours,



Sherry A. May, Paralegal to
Benjamin C. Dunlap, Jr., Esquire

Enclosure

cc: All Interested Parties of Record (w/encl.)
Timothy Bentley, Esquire
Thomas M. Bracey

Superior analysis. Effective solutions. Since 1871.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Joint Application of Norfolk Southern Railway Company and the City of Lebanon for approval of the abolition, *Nunc Pro Tunc*, of the public rail-highway crossing (DOT 592 345 D) where Partridge Street crosses at-grade the former tracks of Norfolk Southern Railway Company located in the City of Lebanon, Lebanon County : : **Docket No. A-2015- Filed Electronically**

To the Pennsylvania Public Utility Commission:

Norfolk Southern Railway Company (“Norfolk Southern”), by and through its attorneys, NAUMAN, SMITH, SHISSLER & HALL, LLP, and the City of Lebanon (“City”), by and through its attorneys, LONG BRIGHTBILL, hereby jointly file this Application, *Nunc Pro Tunc*, pursuant to the provisions of 66 Pa.C.S. § 2702 and 52 Pa. Code § 5.13, for approval to formally abolish the former public rail-highway crossing at Partridge Street (DOT #592 345 D) in the City of Lebanon, Lebanon County, Pennsylvania, based upon the following:

1. The name and address of Joint Applicant Norfolk Southern Railway Company, is Norfolk Southern Railway Company, Thomas Bracey, System Engineer Public Improvements, 1200 Peachtree Street, N.E., Atlanta, Georgia 30309.

2. The name and address of the attorney for the Norfolk Southern is Benjamin C. Dunlap, Jr., Esquire, Nauman, Smith, Shissler & Hall, LLP, 200 North Third Street, 18th Floor, P.O. Box 840, Harrisburg, PA 17108-0840.

3. Norfolk Southern is a Virginia corporation authorized to transact business in the Commonwealth of Pennsylvania and Norfolk Southern is a common carrier railroad engaged in the business of the transportation of freight.

4. Joint Applicant, the City of Lebanon is a City of the Third Class with its municipal offices at 400 South Eighth Street, Lebanon, Pennsylvania 17042.

5. Counsel for the City is Donna Long Brightbill, Esquire, Long Brightbill, 315 South Eighth Street, Lebanon, PA 17042.

6. The location of the subject crossing of Norfolk Southern's former tracks over Partridge Street in the City of Lebanon, Lebanon County, is shown on the map attached hereto as Exhibit "A."

7. The purpose of the crossing abolition is to formally abolish the subject crossing. The crossing was closed over a year ago as part of the City of Lebanon's project to construct above-grade crossings at 9th Street and 10th Street in the City of Lebanon, docketed to A-2008-2063220.

8. Any additional work to effect formal closure of the crossing will be performed at Norfolk Southern's sole cost and expense.

9. A list of all concerned municipal and governmental entities as well as public utilities which are or may be concerned by the projected is attached hereto as Exhibit "B".

WHEREFORE, Norfolk Southern Railway Company and the City of Lebanon respectfully request that the Commission approve their Joint Application for the crossing abolition as described herein.

Respectfully submitted,

NAUMAN, SMITH, SHISSLER & HALL, LLP



Benjamin C. Dunlap, Jr., Esquire

Supreme Court I.D. No. 66283

200 N. 3rd Street, 18th Floor

P. O. Box 840

Harrisburg, PA 17108-0840

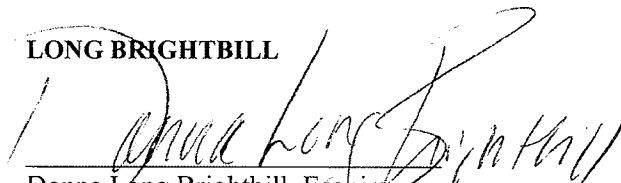
Telephone: (717) 236-3010

Facsimile: (717) 234-1925

Counsel for Norfolk Southern Railway Company

Date: February 11, 2015

LONG BRIGHTBILL



Donna Long Brightbill, Esquire

Supreme Court I.D. No. 53819

315 South Eighth Street

Lebanon, PA 17042

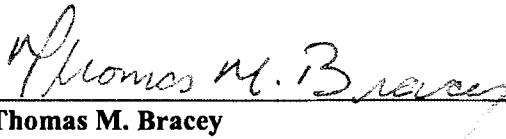
Telephone: (717) 272-6646

Facsimile: (717) 270-9687

Counsel for the City of Lebanon

VERIFICATION

I, Thomas M. Bracey, System Engineer Public Improvements, Norfolk Southern Corporation, do state that I am authorized to make this statement on behalf of Norfolk Southern Railway Company and verify that I have read the attached Application and that the within information is true and correct to the best of my knowledge, information and belief. To the extent that the contents of the pleading are that of counsel, Verifier has relied upon counsel in making this verification. This verification is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.


Thomas M. Bracey
Thomas M. Bracey

Date: 2/23/15

VERIFICATION

I, Sherry L. Capello, do state that I am authorized to make this statement on behalf of the City of Lebanon and verify that I have read the attached Application and that the within information is true and correct to the best of my knowledge, information and belief. To the extent that the contents of the pleading are that of counsel, Verifier has relied upon counsel in making this verification. This verification is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Sherry L. Capello

Date: 2/18/15

DISTRICT	COUNTY	ROUTE	SECTION	SHEET
B-0	LEBANON	0000	BRG	3 OF 109
CITY OF LEBANON				
REVISION NUMBER	REVISIONS	DATE	BY	

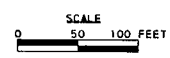
LIST OF PROPERTY OWNERS

- | | | | |
|----|---|-----|---|
| 5 | CITY OF LEBANON | 57 | HERMAN W DUNDORE & PATRICIA A DUNDORE |
| 6 | SOUTH STREET ACQUISITIONS, INC | 58 | FELIX & ELIZABETH VALENTIN, R & RUTZ NAIN & CARMEN M. ALVEREZ |
| 13 | SOUTH STREET ACQUISITIONS INC C/O WILLIAM WALDEMAN | 59 | MIRTA I. DIOSSA |
| 14 | MILAN LIPENSKY & SUSAN ANNE LIPENSKY, HIS WIFE | 60 | HERMAN W DUNDORE & PATRICIA A DUNDORE |
| 15 | HAROLD R WEAVER & SONORA A WEAVER | 64 | ANDREA J. WISE |
| 16 | MILAN GALIC & KATARINA GALIC AND SOFIJA GALIC | 65 | ROMAN MALESZEWSKI & URSZULA MALESZEWSKI |
| 17 | JAMES F MATARAZZI | 66 | JODI L. BALLESTER |
| 18 | JOHN D LIGHT | 67 | LAWRENCE S DOWNHOWER |
| 19 | ROBERT S DITZLER | 68 | JOSEPH T BROWN & DAWN L BROWN |
| 20 | HERMAN W DUNDORE & PATRICIA A DUNDORE, HUSBAND AND WIFE | 69 | RALPH S GOOD |
| 23 | COVENANT UNITED METHODIST CHURCH | 70 | HAROLD R BOLTZ & CORBIE J BOLTZ |
| 24 | CHRISTIAN M THOMAS | 71 | MELANIE I GINGRICH |
| 25 | WILLIAM H THOMAS, JR & DONNA P THOMAS | 72 | MARK W HENNINGER & CRAIG M HENNINGER |
| 26 | CAROL ANN MEASE | 73 | GRACE I MINNICH |
| 27 | LOIS I STOUFFER & JACK L STOUFFER | 80 | CITY OF LEBANON |
| 30 | WINNER TRADING GROUP, INC | 81 | JOHN D LIGHT |
| 32 | HERMAN W DUNDORE & PATRICIA A DUNDORE, HUSBAND AND WIFE | 83 | ROMAN MALESZEWSKI & URSZULA MALESZEWSKI |
| 33 | CITY OF LEBANON | 84 | TAMMY L. MILLER |
| 39 | HERMAN W DUNDORE & PATRICIA A DUNDORE, HUSBAND AND WIFE | 87 | ALAN A. DERR & TRUDY J. DERR |
| 39 | CITY OF LEBANON | 88 | HERMAN W DUNDORE & PATRICIA A DUNDORE |
| 41 | JOHN D LIGHT | 89 | ROMAN MALESZEWSKI & URSZULA MALESZEWSKI |
| 42 | CITY OF LEBANON | 90 | WILLIAM H THOMAS, JR & DONNA P THOMAS |
| 46 | KEITH W DONNACHIE & AMY J DONNACHIE, HUSBAND AND WIFE | 91 | WARREN I SATTAZAHN & DOROTHY M SATTAZAHN |
| 47 | DAB ASSOCIATES LLP | 92 | HERBERT E. DONTEN & MARY A. DONTEN |
| 48 | KEITH W DONNACHIE & AMY J DONNACHIE | 93 | MARY LOU DAVIS |
| 49 | ABAYOMI RICHARD MADDY | 94 | WILLIAM S BOISKO & VIRGINIA L BOISKO |
| 50 | TERRY L WEAVER & CATHERINE L WEAVER | 95 | RICHARD C BLOUCH & LENA P BLOUCH |
| 51 | HECTOR MERCADO GONZALEZ & ROSA M RODRIGUEZ GARAY | 96 | HERBERT DONTEN, JR & GLORIA J DONTEN |
| 52 | IRA S. MOGETZ & NORMAN A. ROBERT F AND AMY BETH MOGETZ | 97 | DALE F HARDY |
| 53 | KEITH W DONNACHIE & AMY J DONNACHIE | 98 | MARILYN M SANTIAGO |
| 54 | MICHAEL ECHEVARRIA & KAYLENE ECHEVARRIA | 99 | PEGGY A LEISEY & RICHARD W LEISEY |
| 55 | BENNY TORRES & EVELYN SOTO | 100 | RONALD E KREISER, SR & CORA M KREISER |
| 56 | JOSE L. CRUZ | 103 | TINA W PITT, MARRIED WOMAN |
| | | 104 | WILLIAM P & CAROLYN J SHAY |

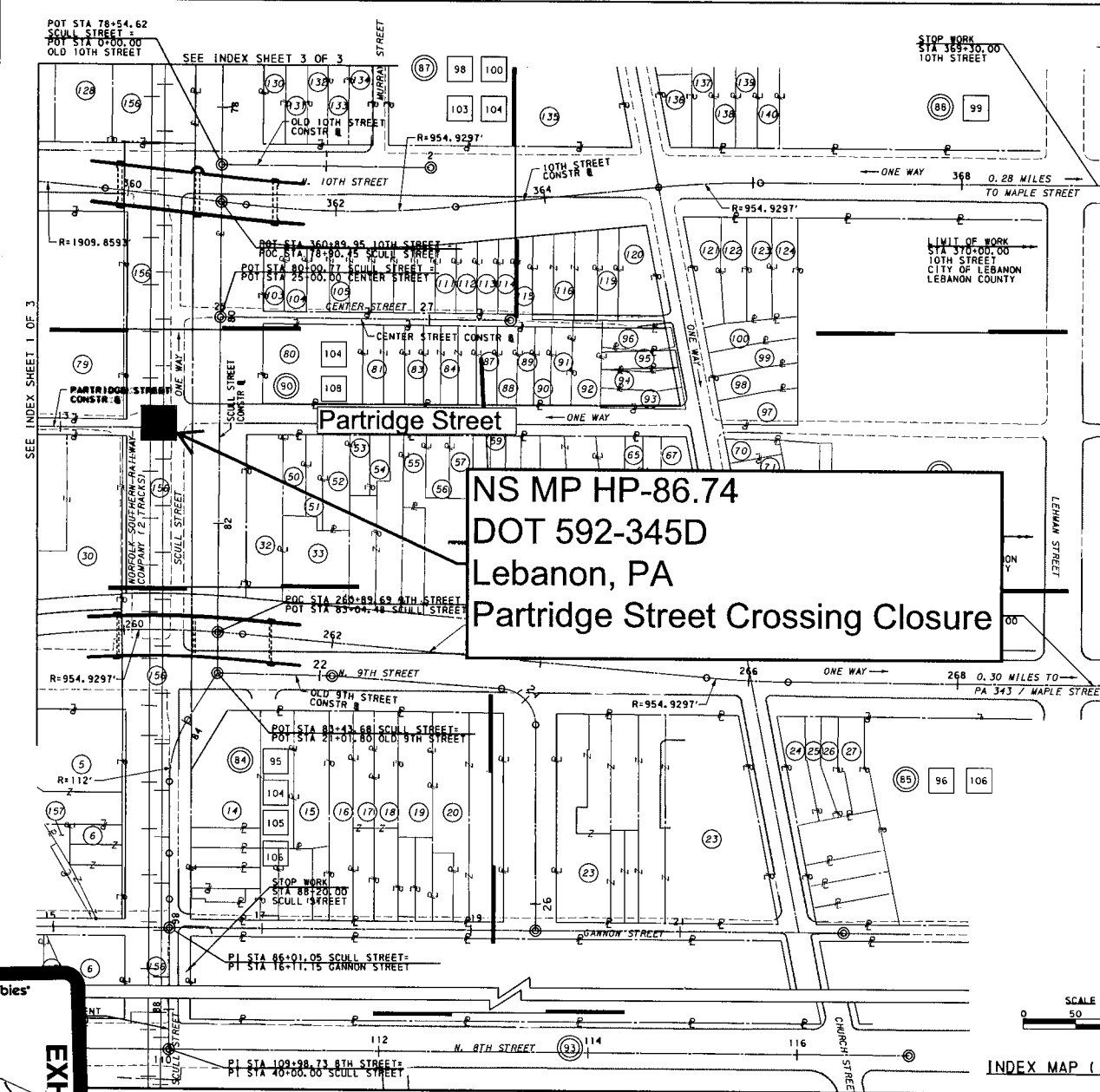
CONTINUES ON SHEET 3 OF 3

LEGEND

-  PLAN
-  PARCEL IDENTIFICATION NUMBER
-  PROFILE



INDEX MAP (2 OF 3)



NS MP HP-86.74
DOT 592-345D
Lebanon, PA
Partridge Street Crossing Closure

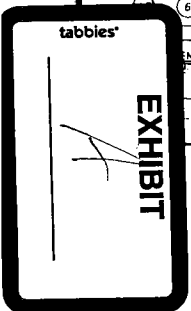


EXHIBIT "B"

LIST OF ALL CONCERNED MUNICIPAL AND GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES

Mark Chappell, P.E., Chief
Right-of-Way and Utilities Division
Bureau of Design, Penn DOT
P.O. Box 3362
Harrisburg, PA 17105-3362

William J. Cressler, Esquire
Gina M. D'Alfonso, Esquire
Office of Chief Counsel
PennDOT
P. O. Box 8212
Harrisburg, PA 17105-8212

Lebanon County Solicitors
Municipal Building
400 S. 8th Street
Lebanon, PA 17042

Department of Transportation -District 8-0
Ahmed Lasloudki
2140 Herr Street
Harrisburg, PA 17013-1699

Comcast Cable Lebanon
c/o USIC Locating Services Inc.
13085 Hamilton Crossing Blvd, Ste 200
Carmel, IN 46032

Windstream Communications
Attn: Damage Prevention Group
929 Marthas Way
Hiawatha, IA 52233

Verizon Pennsylvania
Attn: Office Personnel
15 E. Montgomery Ave.
Pittsburgh, PA 15212

Lebanon City Public Works
Attn: Gordon Kirkessner, Jr.
400 S. 8th Street
Lebanon, PA 17042

Lebanon City Authority
Attn: Brian Discuillo
2200 W. Chestnut Street
Lebanon, PA 17042

First Energy Corp.
Attn: Office Personnel
76 S. Main Street
Akron, OH 44308-1890

UGI Utilities Inc.
Attn: Tom Witt
1301 AIP Dr.
Middletown, PA 17057

Century Link
Attn: George McElvain
Grid # UT00-D27.34
700 W. Mineral Ave.
Littleton, CO 080120

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Joint Application of Norfolk Southern :
Railway Company and the City of Lebanon :
for approval of the abolition, *Nunc Pro Tunc*, : **Docket No. A-2015-**
of the public rail-highway crossing :
(DOT 592 345 D) where Partridge Street crosses :
at-grade the former tracks of Norfolk Southern :
Railway Company located in the City of :
Lebanon, Lebanon County : **Filed Electronically**

CERTIFICATE OF SERVICE

I hereby certify that I served one (1) copy of the Joint Application of Norfolk Southern Railway Company and the City of Lebanon, in the above action, this day by depositing the same in the United States mail, postage prepaid, in Harrisburg, Pennsylvania, addressed to:

Mark Chappell, P.E., Chief
Right-of-Way and Utilities Division
Bureau of Design, Penn DOT
P.O. Box 3362
Harrisburg, PA 17105-3362

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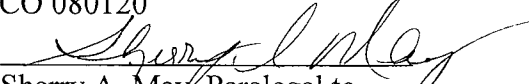
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Sherry A. May, Paralegal to
Benjamin C. Dunlap, Jr., Esquire

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