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VIA FACSIMILE AND
FIRST CLASS MAIL

February 8, 1996

RECEIVED
FEB 12 1996

SECRETARY'S OFFICE
Public Utility Commission

Honorable Louis G. Cocheres
PA Public Utility Commission
Room G-08, North Office Bldg.
P. O. Box 3265
Harrisburg, Pa. 17105

Re: Application of Consolidated Rail Corporation;
Pa. P.U.C. Docket No. A-00111016

KJR

Dear Judge Cocheres:

I write on behalf of Bart Township to respond to the hearing motion by Friends of Atglen-Susquehanna Trail, Inc. ("F.A.S.T."), filed on or about January 25, 1996. In the interests of judicial economy, our client joins Lancaster County, Consolidated Rail Corporation and the Commission's Bureau of Transportation and Safety in their respective Answers to the Motion of F.A.S.T. Our client will not be filing an independent response to F.A.S.T.'s Motion.

Should you have any questions concerning this matter, please contact me.

DOCKETED
FEB 28 1996

Respectfully yours,

KENELM L. SHIRK, III LAW OFFICE

BY: 

Kenelm L. Shirk, III

KLSIII/nkh

cc: Parties of Record (w/enclosure)
John Alford, Secretary (w/enclosures) ✓

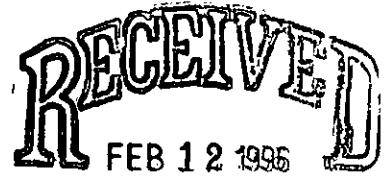
DOCUMENT
FOLDER

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

FOR THE ABOLITION OF 31 CROSSINGS :
OF THE ENOLA BRANCH, LC: 201323, :
MP 3.5 TO MP 27.0, SUB NO. 1095X, : DOCKET NO. . A-00111016
HARRISBURG DIVISION, LANCASTER :
COUNTY :

BOARD OF SUPERVISORS OF BART :
TOWNSHIP, :
Petitioners, :
vs. : DOCKET NO. C-00913256

CONSOLIDATED RAIL CORPORATION, :
Respondent, :
and :
THE PENNSYLVANIA DEPARTMENT OF :
TRANSPORTATION AND COMMISSIONERS :
OF THE COUNTY OF LANCASTER, et al. :
Additional Respondents. :



SECRETARY'S OFFICE
Public Utility Commission

CERTIFICATE OF SERVICE

I hereby certify that a copy of Bart Township's Joinder in
Answer was served upon the parties below by First Class Mail,
postage prepaid:

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Eden Township Board of Supervisors
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Ronald T. Bailey
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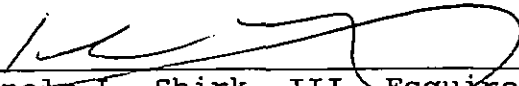
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Attorney I.D. #19195
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Date: 2/8/96

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KATHIE SHIRK GONICK
~~2000/02/18/02/00000~~
H. ALLISON WRIGHT
GAIL A. WEBER

IN REPLY REFER TO:

February 9, 1996

**DOCUMENT
FOLDER**

QVB01 001RR QVIL

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FEB 12 1996

John G. Alford, Secretary
PA PUBLIC UTILITY COMMISSION
Room B-18, North Office Bldg. PUBLIC UTILITY COMMISSION
P. O. Box 3265 SECRETARYS BUREAU
Harrisburg, PA 17105-3265

RE: CONRAIL ENOLA BRANCH - PUC
DOCKET NOS.: A-00111016 and C-00913256

To the Secretary:

Enclosed herewith for filing please find an original and three copies of a letter with a Certificate of Service attached thereto containing Quarryville Borough and Quarryville Borough Authority's response to the Motion of F.A.S.T., which letter was this day mailed to the Honorable Louis G. Cocheres.

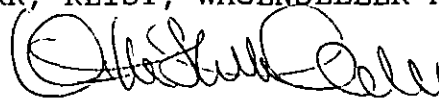
Would you kindly time-stamp one copy of the letter and attached Certificate of Service and return it to us in the self-addressed stamped envelope which we have provided.

Thank you for your anticipated attention to this matter.

Respectfully submitted,

SHIRK, REIST, WAGENSELLER AND MECUM

By:



Kathie Shirk Gonick

304

/sjf

Enclosures

pc: Honorable Louis G. Cocheres

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LITITZ, PENNSYLVANIA 17543-2602
717-626-2775
TELECOPIER (717) 626-5587

16 SOUTH HESS STREET
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IN REPLY REFER TO:

February 9, 1996

QVB01 001RR QVIL

RECEIVED

FEB 12 1996

PUBLIC UTILITY COMMISSION
SECRETARYS BUREAU

DOCUMENT
FOLDER

Honorable Louis G. Cocheres
PA PUBLIC UTILITY COMMISSION
Room G-08, North Office Bldg.
P. O. Box 3265
Harrisburg, PA 17105

RE: APPLICATION OF CONSOLIDATED RAIL CORPORATION; PA PUC
DOCKET NOS.: A-00111016 and C-00913256

Dear Judge Cocheres:

I am writing on behalf of Quarryville Borough and Quarryville Borough Authority to respond to the hearing Motion by Friends of the Atglen-Susquehanna Trail, Inc. ("F.A.S.T."), filed on or about January 25, 1996.

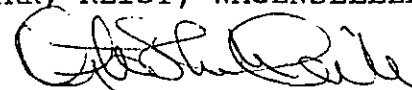
In the interests of judicial economy, my clients join Lancaster County, Consolidated Rail Corporation and the Commission's Bureau of Transportation and Safety in their respective answers to the Motion of F.A.S.T. My clients will not be filing an independent response to F.A.S.T.'s Motion.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Respectfully yours,

SHIRK, REIST, WAGENSELLER AND MECUM

By:



Kathie Shirk Gonick

DOCKETED
FEB 27 1996

/sjf

pc: All Parties of Record

John Alford, Secretary

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing letter upon the participants, listed below, in accordance with requirements of §1.54 of the Rules of Administrative Practice and Procedure.

Service by first-class mail addressed as follows:

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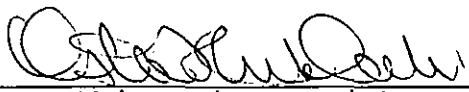
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Dated this 9th day of February, 1996

SHIRK, REIST, WAGENSELLER AND MECUM

By: 
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Attorney I. D. No.: 27771
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Counsel for
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Quarryville Borough Authority



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

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**PUBLIC UTILITY COMMISSION
SECRETARYS BUREAU**

IN REPLY REFER TO

February 12, 1996

John G. Alford, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265



Re: Application of Consolidated Rail Corporation;
Pa.P.U.C.
Docket No. A-00111016

Dear Secretary Alford:

The Department of Transportation has reviewed the responses filed by County of Lancaster, Consolidated Rail Corporation, and the Legal Division to the hearing motion by Friends of the Atglen-Susquehanna Trail, Inc. (FAST). The Department of Transportation will not be filing a separate response but respectfully requests that the Commission rule based upon the responses already filed.

DOCKETED

FEB 26 1996

Very truly yours,

Gina M. D'Alfonso
Assistant Counsel in Charge

220/GMD:sls

cc: Honorable Louis G. Cocheres
Parties of Record
William D. Pickering, P.E. (Attn: Harvey Cassell, P.E.)
District 8-0 (Attn: Raymond Britcher)

A:\LE111016.WPD

**DOCUMENT
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Coatesville Water Authority
11-13 South High Street
West Chester, PA 19382

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

For the abolition of 31 crossings :
of the Enola Branch, LC:201323, MP : DOCKET NO. A-00111016
3.5 to MP 27.0, Sub. No. 1095X, :
Harrisburg Division, Lancaster :
County : :

AND

BOARD OF SUPERVISORS OF BART :
TOWNSHIP, :
Petitioners :
v. : DOCKET NO. C-00913256

CONSOLIDATED RAIL CORPORATION, :
Respondent, :
AND :
THE PENNSYLVANIA DEPARTMENT OF :
TRANSPORTATION AND COMMISSIONERS :
OF THE COUNTY OF LANCASTER, ET :
AL, :
Additional Respondents :

JOHN S. [unclear]
MAR 07 1996

BTL

FEB 01 1996

MOTION FOR EXTENSION OF TIME
TO SUBMIT STIPULATION FOR SETTLEMENT

NOW come Consolidated Rail Corporation (Conrail), Sadsbury Township, Bart Township, Quarryville Borough, Providence Township, Martic Township, Conestoga Township and the County of Lancaster, by their respective counsel as identified below and respectfully move that the Administrative Law Judge amend his order of November 6, 1995 so as to extend for a further period, as hereinafter set forth, the time within which the parties must have formalized an agreement relative to the conveyance of certain property of Conrail

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and the assumption of certain responsibilities by various of the municipalities and represent in support thereof as follow:

1. At hearing held November 6, 1995, it was stated of record that Conrail, PennDOT, the various municipalities named above, the Pennsylvania Department of Transportation (PennDOT) and Eden Township had agreed in principle to general terms of agreement pursuant to which ownership of a portion of Conrail's former rail line known as the Enola Branch lying within Lancaster County was to be transferred to the municipalities, excluding Lancaster County, by quitclaim deed and pursuant to which the various municipalities, exclusive of Lancaster County, Conrail and PennDOT would assume certain responsibilities with respect to crossing structures within the property to be transferred.

2. At the conclusion of that hearing Administrative Law Judge Cocheres ordered that the formalities of any such agreement be completed and that an executed agreement be presented to him not later than February 5, 1996.

3. From at least the time of site conferences in April, 1994, through a meeting among representatives of Conrail, F.A.S.T., the various municipalities and PennDOT in August, 1995, efforts were made by Conrail and by F.A.S.T. to arrive at an agreement under which certain of Conrail's Enola Branch property within Lancaster County might be conveyed to F.A.S.T. subject to assumption by third parties acceptable to the Commission of ultimate responsibility for structures on the property to be

transferred. Those negotiations were unsuccessful, but in September, 1995, the various municipalities expressed their first interest in acquiring the property. With the assistance of a mediator appointed by the Administrative Law Judge at a scheduling conference held on August 29, 1995, following numerous meetings among the parties through October 24, 1995, general terms of agreement were reached among Conrail, Lancaster County, the various municipalities and PennDOT for transfer of the real estate in question to the municipalities, other than Lancaster County, and assumption of various responsibilities with respect to structures on that property by the various municipalities, other than Lancaster County, Conrail and PennDOT.

4. Following the first hearing in this matter on November 6, 1995, Conrail prepared and submitted to the various municipalities, other than Lancaster County, and to PennDOT, proposed memoranda of understanding setting forth more specifically the terms of the anticipated agreements. Those general terms have been refined and recast by the various parties into:

A. A Stipulation of Settlement among Conrail and the various municipalities;

B. A Stipulation of Settlement between Conrail and PennDOT;

C. A form of formal Agreement of Sale between Conrail and the various municipalities, other than Lancaster County; and

D. A form of Quitclaim Deed.

The detailed provisions of the foregoing documents relating to the municipalities have been the subject of numerous drafts and redrafts and negotiations relative to specific details, virtually all of which have been resolved with the exception of those provisions relating to the western terminus of a conveyance to Conestoga Township and provisions relating to responsibility for environmental problems that may come to light in the future. A stipulation of settlement between PennDOT and Conrail has been agreed upon.

5. The stipulation for settlement among Conrail and the various municipalities, other than Lancaster County, provides explicitly for a Phase I environmental assessment meeting the requirements of ASTM E-1527 and E-1528 in behalf of both Conrail and those municipalities to identify any hazard to the environment upon the property to be transferred. That assessment requires both a search of available records to identify any reported event which might disclose circumstances suggesting a possible environmental problem and an on-site inspection. The area to be inspected is more than 21 miles long. Further provision has been made for a Phase II environmental study in the event the Phase I study

identifies any area requiring further investigation as a condition to final agreement.

6. Following the hearing of November 6, 1995, there were extended discussions among the parties as to the entity to be engaged to conduct the environmental assessment contemplated, the identity of the party or parties to engage the contractor and the payment of costs in connection therewith. Agreement was reached and on or about December 1, 1995, and ENSR, Incorporated (ENSR), was engaged by Conrail in behalf of itself and the various municipalities to conduct the required Phase I environmental assessment.

7. A snowstorm of December 5, 1995, and subsequent storms of January 5 and January 12, 1996, have prevented completion of the on-site inspection required under the assessment process, but notwithstanding ENSR has gone forward with the required records examination and has reported that it believes it can complete the on-site examination and prepare its report not later than March 1, 1996. Adverse weather conditions could impose a further delay.

8. The acceptability to the parties of provisions of an agreement relating to responsibility for environmental conditions is closely connected with and dependent on the outcome of the environmental investigations currently underway which ENSR advises will not be completed before March 1.

9. There has been interest expressed by the Pennsylvania Historical and Museum Commission and by F.A.S.T. in the preservation of various structures upon the land to be conveyed. Conrail and the various municipalities and Conrail and PennDOT have separately negotiated for the preservation of certain structures and for future maintenance of those structures as a part of overall settlement of issues relating to that portion of the Enola Branch to be conveyed.

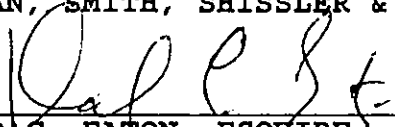
10. The parties believe and represent that they have made substantial and continuing progress toward a final agreement for the transfer of a substantial portion of the property comprising Conrail's former Enola Branch within Lancaster County to the various municipalities, for the assumption by the various municipalities and by PennDOT of future responsibility for various of the crossing structures upon the property with the preservation of a substantial number of structures deemed to have historic value and for the removal by Conrail and by PennDOT of certain structures deemed to impose an impediment to safe highway travel upon the roads and highways of the various municipalities and of PennDOT.

WHEREFORE, the undersigned parties respectfully and regretfully report that a final agreement among the various interested parties, including approval by governing bodies of the various municipalities, apparently cannot be reached by February 5, 1996, and request that the Administrative Law Judge extend the time within which a tentative agreement may be reported subject to such

disclosures and revisions as may result from a report of the environmental assessment, not later than February 16, 1996, with copies of such tentative agreements to be made available to all parties.

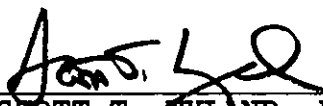
The parties further request that they be granted leave to report to the Administrative Law Judge within ten (10) days following receipt of the required environmental assessment as to whether a final agreement has been reached, or the project will require further environmental study before a final agreement can be reached.

NAUMAN, SMITH, SHISSLER & HALL



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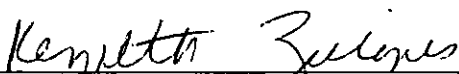
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STEVENS & LEE



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MAR 14 1996



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

Office of Chief Counsel
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Harrisburg, PA 17120
(717) 787-3128
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IN REPLY REFER TO

February 26, 1996

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PA. P. U. C.
INFO. CONTROL DIV.

Roger Heebner, P.E.
CONSOLIDATED RAIL CORPORATION
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2001 Market Street
P.O. Box 41412
Philadelphia, PA 19101-1412

RE: Stipulation of Settlement
Enola Secondary
A-00111016

Dear Roger:

Enclosed please find the Stipulation of Settlement between the Department and Conrail. Mr. Eaton has authorized me to forward this document directly to you to facilitate its execution. By a copy of this letter I am also forwarding a copy to Mr. Eaton. Thank you for your attention to this matter.

Very Truly Yours,

Gina M. D'Alfonso
Assistant Counsel in Charge

Enclosure

220\GMD

cc: David C. Eaton, Esquire
Harvey I. Cassell, P.E.
Raymond Britcher, P.E., District 8-0

111016stip

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

FOR THE ABOLITION OF 31 : DOCKET NO. A-00111016
CROSSINGS OF THE ENOLA BRANCH, :
LC: 201323, MP 3.5 TO MP 27.0 :
SUB NO. 1095X, HARRISBURG :
DIVISION, LANCASTER COUNTY. :

STIPULATION OF SETTLEMENT
BETWEEN CONSOLIDATED RAIL CORPORATION AND
THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

THIS STIPULATION OF SETTLEMENT is entered into between CONSOLIDATED RAIL CORPORATION (Conrail) and COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION (Department) with the expectation that the undertakings herein described will be reduced to a final order of the Public Utility Commission (PUC) containing terms and provisions as set forth herein below.

Conrail contemplates the execution of agreements with the municipalities named below for future maintenance or removal of specified structures which carry the former Enola Branch (previously known as the Atglen and Susquehanna Branch) over and under various roadways located, more particularly, in the following municipalities within Lancaster and Chester Counties, Pennsylvania:

| | |
|---------------------|------------------------|
| Sadsbury Township | Bart Township |
| Eden Township | Providence Township |
| Martic Township | Conestoga Township |
| Quarryville Borough | West Sadsbury Township |

In addition, Conrail contemplates entering into agreements with the foregoing municipalities to remove or maintain certain structures over state highways, subject to concurrence by the Department. Said agreement with the municipalities is incorporated herein as if attached hereto. Conrail and the Department wish to formalize additional provisions relative to crossing structures on the Enola Branch.

This Stipulation is entered into, therefore, with the expectation that the agreement with the aforesaid municipalities will be executed. The Department consents to the demolition of crossing structures over state highways by Conrail, or its designee as follows:

- (a) Crossing 4, SR 2021, (L.R. 36079), White Oak Road, (AAR No. 518 188 P), Sadsbury Township, within two years of entry of final order and in accordance with the terms set forth in the agreement with the municipalities incorporated herein.
- (b) Crossing 10, SR 2015, (L.R. 36086), Pumping Station Road, (AAR No. 518 196 G), Eden Township, within two years of entry of final order and in accordance with the terms set forth in the agreement with the municipalities.
- (c) Crossing 16, SR 0222, (U.S. Route 222), (AAR No. 518 202 H), Providence Township, within one year

of entry of final order and in accordance with the terms set forth in the agreement with the municipalities.

- (d) Crossing 27, SR 0324, (LR 00332), Marticville Road, (AAR No. 518 213 V), Martic Township, within two years of entry of final order and in accordance with the terms set forth in agreement with the municipalities.

The Department will not object to the aforementioned municipalities assuming maintenance responsibility for the following crossing structures over state highways in consideration of certain payments by Conrail to said municipalities:

- (a) Crossing 1, SR 2009, (L.R. 36009), Noble Road, (AAR No. 518 184 M), West Sadsbury Township, Chester County and Sadsbury Township, Lancaster County.
- (b) Crossing 14, SR 2019, (L.R. 36023), Church Street, (AAR No. 518 200 U), Quarryville Borough, Lancaster County.
- (c) Crossing 23, SR 0272 NB, (L.R. 36007), (AAR No. 518 209 F), Providence Township, Lancaster County.
- (d) Crossing 24, SR 0272 SB, (L.R. 36025), (AAR No. 518 210 A), Providence Township, Lancaster County.

Based upon the assumption of maintenance responsibility of the

foregoing structures by the various municipalities at their sole cost and expense, the Department agrees that it will, at its sole cost and expense, undertake the following work:

- (a) Crossing 1, Noble Road -- perform safety related modifications at the crossing location, including but not limited to, installation of guide rail and any required signs that the Department, in its sole discretion, shall deem necessary for the safety of the travelling public. The Department will maintain the roadway at its sole cost and expense.
- (b) Crossing 14, Church Street -- inspect the structure and perform any safety related modifications at the crossing identified by the inspection including, but not limited to, the installation of guide rail and repair of any loose stone, which the Department, in its sole discretion, may deem necessary for the safety of the travelling public. The Department will maintain the roadway at its sole cost and expense.
- (c) Crossing 16, SR 0222 -- perform a scoping for betterment project at and adjacent to the location and perform any work which the Department, in its sole discretion, may deem necessary for the safety of the travelling public. The Department will, at its sole cost and expense, prepare the plans for the detour required for the removal

- of the structure by Conrail. The Department will maintain the roadway at its sole cost and expense.
- (d) Crossing 17, Fairview Road -- remove the crossing structure at Fairview Road, realign and reconstruct the road surface as the Department deems necessary. The Department will maintain the structure until such time as it is removed and will continue to maintain the roadway.
 - (e) Crossing 23, SR 0272 NB -- investigate the condition of the concrete portal extensions and do such work as the Department, in its sole discretion, deems necessary for the safety of the travelling public as a result of the investigation. The Department will perform any safety related modifications including, but not limited to, the installation of guide rail and signs as the Department, in its sole discretion, deems necessary. The Department will maintain the roadway at its sole cost and expense and will continue to abide by any prior PUC orders excluding any maintenance responsibility for sidewalks.
 - (f) Crossing 24, SR 0272 SB -- perform such safety related modifications as the Department, in its sole discretion, deems necessary including, but not limited to, the installation of guide rail and signs. The Department will continue to maintain the roadway at its sole cost

and expense and will continue to abide by any prior PUC orders.

- (g) Crossing 27, SR 0324 -- at its sole cost and expense, provide the detour plans and effectuate the detour necessary for the removal of the structure. After the structure is removed, the Department will perform a scoping for a betterment project at and adjacent to the subject location. The Department agrees to support a future project for the realignment of SR 0324.

At the following crossing locations the Department and Conrail currently have shared maintenance responsibility. By virtue of this Stipulation and subsequent order to be entered by the PUC, the Department will assume total maintenance responsibility including responsibilities previously shared by Conrail and the Department:

- (a) Crossing 12, SR 0372, (L.R. 00344), State Street, (AAR No. 518 198 V), Quarryville Borough, -- prior order entered at A-00104032.
- (b) Crossing 18, SR 3015, (L.R. 36016), Cinder Road, (AAR No. 518 204 W), Providence Township, -- prior order entered at A-00104797.
- (c) Crossing 19, S.R. 3018, (L.R. 36015), Truce Road, (AAR

No. 518 205 D), Providence Township, -- prior order entered at A-00104797.

By letter agreement previously executed between the Department and Conrail on May 10, 1990, the Department has agreed to assume maintenance responsibility of the structure at the following location:

Crossing 7, SR 0896, (L.R. 36081), Georgetown Road, (AAR No. 518 191 X), Bart Township -- prior order entered at A-00105671.

The Department agrees to abide by existing orders at A-00105510 and A-00111016 for the following crossing:

Crossing 25, S.R. 3009, (L.R. 36008), Rawlinsville Road, (AAR No. 518 211 G), Providence Township.

With respect to all state highways at the subject crossings, hereinabove identified to be either removed or maintained as described herein, the Department agrees that it will maintain the roadway surface, at its sole cost and expense.

IN WITNESS WHEREOF, the parties hereto have caused this Stipulation of Settlement to be executed in their behalves by their appropriate representatives this ____ day of _____, 1996.

ATTEST:

CONSOLIDATED RAIL CORPORATION

BY: _____

BY: _____

TITLE: _____

ATTEST:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

BY: _____

BY: _____

TITLE: _____

A:\111016.WPD

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March 15, 1996

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J. STEPHEN FEINOUR
CRAIG J. STAUDENMAIER
BENJAMIN C. DUNLAP, JR.
STEPHEN J. KEENE

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INFO. CONTROL DIV.

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COUNSEL
RALPH W. BOYLES, JR.

MAR 18 1996

HARRISBURG OALJ

Administrative Law Judge Louis G. Cocheres PUBLIC UTILITY COMMISSION
P.O. Box 3265
Harrisburg, PA 17105-3265

In Re: Conrail Enola Branch - PUC
Docket No. A-00111C16
Our File No. 12607
Conrail File No. MPAC-486

AND Board of Supervisors of Bart Township v. Conrail, et al
Docket No. C-00913256

DOCKETED

MAR 21 1996

Dear Judge Cocheres:

Your Interim Order No. 4 of February 1, 1996, directs submission of a completed agreement among Conrail and the various municipalities involved in the Enola Branch problem by this date.

A form of stipulation has been agreed upon by seven of the eight involved municipalities and, while we anticipate that Quarryville will eventually join in the agreement, it has not done so to date. Providence Township has agreed to acquire the Conrail property within the Borough of Quarryville with an opportunity for Quarryville to take a future assignment of the rights of Providence Township therein at a later date. I understand that Mr. Wyland has submitted to you, or is submitting to you today, a copy of that stipulation. It has not been executed as a consequence of last minute changes which will require re-approval by the municipalities and because there has not been sufficient time to obtain execution by Conrail.

An impediment to final settlement has arisen as a consequence of a misunderstanding within Conrail which did not engage the environmental site investigator in behalf of both Conrail and the various municipalities. The investigator has refused to assume responsibility to the municipalities as a consequence of which Section 11 of the stipulation has been drafted to permit the municipalities to obtain their own investigator at Conrail's expense, which I understand is being done.

The report of Conrail's investigator was received by the various parties on March 14, and, while I cannot speak for others,

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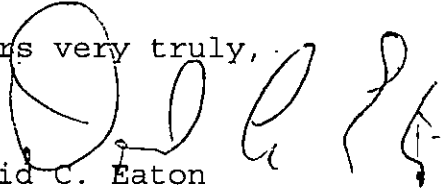
Administrative Law Judge Louis G. Cocheres
March 15, 1996
Page 2

it does not appear to me to suggest any significant problem. I await the result of the investigation to be done in behalf of the municipalities and word as to whether any municipality feels a phase II investigation will be required at any site.

Note from section 9 of the stipulation that the property limits of the conveyance to Conestoga Township have not been fixed and will require a survey of a line about a mile long.

The complexities involved in reaching an agreement between Conrail and the various municipalities have not carried over to the interest of PennDOT. A stipulation has been agreed upon between Conrail and PennDOT, but its execution is contingent upon the ultimate execution of the stipulation between Conrail and the various municipalities. Consequently, it, too, has not been executed, but we anticipate no problem there. I enclose a copy of that herewith.

Yours very truly,


David C. Eaton

DCE/ldw

Enclosure

cc: All parties identified on attached service list

APPEARANCE SHEET

ALJ HEARING REPORT

Docket No. A-00111016, C-00913256

Case Name Application of Consolidated Rail Corporation/ Board of Supervisors of Bart Township v. Consolidated Rail Corporation, Pennsylvania Department of Transportation and Lancaster County et al.

Location Harrisburg

Date March 21, 1996

ALJ Cocheres

Reporting Firm Commonwealth

CHECK THOSE BLOCKS WHICH APPLY:

Prehearing held YES NO

Hearing held YES NO

Testimony taken YES NO

Transcript due YES NO

Hearing concluded YES NO

Further hearing needed YES NO

Estimated add'l days see below

RECORD CLOSED YES NO

Briefs to be Filed YES NO

BENCH DECISION YES NO

RECEIVED
MAR 28 AM 10:34
PA. F. U. C.
INFO CONTROL DIV.

RECEIVED
OFFICE OF CALJ

96 MAR 25 AM 9:40

PA PUC
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APR 1 1996

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REMARKS: A status conference will be held on 5/15/96. A hearing will be held on 5/20/96


NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
PLEASE PRINT CLEARLY
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

| NAME-and TELEPHONE NUMBER | ADDRESS | APPEARING FOR |
|---|--|--|
| <u>Kevin L. Shirk III</u> Telephone No. <u>717-733-9997</u> | <u>115 S. State St</u> City <u>Ephrata</u> State <u>Pa</u> Zip <u>17522</u> | <u>Bart Township</u> |
| <u>Kathie Shirk Gonick</u> Telephone No. <u>717-733-2588</u> | <u>107 W. Main St</u> City <u>Ephrata</u> State <u>Pa</u> Zip <u>17522</u> | <u>Quarryville Boro</u> <u>Quarryville Boro</u> |
| <u>DAVID A SALAPA</u> Telephone No. <u>(717) 783-2841</u> | <u>P.O. Box 3265</u> City <u>Hbg</u> State <u>Pa</u> Zip <u>17155-3265</u> | <u>PA. PUC.</u> <u>BUREAU OF</u> <u>T&S.</u> |

CHECK THIS BOX IF ADDITIONAL PARTIES

Judith A. Valenik
CRC, Inc.

| NAME and TELEPHONE NUMBER | ADDRESS | APPEARING FOR |
|--|---|--|
| SCOTT T. WYLAND SUSAN J. SMITH Telephone No. 717-236-1300 | 100 N. 10th ST. City THURISBURG State PA Zip 17101 | PROVIDENCE, MARIC, CONESTOGA & SADSURY TOWNSHIPS |
| MARSHA R. SMITH Telephone No. 717-772-4171 | 944 E. RCSOB, PO Box 8767 City HARRISBURG State PA Zip 17105-8767 | DEPT. OF CONSERVATION & NATURAL RESOURCES |
| DAVID P. EATON Telephone No. 717 236-3010 | PO Box 840 City HBSG State PA Zip 17108 | CONRAIL |
| GINA M. D'Alfonso Telephone No. 717-787-3128 | 513 T & S Bldg City HBSG State PA Zip 17120 | PA DOJ |
| Kenneth Zielman Telephone No. 717-234-1250 | 208 N. Third St. Suite 310 City Hbsg State Pa Zip 17108 | Lancaster City |
| Joyce A Nettke Larry Keating Telephone No. 717 687 9311 | P.O. Box 27 City Strasburg State PA Zip 17602 | FAST |
| Wm R Keen John S. Halsted 344-6195 Telephone No. 610-269-5336 | 20 N. Church St City West Chester State PA Zip 19380 | West Sadsbury Twp. |
| Thomas Whiteman Telephone No. 610-344-6195 | Chester County Courthouse 2 N. High St. Suite 7 City West Chester State PA Zip 19380-3070 | Chester City |
| Dennis Moore Telephone No. 202-906-2750 | 60 Massachusetts Ave, N.E. City Washington State DC Zip 20002 | National Railroad Pass. Corp |
| Daniel ^{mulin} AYLAND Telephone No. 717-786-2404 | 300 St. Catherine St. City Quarryville State PA Zip 17566 | Quarryville Boro Quarryville Boro Authority |
| Brian Mac Ewen Telephone No. 610-384-4400 | 114 E. Lincoln Highway City Coatesville State PA Zip 19320 | Coatesville Water Authority |

| NAME and TELEPHONE NUMBER | ADDRESS | | | APPEARING FOR |
|--|-------------------|-------------|--------------|-----------------------------|
| Secy to Sue Hinbach Telephone No. 717-291-3000 | P.O. Box 120 | | | Suburban Cable Co. of Lanc. |
| | City Lancaster | State PA | Zip 17602 | |
| Telephone No. | City | State | Zip | |
| Telephone No. | City | State | Zip | |
| Telephone No. | City | State | Zip | |
| Telephone No. | City | State | Zip | |
| Telephone No.  | City | State | Zip | |
| Telephone No. | City | State | Zip | |
| Telephone No. | City | State | Zip | |
| Telephone No. | City | State | Zip | |
| Telephone No. | City | State | Zip | |
| Telephone No. | City | State | Zip | |

JLS

| NAME and TELEPHONE NUMBER | ADDRESS | | | APPEARING FOR | |
|---------------------------|---------|------|-------|---------------|--|
| Telephone No. | | City | State | Zip | |
| Telephone No. | | City | State | Zip | |
| Telephone No. | | City | State | Zip | |
| Telephone No. | | City | State | Zip | |
| Telephone No. | | City | State | Zip | |
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| Telephone No. | | City | State | Zip | |
| Telephone No. | | City | State | Zip | |
| Telephone No. | | City | State | Zip | |



Pennsylvania Power & Light Company

Two North Ninth Street • Allentown, PA 18101-1179 • 610/774-5151

David J. Dulick
Senior Counsel
610/774-4107

FAX: 610/774-6726

April 19, 1996

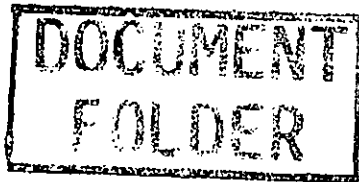
Scott T. Wyland, Esquire
Malatesta, Hawke & McKeon
Harrisburg Energy Center
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105

Re: Application of Consolidated Rail Corporation
and Board of Supervisors of Bart Township,
Docket Nos. A-00111016 and C-00913256

Dear Mr. Wyland:

PP&L does not object to the proposed settlement agreement in the above-referenced matter. However, while other parties may be financially responsible for relocations of or changes to PP&L's facilities, PP&L or its agents are the only parties permitted to work on PP&L facilities. Accordingly, PP&L must be contacted in advance of any work that the parties wish PP&L to do.

PP&L will cooperate to the fullest extent possible regarding any maintenance requested by any of the responsible parties. If you have any questions, please contact Michael A. Swenson at 610-774-6271.



Sincerely,

David J. Dulick
David J. Dulick

Attachment

JLS

cc: John G. Alford, Secretary
See Attached List

96 APR 23 PM 12:24
RECEIVED
INFORMATION CONTROL

540000
DOCKETED
APR 25 1996

West Sadsbury Township
RD #2
Parkesburg, PA 19365-9044

Sadsbury Township
1077 White Oak Road
Christiana, PA 17509

Eden Township
489 Stoney Hill Road
Quarryville, PA 17566

Bart Township
46 Quarry Road
Quarryville, PA 17566

Providence Township
200 Mount Airy Road
New Providence, PA 17560

Martic Township
370 Steinman Farm Road
Pequea, PA 17565

Conestoga Township
P.O. Box 98
Conestoga, PA 17516

Joyce A. Nettke
ATTORNEY AT LAW

RECEIVED
INFORMATION CONTROL

P.O. Box 27, Strasburg, PA 17579-0232

PHONE (717) 687-9311

FAX (717) 687-6749

May 8, 1996

John Alford, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
North Office Building
Harrisburg, PA 17120

JAF

Re: Application of Consolidated Rail Corporation for the abolition of thirty-one crossings of the Enola Branch, LC:201323, MP 3.5 to MP 27.0, Sub. No. 1095X, Harrisburg Division, Lancaster County, Pennsylvania - Docket No. A-00111016 and consolidated case - Bart Township re Lamparter Road.

Dear Secretary Alford:

Please find enclosed for filing an original and two copies of a Supplemental Hearing Motion in the above-captioned proceedings. Thank you for your attention to this matter.

Sincerely,



Joyce A. Nettke,
Attorney at Law

DOCUMENT
FOLDER

JN
Enclosure
CC: service list
Honorable Louis G. Cocheres

DOCKETED
MAY 15 1996

13

Re: Application of Consolidated Rail Corporation for the abolition of thirty-one crossings of the Engle Branch, LC:201323, MP 3.5 to MP 27.0, Sub. No. 1095X, Harrisburg Division, Lancaster County, Pennsylvania - Docket No. A-00111016 and related case: Lamparter Road

SUPPLEMENTAL HEARING MOTION

NOW COMES Friends of the Atglen-Susquehanna Trail, Inc. and moves the Administrative Law Judge for further consideration of the relationship of the federal National Historic Preservation Act "Section 106" process to the proceedings in the instant case, in light of the following:

1. After the status conference March 21, 1996, having ruled that the instant proceedings can go forward despite the question having been raised whether the "106 process" has been completed, the Administrative Law Judge reconsidered or extended the inquiry regarding this issue by directing Conrail's counsel to inquire of the state historic preservation agency whether "106" was indeed completed.

2. The State Historic Preservation Officer ("SHPO") replied that the process has not been completed.

3. FAST has filed a Petition with the Surface Transportation Board ("STB") to extend the Historic Preservation condition imposed by the Interstate Commerce Commission ("ICC") to apply to the entire subject rail line.

4. Answers to that Petition objecting to the requested STB action have been filed by Conrail and by PUC staff.

5. The STB has not yet ruled nor taken any action on the said Petition.

6. All of the documents referred to in the above paragraphs have been sent to all parties to the instant case and speak for themselves.

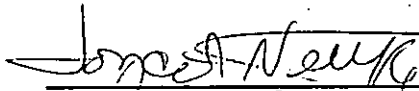
7. At the March 21, 1996 status conference the Administrative Law Judge asked if FAST would continue to object to the instant proceedings running concurrently with the 106 process.

8. FAST stated its position that it did not object only to the point where the instant proceedings are likely to diverge from or contravene the process mandated by federal law, and if so, then FAST would continue to object.

9. FAST requests to preserve this issue in light of the further inquiry by the Administrative Law Judge and other developments recounted herein.

WHEREFORE, FAST requests further consideration of this issue at the status conference scheduled for May 15, 1996 and at a hearing if a hearing is held in this case.

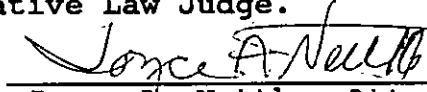
Dated: May 7, 1996


Joyce A. Nettke, Attorney
for FAST
P.O. Box 27
Strasburg, PA 17579
(717)687-9311
ID No. 45706

CERTIFICATE OF SERVICE

I, Joyce A. Nettke, Attorney for Friends of the Atglen-Susquehanna Trail, Inc. (FAST) hereby certify that I have this day served a copy of the within Motion upon the parties on the service list, by mailing first class regular U.S. mail, post paid, and have mailed a copy to the Administrative Law Judge.

Date: 5-8-96


Joyce A. Nettke, Attorney for
FAST

THE LAW FIRM OF

MALATESTA HAWKE & McKEON

MAILING ADDRESS:
P.O. BOX 1778
HARRISBURG, PA 17105

JOSEPH J. MALATESTA, JR.
WILLIAM T. HAWKE
KEVIN J. McKEON
LOUISE A. KNIGHT
THOMAS J. SNISCAK
NORMAN JAMES KENNARD
LILLIAN SMITH HARRIS
JANET L. MILLER
SUSAN J. SMITH
SCOTT T. WYLAND
STEVEN K. HAAS
TODD S. STEWART

HARRISBURG ENERGY CENTER
100 NORTH TENTH STREET
HARRISBURG, PENNSYLVANIA 17101
(717) 236-1300
FAX (717) 236-4841

DOCUMENT
FOLDER

May 10, 1996

RECEIVED
96 MAY 10 PM 2:21
PA. P. U. C.
INFO. CONTROL DIV.

John G. Alford, Secretary
Pennsylvania Public Utility Commission
Room B-18, North Office Building
PO Box 3265
Harrisburg, PA 17105-3265

JAF

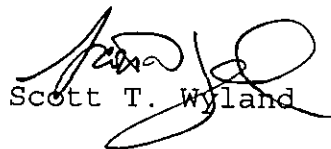
RE: Application of Consolidated Rail Corporation For the abolition of 31 crossings of the Enola Branch, LC: 201323, MP 3.5 to MP 27.0, Sub. No. 1095X, Harrisburg Division, Lancaster County; Docket No. A-00111016

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

Dear Secretary Alford:

Enclosed for filing please find an original and two (2) copies of a Praecipe for Withdrawal and Entry of Appearance on behalf of Bart Township in reference to the above-captioned matters. Pursuant to this letter and the attached Certificate of Service, a copy of this filing has been served upon all parties.

Very truly yours,


Scott T. Wyland

STW/tmf
Enclosure
cc: Kenelm L. Shirk, III, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

DOCUMENT
FOLDER

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

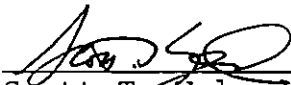
PRAECIPE FOR WITHDRAWAL
AND ENTRY OF APPEARANCE

DOCKETED
MAY 15 1996

RECEIVED
96 MAY 10 PM 2:21
PA. P. U. C.
INFO. CONTROL DIV.

Kindly enter our appearance on behalf of Bart Township in the
above-captioned matters.

Respectfully submitted,

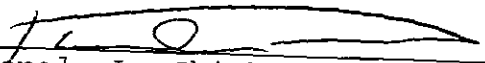


Scott T. Wyland
Susan J. Smith
Malatesta Hawke & McKeon
Harrisburg Energy Center
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105
(717) 236-1300

Counsel for Bart Township

Kindly withdraw my appearance on behalf of Bart Township in
the above-captioned matters.

Respectfully submitted,



Kenelm L. Shirk, III, Esquire
Law Offices of K. L. Shirk, III
115 S. State Street
Ephrata, PA 17522
717-733-7997

Solicitor for Bart township

DATED: May 8, 1996

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document upon the persons named and in the manner indicated below.

VIA FIRST CLASS MAIL:

Acting Chief ALJ Christianson
Pennsylvania Public Utility Commission
Room G-08, North Office Building
Harrisburg, PA 17120

Honorable Louis Cocheres
Pennsylvania Public Utility Commission
Room G-08, North Office Building
Harrisburg, PA 17120

David Salapa, Esquire
PA Public Utility Commission
Bureau of Transp. & Safety
Barto Building, 3rd Floor
PO Box 3265
Harrisburg, PA 17105-3265

Martha R. Smith, Esquire
Commonwealth of Pennsylvania
DCNR
400 Market Street, 9th Floor
Harrisburg, PA 17102

Gina M. D'Alfonso, Esquire
Assistant Counsel in Charge,
Utility Section
Department of Transportation
513 Transp. & Safety Building
Harrisburg, PA 17120

Kenneth Zielonis, Esquire
Stevens & Lee
208 North Third Street, Suite 310
PO Box 12090
Harrisburg, PA 17108-2090

Roger Fickes, Director
Bureau of State Parks
Dept. of Environmental Resources
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Harrisburg, PA 17105-8551

W. D. Pickering, Utility Engineer
Pennsylvania Department of Transportation
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Harrisburg, PA 17120

David C. Eaton, Esquire
Nauman, Smith, Shissler and Hall
18th Floor, 200 N. Third Street
PO Box 840
Harrisburg, PA 17108-0840

H. Joseph Little, Chairman
Eden Twp. Board of Supervisors
489 Stony Hill Road
Quarryville, PA 17566

Daniel Mylin, Borough Manager
Barbara Tollinger, Secretary
Quarryville Borough
330 St. Catherine Street
Quarryville, PA 17566

Ray Marvin, Chairman
Bart Township
46 Quarry Road
Quarryville, PA 17566

John Chase
Quarryville Water Authority
300 Saint Catherine Street
Quarryville, PA 17566

David Dulick, Esquire
Pennsylvania Power & Light
2 North Ninth Street
Allentown, PA 18101

Joseph J. Kenna, Commissioner
Karen L. Martynick
Chester County
2 North High Street
Suite 512
West Chester, PA 19380-3066

John S. Halsted, Esquire
Kate Connor-Barand, Esquire
Solicitor, West Sadsbury Township
20 North Church Street
West Chester, PA 19380

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Associate General Counsel, CONRAIL
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P.O. Box 41416
Philadelphia, PA 19101-1416

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Chester County Courthouse
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West Chester, PA 19380-3070

Alan P. Novac, Esquire
Conrad, O'Brien, Gellman & Rohn
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West Chester, PA 19382

Samuel Morris, Vice President
Legal Department
202 Shoemaker Road
Pottstown, PA 19464

James Landis, Chairman
Board of Supervisors
West Sadsbury Township
RD 1, Box 404
Parkesburg, PA 19365

Brian MacEwen
Coatesville Water Authority
114 E. Lincoln Highway
Coatesville, PA 19320

Kathie Shirk Gonick, Esquire
Shirk, Reist and Wagenseller
132 E. Chestnut Street
PO Box 1552
Lancaster, PA 17603

Carol K. Palmoski
Lancaster County Planning Commission
50 N. Duke Street
Lancaster, PA 17608

Robert Chambers, Construction Engineer
Sue Hinbach
Suburban Cable Company of Lancaster
PO Box 120
Lancaster, PA 17608

Nicholas Yoder, Chairman
Sadsbury Township
1077 White Oak Road
Christiana, PA 17509

Robert Findley, Chairman
Providence Township Supervisors
200 Mount Airy Road
New Providence, PA 17560

Joseph F. Duff, III, Chairman
Martic Township
370 Steinman Farm Road
Pequea, PA 17565

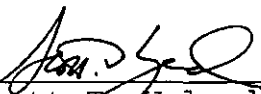
John Wiker, Chairman
Conestoga Township Supervisors
PO Box 98
Conestoga, PA 17516

Joyce A. Nettke, Esquire
Friends of Atglen-Susquehanna Trail, Inc.
10 South Decatur Street
PO Box 27
Strasburg, PA 17579

Gerald Duval, Chairman
Providence Township Supervisors
216 Clearfield Road
New Providence, PA 17509

John Phillipowicz
C-TEC Corporation
46 Public Square
PO Box 3000
Wilkes Barre, PA 18703-3000

Dennis Moore
National Railroad Passenger Corp. (AMTRAK)
60 Massachusetts Avenue, NE
Washington, DC 20002



Scott T. Wyland

DATED: May 10, 1996