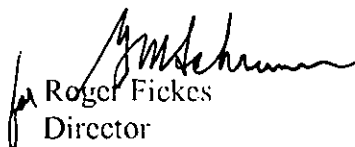


COMMONWEALTH OF PENNSYLVANIA
Department of Conservation and Natural Resources
November 30, 1999

0
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1999

SUBJECT: A-00111016
C-00913256
November 22, 1999
Opinion and Order
Lancaster County

TO: Secretary's Bureau File Room
PA Public Utility Commission

FROM:  Roger Fickes
Director
Bureau of State Parks

99 DEC -1 AM 8:10
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SECRETARY'S BUREAU

In response to your recent request, attached is the "Acknowledgement of Receipt & Acceptance of Service" form with my signature along with date acknowledging the Bureau of State Parks' receipt of the subject "Opinion and Order."

If you have any questions, please contact Eric Milliron at 717-783-3343.

Attachment

FEF

JOSEPH J. MALATESTA, JR.
WILLIAM T. HAWKE
KEVIN J. McKEON
LOUISE A. KNIGHT
THOMAS J. SNISCAK
NORMAN JAMES KENNARD
LILLIAN SMITH HARRIS
SCOTT T. WYLAND
CRAIG R. BURGRAFF
JANET L. MILLER
SUSAN J. SMITH
TODD S. STEWART
WILLIAM E. LEHMAN

THE LAW FIRM OF
MALATESTA HAWKE & McKEON LLP

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

<http://www.MHM-LAW.com>

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

January 11, 2000

Via Hand Delivery

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
North Office Building - Filing Room
Post Office Box 3265
Harrisburg, PA 17105-3265

**ORIGINAL
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FOLDER**

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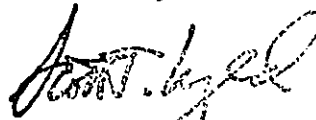
RE: Application of Consolidated Rail Corporation for the abolition of 31 Crossings of the Enola Branch LC: 201323, MP 3.52 to MP 27.0, Sub No. 1095X, Harrisburg Division, Lancaster County, Docket No. A-00111016, and Board of Supervisors of Bart Township v. Consolidated Rail Corporation, Pennsylvania Department of Transportation, and Lancaster County, et al., Docket No. C-00913256; **MOTION TO REQUEST AN EXTENSION OF TIME**

Dear Mr. McNulty:

Enclosed for filing with the Commission are the original and three (3) copies of Sadsbury, Bart and Martie Townships' Motion to Request an Extension of Time in the above-captioned matter. A copy of this filing has been served upon all parties in accordance with the attached Certificate of Service.

Thank you for your attention to this matter. If you have any questions please feel free to contact us.

Sincerely,


Scott T. Wyland

STW:tld

Enclosures

cc: Per Certificate of Service

SRB

17

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Consolidated Rail Corporation for :
the abolition of 31 Crossings of the Enola Branch, : Docket No. A-00111016
LC: 201323, MP 3.52 to MP 27.0, Sub No. 1095X, :
Harrisburg Division, Lancaster County

DOCKETED
JAN 12 2000

Board of Supervisors of Bart Township

v.

Docket No. C-00913256

Consolidated Rail Corporation, Pennsylvania
Department of Transportation, and Lancaster
County, et al.

DOCUMENT
FOLDER

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00 JAN 11 PM 2:27
PAPUC
SECRETARY'S BUREAU

MOTION TO REQUEST EXTENSION OF TIME

Sadsbury Township ("Sadsbury"), Bart Township ("Bart") and Martic Township ("Martic"), by and through its attorneys Malatesta Hawke & McKeon, LLP, and pursuant to 52 Pa. Code §1.15, files this Motion to Request an Extension of Time to perform certain work ordered in the Opinion and Order of the Public Utility Commission ("Commission") entered on October 9, 1997 ("Order") in the above-captioned matter.

1. Following entry of the Order, Friends of the Atglen-Susquehanna Trail, Inc. ("FAST") engaged in efforts to obtain a supersedeas of the Order before the Commission, the Commonwealth Court and the Pennsylvania Supreme Court. In addition, FAST filed petitions for allowance of appeal of the Order with the Commonwealth Court and Supreme Court. By Order of the Pennsylvania Supreme Court dated June 28, 1999, at Docket No. 782 M.D. Allocatur Docket 1998, the Supreme Court denied FAST's petition for allowance of appeal and its application for review of the Commonwealth Court order denying supersedeas. A copy of the Supreme Court's Order is attached as **Exhibit A**.

2. The Stipulation of Settlement ("Settlement") between Conrail and seven (7) named townships, including Sadsbury, Bart and Martic, approved by the Commission in its Order dated October 9, 1997, anticipated the transfer of ownership of the subject bridges and payment of certain sums of money by Conrail to the townships. The efforts undertaken by FAST, detailed in paragraph 1 above, have delayed the transfer and payment to the townships, including Sadsbury, Bart and Martic. The Townships do not yet own the subject bridges or the associated real property of the former railway line.

I. Motion of Sadsbury Township for Extension of Time

In support thereof, Sadsbury represents as follows:

3. The Commission's October 9, 1997 Order required Sadsbury Township to perform certain specified work at the Orchard Road crossing (Crossing No. 2), as detailed in the referenced ordering paragraphs set forth below:

Crossing No. 2 [Orchard Road]

* * *

28. That Sadsbury Township, at its sole cost and expense, within two (2) years from the date of entry of this Opinion and Order, furnish all materials and do all work necessary to remove the bridge substructure and superstructure to a point two (2) feet below the grade of the new highway.

29. That Sadsbury Township, within two (2) years from the entry date of this Opinion and Order, at its sole cost and expense, furnish all material and do all work necessary to construct a new highway embankment for the class and volume of traffic using the highway. Said construction is to include a pipe(s) at the bottom of the embankment to provide for surface water drainage through the embankment along the ditches or swales. All embankments shall be graded, seeded and mulched to prevent soil erosion.

4. Due to the efforts of FAST to obtain a supersedeas of the Commission's Order and the resulting uncertainty arising from the foregoing regarding Sadsbury Township's authority to perform work at any crossing, Sadsbury requests an extension of time of two (2) years, until December 31, 2001, to perform the work ordered in the Commission's Opinion and Order entered October 9, 1997.

5. Sadsbury submits that the granting of this petition will not cause any decrease in safety or any additional threat of harm to the public through the duration of the requested two (2) year extension.

6. Sadsbury has asserted reasonable grounds for an extension of time to perform the work ordered by the Commission, and Sadsbury's request for extension of time is consistent with the public interest and safety.

7. Counsel for the Pennsylvania Department of Transportation, Conrail, and the Townships of Martic, Conestoga, Providence, and Bart have informed the undersigned that their respective clients do not oppose the request for an extension of time contained herein.

WHEREFORE, Sadsbury Township moves that the Commission's Opinion and Order entered October 9, 1997 be amended to provide Sadsbury an extension of time to perform work as follows:

- a. An extension of time until December 31, 2001, to furnish all materials and do all work necessary to remove the bridge substructure and superstructure at the Orchard Road crossing (Crossing No. 2), amending Ordering Paragraph 28.

- b. An extension of time until December 31, 2001, to furnish all material and do all work necessary to construct a new highway on embankment for the class and volume of traffic using the highway at the Orchard Road crossing (Crossing No. 2), amending Ordering Paragraph No. 29.

II. Motion of Bart Township

In support thereof, Bart represents as follows:

8. The Order required Bart Township to perform certain specified work at the Lamparter Road crossing (Crossing 7A), as detailed in the referenced ordering paragraphs set forth below:

Crossing No. 7A [Lamparter Road]

58. That Bart Township, having agreed to do so, at its sole cost and expense, within one (1) year from the date of entry of this Opinion and Order, furnish all materials and do all work necessary to remove the bridge substructure and superstructure to a point two (2) feet below the grade of the new highway.

59. That Bart Township, within one (1) year from the date of entry of this Opinion and Order, at its sole cost and expense, furnish all material and do all work necessary to construct a new highway on embankment for the class and volume of traffic using the highway. Said construction is to include a pipe(s) at the bottom of the embankment to provide for surface water drainage through the embankment along the ditches or swales. All embankments shall be graded, seeded and mulched to prevent soil erosion.

9. Due to the efforts of FAST to obtain a supersedeas as of the Commission's Order and the resulting uncertainty arising from the foregoing regarding Bart Township's authority to perform work at any crossing, Bart requests an extension of time of two (2) years until December 31, 2001, to perform the work ordered in the Commission's Opinion and Order entered October 9, 1997.

10. Bart submits that the granting of this petition will not cause any decrease in safety or any additional threat of harm to the public through the requested two (2) year extension period.

11. Bart has asserted reasonable grounds for an extension of time to perform the work ordered by the Commission, and Bart's request for extension of time is consistent with the public interest and safety.

12 Counsel for the Pennsylvania Department of Transportation, Conrail, and the Townships of Martic, Conestoga, Providence, and Sadsbury have informed the undersigned that their respective clients do not oppose the request for an extension of time contained herein.

WHEREFORE, Bart Township moves that the Commission's Opinion and Order entered October 9, 1997 be amended to provide Bart an extension of time to perform work as follows:

- a. An extension of time until December 31, 2001, to furnish all materials and do all work necessary to remove the bridge substructure and superstructure at the Lamparter Road crossing (Crossing No. 7A), amending Ordering Paragraph 58.
- b. An extension of time until December 31, 2001, to furnish all material and do all work necessary to construct a new highway on embankment for the class and volume of traffic using the highway at the Lamparter Road crossing (Crossing No. 7A), amending Ordering Paragraph No. 59.

III. Motion of Martic Township

In support thereof, Martic represents as follows:

13. The Order required Martic Township to perform certain specified work at the Marticville Road crossing (Crossing No. 27), as detailed in the referenced ordering paragraph set forth below:

Crossing No. 27 [Marticville Road]

142. That, if Pennsylvania Department of Transportation has not within two (2) years from the date of entry of this Opinion and Order let a contract to reconstruct and realign S.R. 0324, Marticville Road, then Martic Township, having agreed to do so, at its sole cost and expense, within three (3) years from the date of entry of this Opinion and Order, furnish all materials and do all work necessary to remove the bridge substructure and superstructure to a point two (2) feet below the surrounding groundline, and to grade the embankments behind the structure to a 2-to-1 slope, and to grade, seed and mulch the areas thus disturbed to prevent soil erosion, all in a safe and satisfactory condition.

14. Due to the efforts of FAST to obtain a supersedeas of the Commission's Order and the resulting uncertainty arising from the foregoing regarding Martic Township's authority to perform work at any crossing, Martic requests an extension of time of three (3) years, until December 31, 2002, to perform the work ordered in the Commission's Opinion and Order entered October 9, 1997.

15. Martic submits the granting of this petition will not cause any decrease in safety or any additional threat of harm to the public through the duration of the requested three (3) year extension period.

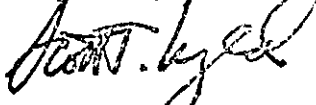
16. Martic has asserted reasonable grounds for an extension of time to perform the work ordered by the Commission, and Martic's request for extension of time is consistent with the public interest and safety, and with PennDot's anticipated action at the crossing.

17. Counsel for the Pennsylvania Department of Transportation, Conrail, and the Townships of Conestoga, Providence, Bart, and Sadsbury have informed the undersigned that their respective clients do not oppose the request for an extension of time contained herein.

WHEREFORE, Martic Township moves that the Commission's Opinion and Order entered October 9, 1997 be amended to provide Martic extensions of time to perform work as follows:

- a. An extension of time until December 31, 2002 to furnish all materials and do all work necessary to remove the bridge substructure and superstructure at the Marticville Road crossing (Crossing No. 27), amending Ordering Paragraph 142.

Respectfully submitted,



Scott T. Wyland
Malatesta Hawke & McKeon LLP
Harrisburg Energy Center
100 North Tenth Street
Post Office Box 1778
Harrisburg, PA 17101
(717) 236-1300

Counsel for
Sadsbury Township, Bart Township and Martic
Township

DATED: January 11, 2000

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

FRIENDS OF THE ATGLEN-
SUSQUEHANNA TRAIL, INC. AND
HISTORIC PRESERVATION TRUST OF
LANCASTER COUNTY,

Petitioners

v.

PENNSYLVANIA PUBLIC UTILITY
COMMISSION,

Respondent

: No. 782 M.D. Allocatur Docket 1998
:
:
: Petition for Allowance of Appeal from the
: Commonwealth Court

ORDER

PER CURIAM:

AND NOW, this 28th day of June, 1999, the Petition for Allowance of Appeal, the Application for Review of the Commonwealth Court's Order Denying Supersedeas, and the Application to File Supplemental Brief are hereby DENIED.

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PA.P.U.C.
SECRETARY'S BUREAU

TRUE & CORRECT COPY

ATTEST:

JUN 29 1999

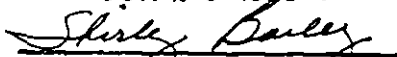

SHIRLEY BAILEY
CHIEF CLERK

EXHIBIT A

VERIFICATION

I, N. Eugene Lammey, Chairman, Sadsbury Township, verify that the information provided in the foregoing document is true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.



N. Eugene Lammey, Chairman, Sadsbury Township

DATED: 1-4-2000

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00 JAN 11 PH 2:27
PA.P.U.C.
SECRETARY'S BUREAU

VERIFICATION

I, Ray Marvin, Bart Township, verify that the information provided in the foregoing document is true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.



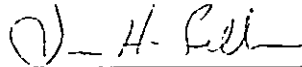
Ray Marvin, Bart Township

DATED: 1-5-00

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Pa. P.U.C.
SECRETARY'S BUREAU

VERIFICATION

I, Ivan Sellers, Chairman, Martic Township, verify that the information provided in the foregoing document is true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.



Ivan Sellers, Chairman, Martic Township

DATED: 12-19-99

RECEIVED
00 JAN 11 PM 2:27
PA.P.U.C.
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

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

Service by hand delivery:

Honorable Louis G. Cocheres
Pennsylvania Public Utility Commission
North Office Building - Room G-08
PO Box 3265
Harrisburg, PA 17105-3265

Service by first class mail:

Gina M. D'Alfonso, Esquire
Assistant Counsel-in-Charge
PennDOT
555 Walnut Street
9th Floor - Forum Place
Harrisburg, PA 17101-1900

Benjamin C. Dunlap, Jr.
Nauman Smith Shissler & Hall
200 North Third Street
Harrisburg, PA 17101

David A. Salapa, Esquire
Pennsylvania Public Utility Commission
Legal Division
Bureau of Transportation & Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

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

Joseph J. Kenna, Commissioner
Karen L. Martynic
Chester County
2 N. High Street, Suite 512
West Chester, PA 19380

Dennis M. Moore
National Railroad Passenger
Corporation (AMTRAK)
60 Massachusetts Avenue, NE
Washington, D.C. 20002

Kenneth Zielonis, Esquire
Stevens & Lee
208 North Third Street, Suite 310
P.O. Box 12090
Harrisburg, PA 17108

Brian MacEwen
Assistant Director of City Authority
114 E. Lincoln Highway
Coatesville, PA 19320

Martha R. Smith, Esquire
DER - Legal Services
P.O. Box 8464
Harrisburg, PA 17105-8464

Joyce A. Nettke, Esquire
Douglass Brossman, Esquire
FAST
P.O. Box 27
Strasburg, PA 17579

Thomas L. Whiteman, Esquire
Solicitor's Office
Chester County Courthouse
2 North High Street, Suite 7
West Chester, PA 19380-3070

John S. Halsted, Esquire
W. Sadsbury Township Solicitor
2 North High Street
Courthouse, Suite 7
West Chester, PA 19380

James Landis
W. Sadsbury Township
R.D. #1, Box 404
Parkesburg, PA 19365

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

John Filipowicz, Esquire
C-TEC Corporation Counsel
Legal Department
105 Carnegie Center
Princeton, NJ 08540

Robert Chambers
Susan Hinbach
Suburban Cable Company
1131 S. Duke Street
P.O. Box 120
Lancaster, PA 17608

Brian P. Novac, Engineer
Conrad, O'Brien, Gellman & Rohn
11-13 South High Street
West Chester, PA 19382

Office of Special Assistants
Pennsylvania Public Utility Commission
North Office Building - Room 210
PO Box 3265
Harrisburg, PA 17105-3265

Roger Fickes, Director
Bureau of State Parks
Department of Environmental Resources
P.O. Box 8551
Harrisburg, PA 17105-8551

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

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

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

Christopher M. Arfaa, Esquire
Bell Atlantic - Pennsylvania, Inc.
1717 Arch Street, 32-N
Philadelphia, PA 19103

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

John Wiker, Chairman
Conestoga Township Supervisors
46 Quarry Road
Quarryville, PA 17566

William T. Keen, Esquire
Keen, Keen & Good
One Bondsville Road
Downington, PA 19355

Ivan Sellers, Chairman
Martic Township
370 Steinman Farm Road
Pequea, PA 17565

Melvin E. Newcomer, Esquire
Providence Township
339 North Duke Street
P.O. Box 539
Lancaster, PA 17603

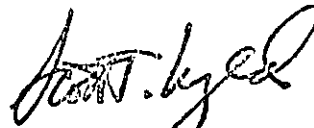
Carol K. Palmonski
Lancaster County Planning Commission
50 North Duke Street
Lancaster, PA 17603

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

James H. Thomas, Esquire
Blakinger, Blyer & Thomas, PC
28 Penn Square
Lancaster, PA 17603

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

William C. Crosswell, Esquire
Morgan, Hallgren, Crosswell & Kane, P.C.
700 North Duke Street
Lancaster, PA 17604-4686



Scott T. Wyland

DATED: January 11, 2000

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P.A.P.U.
SECRETARY'S BUREAU

DATE: January 11, 2000

SUBJECT: A-00111016; C-00913256

DOCKETED
JAN 12 2000

TO: Office of Special Assistants

FROM: James J. McNulty, Secretary

**DOCUMENT
FOLDER**

LAF

A-00111016 Application of Consolidated Rail Corporation for the Abolition of 31 Crossings of the Enola Branch LC: 201323, MP 3.52 to MP 27.0, Sub No. 1095X, Harrisburg Division, Lancaster County

C-00913256 Board of Supervisors of Bart Township v. Consolidated Rail Corporation et al

Attached is a copy of a Motion to Request Extension of Time filed by Sadsbury Township, Bart Township, and Martic Township, in connection with the above docketed proceedings. .

This matter is assigned to your Office for appropriate action.

Attachment

cc: TSR

laf

SRB

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



www.dot.state.pa.us
Office of Chief Counsel
Forum Place
555 Walnut Street - 9th Floor
Harrisburg, Pennsylvania 17101-1900
Telephone No. (717) 787-3128
Fax No. (717) 772-2741

ORIGINAL

January 19, 2000

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

RECEIVED
00 JAN 19 AM 11:20
PA.P.U.C.
SECRETARY'S BUREAU

Re: Docket No. A-00111016 and C-00913256

Dear Secretary McNulty:

Enclosed for filing please find the original and three (3) copies of the Department's Petition to Modify Order in the above-captioned matter.

I hereby certify that a copy of the Department's Petition has been sent to all parties of record, as indicated on the Certificate of Service.

Very truly yours,

Gina M. D'Alfonso
Assistant Counsel in Charge

12

220/GMD:sls

cc: Harvey I. Cassell, P.E., Acting Chief
District 8-0 (Attn: Raymond W. Britcher)
Parties of Record

SRP

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Application of Consolidated : Docket No. A-00111016
Corporation for the abolition :
Thirty-one crossings of the :
Enola Branch, LC201323, MP :
3.5 to MP 27.0, Sub No. 1095X, :
Harrisburg Division, Lancaster :
County, :

Board of Supervisors of Bart :
Township, :

v. : Docket No. C-00913256

Consolidated Rail Corporation, :
and the Pennsylvania :
Department of Transportation :
and Commissioners of the :
County of Lancaster, et al. :

DOCUMENT
FOLDER

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JAN 20 2000

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SECRETARY'S BUREAU

PETITION TO MODIFY ORDER OF COMMISSION
ENTERED OCTOBER 9, 1997

AND NOW, comes the Commonwealth of Pennsylvania, Department
of Transportation (Department), by and through its counsel, Gina
M. D'Alfonso, Assistant Counsel in Charge, in its Petition to
Modify the Order of the Commission entered October 9, 1997
respectfully represents:

1. The name and address of your Petitioner is:

Commonwealth of Pennsylvania
Department of Transportation
Bureau of Design
P.O. Box 3362
Harrisburg, Pennsylvania 17105-3362

2. The name and address of Counsel for the Petitioner is:

Gina M. D'Alfonso
Assistant Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation
Forum Place - 9th Floor
555 Walnut Street
Office of Chief Counsel
Harrisburg, Pennsylvania 17101-1900

3. By Order entered October 9, 1997, the Department was ordered to perform certain items of work at numerous crossings.

4. The Department has not performed the work set forth in the October 9, 1997, Order due to the pendency of the appeal process initiated by Intervenor, Friends of Atglen-Susquehanna Trail, Inc. (FAST).

5. During the pendency of the appeal, FAST attempted to obtain a supersedeas of the Commission's Opinion and Order entered October 9, 1997, before the Commission, the Commonwealth Court and the Pennsylvania Supreme Court. The issue of the supersedeas was finally determined by Order of the Pennsylvania Supreme Court dated June 28, 1999, at Docket No. 782 M.D. Allocatur Docket 1998.

6. The Department respectfully requests that the Commission Order entered October 9, 1997, be modified as follows

(modification is underlined):

Crossing No. 1

23. The Pennsylvania Department of Transportation, at its sole cost and expense, by June 30, 2000, furnish all material and do all work necessary to perform safety related modifications at the crossing location, including, but not limited to, installation of guide rail and any required signs that Pennsylvania Department of Transportation shall deem necessary for the safety of the travelling public.

Crossing No. 14

82. That Pennsylvania of Transportation, at its sole cost and expense, by June 30, 2000, furnish all material and do all work necessary to perform safety related modifications at the Crossing location, including, but limited to, installation of guide rails and repair of loose stone.

Crossing No. 17

99. That Pennsylvania Department of Transportation at its sole cost and expense, by December 31, 2001, furnish all materials and do all work necessary to remove the bridge substructure and superstructure to a point two (2) feet below the surrounding ground line, and to grade, seed and mulch the areas thus disturbed to prevent soil erosion, all in a safe and satisfactory condition.

100. That Pennsylvania Department of Transportation, at its sole cost and expense, by December 31, 2001, furnish all materials and do all work necessary to construct a new highway, on partial embankment if necessary, on a new alignment so as to remove the sharp turns in the existing

highway. The new highway is to be constructed for the class and volume of traffic using the highway. Said construction is to include a pipe(s) to provide for surface water drainage under the highway along the existing ditches or swales. All areas thus disturbed shall be graded, seeded and mulched to prevent soil erosion.

Crossing No. 23

124. That Pennsylvania Department of Transportation, by June 30, 2000, at its sole cost and expense, furnish all material and do all work necessary to; (1) undertake any currently needed maintenance and repair of the structure, (2) remove the existing sidewalks and curbs and to construct new paved shoulders in this area, and (3) undertake such additional work as it may deem desirable for the safety of highways travelers, including installation of guiderails and signage.

Crossing No. 24

129. That Pennsylvania Department of Transportation, by June 30, 2000, at its sole cost and expense, furnish all material and do all work necessary, as it may deem desirable, for the safety of highway travelers, including installation of guiderails and signage.

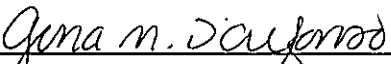
Crossing No. 27

142. That, if Pennsylvania Department of Transportation, has not by December 31, 2001, let a contract [underline in original] to reconstruct and realign S.R. 0324, Marticville Road, then Martic Township, having agreed to do to, at its sole cost and expense, by December 31, 2002, furnish all materials and do all work necessary to remove the bridge substructure and superstructure to a point two (2) feet below the surrounding ground line, and to grade the embankments behind the structure to a two-to-one slope, and to grade, seed and mulch the areas thus disturbed to prevent soil erosion, all in a safe and satisfactory condition.

7. The Department respectfully requests that the Commission Order entered October 9, 1997, be modified consistent with this Petition for Modification of Order.

WHEREFORE, the Department of Transportation respectfully requests that the Relief sought in this Petition be granted.

Respectfully submitted,

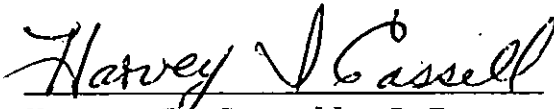


Gina M. D'Alfonso
Assistant Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
9th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17101-1900
Telephone No. (717) 787-3128

DATED: January 19, 2000

V E R I F I C A T I O N

I, Harvey I. Cassell, P.E., Acting Chief, Right of Way and Utilities Division, for the Commonwealth of Pennsylvania, Department of Transportation, in this matter, hereby verify that the statements made in the foregoing Petition are true and correct to the best of my knowledge, information and belief. I understand that this statement is made subject to penalties of 18 Pa. C.S. §4904, relating to the unsworn falsification to authorities.


Harvey I. Cassell, P.E.

RECEIVED
00 JAN 19 AM 11:20
P.A.P.U.C.
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the
Petition to Modify Order, was served upon the parties listed
below by first class mail, postage prepaid this 19th day of
January, 2000.

Honorable Louis G. Cocheres
Administrative Law Judge
North Office Building
Harrisburg, PA 17120

Benjamin C. Dunlap, Jr., Esquire
Nauman, Smith, Shissler & Hall, L.L.P.
18th Floor, 200 North Third Street
P.O. Box 840
Harrisburg, PA 17108-0840

David A. Salapa, Esquire
PA PUC Legal Division
Bureau of Transportation & Safety
Box 3265
Harrisburg, PA 17105-3265

Martha R. Smith, Esquire
Department of Conservation and Natural Resources
9th Floor RCSOB
P.O. Box 8767
Harrisburg, PA 17105-8767

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

Joyce A. Nettke, Esquire
Douglas Brossman, Esquire
FAST
P.O. Box 27
Strasburg, PA 17579

Kenneth Zielonis, Esquire
Lancaster County
Stevens and Lee
208 N. 3rd Street, Suite 310
P.O. Box 12090
Harrisburg, PA 17108-2090

John Wiker, Chairman
Conestoga Township Supervisors
46 Quarry Road
Quarryville, PA 17566

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

Frak Peiffer, Chairman
Martic Township
370 Steinman Farm Road
Pequea, PA 17565

Gerald Duvall, Chairman
Providence Twp. Supervisors
216 Clearfield Road
New Providence, P 17509

Melvin E. Newcomer, Esquire
Providence Township
339 North Duke Street
P.O. Box 39
Lancaster, PA 17603

Carol K. Palmonski
Lancaster County Planning Commission
50 North Duke Street
Lancaster, PA 17608

Scott T. Wyland, Esquire
Malatesta Hawke & McKeon
100 North 10th Street
P.O. Box 1778
Harrisburg, PA 17105

John Fillipowicz, Esquire
C-TEC Corporation
105 Carnegie Center
Princeton, NJ 08540

David Dulick, Esquire
Pennsylvania Power & Light Co.
2 North High Street
Allentown, PA 18101

John S. Halsted, Esquire
Solicitor, West Sadsbury Township
20 North High Street
Courthouse, Suite 7
West Chester, PA 19380-3070

James Landis
West Sadsbury Township
R.D. 1, Box 404
Parkesburg, PA 19365

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

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

Christopher Arfaa, Esquire
Bell Atlantic-PA, Inc.
Law Department
1717 Arch Street
Floor 32N
Philadelphia, PA 19103

Thomas L. Whiteman, Esquire
Solicitor's Office
Chester County Courthouse
2 North High Street, Suite 7
West Chester, PA 19380-3070

Robert Chambers, Construction Engineer
Susan Hinbach
Suburban Cable Company of Lancaster
1131 S. Duket Street
P.O. Box 120
Lancaster, PA 17608

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

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

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

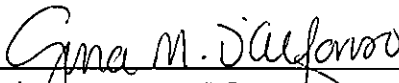
Brian P. Novac, Engineer
Conrad, O'Brien, Gellman & Rohn
Coatesville Water Authority
11-13 South High Street
West Chester, PA 19382

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

William T. Keen, Esquire
Keen, Keen & Good
One Bondsville Road
Downingtown, Pa 19355

James H. Thomas, Esquire
Blakinger, Byler & Thomas, PC
28 Penn Square
Lancaster, PA 17603

William C. Crosswell, Esquire
Morgan, Hallgren, Crosswell & Kane, P.C.
700 North Duke Street
Lancaster, PA 17604-4686



Gina M. D'Alfonso
Assistant Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel-9th Floor
Forum Place, 555 Walnut Street
Harrisburg, PA 17101-1900
Telephone No. (717) 787-3128

DATED: January 19, 2000

RECEIVED
00 JAN 19 AM 11:20
PA.P.U.C.
SECRETARY'S BUREAU

DATE: January 19, 2000

SUBJECT: A-00111016; C-00913256

DOCKETED
JAN 20 2000

TO: Office of Special Assistants

FROM: James J. McNulty, Secretary

LAF

**DOCUMENT
FOLDER**

A-00111016 Application of Consolidated Rail Corporation for the Abolition of 31 Crossings of the Enola Branch LC: 201323, MP 3.52 to MP 27.0, Sub No. 1095X, Harrisburg Division, Lancaster County

C-00913256 Board of Supervisors of Bart Township v. Consolidated Rail Corporation et al

Attached is a copy of a Petition to Modify Order filed by Commonwealth of Pennsylvania Department of Transportation, in connection with the above docketed proceedings.

This matter is assigned to your Office for appropriate action.

Attachment

cc: TSR

laf

SPR

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

www.dot.state.pa.us



Office of Chief Counsel
Forum Place
555 Walnut Street- 9th Floor
Harrisburg, Pennsylvania 17120
Telephone No. (717) 787-3128
Fax No. (717) 772-2741

February 2, 2000

David C. Hart, P.E., Manager
Rail Safety Division
Bureau of Transportation & Safety
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

DOCUMENT PA PUBLIC UTILITY COMMISSION
FOLDER FEB 03 2000

RE: A-00111016
C-00913256

BUREAU OF TRANSPORTATION & SAFETY
RAIL SAFETY DIVISION

Dear Mr. Hart:

Enclosed please find a copy of the Bridge Management System Bridge Inspection Report and supporting documentation for the crossing known as Crossing No. 17 in the above proceedings. Crossing 17 involves State Route 3016 and based upon the attached inspection report, the Department closed the bridge to the public on Friday, January 28, 2000.

The Department of Transportation is respectfully requesting that the Commission enter an Emergency Order ratifying the Department's action closing the structure.

If you should have any questions, please do not hesitate to contact me.

Very truly yours,

Gina M. D'Alfonso
Gina M. D'Alfonso
Assistant Counsel in Charge

EEF

Enclosure

220/GMD:dch
(717) 787-3128

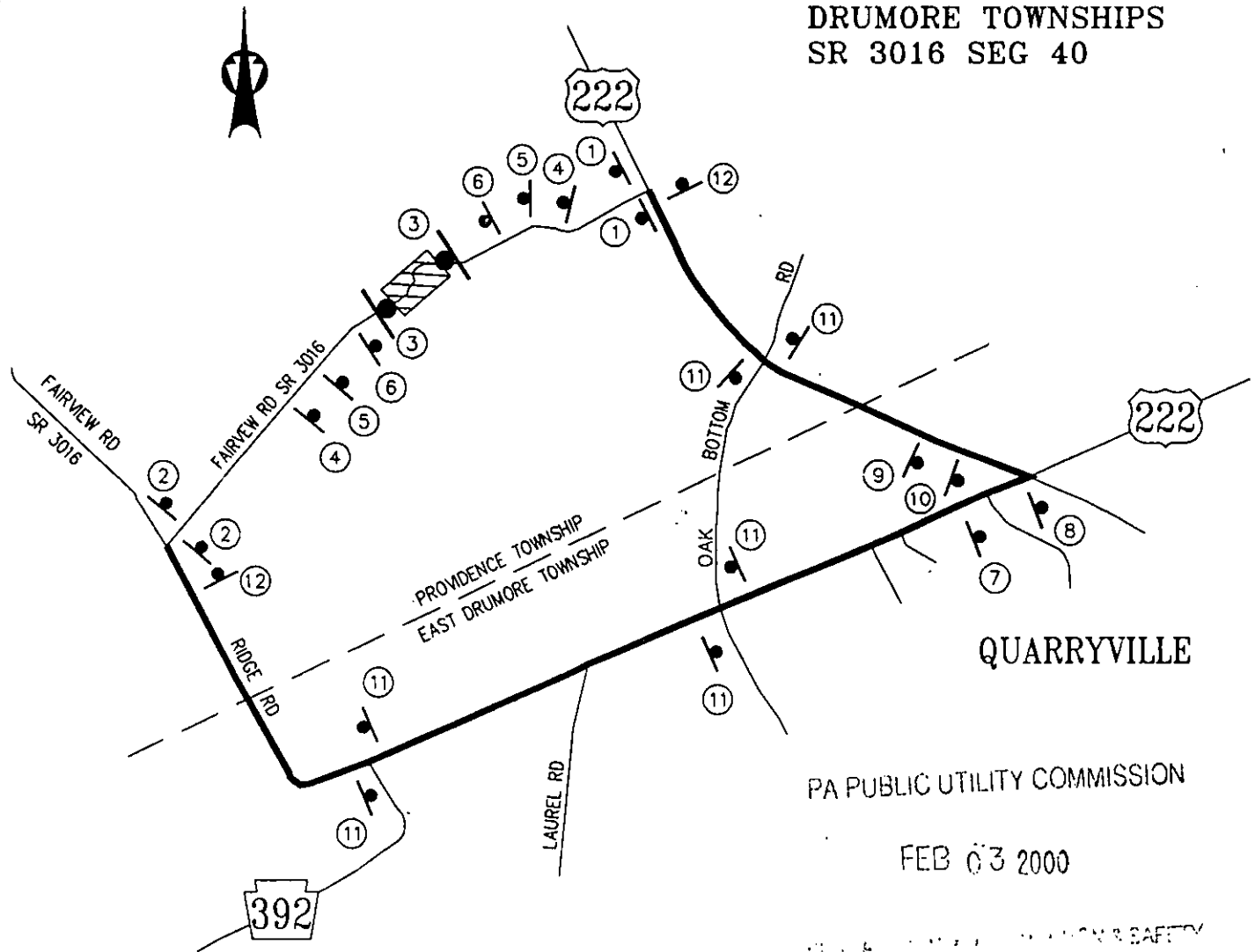
cc: Gary C. Fawver, P.E., Chief, R/W & Utilities Division
Ray W. Britcher, P.E., Grade Crossing Engineer, District 8-0
H. R. Parikh, P.E., District Bridge Engineer, District 8-0

096101

RECEIVED
SECRETARY'S BUREAU

00 FEB -4 AM 10:46

LANCASTER COUNTY
 PROVIDENCE & EAST
 DRUMORE TOWNSHIPS
 SR 3016 SEG 40



PA PUBLIC UTILITY COMMISSION

FEB 03 2000

CONSTRUCTION SAFETY

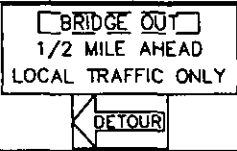
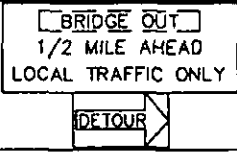
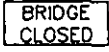









FILE: TCP\36M\3016-SEG40

- LEGEND
- ⑤ SIGN IDENTIFICATION NUMBER
 - SIGN SYMBOL
 - ▨ WORK AREA
 - DETOUR ROUTE

Approved

Glenn C. Rowe
 Dist. Traffic Engr.
Jan 26, 2000
 Date

LANCASTER COUNTY
 PROVIDENCE & EAST DRUMORE TWPS.
 SR 3016 SEG 40

NO.	LEGEND	SERIES	SIZE	MOUNTING	# OF TYPE B FLASHER	SIGN QTY	REMARKS
1		R11-3-1 R11-3 G20-6L	48" x 12" 60" x 30" 48" x 18"	TYPE III BARRICADE	1 EA	2	
2		R11-3-1 R11-3 G20-6R	48" x 12" 60" x 30" 48" x 18"	TYPE III BARRICADE	1 EA	2	
3		R11-2-1	48" x 30"	TYPE III BARRICADE	2 EA	2	TYPE III BARRICADES MUST EXTEND ACROSS ENTIRE ROADWAY WIDTH
4		W20-3	36" x 36"	TYPE III BARRICADE	1 EA	2	
5		W20-3	36" x 36"	TYPE III BARRICADE	1 EA	2	
6		W20-3	36" x 36"	TYPE III BARRICADE		2	
7		G20-5SL	30" x 24"	TYPE B OR TYPE II BARRICADE		1	
8		G20-5L	30" x 24"	TYPE B OR TYPE II BARRICADE		1	
9		G20-5SR	30" x 24"	TYPE B OR TYPE II BARRICADE		1	
10		G20-5R	30" x 24"	TYPE B OR TYPE II BARRICADE		1	
11		G20-5S	30" x 24"	TYPE B OR TYPE II BARRICADE		6	
12		G20-7	24" x 18"	TYPE B OR TYPE II BARRICADE		2	

BRIDGE POSTING RECOMMENDATION DATA

June 1996

BMS # 36-3016-0040-0000

Sh 1 of 3

LOCATION

County LANCASTER Municipality PROVIDENCE TWP

State Route 3016 Segment 0040 Offset 0000 Traffic Route(s) NA

Bridge Name: NA Detour Length 4 miles

Feature Carried Fairview Road NHS No

Feature Intersected Abandoned Railroad PUC Jurisdiction Yes

ADT 1135 ADTT 163 School Bus Route No Public Transportation Route No

PREVIOUS BRIDGE POSTING (Year last posted 1999)

Weight Limit 3 Tons Except Combinations NA Tons One Truck at a Time NA

RECOMMENDED POSTING

Weight Limit Tons Except Combinations Tons One Truck at a Time

Bridge Closure X Bridge Restricted to Pedestrian Traffic Only

Posting based on: Structural Analysis and/or Structural Condition X

Controlling Member(s) Stringers

Reason Approximately 50% of all the stringers have total section loss in a portion of the webs below the top flange.

STRUCTURE DATA

Structure Type: Main Pony Truss Approach NA

No. Spans 1 Structure Length 97 ft. If applicable: Depth of Fill: ft.

Bridge Roadway Width 18.7 ft. No. of Traffic Lanes 2 Sidewalk Lt. Rt.

Year Built: 1905 Year Last Reconstructed/ Rehab. NA Type Reconst: NA

BRIDGE CONDITION RATINGS

Date of Last Inspection 5/12/99 Sufficiency Rating 2.0 (before posting)

Deck 3 Superstructure 2 Substructure 5 Culvert

Deck Geometry Appraisal 2 Approach Allignment Appraisal 3

Comments A special inspection was performed on 1/10/2000 after notification of Railroads concerns. Summary attached.

BRIDGE POSTING RECOMMENDATION DATA

June 1996

BRIDGE RATING ANALYSIS

Page 2 of 3

Governing Member(s) _____ (int./fascia) Governing Span(s) _____

Non-Redundant _____ Fatigue Sensitive _____ Interior/Fascia Girder _____ (if multigirder)

Inventory Ratings: Full Lanes: H _____ Tons HS _____ Tons ML80 _____ Tons

One Truck: H _____ Tons HS _____ Tons ML80 _____ Tons

Operating Ratings: Full Lanes: H _____ Tons HS _____ Tons ML80 - _____ Tons

One Truck: H _____ Tons HS _____ Tons ML80 _____ Tons

Analysis Method: _____ AASHTO Line Girder with Simplified (S-Over) LL Distribution Factors

_____ AASHTO Line Girder with NCHRP LL Distribution Factors

_____ 2D/Grillage (_____) _____ 3D/FEM (_____)

_____ PDT Box Culvert Analysis Prog. _____ Other (_____)

Rating Method: _____ Working Stress _____ Load Factor _____ Load & Resistance Factor Design

Engineering Judgement _____ Other (_____)

Special assumptions used for analysis: Major deterioration and section

loss in the webs has rendered normal analysis impractical.

The timber plank decking also show signs of advance deterioration.

Controlling member conditions: (i.e., % deterioration, etc.) Due to the section loss in

the webs of the stringers, there are many areas of no support

for the top web, allowing it to deflect under live load.

Are traffic conditions for One Truck at a Time restriction valid? NA

PROGRAMMING DATA

PI No. 083685241 Scope of Work: _____ Replace _____ Rehab _____ Repair Removal

Program: _____ 12Year Program _____ 14R _____ Betterment _____ Department Force

Programming Status: Yes On Bridge Bill No Twelve Year Program (_____ Four Year Period)

Cost (\$000) _____ Est. Letting Date NA

ECONOMIC IMPACT OF RECOMMENDED POSTING

Will recommended posting adversely impact Industry/Business: Yes No

If yes, provide brief description. _____

IMPACT OF RECOMMENDED POSTING ON EMERGENCY SERVICES, ETC.

Provide brief description of impact on each public service

Snow Removal Not presently allowed to cross bridge

Ambulance Not presently allowed to cross bridge

Fire Truck Not presently allowed to cross bridge

Public Transportation No impact

This bridge posting recommendation has been developed and accepted by the District and is accurate to the best of my knowledge.

Signed: H.R. Parikh
Name: H. R. PARIKH
Title: District Bridge Engineer
Date: 1/25/00

BRIDGE MANAGEMENT SYSTEM
BRIDGE INSPECTION REPORT

Updated

Date

INSPECTION REPORT FOR: ENTIRE BRIDGE <input type="checkbox"/> MAIN SPAN(S) ONLY <input type="checkbox"/> APPROACH SPAN(S) ONLY <input type="checkbox"/>	STRUCTURE IDENTIFICATION NUMBER [AO] 36 3016 0040 0010 Fairview Rd. over Abandoned RR	STRUCTURE TYPE Pony Truss
	INSPECTION BY Ray E. Ebersole, John A. Ebersole Lanc. Co. Bucket Truck	INSPECTION DATE 1/10/00

BUCKETED

FEB 01 2000

The underside of the structure was inspected to determine the extent of the deterioration of the floor system of the Pony Truss - 94.5' span

There are seven panels @ 13.5' with 9 stringers @ 2'-4"

The stringers in the 3 center panels are in fair condition with mainly upper flange deterioration. There were only a few stringers that were rusted to the point of holes developing in the webs, usually nearer to the ends of the stringer. The floorbeams are in good condition considering their age. The timber planking in the deck is punky at some places but generally seems to be in fair but deteriorating condition. The 4"x6" nailers on top of the stringers are in poorer condition.

The condition of the members in the two end panels on each end of the truss is not good. The majority of the stringers have severe rust and section loss, especially on the top flange and the top of the web. Many have rusted thru and are cracked along the top of the web, for lengths of 1' to 5', either at one end or both. This causes a lack of support for the timber planks allowing for excess deflection, which causes the bituminous wearing surface to break up. This causes more impact which in turn causes more deflection of the deck and the top flange of the stringers. The advance section loss on the stringers is now detracting from their ability to compensate for the load capacity that has been lost at the most severely deteriorated sections, creating a condition where the life expectancy is becoming difficult to evaluate.

Therefore, I would concur with the Railroad's recommendation to close the structure in the near future, until an appropriate course of action concerning the status of this structure can be determined.

DOCUMENT
FOLDERJPC
1/11/00