

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

www.dot.state.pa.us



OFFICE OF CHIEF COUNSEL
P.O. BOX 8212
HARRISBURG, PA 17105-8212
(717) 787-3128
FAX (717) 772-2741

ORIGINAL

RECEIVED
00 NOV 13 PM 4:20
PA.P.U.C.
SECRETARY'S BUREAU

DOCUMENT
FOLDER

November 13, 2000

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

RE: Docket Nos. 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

220/GMD:scr
Enclosures

cc: Gary C. Fawver, P.E., Chief, Right-of-Way and Utilities Division
(Attn: Harvey I. Cassell, P.E., Grade Crossing Engineer)
District 8-0 (Attn: Raymond W. Britcher)
Parties of Record

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

A-00111016

Application of Consolidated 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,

: Docket No. A-00111016

DOCKETED

NOV 17 2000

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

00 NOV 13 PM 4:20

RECEIVED

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

PETITION TO MODIFY ORDER OF COMMISSION
ENTERED OCTOBER 9, 1997, AS MODIFIED

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, as modified, 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
Office of Chief Counsel
P.O. Box 8212
Harrisburg, Pennsylvania 17105-8212

3. The Commission entered an Order in this proceeding on October 9, 1997, which was subsequently modified by Orders entered November 22, 1999, February 16, 2000, and March 9, 2000. In the February 16, 2000 Order, the Department was ordered to perform work at Crossings 1, 14, 23 and 24 on or before June 30, 2000.

4. The work has been completed at Crossing 1, but not at Crossings 14, 23 and 24. The Department anticipates that the work on Crossings 14, 23 and 24 will be complete by December 31, 2000.

5. The Department respectfully requests that the Commission Order entered February 16, 2000, be modified as follows (Modification is underlined):

Crossing No. 14

82. That Pennsylvania Department of Transportation, at its sole cost and expense, by December 31, 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. 23

124. That Pennsylvania Department of Transportation, by December 31, 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 highway travelers, including installation of guiderails and signage.

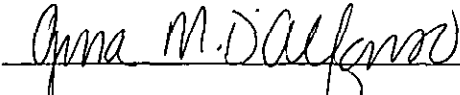
Crossing No. 24

129. That Pennsylvania Department of Transportation, by December 31, 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.

6. The Department respectfully requests that the Commission Order entered February 16, 2000, be modified consisting 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,

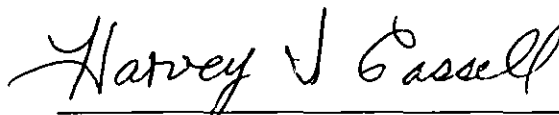


Gina M. D'Alfonso
Assistant Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel-9th Floor
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128

DATED: November 13, 2000

VERIFICATION

I, Harvey I. Cassell, P.E., Grade Crossing Engineer 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.

DATED: November 9, 2000

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 13th day of November, 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

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SECRETARY'S BUREAU

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

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

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

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

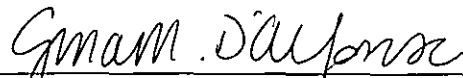
Brian P. Novac, Engineer
Conrad, O'Brien, Gellman & Rohn
Coatesville Water Authority
11-13 South High Street
West Chester, PA 19382

Joseph J. Kenna, Commissioner
Karen L. Martynick
Chester County
2 North High Street
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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
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128

DATED: November 13, 2000

COMMONWEALTH OF PENNSYLVANIA

DATE: November 17, 2000

SUBJECT: A-00111016; C-00913256

TO: Office of Special Assistants

FROM: James J. McNulty, Secretary

DOCKETED
NOV 17 2000

DOCUMENT
FOLDER

LAF

A-00111016 - Application of Consolidated Corporation
for the Abolition of 31 Crossings of the
Enola Branch, LC201323, MP 3.5 to MP 27.0,
Sub. No. 1095X, Harrisburg Division,
Lancaster County, Pennsylvania.

C-00913256 - Board of Supervisors of Bart Township v.
Conrail

Attached is a copy of a Petition to Modify Order
Entered October 9, 1997, filed by PennDOT in connection
with the above docketed proceeding.

This matter is assigned to your Office for
appropriate action.

Attachment

cc: TSR

laf

LAW OFFICES
NAUMAN, SMITH, SHISSLER & HALL, LLP

ORIGINAL

18TH FLOOR
200 NORTH THIRD STREET
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HARRISBURG, PENNSYLVANIA 17108-0840

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(717) 234-1925

SPENCER G. NAUMAN, JR.
J. STEPHEN FEINOUR
CRAIG J. STAUDENMAIER
BENJAMIN C. DUNLAP, JR.

DENNIS E. BOYLE
JODI A. BEIERSCHMITT
L. RENÉE LIEUX

COUNSEL
DAVID C. EATON
JOHN C. SULLIVAN

DIRECT E-MAIL ADDRESS
N55H@NSSH.COM

December 8, 2000

HAND DELIVERED

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

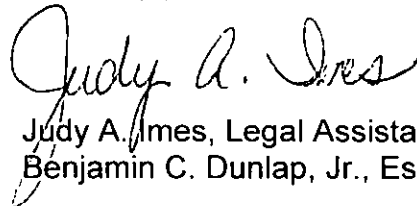
RE: Conrail Enola Branch - Lancaster County
PUC Dockets No. A-00111016 and C-00913256
Our File No. 12607; Conrail File No. MPAC-486

PA PUC
SECRETARY'S BUREAU
00 DEC -8 PM 3:43

Dear Sir:

I enclose an original and three (3) copies of a Petition to Request a Further Extension of Time for filing in the above-referenced matter. In accordance with the accompanying Certificate of Service we have provided copies of the Petition to all active parties of record. Please time-stamp the additional copy provided and return to our messenger.

Sincerely yours,



Judy A. Imes, Legal Assistant to
Benjamin C. Dunlap, Jr., Esquire

/jai

Enclosures

cc: All Parties of Record (w/enc.)
Randal S. Noe, Esquire (w/enc.)
Mark Sawyer (w/enc.)

DOCUMENT
FOLDER

ORIGINAL

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Consolidated Rail Corporation for the abolition of 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.

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

Docket No. A-00111016

Docket No. C-00913256

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NOV 11 1997
00 DEC -8 PM 3:49
PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PETITION TO REQUEST A FURTHER EXTENSION OF TIME

Consolidated Rail Corporation ("Conrail") and Norfolk Southern Railway Corporation ("Norfolk Southern"), by and through their attorneys, Nauman, Smith, Shissler & Hall, LLP, file this Petition to Request a Further Extension of Time to perform certain work ordered in the Opinion and Order of the Public Utility Commission ("Commission") entered on October 9, 1997, as modified by the Opinion and Order entered November 22, 1999, in the above-referenced matter, pursuant to 52 Pa. Code § 1.15, based upon the following:

1. The Commission's Opinion and Order entered October 9, 1997, inter alia, required Conrail to remove the crossing structure at U.S. Route 222 in Providence

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Township (Crossing No. 16) within one year of the Opinion and Order, pursuant to Ordering Paragraph 92 on page 61.

2. On June 1, 1999, the subject rail line was conveyed to Pennsylvania Lines LLC, a wholly owned subsidiary of Consolidated Rail Corporation. Norfolk Southern has the right to operate on lines owned by Pennsylvania Lines LLC.

3. Conrail could not proceed with the aforementioned work until a stay condition imposed by the Surface Transportation Board preventing Conrail from performing demolition of Crossing No. 16 was lifted on August 13, 1999, and until the uncertainty regarding Conrail's authority to perform work at any crossing due to various requests for a supersedeas by the Friends of the Atglen-Susquehanna Trail, Inc. was denied by the Pennsylvania Supreme Court on June 28, 1999.

4. Conrail, thereafter, filed a motion on October 18, 1999, requesting an extension of time until December 31, 2000, to remove the crossing structure at U.S. Route 222 (Crossing No. 16).

5. By Opinion and Order entered November 22, 1999, the Commission granted Conrail's Motion for Extensions of Time, finding that Conrail had diligently pursued the project.

6. Norfolk Southern is carrying out the subject removal project on behalf of Conrail.

7. Norfolk Southern has been working with the Pennsylvania Department of Transportation ("PennDOT") to develop specifications for the bridge removal. Although both parties have been diligently pursuing the project, the development of such specifications has proven to be more complex and time consuming than the parties initially anticipated, which has been partially due to the need to address the concerns of other persons and parties.

8. Norfolk Southern did not receive the necessary specifications for the removal of the subject bridge from PennDOT until late September 2000, which did not permit an adequate time period in which to complete the work ordered before the December 31, 2000, deadline. Norfolk Southern currently expects to award the contract to remove the bridge in January 2001.

9. Conrail and Norfolk Southern request an extension of time until June 30, 2001, to complete the crossing removal and related work ordered in paragraph 92 of the Commission Opinion and Order entered October 9, 1997, as modified by the Opinion and Order entered November 22, 1999.

10. Conrail and Norfolk Southern have asserted reasonable grounds for a further extension of time to perform the work as ordered by the Commission in its Opinion and

Order entered November 22, 1999, and Conrail's request for a further extension of time is congruent with the public interest and safety.

11. Counsel for PennDOT, as well as Providence Township, have informed the undersigned that their clients do not oppose the request for a further extension of time contained herein.

WHEREFORE, Consolidated Rail Corporation and Norfolk Southern Railway Company respectfully request that they be granted a further extension of time until June 30, 2001, to complete the crossing removal and related work ordered in paragraph 92 of the Commission's Opinion and Order entered October 9, 1997, as modified by the Opinion and Order entered November 22, 1999.

Respectfully Submitted:

NAUMAN, SMITH, SHISSLER & HALL, LLP

By *Benjamin C. Dunlap, Jr.*
Benjamin C. Dunlap, Jr., Esquire
Supreme Court I.D. #66283

200 North Third Street, 18th Floor
P.O. Box 840
Harrisburg, PA 17108-0840
(717) 236-3010
Attorney for Consolidated Rail Corporation and
Norfolk Southern Railway Company

Date: December 8, 2000

RECORDED
00 DEC -9 PM 3:59
PA FUC
SECRETARY'S BUREAU

VERIFICATION

I, RICHARD P. DIETZ, Engineer-Track Design, Norfolk Southern Corporation, make the following statement subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authority, and do state that as Engineer-Track Design for Norfolk Southern Corporation, I am authorized to make this statement on behalf of Norfolk Southern Railway Company, and that the facts set forth in the foregoing "Petition to Request a Further Extension of Time" are true and correct to the best of my knowledge, information and belief.


Richard P. Dietz, Engineer-Track Design

Date: November 27, 2000

RECEIVED
00 DEC - 8 PM 3:51
PA.P.U.C.
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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09 DEC -8 PM 3:51
PENNSYLVANIA
PUBLIC
UTILITY
COMMISSION
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that copies of Consolidated Rail Corporation's Petition to Request a Further Extension of Time have been served upon the persons named and in the manner indicated below:

BY HAND DELIVERED:

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

BY FIRST CLASS MAIL:

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

Gina M. D'Alfonso, Esquire
Assistant Counsel-in-Charge
PennDOT
555 Walnut Street
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PA PUC, Legal Division
Bureau of Transportation & Safety
P. O. Box 3265
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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, DC 20002

Kenneth Zielonis, Esquire
Stevens & Lee
208 N. 3rd Street, Suite 310
P. O. Box 12090
Harrisburg, PA 17108

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

Brian MacEwen
Assistant Director of
City Authority
114 E. Lincoln Highway
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Martha R. Smith, Esquire
DCNR Legal
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Joyce A. Nettke, Esquire
Douglas Brossman, Esquire
FAST
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Chester County Courthouse
2 North High Street, Suite 7
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John S. Halsted, Esquire
W. Sadsbury Twp. Solicitor
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Courthouse, Suite 7
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James Landis
W. Sadsbury Township
R.D. #1, Box 404
Parkesburg, PA 19365

John Chase
Quarryville Water Auth.
300 Saint Catherine St.
Quarryville, PA 17566

Robert Chambers
Susan Hinbach
Suburban Cable Company
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Lancaster, PA 17608

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Ray Marvin, Chairman
Bart Township Supervisors
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202 Shoemaker Rd.
Pottstown, PA 19464

Brian MacEwen
Coatesville Water Authority
114 East Lincoln Highway
Coatesville, PA 19320

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

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

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

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

William T. Keen, Esquire
Keen, Keen & Good
One Bondsville Road
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Frank Peiffer, Chairman
Martic Township
370 Steinman Farm Rod
Pequea, PA 17565

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

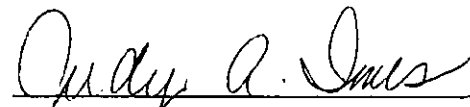
Melvin E. Newcomer, Esquire
Providence Township
339 North Duke Street
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Lancaster, PA 17603

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

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

RECEIVED
SECRETARY'S BUREAU

09 DEC -8 PM 3:51



Judy A. Imes, Legal Assistant to
Benjamin C. Dunlap, Jr., Esquire

Dated: December 8, 2000

DATE: December 13, 2000

SUBJECT: A-00111016; C-00913256

TO: Office of Special Assistants

FROM: James J. McNulty, Secretary

LAF

- A-00111016 - Application of Consolidated Rail Corporation for the Abolition of Thirty-One Crossings of the Enola Branch, LC201323, MP 3.5 to MP 27.0, Sub No. 1095X, Harrisburg Division, Lancaster County
- C-00913256 - Board of Supervisors of Bart Township v. Conrail et al

Attached is a copy of a Petition To Request a Further Extension of Time filed by Consolidated Rail Corporation and Norfolk Southern Railway Corporation, in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: TSR
TSL

laf

DOCUMENT
FOLDER

DOCKETED
DEC 15 2000

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
www.dot.state.pa.us



OFFICE OF CHIEF COUNSEL
P.O. BOX 8212
HARRISBURG, PA 17105-8212
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FAX (717) 772-2741

ORIGINAL

January 23, 2001

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

RE: Docket Nos. A-00111016 and C-00913256

Dear Secretary McNulty:

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

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

Very truly yours,

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

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Enclosures

cc: Gary C. Fawver, P.E., Chief, Right-of-Way and Utilities Division
(Attn: Harvey I. Cassell, P.E., Grade Crossing Engineer)
District 8-0, (Attn: Raymond W. Britcher)
Parties of Record

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01 JAN 23 PM 3:03
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SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Consolidated : Docket No. A-00111016
Corporation for the abolition of :
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. :

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

Docket No. C-00913256

ORIGINAL

DOCKETED
JAN 25 2001

RECEIVED
01 JAN 23 PM 3:03
PA.P.U.C.
SECRETARY'S BUREAU

DOCUMENT
FOLDER

AMENDED PETITION TO MODIFY ORDER OF COMMISSION
ENTERED OCTOBER 9, 1997, AS MODIFIED

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, as modified, 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
Office of Chief Counsel
P.O. Box 8212
Harrisburg, Pennsylvania 17105-8212

3. The Commission entered an Order in this proceeding on October 9, 1997, which was subsequently modified by Orders entered November 22, 1999, February 16, 2000, and March 9, 2000. In the February 16, 2000 Order, the Department was ordered to perform work at Crossings 1, 14, 23 and 24 on or before June 30, 2000.

4. On or about November 13, 2000, the Department filed a Petition to Modify the Commission's order in this matter requesting an extension of time until December 31, 2000. Unfortunately, all work has not yet been completed.

5. The work has been completed at Crossing 1, but not at Crossings 14, 23 and 24. The Department anticipates that the work on Crossings 14, 23 and 24 will be complete by June 30, 2001.

6. The Department respectfully requests that the Commission Order entered February 16, 2000, be modified as follows (Modification is underlined):

Crossing No. 14

82. That Pennsylvania Department of Transportation, at its sole cost and expense, by June 30, 2001, 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. 23

124. That Pennsylvania Department of Transportation, by June 30, 2001, 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 highway travelers, including installation of guide rails and signage.

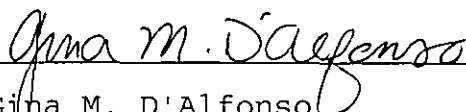
Crossing No. 24

129. That Pennsylvania Department of Transportation, by June 30, 2001, 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 guide rails and signage.

7. The Department respectfully requests that the Commission Order entered February 16, 2000, be modified consisting with this Amended Petition for Modification of Order.

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

Respectfully submitted,

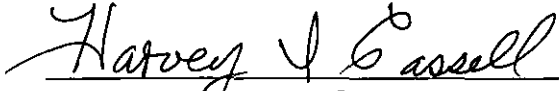


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Dated: January 23, 2001

VERIFICATION

I, Harvey I. Cassell, P.E., Grade Crossing Engineer for the Commonwealth of Pennsylvania, Department of Transportation, in this matter, hereby verify that the statements made in the foregoing Amended 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.

DATED: January 23, 2001

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Amended Petition to Modify Order was served upon the parties listed below by first class mail, postage prepaid this 23rd day of January, 2001.

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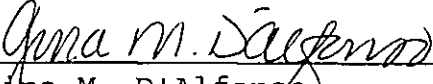
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DATED: January 23, 2001