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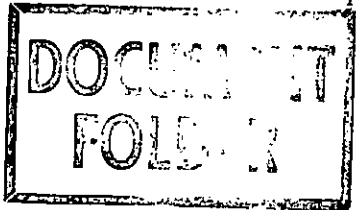
BEFORE

THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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In Re: A-00111016 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. Prehearing Conference.

Harrisburg, Pennsylvania
April 13, 1995



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Stenographic Report of hearing held in Hearing Room 2, Harrisburg, Pennsylvania

Thursday, April 13, 1995 at 10:30 o'clock a.m.

BEFORE

LOUIS G. COCHERES, ADMINISTRATIVE LAW JUDGE

APPEARANCES:

DAVID C. EATON, ESQUIRE
122 Market Street
Harrisburg, Pennsylvania, 17108
Appearing on behalf of Consolidated Rail Corporation

DAVID A. SALAPA, ESQUIRE
P.O. Box 3265
Harrisburg, Pennsylvania 17105
Appearing on behalf of Pa PUC Bureau of Transportation & Safety

GINA M. D'ALFONSO, ESQUIRE
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Harrisburg, Pennsylvania 17120
Appearing on behalf of PennDot

1 APPEARANCES (Continued):

2 SCOTT T. WYLAND, ESQUIRE
MALATESTA, HAWKE & McKEON
3 100 North Tenth Street
Harrisburg, Pennsylvania 17105
4 Appearing on behalf of Conestoga Township

5 CAROL K. PALMOSKI, ESQUIRE
50 North Duke Street, P.O. Box 83480
6 Lancaster, Pennsylvania 17608
Appearing on behalf of Lancaster County Planning
7 Commission

8 JOYCE A. NETTKE, ESQUIRE
Lancaster, Pennsylvania 17602
9 Appearing on behalf of FAST

10 KENNETH G. SHIRK, III
115 South State Street
11 Ephrata, Pennsylvania 17522
Appearing on behalf of Bart Township

12 MARTHA R. SMITH, ESQUIRE
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9th Floor Market Street, State Office Bldg.
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Appearing on behalf of Department of
15 Environmental Resources

16
17 FRANK H. PEIFFER
JIM CALDWELL
18 JUAN K. SILVERTHORN
59 Creamery Road
19 Pequea, Pennsylvania 17565
Appearing on behalf of Martic Township

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21 KATHIE SHIRK GAMIK, ESQUIRE
P.O. Box 1552
Lancaster, Pennsylvania 17603
22 Appearing on behalf of Quarryville Borough

23 MELVIN E. NEWCOMER
P.O. Box 539
24 Lancaster, Pennsylvania 17608
Appearing on behalf of Providence Township

25

1 JUDGE COCHERES: Good morning, ladies and gentlemen.
2 For those of you who don't already know, my name is Louis
3 Cocheres and I'm the Administrative Law Judge assigned to
4 hear the matter of the application of Consolidated Rail
5 Corporation at Commission Docket A-00111016. We're here
6 today for a prehearing conference. Generally the subject of
7 these proceedings is the application of Conrail to abolish
8 31 crossings basically in Lancaster County.

9 There are a number of parties and I think just for my
10 own benefit, I'm going to do something kind of schoolish and
11 call the roll here because I want to know who's here and
12 who's not. And I know there is some people who are missing.
13 But I think rather than clutter the record, I will go off
14 the record. So we'll be off the record for a moment.

15 (Discussion off the record.)

16 JUDGE COCHERES: Okay. Ladies and gentlemen, thank
17 you for your patience. At this point I note for the record
18 that I'm missing a representative from Eden Township, a
19 representative from C-Tech Corporation which may be
20 Commonwealth Telephone, a representative from PP&L, a
21 representative from Bell Atlantic. And in some way, shape
22 or form all of the other parties on my service list are
23 represented.

24 Frankly, Mr. Eaton, I have a -- I'm somewhat puzzled.
25 I read through your application yesterday, and I know that

1 there are several crossing structures involved here. And
2 I'm surprised that only -- only Pennsylvania Power & Light
3 and Bell Telephone and perhaps Commonwealth Telephone are
4 the only utilities involved. You don't have any water lines
5 or gas lines attached to these structures?

6 MR. EATON: I think not. Mr. Heebner is here from the
7 Conrail Engineering Department, and I think we're correct.
8 This is a line which goes through the heart of the Dutch
9 Country down there. It's an area where it's not too
10 surprising that we don't have some of the underground
11 pipeline utilities.

12 JUDGE COCHERES: A little too rural to sustain city
13 water and gas?

14 MR. EATON: In my judgment and apparently under the
15 facts, Your Honor.

16 MS. GAMIK: Your Honor?

17 JUDGE COCHERES: Yes.

18 MS. GAMIK: I'm not entirely clear of this but I do
19 believe that Quarryville Sewer Authority may cross the State
20 Street -- one of the State Street Bridges.

21 JUDGE COCHERES: All right. That gives me concern
22 about obviously due process.

23 MR. EATON: That's right. And I've certainly not
24 given you a very firm answer. All I can say is that my
25 information is that that had been checked and we have served

1 or identified every interested party, but perhaps we're
2 wrong. I'll make a note. That's Quarryville Sewer
3 Authority?

4 JUDGE COCHERES: Any of the other solicitors here
5 familiar with, you know, any of the other authorities in the
6 area of these crossings?

7 MR. SALAPA: Your Honor, there is a question in our
8 minds anyway. The first crossing on the list which is in
9 Sadsbury Township, it's a state highway route called Noble
10 Road, my understanding is that the structure straddles a
11 creek which serves as the dividing line between Lancaster
12 and Chester County and between I guess it's Sadsbury
13 Township in Lancaster County. And I'm not sure what the
14 township is in Chester County. So I'm wondering if at least
15 for purposes --

16 JUDGE COCHERES: Chester County Commissioners --

17 MR. SALAPA: For purposes of that one crossing if they
18 shouldn't be notified as well.

19 JUDGE COCHERES: Well, I remember that there was a map
20 attached to the application, and the crossings were clearly
21 numbered. And of course, whatever exists beyond crossing
22 number one, I do see what could be a boundary line on the
23 map, but I -- there is no identification what exists North
24 of that boundary line. Again, I recognize --

25 MS. GAMIK: Kathie Shirk Gamik for Quarryville

1 Borough. I believe also at 12 there is the State Street
2 crossing there on water lines.

3 JUDGE COCHERES: Whose water lines, do you know?

4 MS. GAMIK: Quarryville.

5 JUDGE COCHERES: Quarryville again. Ms. Nettke, would
6 you be kind enough to enter your appearance?

7 MS. NETTKE: Yes.

8 JUDGE COCHERES: Does anyone else want to shed some
9 light on any of these other structures or boundary problems?

10 MS. D'ALFONSO: Your Honor, it appears that it's West
11 Sadsbury Township that is in Chester County and maybe
12 involved with crossing number one.

13 JUDGE COCHERES: Yes.

14 MR. SHIRK: Your Honor, I remember when I was up here
15 for the last two proceedings that the Coatesville Area Water
16 Authority was made a party to the proceeding because they
17 have a trunk line in Bart Township that went over those
18 two -- the sides of those two bridges. These two crossings
19 are in the same area. I suspect their trunk line just
20 follows straight on up through. So I would suggest that
21 they might be parties as well.

22 JUDGE COCHERES: I am somewhat amazed because it's
23 normally the -- someone's job and I'm not sure who, but it
24 may even be my own office for all I can say. Someone often
25 goes through a -- some sort of county directory of utilities

1 and essentially invites everyone who has utility facilities
2 in that particular county or that particular township to
3 these kinds of proceedings because we certainly don't want
4 to be tearing down any bridges and finding water lines still
5 attached. Counsel, you said Coatesville?

6 MR. SHIRK: Yes.

7 JUDGE COCHERES: Is it a water authority or what is
8 it?

9 MR. SHIRK: The City of Coatesville owns it. It used
10 to be owned by -- the City of Coatesville now owns the water
11 line. It's the main transmission line. The City of
12 Coatesville supplies the Borough of Quarryville with water.
13 It's a main transmission line facility.

14 MR. EATON: I understand, Judge, that an effort was
15 made to identify any utility on any of these crossings.

16 JUDGE COCHERES: Yes, and I'm reasonably confident in
17 your engineer's ability to do that.

18 MR. EATON: We'll double-check and we're open to
19 receipt of information from any source that will enlighten
20 us further.

21 JUDGE COCHERES: Yes. Well, again, we have to have a
22 comprehensive list here before we can allow these
23 proceedings to go forward. And I'm not quite sure why I
24 have this recollection that someone in my office used to
25 issue blanket invitations to all utilities. The reason I

1 say this is because I used to get calls from people who said
2 I'm no where near this crossing, how did I get a notice of
3 hearing for this and why do I have to come? And I would
4 say, well, if you don't have any facilities there, don't
5 show up. But we have to do a be job is what it's coming
6 down to in this matter.

7 MR. EATON: Well, we'll recheck it. Let me ask the
8 Quarryville Borough representative --

9 MS. GAMIK: Yes.

10 MR. EATON: Have you knowledge of any lines other than
11 the sewer authority line over any of the bridges in
12 Quarryville?

13 MS. GAMIK: There would be water lines and there may
14 be sewer and water in lot three.

15 JUDGE COCHERES: Mr. Eaton, how long do you think you
16 will need to go back and check some of these crossing
17 structures in terms of time?

18 MR. EATON: Three weeks.

19 MR. HEEBNER: Your Honor, we do these applications
20 from a desk, and we try to go through the same records that
21 you're talking about. There are one day requirements that
22 utilities are registered in the county and we try to pick
23 them out. Generally what happens though is that they are
24 corrected to caption -- the applications are corrected plus
25 we had the field conferences. And I believe there was some

1 effort made at each field conference at each location to
2 determine if there was cable or underground utilities that
3 needed to be added. We don't have any recollection of that.
4 If there was an underground line, that may have not been
5 considered to be important.

6 We can go back and recheck. But I believe there was
7 an effort by all parties at the time of the field conference
8 to catch these utilities. I don't think it was an
9 oversight, but we can redouble that effort to check and see
10 if they're there.

11 JUDGE COCHERES: Yeah, I am concerned.

12 MR. EATON: Well, what we'll do then is I'll write a
13 letter to each of the townships requesting that they advise
14 of us any -- of any utilities that they're aware of.

15 JUDGE COCHERES: Why don't you give them a specific
16 time period in which to respond. I don't mean a week, let's
17 say two weeks or three weeks recognizing that these are
18 part-time municipalities essentially. They may not have the
19 personnel and staff for quick turn around. Was this
20 application published in the Pennsylvania Bulletin?

21 MR. EATON: I think it was.

22 JUDGE COCHERES: All right. So we do have some notice
23 out there for those who may not be aware.

24 MR. SALAPA: And we can always add these parties that
25 have been named to the service list just in the event that

1 they do have facilities there and allow them to respond or
2 opt out.

3 JUDGE COCHERES: Yes. Mr. Eaton, I would also think
4 it would be appropriate for -- well, first of all is Mr.
5 Salapa correct that crossing -- the structure at crossing
6 number one does span into Chester County?

7 MR. EATON: It does span a creek. I was not aware
8 that that creek was the county line; nor, has it been
9 identified -- nor, has the bridge been identified as
10 partially within Chester County on my records. So I'll have
11 to confirm that. But that is the boundary line creek. Very
12 clearly one abutment of the bridge is on the wrong side of
13 the creek.

14 JUDGE COCHERES: Well, I hope it's not on the wrong
15 side of the creek.

16 MR. EATON: It's the wrong side of the creek for this
17 application which is Lancaster County.

18 JUDGE COCHERES: Yes, and with that situation, I would
19 expect you to serve the application on Chester County. And
20 if it's West Sadsbury Township, it should also be served on
21 them. And another set of names should be added.

22 MR. EATON: Another what should be added?

23 JUDGE COCHERES: Another set of names should be added
24 to the service list. If, indeed, we have to add Chester
25 County and West Sadsbury Township, we're going to have to

1 add them to the service list.

2 MR. EATON: Oh, yeah.

3 JUDGE COCHERES: I'm hesitating here because I had
4 originally walked into the Courtroom assuming that I was
5 going to be able to set up a hearing schedule. And I'm not
6 positive at that point that I can. I need to give Conrail
7 some opportunity to discover whether there are more utility
8 facilities attached to these structures. And I need to give
9 them not only time to discover whether there are or not and
10 then react, but then they have to report back to me. And
11 then they have to make a decision as to whether, you know,
12 the application should be served on those additional
13 parties. And then we can get to the idea of having a
14 hearing.

15 I'm thinking perhaps that another prehearing
16 conference might be advisable and we could do it less
17 formally. We could do it by telephone rather than make
18 everybody come here. I'm sure those of you who had to
19 travel from Lancaster County found out that although this is
20 the seat of State Government, you can't park here. So I
21 think basically I'll have a conference call set up as the
22 next prehearing conference.

23 And we should probably schedule that if it's going to
24 take two or three weeks, Mr. Eaton, for you to generate
25 responses from the municipalities where there are

1 structures, and then you have -- first of all, you have to
2 be allowed some time to send those things out. And then you
3 have to allow some time to get a response, and then you have
4 to have some time to decide to correlate them all into some
5 sort of intelligent pattern. I'm thinking we're going to
6 have another prehearing in about six weeks to get an
7 opportunity to get all of that done.

8 And I think the purpose of that prehearing conference
9 will have to be then the setting up of a hearing schedule.
10 I think we can make some progress here on the subject of the
11 hearing schedule. And that is, frankly, and I really
12 appreciate the map that was attached to the application
13 because it demonstrates that you span several municipalities
14 with this line. And I have my doubts, looking at the crowd
15 that's here today, that we can do this hearing all in one
16 day. And the question then becomes should we tie up
17 everybody in this courtroom for two or three days in a row
18 or can some people come on some days and skip the rest of
19 it?

20 MR. SALAPA: Your Honor, if I could make a suggestion?

21 JUDGE COCHERES: Certainly.

22 MR. SALAPA: There have been a couple of other
23 crossing abolition cases that Judge Gesoff out in Pittsburgh
24 had handled. And how he has handled this is to do the
25 testimony by written direct and done it one crossing at a

1 time. In other words, each party would present their
2 testimony on crossing number one, the witnesses would be
3 subject to cross-examination and then move to crossing two,
4 etc., in order.

5 If we were to do that, by my count, we have about 24
6 crossings to cover, and it looks as though a lot of them are
7 in Providence Township. Perhaps, the Providence Township
8 crossings should all be handled in one day by themselves and
9 then just have the balance of the crossings which would be
10 in Sadsbury, Bart, Eden, Quarryville, Martic, Conestoga have
11 those on a separate -- separate day. That way everyone --
12 well, all of the Townships won't have to be here for both
13 days of hearings because I think even with written direct
14 testimony, it's going to be two days worth of hearings at
15 least.

16 JUDGE COCHERES: Yes, I agree with you. It's going to
17 be at least two days. I don't know whether it's going to be
18 more than that or not. I'm puzzled that you said there are
19 24 crossings when there is an application for the abolition
20 of 31.

21 MR. SALAPA: Yes, there was a Commission Order entered
22 March 7th of 1995 which I believe abolished I think four
23 crossings. And then there were several others that are
24 under -- that are being handled under other Commission
25 Docket Numbers. And those were just deleted or removed from

1 this proceeding. So I don't --

2 JUDGE COCHERES: It would have been nice if someone
3 told me that, but that's okay.

4 MR. SALAPA: So I only get 24 crossings that are to be
5 handled by hearing at this point. If anybody else has a
6 different number --

7 MR. OLIVER: There might be one additional one.

8 MR. SALAPA: Yeah, there is one -- there maybe one
9 extra crossing. We're not sure of the status of the road
10 whether it's a public or a private road.

11 JUDGE COCHERES: Are you telling me that the
12 difference maybe between 31 and 32 crossings?

13 MR. SALAPA: For hearing?

14 JUDGE COCHERES: Yeah.

15 MR. SALAPA: No, 24 or 25.

16 JUDGE COCHERES: You don't understand the distinction
17 I'm trying to make. Does the crossing that you're concerned
18 about appear on the list in the application?

19 MR. SALAPA: I don't know if it does, Your Honor. It
20 appears on the application that there's a township road ---
21 yes, it's -- I think it's listed as River Road and Trolley
22 Road.

23 MS. D'ALFONSO: What crossing number?

24 MR. SALAPA: On the Commission order, it's number 28.
25 There are two roads that go under the same bridge, one on

1 each side of the creek.

2 JUDGE COCHERES: I don't see a River Road or a Trolley
3 Road -- oh, I found the River Hill Road.

4 MS. D'ALFONSO: Crossing 28, Your Honor.

5 JUDGE COCHERES: Crossing 28 is listed as Pequeaway
6 Creek.

7 MR. EATON: I have a further identification of it as
8 under grade bridge 2376 Martic Forge Bridge.

9 MR. SALAPA: Yes, apparently in the Conrail
10 application it was listed as LR36005 Pequeaway Creek, AAR
11 number 518214C. But apparently at the field meeting, it
12 came out that this had been turned back -- this particular
13 road had been turned back to the Township and is now River
14 Road, Trolley Road.

15 MR. EATON: Okay.

16 JUDGE COCHERES: My concern was that there was
17 adequate notice that the crossing was included in the
18 application so we don't have another one of those problems.
19 Yes, sir?

20 MR. PEIFFER: Your Honor, I'm one of the supervisors
21 from Martic. My name is Frank Peiffer. I think what we
22 know is that the Martic Forge Trestle is probably the
23 largest structure on this abandoned line. And as the
24 trestle crosses over a valley where the Pequeaway Creek
25 comes underneath separating Martic and Conestoga Township.

1 Conestoga being to the West and Martic being to the right --
2 I'm sorry, to the East. And the western side of the creek
3 has a road that we know as River Road. The eastern side --
4 now, the River Road is in Conestoga Township, sorry, the
5 western side. The eastern side of the street is in Martic,
6 and there is a road there called Trolley Road. And it
7 serves approximately eight homes back that road. And the
8 Township's position is that it's a private road.

9 We don't plow snow. And it's our opinion, we don't
10 know who owns it, but we don't -- we're not suggesting that
11 it's a township road. So the road that does go under on the
12 west side of the creek is in Conestoga Township and it's --
13 I think it's a state road -- Township road -- Conestoga
14 Township Road.

15 JUDGE COCHERES: Thank you. That was very helpful. I
16 appreciate it, thank you.

17 MR. SALAPA: If it's a private road, we have no
18 jurisdiction.

19 JUDGE COCHERES: Well, we have no jurisdiction over
20 that half.

21 MR. SALAPA: Yes.

22 MR. PEIFFER: This private Trolley Road is not
23 macadamed. It's a gravel stone road in fair condition,
24 potholes.

25 JUDGE COCHERES: That's not criteria by which you

1 judge whether the road is public or private. I'm sure you
2 probably have one or other township roads that are not March
3 macadamed.

4 MR. PEIFFER: We do.

5 JUDGE COCHERES: All right. Then Mr. Salapa,
6 basically we were discussing the idea of breaking --
7 breaking up these crossings in some sort of hearing date
8 fashion. And I think your idea about putting Providence
9 Township in its own little classification is fine and then
10 putting everyone else in for another day.

11 For those of you who are not familiar with Commission
12 proceedings, what he has suggested is something that's quite
13 common around here, but not necessarily in grade crossing
14 cases. And that is that the parties to a proceeding prepare
15 in advance what we call written direct testimony in question
16 and answer form. The witness I assume sits down with his
17 lawyer and prepares the questions and is guided by the
18 questions and procedures which were already distributed and
19 prepares the answers on behalf of that party. And then
20 rather than present the direct testimony in oral fashion,
21 the witness is called to the stand, sworn in, and his
22 statement is presented in written format. And then the
23 parties are -- the remaining parties can simply
24 cross-examine on that issue.

25 The -- I should comment that if we're going to move

1 Providence into its own hearing date that I will not
2 preclude other parties from cross-examining Providence if
3 they so wish to attend the day designated for Providence
4 Township. But I -- and vice versa, the day that everybody
5 else comes, doesn't mean that Providence can't come and
6 cross-examine if it doesn't want -- if it would like to.
7 That's a workable format.

8 Usually what it requires is that everyone prepare
9 their testimony in advance and send it to everyone else in a
10 given time range which I set up. I'm not going to try and
11 do that because of these other questions that have arisen.
12 So I think you folks ought to think about that procedure.
13 And I think we'd do better just to simply schedule another
14 prehearing conference in this matter. And we'll go off the
15 record to do that.

16 (Discussion off the record.)

17 JUDGE COCHERES: Thank you for your patience. We've
18 had a very long off the record discussion. I'm going to
19 first summarize important dates and then other parts of
20 conversation. During our discussion, what has developed is
21 a need for the parties to actually settle this case in terms
22 of whether or not the FAST people will be able to actually
23 come to some agreement about taking over this right-of-way.

24 And to facilitate that and hopefully these
25 proceedings, I have set two settlement conferences. Both

1 are to be held in the Martic Township Building at 10:00 in
2 the morning. One to be held on May 9th and one to be held
3 on May 23rd. The conferences will, of course, go off
4 without my presence. And I think I will ask Mr. Salapa only
5 to call me afterwards and tell me that a conference was held
6 and that the parties met and had discussions. And that will
7 be within a couple days afterwards.

8 MR. SALAPA: Do you want written confirmation of that,
9 Your Honor?

10 JUDGE COCHERES: No, I just want a telephone call.
11 Then we'll schedule a prehearing conference in this matter
12 for June 14th. And that will be by telephone, and I will
13 expect all of the parties to have provided me with a
14 telephone number on the appearance sheet. And I see that
15 one has been provided with -- without exception I'm missing
16 one area code. But I think everyone is in 717.

17 The purpose of that prehearing conference will be to
18 get a short summary of the settlement conferences and to set
19 up a hearing schedule. I also want to encourage the parties
20 to meet more often than the two dates that I have designated
21 if they think it will be fruitful. And I certainly want to
22 make sure that they do that.

23 I've also encouraged the FAST people since they seem
24 to be concentrating on meeting with each individual
25 municipality that perhaps they should do so more often than

1 that schedule would indicate.

2 Mr. Peiffer, I want you to pay close attention here
3 because I'm going to give a phone number out, and I want to
4 make sure I wrote it down correctly and that it's on the
5 record properly. Mr. Peiffer representing Martic Township
6 provided the following phone number for people here to use
7 to access his building and to get directions on how to get
8 there. That being area code (717) 284-2167. All
9 participants who are here today can use that phone number to
10 contact the Martic Township people and get directions on how
11 to get to the township building.

12 Some other subjects came up, and I'm not going to
13 present them in the order that they were talked about. But
14 I'm going to try to present at least a short summary of
15 them. It appears that this line -- the history of this line
16 indicates that Conrail requested authority from the
17 Interstate Commerce Commission to abandon it in 1989. And
18 that was not acted upon and granted until 1991.

19 MR. SALAPA: Nineteen ninety-three, Your Honor.

20 JUDGE COCHERES: Nineteen ninety-three. There has
21 also been a history of negotiations between Conrail and
22 Lancaster County on making this particular right-of-way a --
23 a trail -- a recreational area which apparently has no
24 fruition and is not going to. And that is the reason that
25 the FAST people probably were formed and jumped in to try to

1 preserve it, and that's fine. And negotiations and
2 discussions have been going on with those folks since that
3 time, which is also fine. But as I just indicated off the
4 record, we are entering what I consider the settlement phase
5 of the this case. And this is the opportunity for people to
6 get going and put up or shut up.

7 And there are some safety hazards here that have been
8 mentioned in the Commission file that I'm concerned about.
9 One, is the deterioration of some of these structures and
10 they're attractive nuisance quality and they're attracting
11 kids to use them when they're not being used for train
12 traffic.

13 And the other safety feature that I'm concerned about
14 is there are apparently overhead electrification wires which
15 are used by Amtrak in some other part of the facility, not
16 the line that exists, but they are on the line. These are
17 all safety features which I think make it important that
18 this case be decided. I don't have any predisposition in
19 what direction it should be decided, but I just want it to
20 be decided.

21 So accordingly, I was motivated to set up the
22 settlement conferences so that the parties would have the
23 opportunity to make an effort -- to make progress on these
24 issues. And if they couldn't, then we get to a hearing
25 schedule which did not preclude further settlement

1 discussions but would eventually bring this case to a close.

2 Now, there are some other topics that need to be
3 discussed. During -- and I've lost track now whether it's
4 been on the record or off the record. But at least two
5 crossing sites have been discussed as the situs of other
6 problems. One is crossing number 12 which may have
7 Quarryville Sewer and Borough Water Facility attached to it.

8 Mr. Eaton has volunteered to contact all of the
9 municipalities along that line to reinforce the need for
10 informing this Commission that the utility facilities maybe
11 connected to the structures that exist or even if there was
12 no structure, that may be in the crossing area. And he
13 should have a reasonable amount of time to do that and a
14 reasonable amount of time to elicit responses from those
15 municipalities recognizing that they're not necessarily
16 full-time governmental agencies.

17 I indicated to him that I thought approximately six
18 weeks would be sufficient. I would rather air, since we
19 have so much time built in because of settlement
20 conferences, I'd rather air on the side of caution and give
21 you a little longer than that. So let me look at the
22 calendar for a moment. As it turns out, six weeks would
23 take me through the time period approximately for the
24 settlement conferences.

25 I think it would be more appropriate, Mr. Eaton, that

1 you prepare and send to me and all parties of record some
2 sort of report on your further investigation immediately
3 prior to the next prehearing conference so that we can
4 discuss it at the prehearing if need be. So it should be
5 received by me and all parties of record no later than June
6 13th.

7 Now, also during our discussion we have indicated on
8 the record at some point, basically I think Mr. Salapa did
9 so, that crossing number one spans into Chester County and
10 we believe West Sadsbury Township. Mr. Eaton, I want you to
11 confirm that on the record for us and certainly serve your
12 application on those two municipalities along with your
13 request for utility facility information if it's appropriate
14 for crossing number one. And again, we'll use the same
15 deadline for some sort of written report from you.

16 Finally, Mr. Salapa has indicated that while this
17 application covers 31 crossings that, in fact, the
18 Commission may have already acted in some fashion on several
19 of them and reduced the number to 24 or 25. Mr. Salapa, at
20 your earliest convenience, but in no event later than June
21 13th, please provide for me in writing a list of the
22 crossings that the Commission is already considering and the
23 Docket Numbers associated with them. Because that
24 information doesn't exist in the filing that I got. And I
25 just want to know what the -- what I have to deal with in

1 this case even if it's by the process of elimination.

2 I think I introduced that last topic with the word
3 finally and I shouldn't have. That was just to give you
4 false hopes. Mr. Salapa, you also dealt with another
5 subject which just went through my mind rather quickly. Oh,
6 you made a suggestion which I thought was a very good one
7 that since Providence Township seems to have the majority of
8 the crossings that we proceed by setting aside one day of
9 testimony only dealing with Providence Township and a
10 minimum of a second day and perhaps more depending on the
11 time necessary to deal with all the remaining townships.

12 I think that is a very good suggestion, and I want
13 that to be implemented. It is something that we will
14 discuss in further detail at the next prehearing conference
15 in terms of scheduling this case for further hearing and
16 whatever due dates will be necessary for serving prepared
17 testimony.

18 And I believe Mr. Peiffer raised a question during our
19 off-the-record discussion about information requested by the
20 Commission in -- within the notice of hearing and what we
21 call our questions and procedures. Again, for those of you
22 who are not familiar with the way the Commission proceeds in
23 these matters, when they send out the notice of hearing or
24 sometimes they send it out ahead of time, they include a
25 number of questions which we need to have answers for the

1 record.

2 I appreciate that Mr. Peiffer came prepared to give
3 that information today. This being a prehearing conference,
4 it is not a hearing. It is a conference. We will need that
5 information. We will need it at the hearings that we will
6 set up on -- that we will schedule on June 14th. At that
7 time, we'll suggest that all parties submit in advance what
8 we call prepared written direct testimony. And can be done
9 as easily as putting the name and address and title of the
10 witness and then following that with the questions that have
11 already been prepared and taken right out of the questions
12 and procedures that apply to the individual municipalities
13 or whatever party is designated, plus the appropriate
14 answers and whatever exhibits need to accompany those
15 answers. Does that answer your question Mr. Peiffer?

16 MR. PEIFFER: Yes. Thank you, Your Honor.

17 JUDGE COCHERES: Are there any other questions or
18 matters that I have to deal with?


19 (No response.)

20 JUDGE COCHERES: Well, then I want to thank you for
21 coming. I wish you good luck in your settlement
22 conferences, and I hope the scheduling in Martic Township is
23 more convenient for you. Thank you for coming.

24 (Whereupon, at 11:25 a.m., the hearing adjourned.)

25

1 I hereby certify that the proceedings and evidence
2 are contained fully and accurately in the notes taken by me
3 during the hearing of the within cause, and that this is a
4 true and correct transcript of the same.

5
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8 
9 AMY S. INTRIERI
10 Court Reporter

11 The foregoing certification does not apply to any
12 reproduction of the same by any means unless under the
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14 reporter.

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