

GRENN & BIRSIC, P.C.

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RECEIVED

APR 13 2001

**HARRISBURG OALJ
PUBLIC UTILITY COMMISSION**

April 12, 2001

Honorable Herbert S. Cohen
Administrative Law Judge
P.O. Box 3265
Harrisburg, PA 17105-3265

Allen E. Freed, Chairman
Co. of Lebanon Transit Auth.
200 Willow Street
Lebanon, PA 17042

Donald J. Rhine, Chief Clerk
Lebanon County Commissioners
Room 207 Municipal Building
400 South 8th Street
Lebanon, PA 17042

Andrew F. Gordon, Esquire
Chief Counsel
PA Dept. of Transportation
Forum Place, 9th Floor
555 Walnut Street
Harrisburg, PA 17101-1900

Timothy D. Sheffey, Esquire
Lebanon Transit Authority
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Samuel G. Weiss, Esquire
Weiss, Weiss & Weiss
City of Lebanon Solicitor
802 Walnut Street
Lebanon, PA 17042-0838

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Lebanon, PA 17042

Paul Krause, Chairman
South Lebanon Township
Board of Supervisors
1800 South Fifth Avenue
Lebanon, PA 17042

**RE: Cornwall Industrial Track
Abandonment/Abolishment by R.J. Corman Railroad Co./Allentown Lines, Inc.**

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

Samuel G. Weiss, Esquire
Weiss, Weiss & Weiss
City of Lebanon Solicitor
802 Walnut Street
Lebanon, PA 17042-0838

John J. Ferry, Jr., Esquire
Reilly, Wolfson, Sheffey,
Schrum & Lundberg, LLP
1601 Cornwall Road
Lebanon, PA 17042-7460

**RE: Cornwall Industrial Track
Abandonment/Abolishment by R.J. Corman Railroad Co./Allentown Lines, Inc.**

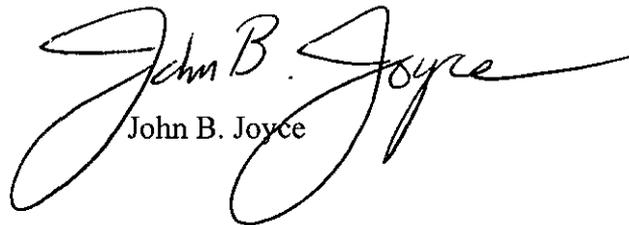
Dear Counsel:

Please find enclosed the following:

- a. Notice of Abandonment Exemption filed with the Pennsylvania Public Utility Commission relating to the Cornwall Industrial Track; and
- b. Application for Abolishment of the Crossings on the Cornwall Industrial Track.

Please do not hesitate to contact me if you have any questions.

Very truly yours,



John B. Joyce

JBj/asl

Enclosures

cc. Mr. Brad Brown (w/enclosures)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE:

APPLICATION OF THE COUNTY OF LEBANON
TRANSIT AUTHORITY FOR APPROVAL OF
THE SUSPENSION OF A SERIES OF
CROSSINGS INVOLVING THE CORNWALL
INDUSTRIAL TRACK OF CONSOLIDATED
RAIL CORPORATION LOCATED IN THE CITY
OF LEBANON, LEBANON COUNTY

Docket No.: A-00113589

DOCKETED

APR 18 2001

CITY OF LEBANON

Complainant,

vs.

CONSOLIDATED RAIL CORPORATION, et al.

Respondent.

Docket No.: C-00970107

011607

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,

Complainant,

vs.

CONSOLIDATED RAIL CORPORATION,

Respondent.

Docket No.: C-00970126

RECEIVED
SECRETARY'S BUREAU

01 APR 17 AM 10:44

SOUTH LEBANON TOWNSHIP, BOARD OF
SUPERVISORS,

Complainant,

vs.

CONSOLIDATED RAIL CORPORATION, et al.,

Respondent.

Docket No. C-0097106

C-00970106

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APR 13 2001

HARRISBURG
PUBLIC UTILITY COMMISSION

DOCUMENT
FOLDER

**APPLICATION OF R.J. CORMAN RAILROAD
COMPANY/ALLENTOWN LINES, INC.'S FOR ABOLISHMENT**

AND NOW, comes R.J. Corman Railroad Company/Allentown Lines, Inc. ("Allentown Lines") and files this Application and in support thereof states the following:

1. Allentown Lines is the owner of the Cornwall Industrial Track located in Lebanon County, Pennsylvania.

2. The following crossings are located along the Cornwall Industrial Track: (i) State Drive (Route 2003); (ii) South Eighth Street; (iii) South Ninth Street; (iv) South Tenth Street; (v) South Twelfth Street; (vi) Walnut Street; (vii) Chestnut Street; (viii) Cumberland Street; and (ix) Lincoln Avenue (hereinafter collectively "Crossing").

3. The Crossing were temporarily suspended pursuant to a Stipulation for Settlement which Administrative Law Judge Herbert Cohen recommended for approval in a Recommended Decision to the Pennsylvania Public Utility Commission ("Commission"). The Recommended Decision was adopted by the Commission on or about August 27, 1998.

4. Pursuant to an Order entered by the Commission on or about March 12, 2001, Allentown Lines was to either apply for reactivation of the Cornwall Industrial Track and Crossings or notify the Commission that proceedings for abandonment and abolishment have been commenced within thirty (30) days of the Order.

5. On or about April 10, 2001, Allentown Lines notified the Commission that it commenced a Notice of Exemption from the provisions of 49 U.S.C. §10903 to abandon the Cornwall Industrial Track. A true and correct copy of the notice to the Commission dated April 10, 2001 is attached hereto as Exhibit "A" and incorporated herein by reference.

6. In response to the Commission's March 12, 2001 Order, Allentown Lines files this

Application requesting the abolishment of the Crossings on the Cornwall Industrial Track.

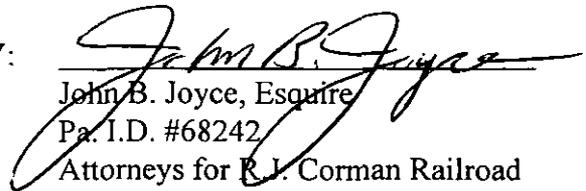
7. This Application for Abolishment is conditioned upon the conclusion that the abandonment proceeding commenced by Allentown Lines with the Surface Transportation Board ("STB") as those proceedings are a condition precedent necessary before the abolishment of the Crossings.

WHEREFORE, based on the foregoing, Allentown Lines requests the Commission enter an Order abolishing the Crossings located on the Cornwall Industrial Track upon conclusion of Allentown Lines' abandonment proceedings with the STB.

Respectfully submitted,

GRENN & BIRSIC, P.C.

BY:



John B. Joyce, Esquire
Pa. I.D. #68242

Attorneys for R. J. Corman Railroad
Company/Allentown Lines, Inc.
One Gateway Center, Nine West
Pittsburgh, PA 15222
(412) 281-7650

EXHIBIT "A"

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036-1800
202.778.9000
www.kl.com

April 10, 2001

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

**Re: Docket No. AB-550 (Sub-No. 1X)
R.J. Corman Railroad Company/Allentown Lines, Inc. -Abandonment Exemption-
In Lebanon County, Pennsylvania**

Dear Sir/Madam:

R.J. Corman Railroad Company/Allentown Lines, Inc. expects shortly to file with the Surface Transportation Board a notice of exemption from the provisions of 49 U.S.C. § 10903 to abandon (1) the Cornwall Industrial Track between approximately milepost 0.9 and approximately milepost 3.66 and (2) the Lebanon Industrial Track between approximately milepost 18 and approximately milepost 18.6 (collectively, the "Subject Line"). The total distance of the Subject Line is approximately 3.36 miles, all within Lebanon County, Pennsylvania. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50. A map showing the location of the Subject Line is attached for your reference.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

Kirkpatrick & Lockhart LLP

Pennsylvania Public Utility Commission

April 10, 2001

Page 2

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344) are required for the proposed abandonment.

No rail freight operations of any kind have occurred on the Subject Line for at least two years. Accordingly, we foresee no adverse environmental effects given the limited nature of the proposed abandonment. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-550 (Sub-No. 1X) and be sent to the undersigned, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty days before the notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 202-778-9456.

Very truly yours,



Edward J. Fishman
Attorney for R.J. Corman Railroad

Attachment

EXHIBIT A

PENNSYLVANIA—LEBANON CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

MP 0.90

(N/S of Cumberland St.)

UG 1.01

UG 2.46

CORNWALL
INDUSTRIAL TRACK

U. S. VETERANS
HOSPITAL

MP 3.50

MP 18.60

LEBANON

INDUSTRIAL TRACK

MP 18.00 = Alcoa Aluminum
Track (Private)

MP 3.66

LEBANON, PA



CERTIFICATE OF SERVICE

I hereby certify that I served the within Application for Abolishment this 12 day of April, 2001, by depositing the same in the United States mail, postage prepaid, addressed to the following:

Honorable Herbert S. Cohen
Administrative Law Judge
P.O. Box 3265
Harrisburg, PA 17105-3265

David A. Salapa, Esquire
PA PUC Transportation/Safety
Rail Division
P.O. Box 3265
Harrisburg, PA 17105-3265

Andrew F. Gordon, Esquire
Chief Counsel
Pennsylvania Department of Transportation
Forum Place, 9th Floor
555 Walnut Street
Harrisburg, PA 17101-1900

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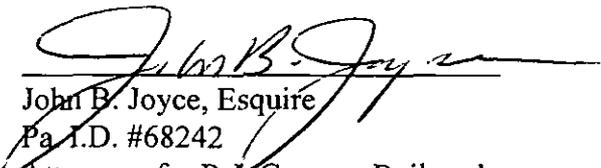
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1601 Cornwall Road
Lebanon, PA 17042-7460

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BY:


John B. Joyce, Esquire
Pa. I.D. #68242

Attorneys for R.J. Corman Railroad
Company/Allentown Lines, Inc.
One Gateway Center, Nine West
Pittsburgh, PA 15222
(412) 281-7650

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKETED
APR 18 2001

IN RE:

APPLICATION OF THE COUNTY OF LEBANON
TRANSIT AUTHORITY FOR APPROVAL OF
THE SUSPENSION OF A SERIES OF
CROSSINGS INVOLVING THE CORNWALL
INDUSTRIAL TRACK OF CONSOLIDATED
RAIL CORPORATION LOCATED IN THE CITY
OF LEBANON, LEBANON COUNTY

Docket No.: A-00113589

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CITY OF LEBANON

Complainant,

vs.

CONSOLIDATED RAIL CORPORATION, et al.

Respondent.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,

Complainant,

vs.

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SOUTH LEBANON TOWNSHIP, BOARD OF
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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU
Docket No. C-00970107

Docket No.: C-00970126

Docket No. C-0097106

C-00970106

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HARRISBURG
PUBLIC UTILITY COMMISSION

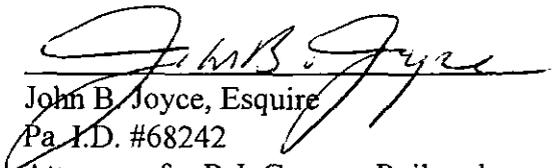
NOTICE OF ABANDONMENT EXEMPTION

In accordance with the Commission's Order of March 12, 2001, attached hereto as Exhibit "A" is R.J. Corman Railroad Company/Allentown Lines, Inc.'s Notice of Abandonment Exemption for the Crossings subject to the Commission's Order located on the Cornwall Industrial Track.

Respectfully submitted,

GRELEN & BIRSIC, P.C.

BY:


John B. Joyce, Esquire

Pa. I.D. #68242

Attorneys for R.J. Corman Railroad
Company/Allentown Lines, Inc.

One Gateway Center, Nine West

Pittsburgh, PA 15222

(412) 281-7650

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April 10, 2001

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Harrisburg, PA 17120

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Kirkpatrick & Lockhart LLP

Pennsylvania Public Utility Commission

April 10, 2001

Page 2

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Edward J. Fishman
Attorney for R.J. Corman Railroad

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PENNSYLVANIA-LEBANON CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

MP 0.90

(NS of Cumberland St.)

UG 1.01

UG 2.46

CORNWALL
INDUSTRIAL TRACK

U VETERANS
HOSPITAL

MP 3.50

MP 18.60

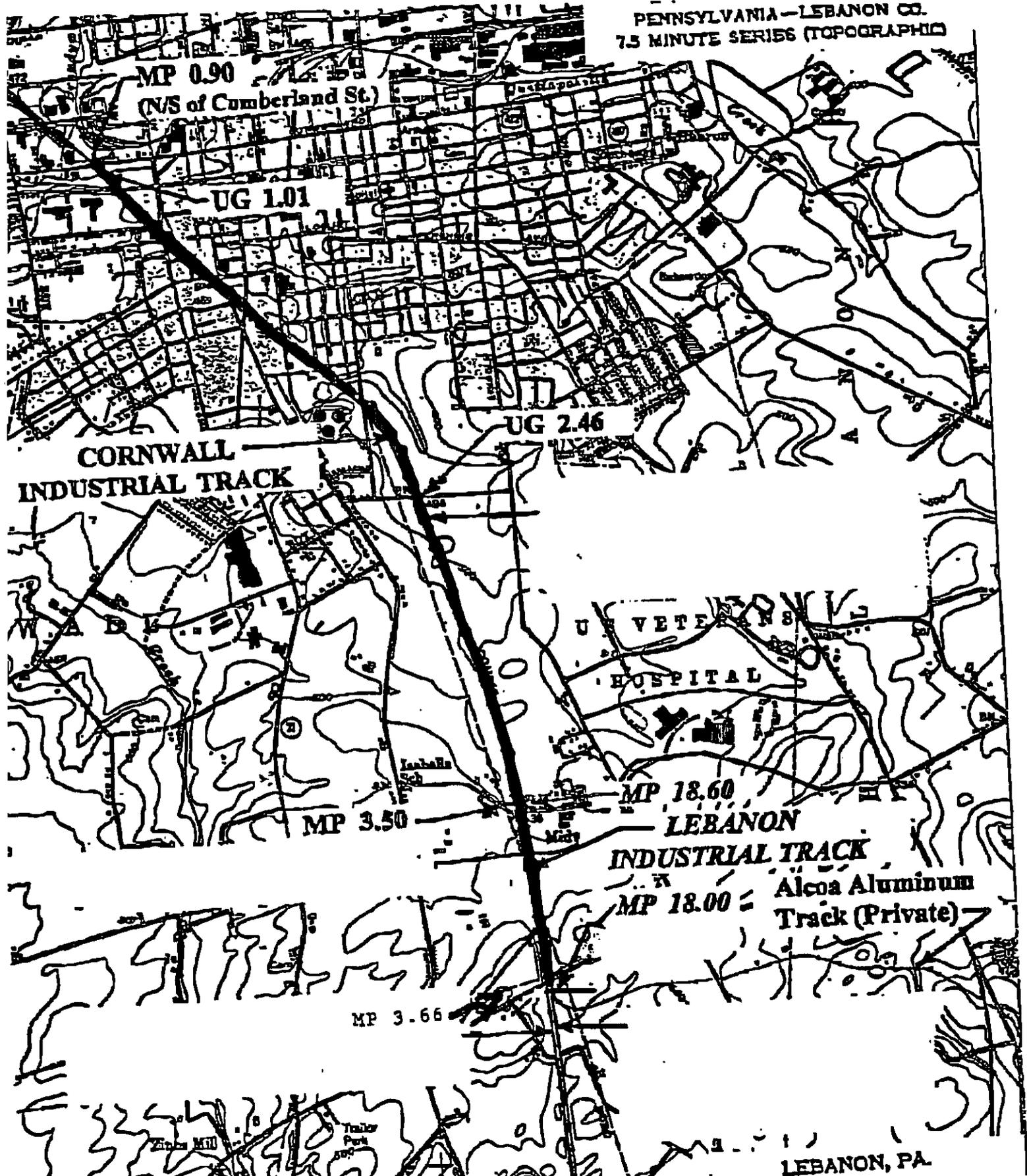
LEBANON

INDUSTRIAL TRACK

MP 18.00 = Alcoa Aluminum
Track (Private)

MP 3.66

LEBANON, PA



CERTIFICATE OF SERVICE

I hereby certify that I served the within Application for Abolishment this 12 day of April, 2001, by depositing the same in the United States mail, postage prepaid, addressed to the following:

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P.O. Box 3265
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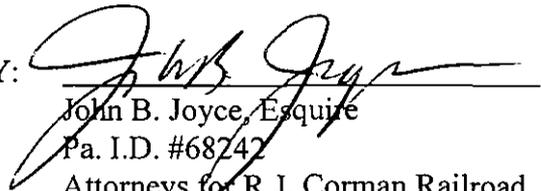
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P.O. Box 840
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John J. Ferry, Jr., Esquire
Reilly, Wolfson, Sheffey, Schrum &
Lundberg, LLP
1601 Cornwall Road
Lebanon, PA 17042-7460

GRENN & BIRSIC, P.C.

BY:



John B. Joyce, Esquire
Pa. I.D. #68242

Attorneys for R.J. Corman Railroad
Company/Allentown Lines, Inc.
One Gateway Center, Nine West
Pittsburgh, PA 15222
(412) 281-7650

COMMONWEALTH OF PENNSYLVANIA

DATE: April 19, 2001
SUBJECT: A-00117750
TO: Bureau of Transportation & Safety - Rail
FROM: James J. McNulty, Secretary

DOCKETED
APR 23 2001
DOCUMENT
FOLDER

LAF

Application of R.J. Corman Railroad Company/Allentown Lines, Inc.

We attach hereto copy of the application of R.J. Corman Railroad Company/Allentown Lines, Inc., filed pursuant to Order at C-00970107, C-00970106, C-00970126 and A-00113589, which has been captioned and docketed to the above number.

Applicant has served copies of the application upon the parties involved.

This matter is assigned to your Bureau for appropriate action.

Attachment

cc: TSL - w/ copy of application

laf

SRB

**REILLY, WOLFSON, SHEFFEY,
SCHRUM & LUNDBERG LLP**

Frederick S. Wolfson
Timothy D. Sheffey
Loren A. Schrum
Paul A. Lundberg
Paul C. Bametzreider
Harry W. Fenton
John J. Ferry, Jr.
Michelle R. Calvert
Colleen S. Gallo

1601 Cornwall Road, Lebanon, Pennsylvania 17042-7460
(717) 273-3733 Fax (717) 273-1535
rwssl@leblaw.com www.leblaw.com

September 26, 2001

Branch Office:
112 West Main Avenue
Myerstown, PA 17067-1019
(717) 866-9095
Fax (717) 866-9160

James T. Reilly
(717) 864-2000

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

**Re: Docket No. C-00970107
City of Lebanon v. Consolidated Rail Corp., et al.**

Dear Sir or Madam:

Enclosed herewith please find an original and one copy of a *Proposed* Substitute Appearance for filing in the above captioned matter. Please return a time-stamped copy to my office in the enclosed return envelope.

Very truly yours,

**REILLY, WOLFSON, SHEFFEY,
SCHRUM & LUNDBERG LLP**



Paul C. Bametzreider

PCB/jib
Encl.

- cc: Honorable Herbert S. Cohen, w/encl.
- Andrew F. Gordon, Esq., w/encl.
- William D. Pickering, w/encl.
- William C. Matthews, II, Esq., w/encl.
- Allen E. Freed, w/encl.
- David A. Salapa, Esq., w/encl.
- Gina M. D'Alfonso, Esq., w/encl.
- Donald J. Rhine, w/encl.
- Edward M. Keener, w/encl.
- John Herzog, Esq., w/encl.
- Keith L. Kilgore, Esq., w/encl.
- John Brian Joyce, Esq., w/encl.
- Rich Corman, w/encl.
- Adrienne C. Snelling, Esq., w/encl.
- Paul Krause, w/encl.
- Benjamin C. Dunlap, Jr., Esq., w/encl.

RECEIVED
SECRETARIES BUREAU
01 SEP 28 AM 8:41

22

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

025833

IN RE:
APPLICATION OF THE COUNTY
OF LEBANON TRANSIT AUTHORITY
FOR APPROVAL OF THE
SUSPENSION OF A SERIES OF
CROSSINGS INVOLVING THE
CORNWALL INDUSTRIAL TRACK
OF CONSOLIDATED RAIL
CORPORATION LOCATED IN THE
CITY OF LEBANON, LEBANON
COUNTY

Docket No. A-00113589

DOCKETED

OCT 1 2001

CITY OF LEBANON
Complainant

Docket No. C-00970107

v.

CONSOLIDATED RAIL
CORPORATION, et al,
Respondent

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Complainant

Docket No. C-00970126

v.

CONSOLIDATED RAIL CORPORATION
Respondent

SOUTH LEBANON TOWNSHIP,
BOARD OF SUPERVISORS
Complainant

Docket No. C-00970106

v.

CONSOLIDATED RAIL CORPORATION
et al.,
Respondent

DOCUMENT
FOLDER

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SECRETARY'S BUREAU

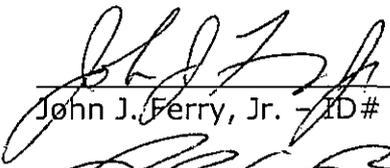
01 SEP 28 AM 8:41

PRAECIPE TO SUBSTITUTE APPEARANCE

TO: CLERK

Kindly withdraw the appearance of John J. Ferry, Jr., Esquire and enter the appearance of Paul C. Bametzreider, Esquire, on behalf of Complainant City of Lebanon in the above matter.

REILLY, WOLFSON, SHEFFEY
SCHRUM AND LUNDBERG LLP



John J. Ferry, Jr. - ID# 75907



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