





COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

August 27, 1998

A-00113589, C-00970107,  
C-00971026 & C-00970106

SAMUEL WEISS ESQ  
WEISS WEISS & WEISS  
801 WALNUT STREET  
LEBANON PA 17042-0838

DOCKETED

SEP 28 1998

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

City of Lebanon v. Consolidated Rail Corporation, et al.  
Commonwealth of Pennsylvania Department of Transportation v. Consolidated Rail Corporation  
South Lebanon Township, Board of Supervisors v. Consolidated Rail Corporation, et al.

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in Public Meeting on  
August 13, 1998 in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

James J. McNulty  
Secretary

law  
encls  
cert. mail

EEF

See attached  
for additional  
parties of record

DOCUMENT  
FOLDER

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held August 27, 1998

Commissioners Present:

John M. Quain, Chairman  
Robert K. Bloom, Vice Chairman  
David W. Rolka  
Nora Mead Brownell  
Aaron Wilson, Jr.

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  
SEP 28 1998

CITY OF LEBANON

Docket No. C-00970107

Complainant

v.

CONSOLIDATED RAIL  
CORPORATION, et al,

Respondent

DOCUMENT  
FOLDER

COMMONWEALTH OF  
PENNSYLVANIA DEPARTMENT OF  
TRANSPORTATION,

Docket No. C-00970126

Complainant

v.

CONSOLIDATED RAIL  
CORPORATION,

Respondent

SOUTH LEBANON TOWNSHIP,  
BOARD OF SUPERVISORS

Docket No. C-00970106

Complainant

v.

CONSOLIDATED RAIL  
CORPORATION, et al.,

Respondent

**O R D E R**

BY THE COMMISSION:

We adopt as our action the Recommended Decision of Administrative Law Judge Herbert S. Cohen dated July 16, 1998; THEREFORE,

IT IS ORDERED:

1. That the Stipulation for Settlement filed by the parties at Complaint Docket No. C-00970107, C-0097126 and C-00970106 and Application Docket No. A-00113589 is approved and incorporated herein. That upon completion of the work herein ordered the subject crossings are suspended consistent with this Order.

2. That upon completion of this work herein ordered, the Proceedings at the aforementioned docket numbers shall be marked closed.

3. Consolidated Rail Corporation shall not be joined as a party in future proceedings on these crossings except for Willow Street.

4. With respect to the Cornwall Industrial Track crossings located at State Drive (Route 2003), South Eighth Street, South Ninth Street, South Tenth Street, South Twelfth Street, Walnut Street, Chestnut Street, Cumberland Street and Lincoln Avenue, R.J. Corman Railroad Company/Allentown Lines, Inc. shall undertake the following at its sole cost and expense:

(a) temporarily suspend use of the above crossings until April 16, 2000 or until written notice from R.J. Corman Railroad Company to the Commission and all parties of record that the crossings will be reactivated at an earlier point in time or that R.J. Corman Railroad Company has applied to abolish them;

(b) R.J. Corman Railroad Company shall cover or remove any railroad signs and signals at each crossing by June 16, 1998, except for advanced warning signs and pavement markings that are part of the roadway surface which shall be covered or removed by the party responsible for said roadway surface;

(c) R.J. Corman Railroad Company shall pave over the above crossings by September 30, 1998. The pave-over shall include the rails at each crossing. While paving over the crossings, R.J. Corman Railroad Company shall reasonably cooperate with the engineers from the City of Lebanon, South Lebanon Township or Pennsylvania Department of Transportation within whose jurisdiction each crossing is located; and

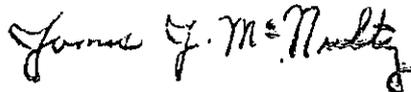
(d) R.J. Corman Railroad Company shall maintain the crossings during the time that they are suspended and by April 16, 2000, R.J. Corman Railroad Company shall either apply for reactivating of the Cornwall Industrial Track and crossings or file the appropriate petitions for abandonment and abolishment of the track and crossings.

5. The City of Lebanon, South Lebanon Township and Pennsylvania Department of Transportation shall remove the railroad crossing advanced warning signs and railroad pavement markings on the approaches to the crossings over which each entity has control.

6. Consolidated Rail Corporation shall, at its sole cost and expense, assess and repair the Willow Street crossing to bring it to acceptable standards by October 31, 1998. Consolidated Rail Corporation shall cooperate with the City of Lebanon in developing and executing appropriate repairs. The City of Lebanon shall provide a road closure and detour as may be required for Consolidated Rail Corporation to perform crossing repairs. Consolidated Rail Corporation thereafter shall remain solely responsible for maintenance of the Willow Street crossing within the limits of the crossing, defined as the area within two feet from the edge of rail.

7. After April 16, 2000, the parties to this Proceeding shall be entitled to raise any of the claims or defenses which they may have, except that in the event of a breach of any of the material terms in their Stipulation, the complaining party must provide written notice of the breach of the Stipulation and allow the responding party thirty days to respond or cure such breach before the Complaining parties files a complaint or application regarding the breach or seeks enforcement of this Order.

BY THE COMMISSION,



James J. McNulty  
Secretary

(SEAL)

ORDER ADOPTED: August 27, 1998

ORDER ENTERED: **AUG 27 1998**