



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

ISSUED: July 22, 1998

IN REPLY PLEASE
 REFER TO OUR FILE

A-00113589, C-00970107,
 C-00970126 & C-00970106

SAMUEL WEISS ESQUIRE
 WEISS WEISS & WEISS
 802 WALNUT STREET
 LEBANON PA 17042-0838

Application of The County of Lebanon Transit Authority . . .

TO WHOM IT MAY CONCERN:

Enclosed is a copy of the Recommended Decision of Administrative Law Judge Herbert S. Cohen.

An original and nine (9) copies of signed exceptions to the decision, if any, **MUST BE FILED WITH THE SECRETARY OF THE COMMISSION IN ROOM B-20, NORTH OFFICE BUILDING, NORTH STREET AND COMMONWEALTH AVENUE, HARRISBURG, PA OR MAILED TO P.O. BOX 3265, HARRISBURG, PA 17105-3265**; a copy in the hands of the Office of Special Assistants, Room 210; and a copy in the hands of each party of record no later than August 5, 1998 by 4:30 P.M. 52 Pa. Code §1.56(b) cannot be used to extend the prescribed period for the filing of exceptions or reply exceptions.

Replies to exceptions, if any, must be served on the Secretary of the Commission, in the manner described above, no later than August 13, 1998 by 4:30 P.M. as well as served upon the parties. A certificate of service shall be attached to the filed exceptions.

Exceptions and reply exceptions shall obey 52 Pa. Code 5.533 and 5.535, particularly the 40-page limit for exceptions and the 25-page limit for replies to exceptions. Exceptions should be clearly labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)".

Any reference to specific sections of the Administrative Law Judge's Recommended Decision shall include the page number(s) of the cited section of the decision.

Parties are also requested to provide the Commission's Office of Special Assistants with a copy of exceptions/reply exceptions on a computer disk, 3 1/2" in size, in Microsoft Word 6.0 format. If Word 6.0 is not available, either Wordperfect 5.1 or ASCII format is acceptable.

Very truly yours,

James J. McNulty
 James J. McNulty
 Secretary

**DOCUMENT
 FOLDER**

law
 Encls.
 Certified Mail
 Receipt Requested
 cc: ALJ COHEN/ OFFICE OF ALJ/ OSA/ PIO/ LAW/ T&S-LEGAL/ T&S-RAIL/ OUR FILE/ NEW FILING/ CHAIRMAN/
 COMMISSIONERS
 See attached
 for additional
 parties of record

EEF

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: : Docket No. A-00113589
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 : Docket No. C-00970107

Complainant :

v. :

CONSOLIDATED RAIL :
CORPORATION, et al, :

Respondent :

COMMONWEALTH OF : Docket No. C-00970126
PENNSYLVANIA DEPARTMENT OF :
TRANSPORTATION, :

Complainant :

v. :

CONSOLIDATED RAIL :
CORPORATION, :

Respondent :

SOUTH LEBANON TOWNSHIP, : Docket No. C-00970106
BOARD OF SUPERVISORS :

Complainant :

v. :

CONSOLIDATED RAIL :
CORPORATION, et al., :

Respondent :

RECOMMENDED DECISION

DOCKETED

Before
HERBERT S. COHEN
Administrative Law Judge

JUL 23 1998

HISTORY OF THE PROCEEDINGS

The County of Lebanon Transit Authority ("Colt"), City of Lebanon ("City"), Commonwealth of Pennsylvania Department of Transportation and South Lebanon Township ("Township"), filed the following Applications/Complaints regarding the condition of certain railroad crossings on the Cornwall Industrial Track at Lebanon County. The Applications and each Complaint were filed against Consolidated Rail Corporation, which was the owner of the Cornwall Industrial Track at the commencement of the instant proceedings.

The Complaints and Applications were consolidated, and during the pendency of the proceeding, Consolidated Rail Corporation transferred the above referenced line of track on or about October 14, 1997, to the R.J. Corman Railroad Company/Allentown Lines, Inc. The transfer included all the railroad crossings subject to the instant proceedings, except the Willow Street Crossing in the City of Lebanon. By virtue of the transfer, R.J. Corman Railroad Company was directed by me to appear

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at an April 16, 1998 hearing and to give testimony on its intent and ability to operate on the involved Cornwall Industrial Track, to comply with the terms and conditions of the indenture between it and Consolidated Rail Corporation, and to operate and maintain any and all railroad facilities at each of the crossings involved including, but not limited to flashing lights and gates, cross bucks, crossing highway surface between tracks, and any structure supporting its track facilities.

South Lebanon Township also was a participant in these proceedings. It filed an Application at Docket No. A-00109901 for approval of the alteration of the crossing (AAR 591 537 S) where Township Road 705 crosses below the grade of the tracks of Consolidated Rail Corporation in South Lebanon Township. However, the instant Stipulation has not resolved this issue and the matter is still pending before me. At the conclusion of the April 16, 1998 hearing the parties agreed that briefs on the Township's Application would be submitted on or before June 30, 1998.

Three evidentiary hearings were held during the course of the instant proceedings, namely, August 5, 1997, October 8, 1997, and April 16, 1998. Appearances at these hearings were entered by the following: Gina M. D'Alfonso, Esq., for Pennsylvania Department of Transportation, David A. Salapa, Esq., for PUC Bureau of Transportation and Safety, Paul Kilgore, Esq.,

for South Lebanon Township, Tim Sheffey, Esq., for County of Lebanon Transit Authority, Samuel G. Weiss, Jr., Esq., for the City of Lebanon, David C. Eaton, Esq., for Consolidated Rail Corporation, Scott Dietterick, Esq., for R.J. Corman Railroad Company, John J. Herzog, Esq., for PUC Bureau of Transportation and Safety, John Lovengood and John J. Van Shura, Esquires for Metropolitan Edison Company d/b/a GPU Energy, Daniel J. Birsic, Esq. for R.J. Corman Railroad Company/Allentown Lines, Inc., James T. Reilly, Esq., for the City of Lebanon, John B. Joyce, Esq. for R.J. Corman Railroad Company /Allentown Lines, Inc., and, William C. Matthews, II, Esq., for GPU Energy.

Some twelve (12) different witnesses gave testimony over the course of the three hearings and the parties sponsored numerous exhibits. The entire record consists of 371 pages of transcribed testimony.

On June 2, 1998, the parties in the matters at Docket Nos. C-00970106, C-00970107, C-00970126, and A-00113589 submitted for this Commission's consideration and approval the Stipulation for Settlement attached hereto and identified as Appendix "A".

TERMS OF THE STIPULATION

As agreed to by the parties, the Stipulation provides for the following:

1. An Order shall be issued by the Public Utility Commission resolving the issues at Complaint Docket Numbers C-0097910, C-0097126 and C-00970106 and Application Docket Number A-00113589 and suspending the subject crossings consistent with this Stipulation. The Public Utility Commission may mark these proceedings "Closed" as it deems appropriate. The parties agree that once an order is issued in these Proceedings, Consolidated Rail Corporation will not be joined as a party in any future proceedings on these crossings except for Willow Street.

2. 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 shall undertake the following:

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

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

(c) R.J. Corman Railroad Company shall pave over, at its own expense, 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 will reasonably cooperate with the engineers from the City, 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 reactivation of the Cornwall Industrial Track and crossings or file the appropriate petitions for abandonment and abolition of the track.

3. City, Township and Pennsylvania Department of Transportation will remove the advanced warning signs and pavement markings on the roads over which each entity has control.

4. Consolidated Rail Corporation agrees, at its sole cost and expense, to assess and repair the Willow Street crossing to bring it to acceptable standards by October 31, 1998. Consolidated Rail Corporation will reasonably cooperate with the City in developing and executing appropriate repairs. The City will 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 outside edge of rail for both sets of tracks).

5. After April 16, 2000, the parties to this Stipulation 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 this 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 party files a complaint or application regarding the breach or seeks enforcement of this Order.

6. This Stipulation does not resolve the issue at Docket No. A-00109901, application of South Lebanon Township for approval of the alteration of the crossing where Wilhelm Avenue crosses below the Cornwall Industrial line, since that matter is still pending.

DISCUSSION

The above-captioned matters are before me upon the filing of either an Application or Complaint filed by the County of Lebanon Transit Authority ("Colt"), City of Lebanon ("City"), Commonwealth of Pennsylvania Department of Transportation and South Lebanon Township ("Township"). The Application and Complaints were consolidated into one proceeding. (the "Proceeding"). Consolidated Rail Corporation filed answers to the Complaints or Application in each Proceeding.

The Proceedings concern the at Grade Crossings on the Cornwall Industrial Track 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 Willow Street in the City of Lebanon, and South Lincoln Avenue in South Lebanon Township.

After the Proceedings were consolidated for hearing purposes, an initial hearing was held before the undersigned on August 5, 1997. A further hearing was held on October 8, 1998, at which time Consolidated Rail Corporation indicated that it was conveying portions of the Cornwall Industrial Track to R.J. Corman Railroad Company/Allentown Lines, Inc. On or about October 14, 1997, Consolidated Rail Corporation transferred the Cornwall Industrial Track to R.J. Corman Railroad Company.

As a result of the transfer to R.J. Corman Railroad Company, a hearing was held on April 16, 1998 at which time R.J. Corman was required to present evidence of its intent for the Cornwall Industrial Track. R.J. Corman Railroad Company President, Marvin W. Grubb, Jr. testified at the hearing that R.J. Corman Railroad Company intended to actively seek business opportunities along the line after the merger between Norfolk Southern and CSX. After the R.J. Corman Railroad Company testimony, the parties to

the Proceeding decided to resolve the issues and matters involved by way of a Stipulation for Settlement.

Resolution of this case by Stipulation rather than by further litigation, briefs, reply briefs, appeals/exceptions will avoid the substantial time and expense involved in continued litigation of certain issues in this proceeding. The Stipulation addresses the concerns of Complainant via elimination of hazardous conditions at subject crossings and avoidance of property damage to vehicles traversing same.

The Stipulation provides for a temporary suspension of the subject crossings for a maximum period of twenty-four (24) months, so that R.J. Corman Railroad Company can investigate and develop certain railroad business opportunities it is interested in pursuing along the Cornwall Industrial Track. R.J. Corman Railroad Company has agreed at its own cost to pave over the crossings by September 30, 1998 and cover or remove any railroad signs or signals at the crossings before June 16, 1998. R.J. Corman Railroad Company will maintain the crossings until April 16, 2000, at which time if R.J.Corman Railroad Company has not developed any business along the line, it will petition to abandon and abolish the line. The City, Township, and Pennsylvania Department of Transportation shall remove the railroad crossing advance warning signs and railroad pavement marking both on the approaches to the

crossings over which each entity has control over the highway with respect to the Willow Street crossing, Consolidated Rail Corporation will remain solely responsible for the maintenance of this crossing and at its sole cost and expense will assess and repair the crossing by October 31, 1998.

Inasmuch as the parties have stipulated to settle the Proceeding and there are no other objections of record by any other party in interest, an order can be issued consistent with the Stipulation without the need for any additional hearing. Moreover, my review of the record leads me to conclude that approval of the Stipulation is in the public interest.

THEREFORE,

IT IS Recommended (Subject to Commission Approval):

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.

Dated:

July 15, 1988

Herbert S. Cohen
HERBERT S. COHEN
Administrative Law Judge

APPENDIX "A"

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN RE: : Docket No. A-00113589
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, : Docket No. C-00970107
:
Complainant :
vs. :
:
CONSOLIDATED RAIL :
CORPORATION, et al., :
:
Respondent :

COMMONWEALTH OF : Docket No. C-00970126
PENNSYLVANIA DEPARTMENT OF :
TRANSPORTATION, :
:
Complainant :
vs. :
:
CONSOLIDATED RAIL :
CORPORATION, :
:
Respondent :

SOUTH LEBANON TOWNSHIP, : Docket No. C-0097106
BOARD OF SUPERVISORS, :
:
Complainant :
vs. :
:
CONSOLIDATED RAIL :
CORPORATION, et al., :
:
Respondent :

STIPULATION FOR SETTLEMENT AND PROPOSED ORDER

The parties in the above-referenced actions hereby stipulate as follows:

WHEREAS, the County of Lebanon Transit Authority ("COLT"), City of Lebanon ("City"), Commonwealth of Pennsylvania Department of Transportation ("PennDot") and South Lebanon Township ("Township") filed either an Application or Complaint (identified by Docket Nos. A-00113589, C-00970107, C-00970126 and C-00970106 which are collectively referred to hereinafter as the "Proceeding") regarding the condition of certain railroad crossings on the Cornwall Industrial Track at Lebanon County, Pennsylvania; and

WHEREAS, the Application and each Complaint were filed against Consolidated Rail Corporation ("Conrail"), who was the owner of the Cornwall Industrial Track at the commencement of the Proceeding; and

WHEREAS, the Complaints and Application were consolidated, and during the pendency of the Proceeding, Conrail transferred the Cornwall Industrial Track to R.J. Corman Railroad Company/Allentown Lines, Inc. ("Corman") on or about October 14, 1997. The transfer included all of the railroad crossings subject to the Proceedings, except the Willow Street Crossing in the City of Lebanon; and

WHEREAS, the Honorable Herbert S. Cohen, Administrative Law Judge of the Pennsylvania Public Utility Commission, entered an Order joining Corman as a party to the Proceedings and scheduled a hearing as to Corman's intent with respect to the Cornwall Industrial Track for April 16, 1998; and

WHEREAS, Corman, the Applicant and Complaining parties attended the April 16, 1998 hearing, at which time the President of Corman, M.W. "Pat" Grubb, Jr. testified that Corman intended to investigate and develop certain railroad business opportunities along the Cornwall Industrial Track over the next twenty four months and expressed a willingness on the part of Corman to temporarily suspend the subject crossings on that portion of the line conveyed to Corman, pave over the crossings and cover or remove any signs or signals at the crossings; and

WHEREAS, upon learning of Corman's plans, the Applicant and Complaining parties agreed to enter into a stipulation with Corman for the suspension of the crossings for a twenty four month time period in order to allow Corman to pursue its prospective business opportunities; and

WHEREAS, in order to avoid the cost, expense and risk of further litigation, the parties have decided to resolve the issues and matters involved in the Proceeding by way of this Stipulation which was outlined on the record on April 16, 1998.

WHEREAS, the undersigned parties request that the Public Utility Commission enter an Order consistent with the terms of this Stipulation of Settlement.

NOW, THEREFORE, in consideration of these premises and the covenants contained herein, the parties, with intent to be legally bound hereto, stipulate as follows:

1. An Order shall be issued by the Public Utility Commission resolving the issues at Complaint Docket Numbers C-0097910, C-0097126 and C-00970106 and Application Docket Number A-00113589 and suspending the subject crossings consistent with this Stipulation. The Public Utility Commission may mark these proceedings "Closed" as it deems appropriate. The parties agree that once an order is issued in these Proceedings, Conrail will not be joined as a party in any future proceedings on these crossings except for Willow Street.

2. 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, Corman shall undertake the following:

- (a) temporarily suspend use of the above crossings until April 16, 2000 or written notice from Corman that the crossings will be reactivated at an earlier point in time or that Corman has applied to abolish them;
- (b) Corman shall cover or remove any signs and signals at each crossing by June 16, 1998, except for advanced warning signs and pavement markings which shall be covered or removed by the Applicant or Complaining party responsible for said roadway surface;
- (c) Corman shall pave over, at its own expense, the above crossings by September 30, 1998. The pave-over shall include the rails at each crossing. While paving over the crossings, Corman will reasonably cooperate with the engineers from the City, Township or PennDOT within whose jurisdiction each crossing is located; and
- (d) Corman shall maintain the crossings during the time that they are suspended and by April 16, 2000, Corman shall either apply for reactivation of the Cornwall Industrial Track and crossings or file the appropriate petitions for abandonment and abolition of the track.

3. City, Township and PennDot will remove the advanced warning signs and pavement markings on the roads over which each entity has control.

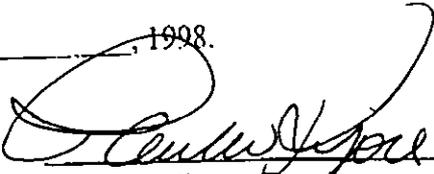
4. Conrail agrees, at its sole cost and expense, to assess and repair the Willow Street crossing to bring it to acceptable standards by October 31, 1998. Conrail will reasonably cooperate with the City in developing and executing appropriate repairs. The City will provide a road closure and detour as may be required for Conrail to perform crossing repairs. Conrail 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 outside edge of rail for both sets of tracks.).

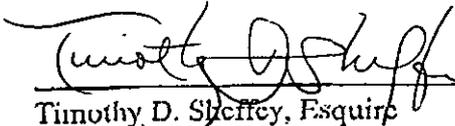
5. After April 16, 2000, the parties to this Stipulation shall be entitled to raise any of the claims or defenses which they may have, except that in the event of a breach of any of the material terms in this Stipulation, the complaining party must provide written notice of the breach of the Stipulation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

6. This Stipulation does not resolve the issue at Docket No. A-00109901, application of South Lebanon Township for approval of the alteration of the crossing where Wilhelm Avenue crosses below the Cornwall Industrial line, since that matter is still pending before Judge Cohen.

7. The undersigned individuals acknowledge that they have read the foregoing Stipulation, fully understand it and represent and warrant that they have full authority to execute this Stipulation on behalf of their respective clients.

Intending to be legally bound, the parties by their undersigned and authorized counsel have set their hands and seal this _____ day of _____, 1998.

By:  5-28-98
Paul W. Kilgore, Esquire
Counsel for South Lebanon Township

By:  5/28/98
Timothy D. Sheffey, Esquire
Counsel for County of Lebanon Transit Authority

By: _____
Gina M. D'Alfonso, Esquire
Assistant Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation

By: _____
Benjamin C. Dunlap, Jr., Esquire
Counsel for Consolidated Rail Corporation

By: _____
James T. Reilly, Esquire
Counsel for the City of Lebanon

By: _____
John Brian Joyce, Esquire
Counsel for R.J. Corman Company/
Allentown Lines, Inc.

Intending to be legally bound, the parties by their undersigned and authorized counsel have set their hands and seal this ____ day of _____, 1998.

By: _____
Paul W. Kilgore, Esquire
Counsel for South Lebanon Township

By: _____
Timothy D. Sheffey, Esquire
Counsel for County of Lebanon Transit Authority

By: Gina M. D'Alfonso
Gina M. D'Alfonso, Esquire 5/28/98
Assistant Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation

By: _____
Benjamin C. Dunlap, Jr., Esquire
Counsel for Consolidated Rail Corporation

By: _____
James T. Kelly, Esquire
Counsel for the City of Lebanon

By: _____
John Brian Joyce, Esquire
Counsel for R.J. Corman Company/
Allentown Lines, Inc.

Intending to be legally bound, the parties by their undersigned and authorized counsel have set their hands and seal this _____ day of _____, 1998.

By: _____
Paul W. Kilgore, Esquire
Counsel for South Lebanon Township

By: _____
Timothy D. Sheffey, Esquire
Counsel for County of Lebanon Transit Authority

By: _____
Gina M. D'Alfonso, Esquire
*Assistant Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation*

By: *Benjamin C. Dunlap, Jr.*
Benjamin C. Dunlap, Jr., Esquire 5/28/98
Counsel for Consolidated Rail Corporation

By: _____
James T. Reilly, Esquire
Counsel for the City of Lebanon

By: _____
John Brian Joyce, Esquire
*Counsel for R.J. Corman Company/
Allentown Lines, Inc.*

Intending to be legally bound, the parties by their undersigned and authorized counsel have set their hands and seal this 29 day of May, 1998.

By: _____
Paul W. Kilgore, Esquire
Counsel for South Lebanon Township

By: _____
Timothy D. Sheffey, Esquire
Counsel for County of Lebanon Transit Authority

By: _____
Gina M. D'Alfonso, Esquire
*Assistant Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation*

By: _____
Benjamin C. Dunlap, Jr., Esquire
Counsel for Consolidated Rail Corporation

By:  _____
James T. Reilly, Esquire
Counsel for the City of Lebanon

By: _____
John Brian Joyce, Esquire
*Counsel for R.J. Corman Company/
Allentown Lines, Inc.*

Intending to be legally bound, the parties by their undersigned and authorized counsel have set their hands and seal this ____ day of _____, 1998.

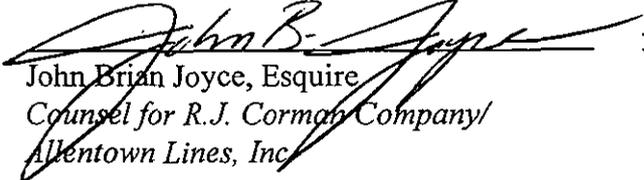
By: _____
Paul W. Kilgore, Esquire
Counsel for South Lebanon Township

By: _____
Timothy D. Sheffey, Esquire
Counsel for County of Lebanon Transit Authority

By: _____
Gina M. D'Alfonso, Esquire
*Assistant Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation*

By: _____
Benjamin C. Dunlap, Jr., Esquire
Counsel for Consolidated Rail Corporation

By: _____
James T. Reilly, Esquire
Counsel for the City of Lebanon

By:  5/27/9
John Brian Joyce, Esquire
*Counsel for R.J. Corman Company/
Allentown Lines, Inc*

CERTIFICATE OF SERVICE

I hereby certify that I served the within Stipulation this 1st day of June, 1998, 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

William D. Pickering
Chief Engineer
PennDOT
Forum Place 9th Floor
555 Walnut Street
Harrisburg, PA 17101-1900

Allen E. Freed, Chairman
County of Lebanon Transit Authority
200 Willow Street
Lebanon, PA 17042

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

Donald J. Rhine, Chief Clerk
Lebanon County Commissioners
Room 207 Municipal Building
400 South 8th Street
Lebanon, PA 17042-6794

John Herzog, Esquire
PA PUC Transportation/Safety
Rail Division
P.O. Box 3265
Harrisburg, PA 17105-3265

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

William C. Matthews, II, Esquire
Division Counsel
GPU Services, Inc.
2800 Pottsville Pike
Reading, PA 17112-0144

Timothy D. Sheffey, Esquire
Lebanon Transit Authority
1601 Cornwall Road
Lebanon, PA 17042-7460

Gina M. D'Alfonso, Esquire
PA Department of Transportation
Forum Place 9th Floor
555 Walnut Street
Harrisburg, PA 17101-1900

Edward M. Keener, City Engineer
City of Lebanon
Municipal Building
400 South 8th Street
Lebanon, PA 17042-6794

Keith L. Calgary, Esquire
Spitler and Calgary
South Lebanon Township
522 South 8th Street
Lebanon, PA 17042

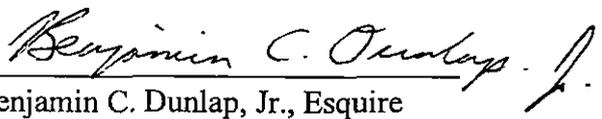
John Brian Joyce, Esquire
Grenen & Birsic, P.C.
One Gateway Center
Nine West
Pittsburgh, PA 15222

Adrienne C. Snelling, Esquire
Rosamond A. Presby, Esquire
Lebanon County Solicitor
Room 207 Municipal Building
400 South 8th Street
Lebanon, PA 17042-6794

James T. Reilly, Esquire
1601 Cornwall Road
Lebanon, PA 17042

Rick Corman
R.J. Corman Railroad Company
PA Lines, Inc.
1 Jay Station
Nicholasville, KY 40356

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


Benjamin C. Dunlap, Jr., Esquire