

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held January 14, 1999

Commissioners Present:

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

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

A-00113589

CITY OF LEBANON
Complainant

C-00970107

v.

CONSOLIDATED RAIL
CORPORATION, et al,
Respondent

COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION,

C-00970126

Complainant

v.

CONSOLIDATED RAIL
CORPORATION,
Respondent

THE TOWNSHIP,
BOARD OF SUPERVISORS
Complainant

C-00970106

v.

CONSOLIDATED RAIL
CORPORATION, et al.,
Respondent

DOCKETED
JAN 29 1999

DOCUMENT
FOLDER



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

IN REPLY PLEASE
 REFER TO OUR FILE

January 21, 1999

A-00113589, C-00970107,
 C-00970126, C-00970106 &
 A-00109901

TIMOTHY D SHEFFEY ESQUIRE
 REILLY WOLFSON SHEEFY SCHRUM & LUNDBERG
 1601 CORNWALL ROAD
 LEBANON PA 17042

Application of the County of Lebanon Transit Authority . . .
 City of Lebanon v. Consolidated Rail Corporation, et al.
 Commonwealth of Pa Dept of Transportation v. Consolidated Rail Corporation
 The Township Board of Supervisors v. Consolidated Rail Corporation
 Application of South Lebanon Township . . .

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in Public Meeting on January 14, 1999 in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

James J. McNulty,
 Secretary

encls
 cert. mail
 law

DOCKETED

Jan 29 1999

See attached
 for additional
 parties of record

**DOCUMENT
 FOLDER**

APPLICATION OF SOUTH LEBANON
TOWNSHIP FOR THE APPROVAL OF
THE ALTERATION OF THE CROSSING
(AAR 591 537 S). WHERE TOWN-
SHIP ROAD 705 (WILHELM-
AVENUE). CROSSES BELOW GRADE
OF THE TRACKS OF THE
CONSOLIDATED RAIL CORPORATION
IN SOUTH LEBANON TOWNSHIP,
LEBANON COUNTY

A-00109901

O R D E R

BY THE COMMISSION:

We adopt as our action the Recommended Decision of
Administrative Law Judge Herbert S. Cohen dated October 20, 1998;
THEREFORE,

IT IS ORDERED:

1. That the request of South Lebanon Township to
modify the September 15, 1993, Commission Order in this proceeding
so as to demolish and remove the bridge, including the stone
abutments, which carries the tracks of R.J. Corman Railroad
Company/Allentown Lines, Inc. over Township Road 705 (Wilhelm
Avenue) in South Lebanon Township, Lebanon County, is hereby
approved. Therefore, the September 15, 1993, Commission Order be
and is hereby modified consistent with this Order.

2. That the jurisdictional limits of this project are
tentatively established as that portion of Wilhelm Avenue which
will be affective by the highway widening project, plus all of the
railroad right-of-way involved.

3. That South Lebanon Township shall, at its initial
cost and expense, within six months of service of the Commission's
Order, shall furnish all material and do all work necessary to
prepare and submit to all parties of record for review, and to the
Commission for review and approval, detailed right-of-way and
construction plans for the demolition and removal of the railroad
bridge over Wilhelm Avenue and the construction of a two lane
highway in its place. The new highway is to be designed to be
compatible with the existing highway approaches. The railroad
embankment is to be sloped back at a 2:1 slope. The highway
improvement is to be constructed such that there is minimum or no
involvement with the Metropolitan Edison Company's 96 KV line pole
on the south side of the crossing.

4. That South Lebanon Township, at its initial cost and expense, shall prepare and submit to all parties of record for review and this Commission for review and approval, the exact legal description in metes and bounds of the R.J. Corman Railroad Company/Allentown Lines, Inc. property which must be appropriated to construct the new highway at the crossing. Following which the said property will be appropriated in accordance with the provisions of Section 2702 of the Public Utility Code, 66 Pa. C.S.A. §2702.

5. That South Lebanon Township shall, at its initial cost and expense, within 12 months of approval of the construction plans ordered in paragraph No. 3, furnish all material and do all work necessary to demolish and remove the bridge and construct the associated highway improvements all in accordance with the approved construction plans.

6. That R.J. Corman Railroad Company/Allentown Lines, Inc. shall, at its initial cost and expense, prior to the start of work as directed in paragraph 5 of this Order, furnish all material and do all work necessary to make adjustments to its facilities required as a result of the construction this improvement, including, but not limited to the removal of all affected track, railroad ties and ballast.

7. That South Lebanon Township at least twenty (20) days prior to the start of work notify all parties of record of the actual date when work will be started on this project. That South Lebanon Township shall give R.J. Corman Railroad Company/Allentown Lines, Inc. at least 3 months notice of the start of work date so that it can remove its railroad facilities from this crossing area in accordance with paragraph 6 of this Order.

8. That South Lebanon Township, at its initial cost and expense, if the railroad facilities have not been removed as directed in Order paragraph 6 herein, then said facilities should be removed in conjunction with its work directed in Order paragraph 5 herein and R.J. Corman Railroad Company/Allentown Lines, Inc. shall, lose the right to salvage said railroad facilities.

9. That South Lebanon Township shall, at its initial cost and expense, furnish all material and do all work necessary to establish, mark and maintain any detours which may be required to properly accommodate highway traffic, during the time subject improvement is being constructed.

10. That Metropolitan Edison Company shall, at its initial cost and expense, provide all material and perform all work necessary to relocate, protect or modify its facilities, near the location of this crossing, in such a manner so as not to interfere with the construction of the improvement.

11. That Bell Atlantic-Pennsylvania, Inc. shall, at its initial cost and expense, provide all material and perform all work necessary to relocate, protect or modify its facilities, near the location of this crossing, in such a manner so as not to interfere with the construction of the improvement.

12. That any other modifications, or protections, of any other utility facilities located at the crossing, which may be required as incidental to the execution of the crossing improvement project, shall be made by the pertinent public utility, at its initial cost and expense, in such manner as will not interfere with the construction of the improvement.

13. That South Lebanon Township and R.J. Corman Railroad Company/Allentown Lines, Inc. shall cooperate with each other, and with the pertinent utilities, so that the work of the construction of the improvement will not be delayed, the operation of motor vehicles will not be endangered or unduly impeded and service of associated public utilities will not be unnecessarily interrupted.

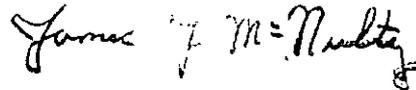
14. That South Lebanon Township and Pennsylvania Department of Transportation shall cooperate with each other in seeking the use of Bridge Bill funds for construction of the improvement as currently proposed.

15. That, upon completion of this project, South Lebanon Township and R.J. Corman Railroad Company/Allentown Lines, Inc. shall report to the Commission the actual date of completion, of the work ordered herein and, at the earliest practicable time subsequent to the date of completion, shall submit to this Commission a detailed statement of the actual cost incurred in furnishing material and performing work in accordance with this order.

16. That upon completion of the work herein ordered, the Wilhelm Avenue (T-705) crossing where the track of R.J. Corman Railroad Company/Allentown Lines, Inc. crossed above Wilhelm Avenue be and is hereby suspended.

17. That, upon completion of the work herein ordered, this matter shall be scheduled for further hearing, at a time and place to be determined by the Commission, for the purpose of taking testimony concerning the allocation of costs and expenses incidental to the construction of the project, allocating maintenance responsibilities and addressing any other matters pertinent to this proceeding.

BY THE COMMISSION,

A handwritten signature in cursive script that reads "James J. McNulty".

James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: January 14, 1999

ORDER ENTERED: **JAN 21 1999**