

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

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1. **REPORT DATE:** : 2. **BUREAU AGENDA NO.**  
January 5, 1999 :  
3. **BUREAU:** : JAN-1999-ALJ-3\*  
ALJ :  
4. **SECTION(S):** : 5. **PUBLIC MEETING DATE:**  
6. **APPROVED BY:** :  
Robert A. : January 14, 1999  
Chief ALJ: Christianson :  
Supervisor: :  
7. **PERSON IN CHARGE:** :  
ALJ Herbert S. Cohen :  
8. **DOCKET NO.:** : FEB -2 1999  
[REDACTED] :  
[REDACTED] ALJ, A-109901 :  
9. (a) **CAPTION** (abbreviate if more than 4 lines)  
(b) Short summary of history & facts, documents & briefs  
(c) Recommendation

DOCKETED

(a) 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 Corp. Located in the City of Lebanon, Lebanon County etc. v. Consolidated Rail Corp.

(b) The South Lebanon Twp. filed a formal Complaint against Consolidated Rail Corp. regarding the condition of the railroad crossing. The Township, the City of Lebanon The Commonwealth of Pennsylvania, Department of Transportation and the County of Lebanon Transit Authority also filed complaints regarding other crossings on said line.

(c) There was a recommendation to remove the bridge, suspension/alternation of the existing crossing and employment of a standard 2:1 grade for the railroad embankment reached in this proceeding whereupon Consolidated Rail agreed to the reconstruction/repairs of this crossing and others.

Recommended Decision served: October 23, 1998  
No Exceptions have been received by the Commission.

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10. **MOTION BY:** Commissioner Chm. Quain Commissioner Rolka - Yes  
Commissioner Brownell - Yes  
**SECONDED:** Commissioner Bloom Commissioner Wilson - Yes

**CONTENT OF MOTION:** That the Decision of ALJ Cohen be adopted as the action of the Commission.

DOCUMENT  
FOLDER

SRE

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

A-00109901

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

DOCKETED  
JAN 29 1999

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

DOCUMENT  
FOLDER

THE TOWNSHIP,  
BOARD OF SUPERVISORS  
Complainant

C-00970106

v.

CONSOLIDATED RAIL  
CORPORATION, et al.,  
Respondent

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, loose 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.

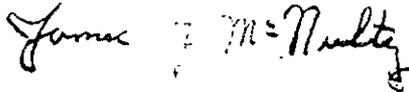
14. That South Lebanon Township and Pennsylvania Department of Transportation shall cooperate with each other in seeking the use of Bridge Bill funds for construction of the improvement as currently proposed.

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