

1. REPORT DATE: 00/00/ :  
 2. BUREAU: TSR :  
 3. SECTION(S) : 4. PUBLIC MEETING DATE:  
 5. APPROVED BY: : 00/00/00  
 DIRECTOR: :  
 SUPERVISOR: :  
 6. PERSON IN CHARGE: : 7. DATE FILED: 09/18/00  
 8. DOCKET NO: C-00004204 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: WHITE HAVEN BOROUGH

RESPONDENT/APPLICANT: READING, BLUE MTN & NORTHERN RR

COMP/APP COUNTY: LUZERNE

UTILITY CODE: 500014

ALLEGATION OR SUBJECT

COMPLAINANT STATES COMPLAINT IS THE GENERAL FAILURE OF THE RAILROAD TO ADDRESS CITIZEN AND BOROUGH CONCERNS FOR THE CONDITIONS OF THE TRACKAGE AND APPURTENANCES WITHINT THE BOROUGH. THE COMPLAINANTS ARE COMPLAINING ABOUT THE RETAINING WALL COLLAPSE ADJACENT TO BERWICK STREET CROSSING, THE TRESTLE ON SUSQUEHANNA STREET WHICH SHOWS SIGNS OF CRACKED STONE STRUCTURAL BLOCKS, RUSTING AND CORROSION OF THE MAIN STEEL STRUCTURE AND LOST SUPPORT ON HAND RAILINGS, AND THE WALL NEXT TO G&A HARDWARE IN THE BOURHG HAS SEVERAL TREES GROWING OUT OF AND ON TOP OF THE WALL. MANY CITIZENS HAVE EXPRESSED THEIR CONCERNS AS TO THE ABOVE-REFERENCED SITES, AS WELL AS THE CONTINUING INSPECTION AND MAINTENANCE OF THE RAILROAD COMPANY STRUCTURES AND RAIL WITHIN THE BOROUGH. COMPLAINANT WANTS THE PUC TO MANDATE THAT THE RAILROAD COMPLETE AN ANNUAL INSPECTION OF ITS FACILITIES WITHIN THE BOROUGH AND TO PROVIDE WRITTEN COMMUNICATIONS AS TO ITS CONDITION. ALSO REQUIRE THE RAILROAD TO REHABILITATE THE TRESTLE THROUGH ENGINEERED/DESIGNED REMEDIATION FOR SAFER PASSAGE AND TO REPAIR/RESTORE THE RETAINING WALL TO SAFE CONDITION. ADDIIONAL RESPONDENTS ARE: PENNDOT, LUZERNE COUNTY SOLICITOR.

**DOCKETED**  
 SEP 18 2000

DOCUMENT  
 FOLDER

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

DATE SERVED: SEPTEMBER 19, 2000

C-00004204

READING, BLUE MT & NORTHERN RAILROAD COMPANY  
PO BOX 218  
PORT CLINTON PA 19549

-----  
LUZERNE COUNTY SOLICITOR  
ATTN: RICHARD M. GOLDBERG  
LUZERNE COUNTY COURT HOUSE  
200 NORTH RIVER STREET  
WILKES BARRE PA 18711

-----  
PENNDOT  
ATTN: ANDREW GORDEN ESQUIRE  
OFFICE OF CHIEF COUNSEL  
555 WALNUT ST 9TH FL  
HARRISBURG PA 17101-1900

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by WHITE HAVEN BOROUGH. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

**CUSTOMER OF A UTILITY**

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

**COMPANY/UTILITY**

DOCUMENT  
FOLDER

**An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.**

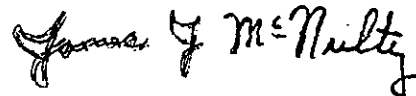
SEPTEMBER 19, 2000

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,

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

James J. McNulty  
Secretary

JH

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: SEPTEMBER 19, 2000

WHITE HAVEN BOROUGH

Complainant

VS.

READING, BLUE MT & NORTHERN  
RAILROAD COMPANY

LUZERNE COUNTY SOLICITOR  
Commonwealth of Pennsylvania  
Department of Transportation

Respondents

Complaint Docket  
No: C-00004204

DOCUMENT  
FOLDER  
**DOCKETED**  
SEP 18 2000

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**FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY**

---

**TO: RESPONDENTS  
TAKE NOTICE:**

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17120**, an answer (original and two copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes

a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.

*James J. McNulty*

James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

ORIGINAL

September 15, 2000

Commonwealth of Pennsylvania  
Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: **Reading Blue Mountain and Northern Railroad Company**  
**Borough of White Haven**  
**Our File No.: 14469-001**

C-00004204  
500014

728863

Dear Sir/Madam:

Enclosed for filing please find an original and three copies of a Complaint in the above-referenced matter. Kindly file the original and return the copies, time-stamped, in the enclosed envelope.

Please do not hesitate to contact me should you have any questions with regard to this matter.

Very truly yours,  
*Jill A. Moran*  
JILL A. MORAN

RECEIVED  
SECRETARY'S BUREAU  
00 SEP 18 AM 11:04

JAM:mnp  
cc: White Haven Borough Council (w/out enc.)  
Ron Sturgeon, P.E. (w/out enc.)

41

COMPLAINT

BEFORE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL  
58064

For Commission Use Only:  
 COMPLAINT DOCKET NO. C-00004204 REF. # \_\_\_\_\_ UTILITY CODE \_\_\_\_\_  
 \_\_\_\_\_ VS. \_\_\_\_\_

PLEASE PRINT:

1. YOUR NAME, ADDRESS AND TELEPHONE NUMBER.

Name White Haven Borough  
 Street 312 Main St.  
 City White Haven State PA Zip 18664  
 County Luzerne Home Telephone-Area Code (570)-443-9129  
 Work Telephone-Area Code ( ) \_\_\_\_\_

2. COMPANY YOU ARE COMPLAINING ABOUT.

Name Reading, Blue Mountain and Northern Railroad Company

3. WHAT IS YOUR COMPLAINT (DESCRIBE PROBLEM).

---SEE ATTACHED---

\_\_\_\_\_  
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72886  
 RECEIVED  
 SEP 18 AM 11:04  
 SECRETARY'S BUREAU

(More Space On Back)

For Commission Use Only:  
 DATE FILED   /  /   MONITOR \_\_\_\_\_ BUREAU \_\_\_\_\_

3. WHAT IS YOUR COMPLAINT (DESCRIBE PROBLEM)

1. General failure of the railroad to address citizen and Borough concerns for the conditions of the trackage and appurtenances within the Borough. Their apparent lack of concern for the safety of their property through the Borough is evidenced as follows:
  - On or about May 24, 2000, a repair crew from the railroad apparently caused a section of wall to partially collapse and buckle. This is shown in the supporting photos. The subsequent repair was completed, however, the railroad was completely non-responsive to the Boroughs request to meet with them. At no time did the railroad attempt to get in contact with the Borough.
  - Following this collapse and repair, an additional section failed adjacent to the "new" section. Again, repairs were made after several months, with no courtesy of communication to the Borough.
2. The stone/steel trestle at Susquehanna Street has rotted ties/timbers and handrails. Routine train passage has seen debris fall onto the roadway creating unsafe vehicular conditions. Also included are the abutment portions on each side of the trestle. The handrail supports are being used structurally to carry the weight/support at the ballast (stone). The rails are being held in place by the overgrown trees (on the east side). Several timbers are missing and the openings are large enough for a child to fall through (see photos). Much of the bridge abutment/timber ties are being held in place by actively growing tree trunks. Other than this support there appears to be no anchoring to prevent a catastrophic failure.
3. The entire stone retaining wall supporting the approach on the east side (by G&A Hardware) is know to have vegetative growth and freeze/thaw action which has produced voids behind the retaining wall as well as concerns about voids under the trackage. Again, tree growth appears to be providing structural support.

Lastly, there is an area repaired 30+ years ago by use of an I-beam/timbered wailer type support. This temporary repair has been overlooked so long that many of the wood wailers are rotting.

Lined area for writing, with two punch holes at the top.

(If You Need More Space Attach Paper)

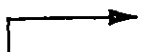
4. WHAT DO YOU WANT US TO DO?

---SEE ATTACHED---

Lined area for writing the response to question 4.

(If You Need More Space Attach Paper)

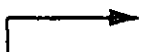
YOU MUST SIGN HERE



*Jill A. Moran*

Signature of complainant or attorney for corporate complainant

PUT TODAY'S DATE HERE



9-13-00

Today's Date

**YOU DO NOT NEED A LAWYER**

If you DO have a lawyer PLEASE PRINT the lawyer's name, address and telephone number below.

Lawyer's Name Jill A. Moran, Esquire, Solicitor, White Haven Borough

Street 123 Warren Street

City West Hazleton State PA Zip 18201

Telephone Number-Area Code ( 570 ) 450-5529

4. WHAT DO YOU WANT US TO DO?

1. Mandate that the railroad complete an annual inspection of its facilities within the Borough and provide written communications as to its condition.
2. Require the railroad to rehabilitate the trestle through engineered/designed remediation for safer passage.
3. Repair/restore the retaining wall to safe condition.

CORRESPONDENCE



June 14, 2000

Commonwealth of Pennsylvania  
Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Reading Blue Mountain and Northern Railroad Company  
Borough of White Haven  
Our File No.: 14469-001**

Dear Sir/Madam:

Please be advised that our office serves as Solicitor of the Borough of White Haven (the "Borough"). Reading Blue Mountain and Northern Railroad Company (the "Railroad") maintains certain facilities and railroad tracks which run through the Borough. Recently, there was some damage to a retaining wall which is owned and maintained by the Railroad and situate on property within the Borough and adjacent to the Berwick Street crossing within the Borough. After receiving notice of the damage, the Railroad agreed to repair the same. On May 16, 2000, I forwarded correspondence to the Railroad outlining the damage to the retaining wall and confirming that the Railroad would correct the same. Subsequently, Ron Sturgeon, of Pennoni Associates, Inc., who serve as the Borough Engineer, had the opportunity to survey the damage to the retaining wall, as well as some other potentially unsafe conditions within the Borough. Specifically, Mr. Sturgeon expressed concern with regard to the following:

A. The above-referenced retaining wall collapse adjacent to the Berwick Street crossing;

B. The trestle on Susquehanna Street which shows signs of cracked stone structural blocks, rusting and corrosion of the main steel structure and lost support on hand railings; and

C. The wall next to G&A Hardware in the Borough has several trees growing out of and on top of the wall. There are several bulges along the wall, one of which has apparent voids extending into or under the Railroad's embankment. A portion of the wall has an older repair consisting of welded railroad irons anchored to cross ties. There are erosion concerns resulting from rotting timbers used in this repair as well.

On June 7, 2000, a portion of the retaining wall adjacent to the Berwick Street crossing collapsed. On June 12, 2000, an additional section of this retaining wall collapsed.

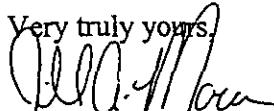
[www.powell-group.com](http://www.powell-group.com)

June 14, 2000  
Page 2

Commonwealth of Pennsylvania  
Public Utility Commission

Several citizens of the Borough as well as members of White Haven Borough Council have expressed concerns as to the above-referenced sites, as well as the continuing inspection and maintenance of the Railroad Company's structures and rail within the Borough. As the rail line within the Borough incurs heavy railroad traffic and, especially, due to its close proximity to residences and businesses within the Borough, we are concerned as to the safety of our citizens. We have placed the Railroad Company on continuing notice of the problems which we have been experiencing and also of our intention to notify your office of the same. Please consider this correspondence as a formal complaint of the Borough of White Haven with regard to the situations outlined within. If you are in need of any additional information, please do not hesitate to contact me directly.

Very truly yours,



JILL A. MORAN

JAM:mnp

cc: White Haven Borough Council  
Mayor Raymond Ward  
Ron Sturgeon, P.E.



June 14, 2000

**VIA CERTIFIED AND REGULAR MAIL**

Mr. John Walaitis  
Track and Bridge Inspector  
Reading, Blue Mountain &  
Northern Railroad Company  
P.O. Box 218  
Port Clinton, PA 19549

Mr. Michael Cormier  
Track Superintendent  
Reading, Blue Mountain &  
Northern Railroad Company  
P.O. Box 218  
Port Clinton, PA 19549

**Re: White Haven Borough  
Our File No.: 14469-001**

Gentlemen:

As you are aware, we have had ongoing problems with your facilities within the Borough of White Haven, Luzerne County, Pennsylvania (the "Borough"). On May 16, 2000, I forwarded the enclosed correspondence to your attention with regard to the dangerous situation which existed within the Borough with regard to a retaining wall collapse adjacent to Berwick Street within the Borough. Subsequently, on May 24, 2000, the Borough Engineer, Ron Sturgeon of Pennoni Associates, Inc., forwarded additional correspondence to your attention outlining the problem with the retaining wall and an additional problem with the retaining wall/abutment which parallels the G&A Hardware Store off Susquehanna Street within the Borough. As you are aware, on June 7, 2000, a portion of the retaining wall adjacent to the Berwick Street crossing collapsed. Further, on June 12, 2000, additional damage occurred with another collapse of the retaining wall.

As you are aware, this situation is extremely serious and impacts upon the safety of the citizens of the Borough as well as your employees. In order to protect the interests of the citizens of the Borough, we are placing the Public Utility Commission on notice of the problems outlined in my May 16, 2000, correspondence as well as the correspondence of Ron Sturgeon dated May 24, 2000.

We are, of course, anxious to resolve these matters and will work with you in whatever way possible in order to satisfactorily resolve the same. If you have any questions regarding this matter, I would ask that you please contact me directly or Ron

**w w w . p o w e l l - g r o u p . c o m**

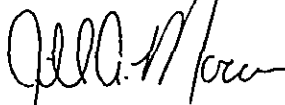
June 14, 2000  
Page 2

Mr. John Walaitis  
Mr. Michael Cormier

Sturgeon of Pennoni Associates at (570) 824-2200 so that we may resolve this matter as soon as possible to insure the safety of the citizens of the Borough.

Thank you for your attention to this matter.

Very truly yours



JILL A. MORAN

JAM:mnp  
Enclosure

cc: White Haven Borough Council  
Ronald A. Sturgeon, P.E.  
Mayor Raymond Ward  
Chief Gary Shupp



PENNONI ASSOCIATES INC.

CONSULTING ENGINEERS May 24, 2000

P.O. Box 651

Wilkes-Barre, PA 18703

Tel: 570-824-2200

Fax: 570-824-0800

John Walaitis  
Reading Blue Mountain and Northern  
Railroad Company  
PO Box 218  
Port Clinton, PA 19549

**RE: Track and Appurtenances Traversing  
Borough of White Haven  
Pennoni Project No. WHHB 2001/01**

Gentlemen:

Our correspondence is in reference to your facilities that transverse through the Borough of White Haven, Luzerne County. Our firm represents the Borough as its engineering consultant.

Recently, a retaining wall collapse adjacent to the Berwick Street crossing occurred. We understand that you have made contact with the property owner next to your wall. To date, no repair activities have been implemented. I previously spoke with Mr. Cormier on this matter as well. He referred me to Mr. Walaitis. Please advise our firm or the Borough as to the repair schedule.

At last week's public meeting, a resident raised a concern not only about the above referenced deficiency, but also about your retaining wall/abutment which parallels the G&A Hardware Store off Susquehanna Street. We had the opportunity to view the situation as well today, and we are all of the opinion that the following should be inspected and repaired in addition to the repair of the wall at Berwick Street:

- The trestle on Susquehanna Street, though apparently parged and pointed with a non-shrink grout within the last several years, shows signs of cracked stone structural blocks, rusting and corrosion of the main steel structure and lost support on hand railings. We could not determine the bridge reference number on this structure.
- The wall next to G&A Hardware has several trees growing out of and on top of the wall. There are several bulges along the wall, one of which has apparent voids extending into or under your embankment. A portion of the wall has an older repair consisting of welded railroad irons anchored to cross ties. There are erosion concerns resulting from rotting timbers used in this repair as well.

The concerned residents that live immediately next to your trackage within the Borough questioned the liability of these concerns and if the PUC can be contacted. We ask that perhaps your group do a complete review and inspection of the facilities

which transverse White Haven and share your report of findings and implementation of repairs with the Borough Council as soon as possible.

Additionally, Council is most interested in your inspection routine and requirements. These concerns have been growing yearly with no apparent maintenance being performed other than to keep the tracks operational. Your supporting facilities appear to be left unmanaged until there is a possibility of actual train stoppage.

Our engineers can meet with your personnel anytime. Also, you are invited to the Borough public meetings which are held on the first and third Thursday of each month.

We anticipate hearing from you or your representative.

Sincerely,

**PENNONI ASSOCIATES INC.**

A handwritten signature in cursive script that reads "Ronald A. Sturgeon".

✓ Ronald A. Sturgeon, P.E.  
Regional Manager, Borough Engineer

RAS:kg

cc: White Haven Borough  
Jill Moran, Solicitor



PENNONI ASSOCIATES INC.

CONSULTING ENGINEERS May 24, 2000

P.O. Box 651

Wilkes-Barre, PA 18703

Tel: 570-824-2200

Fax: 570-824-0800

Michael Cormier  
Reading Blue Mountain and Northern  
Railroad Company  
PO Box 218  
Port Clinton, PA 19549

**RE: Track and Appurtenances Traversing  
Borough of White Haven  
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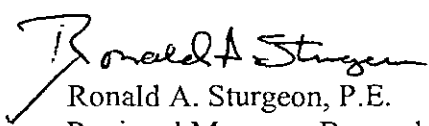
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We anticipate hearing from you or your representative.

Sincerely,

**PENNONI ASSOCIATES INC.**

  
Ronald A. Sturgeon, P.E.  
Regional Manager, Borough Engineer

RAS:kg

cc: White Haven Borough  
Jill Moran, Solicitor

READING BLUE MOUNTAIN AND NORTHERN  
RAILROAD COMPANY

P. O. BOX 218, PORT CLINTON, PA 19549



JOHN WALAITIS  
TRACK & BRIDGE  
INSPECTOR

Ph. (610) 562-2100  
Cell Phone (610) 780-4681  
Fax (610) 562-1920  
E-Mail DERAILER@CSRLINK.NET  
WWW.RBMNRR.COM  
WWW.READINGNORTHERN.COM

READING BLUE MOUNTAIN AND NORTHERN  
RAILROAD COMPANY

P. O. BOX 218, PORT CLINTON, PA 19549



MICHAEL CORMIER  
TRACK SUPERINTENDENT

Ph. (610) 823-7129  
Fax (717) 645-7149  
WWW.RBMNRR.COM  
WWW.READINGNORTHERN.COM

FIRST COLLAPSE

**PHOTOGRAPHS**



**First Collapse**  
**Photo Date: 5/12/00**



**First Collapse**  
**Photo Date: 5/12/00**

# PHOTOGRAPHS



**First Collapse**  
**Photo Date: 5/12/00**



**First Collapse**  
**Photo Date: 5/12/00**

SECOND COLLAPSE





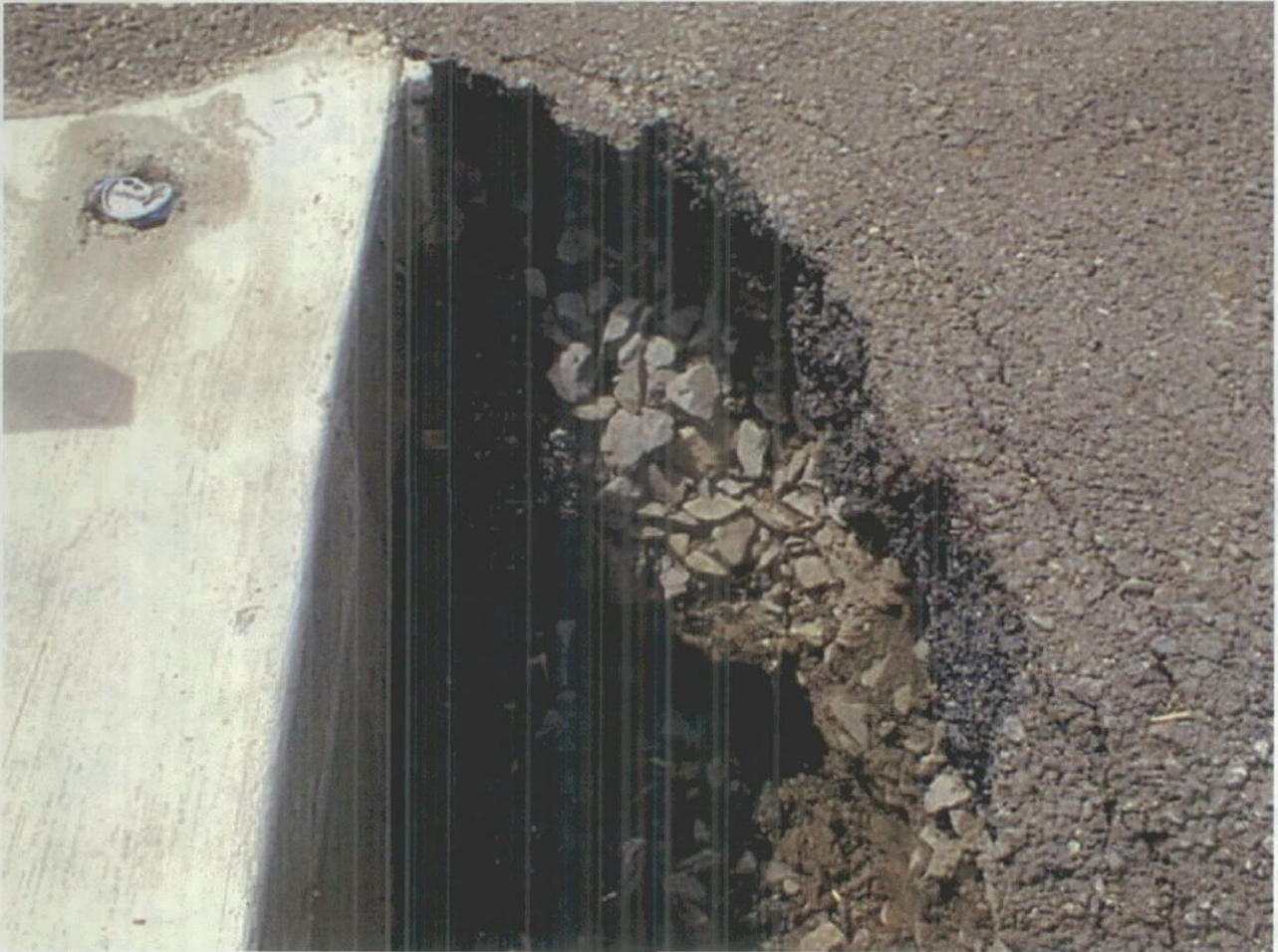














TRESTLE





















RETAINING WALL







