



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

IN REPLY PLEASE  
REFER TO OUR FILE

November 27, 2007

**VIA HAND DELIVERY**

**ORIGINAL**

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Keystone Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: White Haven Borough v. Reading Blue Mountain and Northern  
Railroad Company, Docket No. C-00004204**

Dear Secretary McNulty:

Enclosed for filing with the Commission are the original and nine (9) copies of the Exceptions of the Law Bureau Prosecutory Staff to the Recommended Decision of Administrative Law Judge Ember S. Jandebaur. As indicated by the attached Certificate of Service, all parties to this proceeding have been served with copies.

If you have any questions regarding this submission, please do not hesitate to contact me.

**DOCUMENT  
FOLDER**

Sincerely yours

Terrence J. Buda  
Law Bureau Prosecutory Staff

Enclosures

cc: Per Certificate of Service

2007 NOV 27 PM 3:19  
PA PUC  
SECRETARY'S BUREAU

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**White Haven Borough** :  
v. :  
**Reading Blue Mountain and** : **Docket No. C-00004204**  
**Northern Railroad Company** :  
:

---

**EXCEPTIONS OF LAW BUREAU PROSECUTORY STAFF  
TO THE RECOMMENDED DECISION OF  
ADMINISTRATIVE LAW JUDGE  
EMBER S. JANDEBEUR**

---

Now comes, the Law Bureau Prosecutory Staff, by and through its counsel, Terrence J. Buda, Esquire, pursuant to 66 Pa. C.S. § 332(h), and files Exceptions to Administrative Law Judge Ember S. Jandebaur's Recommended Decision in the above-captioned matter, and in support thereof states the following:

1. As indicated in the ALJ's Recommended Decision, this decision addresses a single issue that remains from the White Haven Borough's (Borough) formal complaint filed on September 18, 2000. According to the ALJ, the only remaining issue to be resolved is a 171 foot retaining wall along tracks owned and operated by Reading Blue Mountain and Northern Railroad (RBM&NRR). The RBM&NRR retaining wall is approximately eight (8) to nine (9) feet from the G & A Hardware store at 107 Susquehanna Street, in White Haven Borough, Pennsylvania. The Borough and the Commission's Bureau of Transportation & Safety (BTS) believe the retaining wall is a danger to the public and wants it repaired, replaced, or the track moved. The ALJ concluded that the Borough and BTS met their burden of proving that the RBM&NRR retaining wall is structurally failing, that it presents a safety hazard, and must be replaced. Therefore, the ALJ recommends that RBM&NRR remove a tree affecting their retaining wall immediately, replace the current retaining wall or move it, and analyze the conditions of a timber bin wall.
  
2. In support of the decision, the ALJ ordered in Ordering Paragraph No. 2 "that within six (6) months of the final Commission Order RBM&NRR shall at its sole cost and expense, prepare and submit to all parties of

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record for examination and to this Commission for approval, a complete and detailed construction plans for the replacement of the retaining wall.” LBPS agrees with the conclusion reached in the Recommended Decision that RBM&NRR shall replace the 171 foot retaining wall. LBPS does not agree with this timeline and, in addition, LBPS excepts to the Recommended Decision’s failure to set a timeline for the completion of the actual construction of the replacement retaining wall.

3. LBPS submits that this case has been ongoing since September 18, 2000 and the ALJ has concluded that the retaining wall is structurally failing and presents a safety hazard. Each day that this wall remains in this condition it poses a serious threat to public safety. Given that the RBM&NRR already has the benefit of in-depth structural engineering data, evaluation and analysis, moving up the completion date to three (3) months for the plan is warranted and necessary to protect the public.
4. Finally, LBPS recommends that RBM&NRR be ordered to complete the replacement of the retaining wall within twelve (12) months of the final Commission Order. Based on this timetable, RBM&NRR should have until approximately the end of 2008 to complete the wall – a sufficient amount of time.

In conclusion, Law Bureau Prosecutory Staff requests that this Commission grant these exceptions and order Blue Mountain and Northern Railroad Company to prepare and submit the construction plans for the replacement of the retaining wall within three (3) months instead of the six (6) months allowed by the Recommended Decision and, complete the replacement of the retaining wall within twelve (12) months of the final Commission Order.

Respectfully submitted,



Terrence J. Buda  
Assistant Counsel  
Law Bureau Prosecutory Staff  
PA Attorney ID #33477

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the persons listed and in the manner indicated below:

**Service by First Class Mail:**

Reading Blue Mountain & Northern  
Railroad  
PO Box 218  
Port Clinton, PA 19549

Elizabeth J. Altero, Secretary  
White Haven Borough  
312 Main Street  
White Haven, PA 18661

Donald G. Karpowich, Esquire  
White Haven Borough  
85 Drasher Road  
Drums, PA 18222

James P. Blaum, Esquire  
Luzerne County  
Luzerne County Courthouse  
200 N. River Street  
Wilkes Barre, PA 18711

Thomas P. Pizano, Chairman  
Luzerne County  
Luzerne County Courthouse  
200 N. River Street  
Wilkes Barre, PA 18711

Gino Andreuzzi, Esquire  
Dennison Township  
76 Walnut Street  
White Haven, PA 18661

Sam Macurak, Jr., Chairman  
Dennison Township  
20 Macorak Lane  
White Haven, PA 18661

Jason D. Sharp, Esquire  
Pa. Dept. of Transportation  
9<sup>th</sup> Floor Keystone Building  
PO Box 8212  
Harrisburg, PA 17105-8212

Gary C. Fawver, Chief  
Pa. DOT Right of Way & Utilities  
7<sup>th</sup> Floor Keystone Building  
PO Box 3362  
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Gregory F. Lepore, Esquire  
Holl & Associates  
920 S. Broad Street  
PO Box 807  
Lansdale, PA 19446

Joseph Strok  
PennDOT District 4-0  
PO Box 111  
Scranton, PA 18501

Wesley Westerhoefer  
Reading Blue Mtn & Northern RR Co.  
PO Box 218  
Port Clinton, PA 19544

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Samuel T. Guesto, Jr., Chief Clerk  
Luzerne County Court House  
200 N. River Street  
Wilkes Barre, PA 18711

Kathleen Stortz, Secretary  
Dennison Township  
67 Coallagher Lane  
White Haven, PA 18661

Ron Sturgeon  
Pennonni Associates  
100 N. Wilkes Barre Blvd.  
Wilkes Barre, PA 18701

Honorable Ember S. Jandebour  
Administrative Law Judge  
PA Public Utility Commission  
Room 317 Scranton Office Bldg  
100 Lackawanna Avenue  
Scranton PA 18503



---

Terrence J. Buda  
Assistant Counsel  
Attorney ID No. 33477  
Pennsylvania Public Utility Commission

P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-5000

Dated: November 27, 2007

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**LAW OFFICES OF GREGORY F. LEPORE**

*Attorney At Law*

1860 Geryville Pike  
Pennsburg Pa 18073

GREGORY F. LEPORE, ESQ.

(215) 901-1865  
FAX (215) 679-0710  
E-MAIL - glepore@comcast.net

ORIGINAL

11/28/2007

James McNulty, Secretary  
Commonwealth of Pennsylvania  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
2<sup>nd</sup> Floor  
Keystone Buiolding  
400 North Street  
Harrisburg, PA 17105-3265  
Via Fedex

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NOV 28 2007

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

RE: Whitehaven Boro v. Reading Blue Mountain and Northern Railroad  
Company-C-00004204

Dear Mr. McNulty:

Enclosed please find Exceptions to the Recommended Decision issued  
11/08/07 in the above, along with a Petition for Leave to file additional exceptions  
Nunc Pro Tunc, and a certificate of service relative to the same.

Sincerely,

  
GREGORY F. LEPORE

DOCUMENT  
FOLDER

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

WHITE HAVEN BOROUGH :  
 :  
v. : Complaint Docket  
READING, BLUE MOUNTAIN & : No.: C-00004204  
NORTHERN RAILROAD COMPANY :

EXCEPTIONS OF THE READING, BLUE MOUNTAIN AND NORTHERN RAILROAD COMPANY TO THE RECOMMENDED DECISION ISSUED ON NOVEMBER 8, 2007 BY ADMINISTRATIVE LAW JUDGE EMBER JANDEBEUR

AND NOW, comes the Reading, Blue Mountain and Northern Railroad Company, by and through its counsel, Gregory F. Lepore, and files the following Exceptions to the Recommended Decision, issued November 28 2007, authored by Administrative law judge Ember Jandebaur, pursuant to 52 Pa.Code, §5.533:

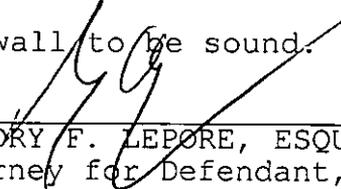
1. The Railroad excepts to the proposed ordering paragraph number five (1) .

The Railroad excepts to the proposed ordering paragraph number five (5) because it requires the Railroad to entirely replace the wall in question without any evidence having been heard or considered concerning the cost of the same, which is obviously substantial, and without consideration of other feasible alternatives such as repair or removing load from the wall. Further the above ordering paragraph is against the weight of the evidence concerning the safety of said wall, given that the only engineer not employed by a party testified at the hearing that he believed the wall to be sound.

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NOV 28 2007

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

By:   
GREGORY F. LEPORE, ESQUIRE  
Attorney for Defendant,  
Reading, Blue Mountain & Northern  
Railroad Company  
1860 Geryville Pike  
Pennsburg, PA 18073  
(215) 901-1865

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing documents, Exceptions to Recommended Decision, and Petition for Leave to File Additional Exceptions Nunc Pro Tunc, upon the persons listed and in the manner indicated below:

SERVICE BY FIRST CLASS MAIL:

Donald G. Karpowich, Esquire  
White Haven Borough  
85 Drasher Road  
Drums, PA 18222

Thomas P. Pizano, Chairman  
Luzerne County  
Luzerne County Courthouse  
200 N. River Street  
Wilkes Barre, PA 18711

Sam Macurak, Jr., Chairman  
Dennison Township  
20 Macorak Lane  
White Haven, PA 18661

Gary C. Fawver, Chief  
PA DOT Right of Way and Utilities  
7<sup>th</sup> Floor Keystone Bldg.  
P.O. Box 3362  
Harrisburg, PA 17105-3362

Joseph Stok  
Penndot District 4-0  
P.O. Box 111  
Scranton, PA 18501

Elizabeth J. Altero, Secretary  
White Haven Borough  
312 Main Street  
White Haven, PA 18661

James P. Blaum, Esquire  
Luzerne County  
Luzerne County Courthouse  
200 N. River Street  
Wilkes Barre, PA 18711

Gino Andrequzzi, Esquire  
Dennison Township  
76 Walnut Street  
White Haven, PA 18661

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NOV 28 2007

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Jason D. Sharp, Esquire  
PA. Dept. of Transportation  
9<sup>th</sup> Floor Keystone Building  
P.O. Box 8212  
Harrisburg, PA 17105-8212

Wayne T. Scott, Esquire  
Assistant Counsel  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Samuel T. Guesto, Jr., Chief Clerk  
Luzerne County Courthouse  
200 N. River Street  
Wilkes Barre, PA 18711

Kathleen Stortz, Secretary  
Dennison Township  
67 Coallagher Lane  
White Haven, PA 18661



---

GREGORY F. LEPORE  
Attorney ID. # 43779  
Reading Blue Mountain and  
Northern Railroad Company

Dated: November 28, 2007

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

WHITE HAVEN BOROUGH :  
 :  
 :  
 v. : Complaint Docket  
 READING, BLUE MOUNTAIN & : No.: C-00004204  
 NORTHERN RAILROAD COMPANY :

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

NOV 29 2007

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PETITION FOR LEAVE TO FILE ADDITIONAL EXCEPTIONS NUNC PRO TUNC

1. Defendant, Reading Blue Mountain and Northern Railroad Company filed a single exception to the recommended decision of A.L.J. Jandebaur in the above matter on November 28, 2007.

2. The Railroad, to the best of its knowledge, was never served with a copy of the recommended decision.

3. Counsel did not actually receive the Recommended Decision until the week of Thanksgiving ( due to change of address and forwarding issues) , at which time the persons at the Railroad responsible for the decision were unavailable due to holiday travel .

4. These individuals were reached by email on Monday, November 27, but have not had an opportunity to review the document itself by the date exceptions were due, Monday, November 28, 2007.

5. Counsel and client have not had an opportunity to confer meaningfully regarding these exceptions. Counsel has filed a single exception based on phone conversations, but without his client having had an opportunity for consideration.

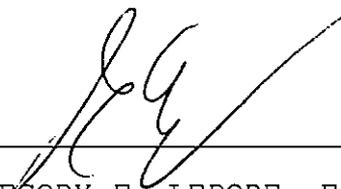
6. The Railroad therefore requests an additional 14 days to file additional exceptions.

7. The delay will not prejudice any party.

8. The PUC has the authority to exercise its discretion and consider exceptions filed nunc pro tunc. Millcreek Twp. v The PUC, 753 A.2d 324 (PA. Cmwlth. 2000).

Wherefore, for the above reasons, Reading Blue Mountain and Northern Railroad Company respectfully requests that the PUC consider its exception Nunc Pro Tunc.

Respectfully submitted

By:  \_\_\_\_\_

GREGORY F. LEPORE, ESQUIRE  
Attorney for Defendant,  
Reading, Blue Mountain & Northern  
Railroad Company  
1860 Geryville Pike  
Pennsburg, PA 18073  
(215) 901-1865

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing documents, Exceptions to Recommended Decision, and Petition for Leave to File Additional Exceptions Nunc Pro Tunc, upon the persons listed and in the manner indicated below:

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Dennison Township  
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NOV 28 2007

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

White Haven, PA 18661

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PA. Dept. of Transportation  
9<sup>th</sup> Floor Keystone Building  
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Assistant Counsel  
Pennsylvania Public Utility Commission  
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Harrisburg, PA 17105-3265

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Wilkes Barre, PA 18711

Kathleen Stortz, Secretary  
Dennison Township  
67 Coallagher Lane  
White Haven, PA 18661

---

GREGORY F. LEPORE  
Attorney ID. # 43779  
Reading Blue Mountain and  
Northern Railroad Company

Dated: November 28, 2007

Timely  
due 12/10/07



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

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2004.0169.00

December 7, 2007

**VIA HAND DELIVERY**

James J. McNulty, Jr., Secretary  
Pennsylvania Public Utility Commission  
Keystone Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

ORIGINAL

Re: White Haven Borough v. Reading Blue Mountain & Northern  
Railroad; Docket No. C-00004204

Dear Mr. McNulty:

Enclosed for filing with the Commission are the original and nine (9) copies of the Reply Exceptions of the Law Bureau Prosecutory Staff to the Recommended Decision of Administrative Law Judge Ember S. Jandebaur. As indicated by the attached Certificate of Service, all parties of record to this proceeding have been served with copies.

If you have any questions regarding this submission, please do not hesitate to contact me.

Sincerely,

Terrence J. Buda  
Law Bureau Prosecutory Staff

Enclosure

cc: As per certificate of service

TJB/fcp

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

White Haven Borough

v.

Reading Blue Mountain & Northern  
Railroad

:  
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Docket No. C-0000420

**ORIGINAL**

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2001 DEC -7 PM 3:21  
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**REPLY EXCEPTIONS OF LAW BUREAU PROSECUTORY STAFF  
TO THE RECOMMENDED DECISION OF  
ADMINISTRATIVE LAW JUDGE  
EMBER S. JANDEBEUR**

---

Now comes, the Law Bureau Prosecutory Staff (LBPS), by and through its counsel, Terrence J. Buda, Esquire, pursuant to 66 Pa.C.S. § 322(h), and files Reply Exceptions to Administrative Law Judge (ALJ) Ember S. Jandebaur's Recommended Decision in the above-captioned matter, and in support thereof states the following:

1. Reading Blue Mountain and Northern Railroad (RBM&NRR) excepts to the ALJ's Ordering Paragraph No. 5 requiring RBM&NRR to replace the retaining wall arguing that other feasible alterations were not considered and that the only engineer not employed by a party testified at the hearing that he believed the wall to be sound.
2. In reply, LBPS submits that the conclusion reached by the ALJ in Ordering Paragraph No. 5 is supported by the record in this proceeding. The ALJ on

page 17 of the Recommended Decision gave a thorough analysis of the record and the basis for her decision. In particular, the ALJ weighed the evidence and was persuaded by the testimony of the White Haven Borough engineer, Mr. Yannuzzi and the Benner Report submitted by Timothy S. Benner, P.E., the engineer retained by RBM&NRR. More specifically, the ALJ relied on the Benner Report's conclusion that "[t]he wall is in overall poor condition," and recommended short term to "[r]emove all vegetation from [the] area behind the wall" and long term, to "[r]eplace the wall." Exh. C-2. Therefore, LBPS believes that the ALJ's decision is supported by the evidence presented in this proceeding and that the evidence is substantial.

In conclusion, LBPS requests that this Commission deny the exception filed by RBM&NRR.

Respectfully submitted,



---

Terrence J. Buda  
Assistant Counsel  
Law Bureau Prosecutory Staff  
Attorney ID #33477

P.O. Box 3265  
Harrisburg, PA 17105-3265  
717-787-5000

Dated: December 7, 2007

## CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the persons listed and in the manner indicated below:

### Service by First Class Mail:

Honorable Ember S. Jandebour  
Administrative Law Judge  
PA. Public Utility Commission  
Room 317 Scranton Office Bldg  
100 Lackawanna Avenue  
Scranton, PA 18503

Thomas P. Pizano, Chairman  
Luzerne County  
Luzerne County Courthouse  
200 N. River Street  
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PennDOT District 4-0  
55 Keystone Industrial Park  
Dunmore, PA 18512

Gary C. Fawver, Chief  
PennDOT Right of Way & Utilities  
7<sup>th</sup> Floor Keystone Building  
PO Box 3362  
Harrisburg, PA 17105-3362



---

Terrence J. Buda  
Assistant Counsel  
Attorney ID No. 33477  
Pennsylvania Public Utility Commission

P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-5000

Dated: December 7, 2007

PAUL R. OBER & ASSOCIATES

A PENNSYLVANIA PARTNERSHIP

PAUL R. OBER  
TERRY L. PARISH  
JAMES L. DAVIS\*  
CHARLES M. WATKINS  
JOSEPH A. LA FLAMME, P.E.\*\*  
THOMAS C. ANEWALT  
JAMES A. CUNNINGHAM\*  
MICHELLE A. RHIZOR\*

ATTORNEYS AT LAW  
234 N. 6<sup>TH</sup> STREET  
READING, PENNSYLVANIA 19601

(610) 378-0121  
FAX (610) 378-9712

JOHN J. MURPHY, JR. (1984)

BOYERTOWN OFFICE:  
10 N. Reading Avenue  
Boyletown, PA 19512  
(610) 367-6991

- \* ALSO MEMBER CALIFORNIA BAR
- \* ALSO MEMBER NEW JERSEY & FLORIDA BARS
- \* LL.M. IN TAXATION
- \* OF COUNSEL/RETIRED
- \* ALSO MEMBER NEW JERSEY BAR
- \* LICENSED PROFESSIONAL ENGINEER  
IN PENNSYLVANIA, FLORIDA & NEW YORK

[paul@oberandassociates.com](mailto:paul@oberandassociates.com)

June 8, 2010

Rosemary Chiavetta, Secretary  
PA PUC  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

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2010 JUN 11 AM 10:52  
PA P.U.C.  
LAW BUREAU

RE: **White Haven Borough v. RBM&NRR**  
Docket No. ~~2168 CD 2009~~ **C-00004204**

Dear Secretary Chiavetta:

Enclosed please find an original plus one copy of Defendant's *Plan for Repair/Replacement of White Haven Wall*. Please file same on behalf of Reading, Blue Mountain and Norther Railroad Company. All parties have been served in accordance with the enclosed *Certificate of Service*.

Please return a time-stamped copy to the undersigned; thank you for your anticipated cooperation.

Very Truly Yours,  
**Paul R. Ober & Associates**

*Kristie Faller Stump*

Kristie Faller-Stump, Legal Assistant  
to Paul R. Ober, Esquire

PRO/kns  
Enclosures

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2010 JUL 15 AM 11:48  
SECRETARY'S BUREAU  
1000 N. 3<sup>RD</sup> STREET  
HARRISBURG, PA 17102

SUBURBAN OFFICES  
by appointment

607 S. 4<sup>TH</sup> STREET, HAMBURG, PA 19526 (610) 562-5879  
1244 WEST HAMILTON STREET, ALLENTOWN, PA 18102 (610) 437-4455  
P.O. BOX 196, SKIPPACK, PA 19474 (484) 576-0233

White Haven Borough v. Reading, Blue Mountain &  
Northern Railroad Company

C-00004204

---

PETITION FOR REVIEW filed by White Haven Borough,  
at Docket No. 2407 C.D. 2010, Commonwealth Court of  
Pennsylvania, from the Orders of the Commission entered  
September 2, 2010 and October 21, 2010, in the above-  
captioned appeal.

B-2010-2210119

Filed: November 10, 2010

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JAN 12 2011

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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

IN REPLY PLEASE  
REFER TO OUR FILE

December 23, 2010

C-00004204

MARK CHAPPELL PE CHIEF  
ROW & UTILITY DIVISION  
PENNDOT BUREAU OF DESIGN  
PO BOX 3362  
HARRISBURG PA 17105-3362

**DOCUMENT  
FOLDER**

White Haven Borough  
v.  
Reading Blue Mountain & Northern Railroad

Dear Mr. Chappell:

This is to advise that a final inspection will be held at the at the crossing where Susquehanna Street crosses, below grade, the track of Reading, Blue Mountain & Northern Railroad in White Haven Borough on Thursday January 6, 2011, at 11:30 a.m.

Please arrange to have a representative present.

Very truly yours,

Ronald J. Hull, P.E.  
Rail Safety Division  
Bureau of Transportation and Safety  
717-787-1106

RJH:mb



**G&A Hardware Inc**  
**107 Susquehanna St**  
**White Haven Pa 18661**  
**570-443-8744**

**DOCUMENT  
FOLDER**

PA PUBLIC UTILITY BOARD  
**JUN 02 2011**  
BUREAU OF TRANSPORTATION  
RAIL SAFETY DIVISION

05/26/2011  
Reading, Blue Mountain, & Northern Railroad  
Re; Retaining wall repairs, White Haven Borough

This letter is a follow up from the meeting on or about 05/12/2011. At that meeting water drainage was our main concern with the completion of this project. Previously we (G&A Hardware) had installed two pipes to carry the water from the North West corner of the property east to the edge of an existing foundation, and one pipe (4 inch) South following natural grade to a culvert pipe which leads to the storm drainage system in town. The two pipes running west to East were repaired after initial construction, but crushed when crews returned to slope the bank at the rear of our property. In addition to this is a new water problem, where previously there was none. Water now collects for approximately 60-70 feet along the new repairs and drains across through the center of our parking area into the culvert pipe in the Southeast corner. This creates a problem with ice in the winter months, mud and dirt during the rest of the year.

After examination of the water flow and volume, the only solution I feel acceptable would be, for the first problem, to replace both pipes running from west to east, set with pitch and surrounded with crushed stone. As for the new problem, I feel again, that pipe should be installed with pitch, and surrounded with crushed stone.

This new pipe to be installed would need to run approximately 90 feet along the footer of the wall, and cross our parking area an additional 80 feet to the culvert pipe at the southeast corner. The first 60 feet of pipe starting from the culvert should be Schedule 40 PVC or heavier to reduce the chance of collapse. I realize there is not much pitch from west to east therefore not much cover over the pipe; this is the reason for requesting SCH 40 pipe. After installation of the pipe, the parking area should be covered with an additional truckload (22 ton) of modified stone and finish graded.

The only area left is between the western side of our building and the repaired wall and footer. During this past winter we had a problem with water seeping through the block wall and into the building. After our concerns to RBM&NRR went unanswered we contacted #1 Contracting. They removed some of the stone from the area and this seemed to remedy the problem. The only thing we ask is that the area be raked down and slight grade away from our building.

I feel it is unfortunate that I should have to give up my time to write this letter asking the railroad to just finish this project properly. We did not ask for these problems, and I feel our cooperation went above and beyond what were necessary, as adjoining property owners to see this project through. The additional work we are requesting is minute in the scope of the whole job. We appreciate your prompt attention on this matter.

Edward Jarick  
G&A Hardware