



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

IN REPLY PLEASE
REFER TO OUR FILE

March 23, 2004

C-00004204

WESLEY WESTERHOEFER
READING BLUE MOUNTAIN
AND NORTHERN RAILROAD
PO BOX 218
PORT CLINTON PA 19544

DOCKETED
APR 30 2004

In re:

White Haven Borough
v.
Reading, Blue Mountain and Northern Railroad

**DOCUMENTS
FOLDER**

Dear Mr. Westerhoefer:

I am in receipt of your letter dated January 26, 2004, regarding the repairs made of the site where Susquehanna Street crosses, below the grade of your tracks. Upon review of the inspection also submitted, it is deemed insufficient to satisfy our order entered February 8, 2002. The aforesaid order directed your railroad to perform and submit an "In-Depth Inspection and Load Rating Analysis" of the subject bridge including the stone retaining walls along its tracks.

Please submit the above aforesaid information immediately since the time frame established in our order is already expired.

Your attention in this matter is appreciated.

Very truly yours,

David C. Hart, P.E.
Rail Safety Division
Bureau Transportation and Safety
717-787-9732

DCH:RJH:lg



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

IN REPLY PLEASE
REFER TO OUR FILE

November 2, 2004

C-00004204

GARY C FAWVER PE CHIEF
ROW & UTILITY DIVISION
PENNDOT BUREAU OF DESIGN
PO BOX 3362
HARRISBURG PA 17105-3362

DOCKETED

NOV 18 2004

DOCUMENT

In re:

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

Dear Mr. Fawver:

This is to advise that a final inspection will be held at the site of the crossing where Susquehanna Street crosses, below grade, the tracks of the Reading, Blue Mountain and Northern Railroad Company on Friday, November 12, 2004 at 10:00 a.m. to discuss any outstanding matters.

If no outstanding matters are brought to the Commission's attention, the record will be closed following the inspection.

Very truly yours,

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

RJH:lg

C-00004204

George Jarick
G&A Hardware Inc
107 Susquehanna St
White Haven Pa 18661

570-443-8744
GAHARDWARE@HOTMAIL.COM

Ron J Hull, P.E.
Commonwealth of Pennsylvania, Bureau of Transportation & Safety
Pennsylvania Public Utility Commission, Rail Safety Division
P.O. Box 3265
Harrisburg Pa 17105-3265

DOCKETED
JUN 18 2005

RECEIVED
2005 MAY -2 PM 2:09
SECRETARIAT OF JUDGE

April 23, 2005

RE: Railroad retention wall @ 107 Susquehanna St., White Haven, Pa.

Dear Ron, You have been very helpful in the past regarding this problem. My reason for this letter is that I believe that the stone retention wall at the rear of our property is in IMMINENT DANGER OF COLLAPSE. Several years ago, after the hearing at the courthouse in Scranton, the railroad sent someone to re-point the stonework with mortar where the wall is bulging. The mortar joints do make it easier to monitor any changes in the wall. I have noticed that the mortar joints are now separating and cracking. I believe that the bulge in the wall is therefore getting larger. This particular bulge, to refresh your memory, is located at the furthest back corner of the retention wall, where the railroad tracks happen to be at their closest point to the wall also. I believe that the consensus a few years ago was that if the wall collapsed at this spot, the integrity of the railroad tracks would be compromised. And when the wall does collapse, it would likely happen when a train was traveling past the bulge, due to the extra weight and vibration of the passing train. This could likely result in a derailment. A derailment at this location, within the borough of White Haven could result in loss of life due to the close proximity of business' and residences to the railroad in the area. Also, there could be dire environmental impact from any contaminant runoff to the Lehigh River just down the hill from the railroad.

I believe that letting the railroad deal with this problem is like letting the fox guard the henhouse, as was evidenced by the railroads band-aid patch job of pointing the mortar joints instead of correctly repairing the bulging wall. It has been five years since our first attempts to resolve this. Please forward this to anyone you feel it appropriate to.

Time is rapidly running out to avert a disaster. Please help us.

Sincerely,



BTL

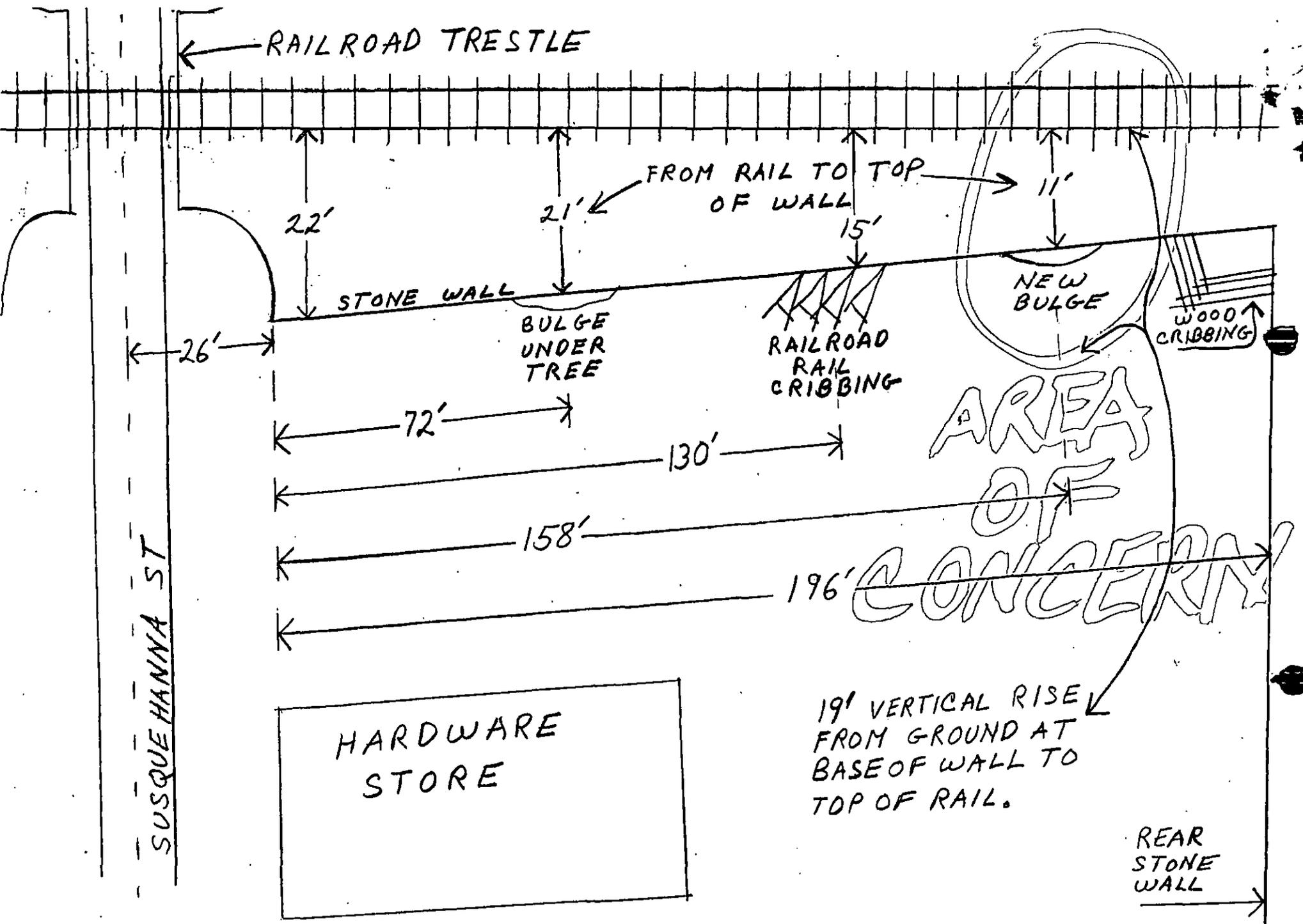
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APR 26 2005

BUREAU OF TRANSPORTATION & SAFETY
RAIL SAFETY DIVISION

George Jarick

**DOCUMENT
FOLDER**



SUSQUEHANNA ST

HARDWARE STORE

19' VERTICAL RISE FROM GROUND AT BASE OF WALL TO TOP OF RAIL.

AREA OF CONCERN

C-00004204

ORIGINAL

**COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Public Utility Commission**

DATE: July 28, 2005
SUBJECT: C-00004204
TO: James J. McNulty
Secretary
FROM: David C. Hart, P.E., Manager
Rail Safety Division
Bureau of Transportation & Safety

David C. Hart

RECEIVED

JUL 28 2005

In Re:

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

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

By Commission Opinion and Order entered February 8, 2002, Reading, Blue Mountain and Northern Railroad Company was directed to perform an in-depth inspection and evaluation of the stone retaining walls along its tracks leading from the Susquehanna Street railroad bridge and upon completion submit to the Commission and each party of record a written report. The order further directed that upon submission of the in-depth inspection and evaluation report a further hearing be held to consider the report and their recommendations and any other issues involved.

The aforesaid report has been prepared and submitted to the Commission; therefore, it is requested that this proceeding be scheduled for an additional hearing as directed.

cc: Office of Administrative Law Judge

**DOCUMENT
FOLDER**

DOCKETED
AUG 05 2005

COMMONWEALTH OF PENNSYLVANIA

DATE: August 5, 2005
SUBJECT: C-00004204
TO: Office of Administrative Law Judge
FROM: James J. McNulty, Secretary *KB*

White Haven Borough
V.
Reading, Blue Mountain and Northern Railroad Company

Per memo dated July 28, 2005, from David C. Hart, P.E., Manager, Rail Safety Division, Bureau of Transportation and Safety, the above docketed proceeding is being reassigned to your Office for appropriate action.

ksb

cc: TSR-memo only
TSL-memo only

DOCKETED
AUG 05 2005

DOCUMENT
FOLDER

DT



COMMONWEALTH OF PENNSYLVANIA
Office of Administrative Law Judge
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

August 9, 2005

IN REPLY PLEASE
REFER TO OUR FILE

In Re: ~~C-0004204~~ ^{C-0004204}

(SEE ATTACHED LIST)

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

Complainant states complaint is the general failure of the Railroad to address citizen and Borough concerns for the conditions of the trackage and appurtenances within the Borough. The Complainant's 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 borough has several trees growing out of and on top of the wall. Many citizens have expressed their concerns as to the above-reference 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. Additional respondents are: PennDOT, Luzerne County Solicitor.

N O T I C E

This is to inform you that an Initial Pre-Hearing Conference on the above-captioned case will be held as follows:

Date: Tuesday, October 4, 2005

Time: 10:00 a.m.

DOCKETED
AUG 11 2005

**DOCUMENT
FOLDER**

Location:

Room 318
Scranton State Office Building
100 Lackawanna Avenue
Scranton, Pennsylvania

Presiding:

Administrative Law Judge Ember S. Jandebaur
Room 317, Scranton State Office Building
100 Lackawanna Avenue
Scranton, PA 18503
Telephone: (570) 963-4818
Fax: (570) 963-3310

***Attention:** You may lose your case if you do not take part in this hearing and present facts on the issues raised.*

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the presiding officer. A copy must also be provided to each party of record.

The Commission's rules require that all parties, except for those individuals appearing on their own behalf, be represented by counsel. Therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Jandebaur
Cyndi Page - CMU, Keystone 3E
Dave Hart - T&S Rail, Keystone 3N
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section
Calendar File



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

IN REPLY PLEASE
REFER TO OUR FILE

August 17, 2005

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

ORIGINAL

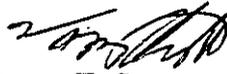
Re: White Haven Borough v. Reading, Blue Mountain and Northern
Railroad Company
No. C-00004204

Dear Mr. McNulty:

Enclosed for filing are an original and three (3) copies of the Entry of Appearance on behalf of the Bureau of Transportation and Safety of the Pennsylvania Public Utility Commission in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

**DOCUMENT
FOLDER**


Wayne T. Scott
Assistant Counsel
Attorney ID No. 29133

WTS/rgb

Enclosure

cc: As per Certificate of Service
Robert J. Longwell, DCC
Michael E. Hoffman
David P. Hart

RECEIVED
2005 AUG 17 PM 3:06
P.A. PUC
SECRETARY'S BUREAU

37

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

White Haven Borough

v.

Reading, Blue Mountain and Northern
Railroad Company

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No. C-00004204

DOCUMENT
FOLDER

ENTRY OF APPEARANCE

Please enter my appearance as counsel for the Bureau of Transportation and Safety of the Pennsylvania Public Utility Commission.

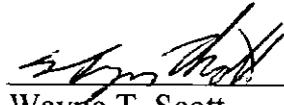
All service on and communications to the Bureau of Transportation and Safety in this proceeding should be addressed to:

Wayne T. Scott
Assistant Counsel
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265
Phone: 717-787-5000

2005 AUG 17 PM 3:06
PA PUC
SECRETARY'S BUREAU

RECEIVED

DOCKETED
AUG 22 2005



Wayne T. Scott
Assistant Counsel
Attorney ID #29133

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

Dated: August 17, 2005

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document, Praeceptum for Appearance, 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
9th Floor Keystone Building
PO Box 8212
Harrisburg, PA 17105-8212

Gary C. Fawver, Chief
Pa. DOT Right of Way & Utilities
7th Floor Keystone Building
PO Box 3362
Harrisburg, PA 17105-3362

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

RECEIVED
PA PUC
SECRETARY'S BUREAU

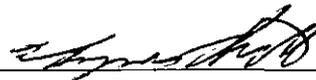
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Samuel T. Guesto, Jr., Chief Clerk
Luzerne County Court House
200 N. River Street
Wilkes Barre, PA 18711

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

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



Wayne T. Scott
Assistant Counsel
Attorney ID No. 29133
Pennsylvania Public Utility Commission

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

Dated: August 17, 2005

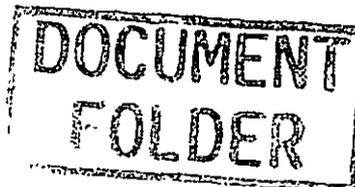


COMMONWEALTH OF PENNSYLVANIA
Office of Administrative Law Judge
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
August 9, 2005

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-0004204

THOMAS P PIZANO CHAIRMAN
LUZERNE COUNTY
LUZERNE COUNTY COURTHOUSE
200 NORTH RIVER STREET
WILKES BARRE PA 18711



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

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Time: 10:00 a.m.

RECEIVED
05 AUG 22 PM 2:55
PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Location: Room 318
Scranton State Office Building
100 Lackawanna Avenue
Scranton, Pennsylvania

Presiding: Administrative Law Judge Ember S. Jandebaur
Room 317, Scranton State Office Building
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Scranton, PA 18503
Telephone: (570) 963-4818
Fax: (570) 963-3310

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