

COMMONWEALTH OF PENNSYLVANIA

DATE: June 11, 2004
SUBJECT: A-00117798; C-20042702
TO: Office of Administrative Law Judge
FROM:  James J. McNulty, Secretary

DOCKETED
JUL 13 2004

APPLICATION OF PENNDOT
&
SUSAN WOOD
V.
NATIONAL RAILROAD PASSENGER CORPORATION

**DOCUMENT
FOLDER**

Per memo dated June 3, 2004, from David C. Hart, P.E., Manager, Rail Safety Division, Bureau of Transportation & Safety, the above docketed proceeding is being reassigned to your Office for appropriate action.

jih

pc: TSR
TSL



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
June 18, 2004

IN REPLY PLEASE
REFER TO OUR FILE

In Re: A-00117798
 C-20042702

(SEE ATTACHED LIST)

APPLICATION OF PENNDOT
&
SUSAN WOOD
v.
NATIONAL RAILROAD PASSENGER CORPORATION

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to replace the existing overhead bridge and request exemptions for horizontal clearances where S. R. 0072, Section 006 (Fruitville Pike) crosses over the tracks of National Railroad Passenger Corporation (Amtrak) (AAR No. 518 172T) in the City of Lancaster and Manheim Township, Lancaster County; and the allocation of costs incident thereto.

And
Susan Wood

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: Initial Hearing
Date: Thursday, August 26, 2004
Time: 10:00 a.m.
Location: Hearing Room 2
 Plaza Level
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, Pennsylvania

RJP

DOCKETED
JUN 22 2004

DOCUMENT
FOLDER

Presiding: Administrative Law Judge Louis G. Cocheres
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

Attention: You may lose the case if you do not come to 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.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

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 Cocheres
Eric Levis - BPL, Keystone 3NE
John Wilson - T&S Legal
Dave Hart - T&S Rail
Cherie Pyle
Beth Plantz
Docket Section
Calendar File

Ä-00117798; C-20042702 Application of PennDOT & Susan Wood v. National
Railroad Passenger Corporation

GARY C FAWVER CHIEF
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PENNDOT, OFFICE OF CHIEF
COUNSEL
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ANDREW S GORDON CHIEF
COUNSEL
PENNDOT, OFFICE OF CHIEF
COUNSEL
PO BOX 8212
HARRISBURG PA 17105-8212

BARRY G HOFFMAN ENGINEER
PENNDOT ENGINEERING
DISTRICT 8-0
2140 HERR STREET
HARRISBURG PA 17103-1699

PAUL THIBAUT CHAIRMAN
LANCASTER COUNTY
COMMISSIONERS' OFFICE
50 NORTH DUKE STREET
BOX 83480
LANCASTER PA 17608

CHARLES N SMITHGALL MAYOR
ATTN: RICHARD B. NISSLEY,
DIRECTOR
120 NORTH DUKE STREET
LANCASTER
PA 17603

ROY E BALDWIN PRESIDENT
MANHEIM TOWNSHIP
COMMISSIONERS
ATTN: JAMES M. MARTIN,
MANAGER
1840 MUNICIPAL DRIVE
LANCASTER PA 17601

JAMES S RITCHER CHIEF
ENGINEER
NATIONAL RAILROAD
PASSENGER CORPORATION
30TH STREET STATION
3RD FLOOR, SOUTH TOWER
PHILADELPHIA PA 19104

JOHN E YOUNGDAHL PROJECT
MANAGER
NATIONAL RAILROAD
PASSENGER CORPORATION
30TH STREET STATION
3RD FLOOR, SOUTH TOWER
PHILADELPHIA PA

DENNIS MOORE ASSOCIATION
GENERAL COUNSEL
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PASSENGER CORPORATION
60 MASSACHUSETTS AVENUE,
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STEPHANIE SORENSON MANAGER
VERIZON PENNSYLVANIA, INC.
11TH FLOOR
STRAWBERRY SQUARE
HARRISBURG PA 17101-1809

KATHY CRISPELL ENGINEERING
ASSOCIATE
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SERVICES, INC.
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JOHN KELHART AGENCY
COORDINATOR
PP&L ELECTRIC UTILITIES
CORPORATION
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- SUSAN WOOD
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CHRISTOPHER UNDERHILL
ESQUIRE
HARTMAN UNDERHILL &
BRUBAKER
221 EAST CHESTNUT STREET
LANCASTER PA 17602

JASON D SHARP ASSISTANT
COUNSEL
DEPARTMENT OF
TRANSPORTATION
OFFICE OF CHIEF COUNSEL
PO BOX 8212
HARRISBURG PA 17105-8212

CITY OF LANCASTER
ATTN: HARRY ST. C. GARMAN
120 NORTH DUKE STREET
LANCASTER PA 17603

NORFOLK SOUTHERN RAILWAY
COMAPNY
110 FRANKLIN ROAD S E
ROANOKE VA 24042-0028

QUESTIONS AND PROCEDURE

1. Pennsylvania Department of Transportation submit a plan of the general area of the involved crossings, showing the location thereof in relation to the rail line involved.
2. Department state the date when the bridges were built, the purpose of their construction and who constructed them.
3. Department submit testimony describing the general type of the existing bridges, including the number of spans, principal dimensions and roadway widths, number and width of sidewalks and horizontal and vertical clearances with respect to the railroad tracks; and state the nature and extent of any significant structural changes, alterations and improvements made since the bridges were originally constructed.
4. Department submit testimony regarding the highways involved at the subject crossing, indicating the name, route number and termini thereof, and indicate their relationship to other existing highways and any planned new highways in the areas.
5. Department submit testimony describing the location of the subject rail-highway crossings above grade, in relation to public improvements, facilities and adjacent public rail-highway crossings.
6. Department submit testimony stating its opinion as to the condition of the existing crossing structures, state its recommendation as to whether the structures should be repaired, rehabilitated or reconstructed and its reasons for such alteration; and state its estimate of the costs and time required to perform the recommended work.
7. Department submit into evidence copies of past orders or actions of the Commission, or its predecessors, which may have dealt with the construction, alteration or reconstruction of the subject crossings; and state when, why and how the subject crossings were originally established.
8. Department state whether any Federal funds or Bridge Bill funds were used or might be made available for any improvements and state from what program funds might be available, if any.
9. Department submit testimony indicating which items of estimated cost it agrees to bear and which party should bear the remaining items of cost, with the basis for such suggested assignment of costs.
10. Department submit testimony indicating what portion of the maintenance of the completed improvement or the existing structures it will agree to perform and what maintenance cost it will agree to assume and, if none, which party or parties should, in its opinion, be required to perform and assume the cost of maintenance after any

improvements ordered by the Commission have been completed, and state its reason therefore.

11. Ms. Susan Wood submit testimony describing the nature and extent of your complaint with specific reference to what improvements you would recommend be constructed or services provided at each of the rail/highway crossings.
12. City of Lancaster, Manheim Township and Lancaster County respond to question no's. 6, 7, 8, 9, and 10, as if same were asked of you.
13. National Railroad Passenger Corporation (hereinafter AMTRAK) submit testimony as to the exact corporate name of the owner and operator of the line of railroad involved at the subject rail-highway crossing.
14. AMTRAK submit testimony stating the number of tracks presently located at the crossings and whether any track is electrified; state the volume, class and approximate speed of all trains operated daily over these tracks; and state whether any changes in such operations are contemplated in the foreseeable future.
15. AMTRAK state what its past and present obligations are with respect to maintenance of the existing bridges at the subject crossings and the highway approaches thereto.
16. AMTRAK submit into evidence copies of past orders or actions of the Commission, or its predecessor, which may have dealt with the construction, alteration or reconstruction of the subject crossings; and state when, why and how the subject crossings were originally established.
17. AMTRAK submit testimony indicating what portion of the maintenance of any completed improvement or the existing structures it will agree to perform and what maintenance cost it will agree to assume and, if none, which party or parties should, in its opinion, be require to perform and assume the cost of maintenance after any improvements ordered by the Commission have been completed, and state its reason therefore.
18. Norfolk Southern Railway Company submit answers to question no's. 13, 14, 15, 16 and 17 as if same were asked of you.

If any non-carrier public utility company is seeking reimbursement for project work that it has not been compensated for at docket proceeding A-00117798, respond to question no's. 19, 20, 21 and 22.

19. Non-carrier public utility companies each submit into the record a detailed plan anticipating specific location of its facilities prior to the start of the crossing improvement project and as altered or relocated to accommodate the project, with specific indication as to type and size of each facility.

20. Non-carrier public utility companies each identify when its prior facilities were installed and under what permission or authority; state the anticipated service life of the prior facilities when they were installed; state the expected service life of the altered or relocated facilities and give comparison of prior facilities vs. altered or relocated facilities as to specific increases or decreases in capacity of each.
21. Non-carrier public utility companies each submit into the record a detailed, itemized summary of all costs and expenses incurred by it in furnishing material and performing work in accordance with the Commission order adopted September 26, 2001 and, if any, submit testimony explaining in full the summary of all costs.
22. Non-carrier public utility companies each state which items of costs incurred it agrees to bear and which party or parties it suggests should bear the remaining items of costs, with the basis for such suggested assignment of costs.
23. Query whether any party in interest, or any other party, desires to submit any additional relevant testimony.

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Public Utility Commission

DATE: June 3, 2004
SUBJECT: A-00117798, C-20042702
TO: James J. McNulty
Secretary
FROM: David C. Hart, P.E., Manager
Rail Safety Division
Bureau of Transportation & Safety

David C. Hart

SECRETARY'S BUREAU
03 JUN 11 11:10:41

DOCKETED
JUL 13 2004

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to replace the existing overhead bridge and request exemptions for horizontal clearances where S. R. 0072, Section 006 (Fruitville Pike) crosses over the tracks of National Railroad Passenger Corporation (Amtrak) (AAR No. 518 172 T) in the City of Lancaster and Manheim Township, Lancaster County; and the allocation of costs incident thereto.

and
Susan Wood
v.
National Railroad Passenger Corporation

**DOCUMENT
FOLDER**

It is suggested that this case be assigned to the Office of Administrative Law Judge and listed for hearing at an early date and that the following parties in interest be served notice thereof:

Pennsylvania Department of Transportation
Ms. Susan Wood
Lancaster County
City of Lancaster
Manheim Township
National Railroad Passenger Corporation
Verizon Pennsylvania, Inc.
Commonwealth Telecom Services, inc.
PPL Electric Utilities Corp.
XO Communications

69

In addition to any other relevant information, it is suggested that testimony be adduced at the hearing upon the appended list of Questions and Procedure and that appropriate action be taken at the hearing to incorporate the Questions and Procedure into the record in this proceeding.

DAO:lg

cc: Office of Administrative Law Judge
Law Bureau

QUESTIONS AND PROCEDURE

1. Pennsylvania Department of Transportation submit a plan of the general area of the involved crossings, showing the location thereof in relation to the rail line involved.
2. Department state the date when the bridges were built, the purpose of their construction and who constructed them.
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7. Department submit into evidence copies of past orders or actions of the Commission, or its predecessors, which may have dealt with the construction, alteration or reconstruction of the subject crossings; and state when, why and how the subject crossings were originally established.
8. Department state whether any Federal funds or Bridge Bill funds were used or might be made available for any improvements and state from what program funds might be available, if any.
9. Department submit testimony indicating which items of estimated cost it agrees to bear and which party should bear the remaining items of cost, with the basis for such suggested assignment of costs.
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improvements ordered by the Commission have been completed, and state its reason therefore.

11. Ms. Susan Wood submit testimony describing the nature and extent of your complaint with specific reference to what improvements you would recommend be constructed or services provided at each of the rail/highway crossings.
12. City of Lancaster, Manheim Township and Lancaster County respond to question no's. 6, 7, 8, 9, and 10, as if same were asked of you.
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14. AMTRAK submit testimony stating the number of tracks presently located at the crossings and whether any track is electrified; state the volume, class and approximate speed of all trains operated daily over these tracks; and state whether any changes in such operations are contemplated in the foreseeable future.
15. AMTRAK state what its past and present obligations are with respect to maintenance of the existing bridges at the subject crossings and the highway approaches thereto.
16. AMTRAK submit into evidence copies of past orders or actions of the Commission, or its predecessor, which may have dealt with the construction, alteration or reconstruction of the subject crossings; and state when, why and how the subject crossings were originally established.
17. AMTRAK submit testimony indicating what portion of the maintenance of any completed improvement or the existing structures it will agree to perform and what maintenance cost it will agree to assume and, if none, which party or parties should, in its opinion, be require to perform and assume the cost of maintenance after any improvements ordered by the Commission have been completed, and state its reason therefore.
18. Norfolk Southern Railway Company submit answers to question no's. 13, 14, 15, 16 and 17 as if same were asked of you.

If any non-carrier public utility company is seeking reimbursement for project work that it has not been compensated for at docket proceeding A-00117798, respond to question no's. 19, 20, 21 and 22.

19. Non-carrier public utility companies each submit into the record a detailed plan anticipating specific location of its facilities prior to the start of the crossing improvement project and as altered or relocated to accommodate the project, with specific indication as to type and size of each facility.

20. Non-carrier public utility companies each identify when its prior facilities were installed and under what permission or authority; state the anticipated service life of the prior facilities when they were installed; state the expected service life of the altered or relocated facilities and give comparison of prior facilities vs. altered or relocated facilities as to specific increases or decreases in capacity of each.
21. Non-carrier public utility companies each submit into the record a detailed, itemized summary of all costs and expenses incurred by it in furnishing material and performing work in accordance with the Commission order adopted September 26, 2001 and, if any, submit testimony explaining in full the summary of all costs.
22. Non-carrier public utility companies each state which items of costs incurred it agrees to bear and which party or parties it suggests should bear the remaining items of costs, with the basis for such suggested assignment of costs.
23. Query whether any party in interest, or any other party, desires to submit any additional relevant testimony.

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Public Utility Commission

DATE: June 23, 2004
SUBJECT: A-00117798, C-20042702
TO: B. R. Pankiw, Chief Counsel
Law Bureau
FROM: David C. Hart, P.E., Manager
Rail Safety Division
Bureau of Transportation & Safety

DOCKETED
JUL 15 2004

David C. Hart

By memo, dated June 3, 2004, I requested this matter be scheduled for hearing before an Administrative Law Judge.

Please consider this memo a request for legal representation.

**DOCUMENT
FOLDER**

pc:

Michael E. Hoffman, Director
Bureau of Transportation & Safety

Robert Longwell, Deputy Chief Counsel
Law Bureau

RJP

Cocheres, Louis

From: Cocheres, Louis
Sent: Wednesday, August 17, 2005 8:47 AM
To: 'Susan Wood'
Cc: 'bdunlapjr@nssh.com'; 'chrisu@hublaw.com'; Sharp, Jason; 'KZ@stevenslee.com'; Salapa, David; 'Benny@NSSH.com'; 'UDMA@amtrak.com'
Subject: RE: A-00117798/C-20042702

Ms. Wood --

I signed my Recommended Decision on Aug. 5. After an internal review, it existed this bureau on Aug. 11. In response to your inquiry, I have been informed by the staff whose job it is to serve the Commission Orders and Judges' Decisions that you should receive it in the next 7 to 10 days. If it has not appeared in your mailbox by then, send me another inquiry.

ALJ Cocheres

pc: File Room (PLEASE DOCKET)

**DOCUMENT
FOLDER**

-----Original Message-----

From: Susan Wood [mailto:swood512@hotmail.com]
Sent: Tuesday, August 16, 2005 7:09 PM
To: lcocheres@state.pa.us
Subject: RE: A-00117798/C-20042702

Judge Cocheres-- Can you give me any information about when a decision on this matter will be issued? -- Susan Wood

>From: "Cocheres, Louis" <lcocheres@state.pa.us>
>To: "Susan Wood" <swood512@hotmail.com>, "Cocheres, Louis"
><lcocheres@state.pa.us>
>CC: <bdunlapjr@nssh.com>, <chrisu@hublaw.com>, "Sharp, Jason"
><jsharp@state.pa.us>, <KZ@stevenslee.com>, "Salapa, David"
><dsalapa@state.pa.us>, <Benny@NSSH.com>, <UDMA@amtrak.com>
>Subject: RE: A-00117798/C-20042702
>Date: Thu, 3 Feb 2005 17:34:20 -0500

>Ms. Wood

>My review of the Dec. 8, 2004 transcript confirmed that I specifically
>allowed the record to remain open for 4 weeks after the hearing. That
>time frame was set to allow AMTRAK to research its records and submit
>any existing copy of the Lititz Pike Bridge plans. Even though AMTRAK
>only confirmed the absence of the plans today, my entry on the hearing
>report (that green sheet you and the other parties signed to indicate
>your participation in the hearing) also confirmed that time period and
>closed the record effective January 5, 2005.

>I trust that answers your concerns.

>ALJ Cocheres

>pc: File Room (PLEASE DOCKET)

>-----Original Message-----

>From: Susan Wood [mailto:swood512@hotmail.com]
>Sent: Monday, January 31, 2005 8:47 PM
>To: lcocheres@state.pa.us
>Cc: bdunlapjr@nssh.com; chrisu@hublaw.com; jsharp@state.pa.us;
>KZ@stevenslee.com; dsalapa@state.pa.us; Benny@NSSH.com;

RJP

Cocheres, Louis

From: Cocheres, Louis
Sent: Friday, August 20, 2004 10:52 AM
To: Sharp, Jason; 'Benjamin Dunlap'; 'udma@amtrak.com'; 'jlmiller@hmsk-law.com'; 'chrisu@hublaw.com'; 'jwe@stevenslee.com'; Salapa, David; 'Zielonis, Kenneth'
Cc: Parikh, Harivadan; Clark, Roger; Malhenzie, Mark; Berkey, William
Subject: RE: Wood v. Amtrak, et al., PUC Docket # C-20042702 (Request for Continuance)

LADIES AND GENTLEMEN:

A-001(7798)

As requested by Mr. Sharp, I will grant the continuance. I will request that the OALJ scheduling unit send a notice of cancellation and reschedule for the hearing set for August 26, 2004. I will direct that the new hearing date be set in October. I will also direct that Mr. Dunlap's name be added to the service list.

ALJ Cocheres

pc: File Room (PLEASE DOCKET)

DOCKETED
AUG 31 2004

-----Original Message-----

From: Sharp, Jason
Sent: Friday, August 20, 2004 10:33 AM
To: Cocheres, Louis; 'Benjamin Dunlap'; 'udma@amtrak.com'; 'jlmiller@hmsk-law.com'; 'chrisu@hublaw.com'; 'jwe@stevenslee.com'; Salapa, David; 'Zielonis, Kenneth'
Cc: Parikh, Harivadan; Clark, Roger; Malhenzie, Mark; Berkey, William
Subject: RE: Wood v. Amtrak, et al., PUC Docket # C-20042702 (Request for Continuance)

Judge,

I have spoken to Ken Zielonis, representing the County as special counsel for PUC matters, and Ms. Wood, neither of whom object to a continuance in this matter.

The only parties of record that I have not heard from are PPL or TelCove, non-carrier public utilities. Neither party has entered an appearance.

Jason D. Sharp
Assistant Counsel
PENNDOT - Office of Chief Counsel
P.O. BOX 8212
400 North Street
Harrisburg, PA 17105-8212
(717) 787-3128

DOCUMENT FOLDER

SECRETARY'S BUREAU
AUG 23 AM 9:47

-----Original Message-----

From: Cocheres, Louis
Sent: Thursday, August 19, 2004 5:16 PM

To: Sharp, Jason; 'Benjamin Dunlap'; 'udma@amtrak.com'; 'jmiller@hmsk-law.com'; 'chrisu@hublaw.com'; 'jwe@stevenslee.com'; Salapa, David
Cc: Parikh, Harivadan; Clark, Roger; Malhenzie, Mark; Berkey, William
Subject: RE: Wood v. Amtrak, et al., PUC Docket # C-20042702 (Request for Continuance)

Mr. Sharp --

I am willing to act on your request after you inform me of the responses from those who have not yet responded to your messages.

ALJ Cocheres

-----Original Message-----

From: Sharp, Jason

Sent: Thursday, August 19, 2004 4:47 PM

To: Cocheres, Louis; 'Benjamin Dunlap'; udma@amtrak.com; jmiller@hmsk-law.com; chrisu@hublaw.com; Sharp, Jason; jwe@stevenslee.com; Salapa, David

Cc: Parikh, Harivadan; Clark, Roger; Malhenzie, Mark; Berkey, William; Sharp, Jason

Subject: RE: Wood v. Amtrak, et al., PUC Docket # C-20042702 (Request for Continuance)

Judge Cocheres,

I am sending this e-mail to request a continuance of the hearing scheduled for next Thursday, August 26, 2004, in the *Wood v. Amtrak* matter (C-20042702 / A-00119356).

The Department recently identified an additional witness for this hearing who has a conflict on that day. Additionally, the Department will attempt to seek resolution of the matter by discussing the sole issue - sidewalk maintenance - with the other parties. Finally, as noted below, Ben Dunlap, Esquire, counsel for Norfolk Southern, is scheduled to appear at another hearing in Pittsburgh on the 26th. Mr. Dunlap never received notice of the *Wood* hearing.

I have spoken to Mr. Underhill, counsel for Lancaster City and Manheim Township, Mr. Dunlap, counsel for NS, and Mr. Moore, counsel for AMTRAK, none of whom object to the Department's request. I have placed a call to Ms. Wood, Janet Miller, Esquire, counsel for Verizon, and John Epenshade, Esquire, counsel for the County, and I am awaiting a return call from these parties. Mr. Salapa of the PUC is out of the office until Monday, August 23, 2004. I have also contacted a PPL representative.

I will be happy to follow up this e-mail with a formal correspondence tomorrow, but I did want to get this request to you in compliance with 52 Pa. Code Sec 1.15 and Judge Christianson's letter of January 9, 1999, on the issue of continuances.

8/20/2004

Thank you for your consideration of this request.

Jason D. Sharp
Assistant Counsel
PENNDOT - Office of Chief Counsel
P.O. BOX 8212
400 North Street
Harrisburg, PA 17105-8212
(717) 787-3128

-----Original Message-----

From: Benjamin Dunlap [mailto:bdunlapjr@NSSH.com]
Sent: Thursday, August 19, 2004 1:10 PM
To: udma@amtrak.com; jmiller@hmsk-law.com; chrisu@hublaw.com;
jsharp@state.pa.us; jwe@stevenslee.com
Subject: Re: Wood v. Amtrak, et al., PUC Docket # C-20042702 (Request for
Continuance or Conversion to a Pre Hear

Jason,

Checking the PUC's web site, I see that the hearing is set for August 26. Not only was I not sent notice of the hearing, but I have another hearing scheduled in Pittsburgh that same day. Please use this in your request for a continuance, to which I of course join in. Thanks.

Ben

P.S. Please also send me a copy of PennDOT's Answer to the Complaint in the Wood matter, which I did not receive.

>>> "Sharp, Jason" <jsharp@state.pa.us> 08/19/04 12:07PM >>>

Counselors, the Department is requesting that the hearing in the above referenced matter be continued or converted to a pre-hearing conference. I am writing to ask if any of you object to the Department's request. Please let me know of your position at your earliest convenience.

Thank you,

Jason Sharp.

Jason D. Sharp

Assistant Counsel

PENNDOT - Office of Chief Counsel

P.O. BOX 8212

400 North Street

Harrisburg, PA 17105-8212

(717) 787-3128



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

IN REPLY PLEASE
REFER TO OUR FILE

August 24, 2004

In Re: **A-00117798**
C-20042702

(See Letter Dated 6/18/04)

Application of PennDot
&
Susan Wood
v.

DOCKETED
SEP 02 2004

National Railroad Passenger Corporation

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to replace the existing overhead bridge and request exemptions for horizontal clearances where S. R. 0072, Section 006 (Fruitville Pike) crosses over the tracks of National Railroad Passenger Corporation (Amtrak) (AAR No. 518 172T) in the City of Lancaster and Manheim Township, Lancaster County; and the allocation of costs incident thereto.

Hearing Cancellation/Reschedule Notice

This is to inform you that the Initial Hearing on the above-captioned case previously scheduled for Thursday, August 26, 2004, has been canceled.

The hearing has been rescheduled as follows:

Type: Initial Hearing

Date: Tuesday, October 12, 2004

Time: 10:00 a.m.

Location: Hearing Room 3
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania

Presiding: Administrative Law Judge Louis G. Cocheres
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

**DOCUMENT
FOLDER**

Please mark your records accordingly.

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 Cocheres
Cherie Pyle
Beth Plantz
Docket Section
Calendar File

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	A-00117798 & C-20042702		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Application of PENNDOT & Susan Wood v.	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	National Railroad Passenger Corporation	Testimony Taken:	<input type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	HBG	Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:	<i>one</i>	
Date:	August 26, 2004			
		RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
ALJ:	Louis G. Cocheres	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
SEP 01 2004 PA PUBLIC UTILITIES COMMISSION SECRETARIAT BUREAU		REMARKS:	<i>At the request of PennDOT, the hearing was postponed</i>	

DOCUMENT FOLDER

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
	City State Zip	
Telephone:	E-mail Address:	Fax Number:
	City State Zip	
Telephone:	E-mail Address:	Fax Number:
	City State Zip	
Telephone:	E-mail Address:	Fax Number:

Check this box if additional parties or attendees appear on back of form.

Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



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

IN REPLY PLEASE
REFER TO OUR FILE

October 12, 2004

In Re: A-00117798
C-20042702

(See Letter Dated 8/24/04)

**DOCUMENT
FOLDER**

APPLICATION OF PENNDOT
&
SUSAN WOOD

v.

NATIONAL RAILROAD PASSENGER CORPORATION

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to replace the existing overhead bridge and request exemptions for horizontal clearances where S. R. 0072, Section 006 (Fruitville Pike) crosses over the tracks of National Railroad Passenger Corporation (Amtrak) (AAR No. 518 172T) in the City of Lancaster and Manheim Township, Lancaster County; and the allocation of costs incident thereto.

And
Susan Wood

Reschedule Notice

The hearing has been rescheduled as follows:

Type: Initial Hearing
Date: Thursday, December 9, 2004
Time: 10:00 a.m.
Location: Hearing Room 3
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania
Presiding: Administrative Law Judge Louis G. Cocheres
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

DOCKETED
NOV 01 2004

Please mark your records accordingly.

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 Cocheres
Cherie Pyle
Beth Plantz
Docket Section
Calendar File

#447549

DAVID A. SALAPA ESQUIRE
T&S LAW BUREAU
PO BOX 3265
HARRISBURG PA 17105-3265

✓ 9 ANDREW S GORDON CHIEF ✓
COUNSEL
PENNDOT, OFFICE OF CHIEF
COUNSEL
PO BOX 8212
HARRISBURG PA 17105-8212

✓ 5 HOWARD 'PETE' SHAUB ✓
CHAIRMAN
LANCASTER COUNTY
COMMISSIONERS' OFFICE
50 NORTH DUKE STREET
BOX 83480
LANCASTER PA 17608

✓ 6 CHARLES N SMITHGALL MAYOR
ATTN: CHARLOTTE A.
KATZENMOYER
120 NORTH DUKE STREET
LANCASTER
PA 17603

✓ 7 HARRY E RITTER PRESIDENT
MANHEIM TOWNSHIP
COMMISSIONERS
ATTN: JAMES M. MARTIN,
MANAGER
1840 MUNICIPAL DRIVE
LANCASTER PA 17601

✓ 8 JAMES S RITCHER CHIEF ✓
ENGINEER
NATIONAL RAILROAD PASSENGER
CORPORATION
30TH STREET STATION
3RD FLOOR, SOUTH TOWER
PHILADELPHIA PA 19104

✓ 9 JOHN E YOUNGDAHL PROJECT ✓
MANAGER
NATIONAL RAILROAD PASSENGER
CORPORATION
30TH STREET STATION
3RD FLOOR, SOUTH TOWER
PHILADELPHIA PA 19104

✓ 10 DENNIS MOORE ASSOCIATION ✓
GENERAL COUNSEL
NATIONAL RAILROAD PASSENGER
CORPORATION
60 MASSACHUSETTS AVENUE,
NORTHEAST
WASHINGTON DC 20002

✓ 11 STEPHANIE SORENSON MANAGER
VERIZON PENNSYLVANIA, INC.
11TH FLOOR
STRAWBERRY SQUARE
HARRISBURG PA 17101-1809

✓ 12 KATHY CRISPELL ENGINEERING
ASSOCIATE
COMMONWEALTH TELECOM
SERVICES, INC.
300 A LAIRD STREET
WILKES-BARRE PA 16702

✓ 13 JOHN KELHART AGENCY ✓
COORDINATOR
PP&L ELECTRIC UTILITIES
CORPORATION
2 NORTH NINTH STREET - N3
ALLENTOWN PA 18101-1179

✓ 14 MIKE HARRISON MANAGER/OSP
ENGINEER
XO COMMUNICATIONS
925 BERKSHIRE BLVD
WYOMISSING PA 19610

✓ WILLIAM BERKEY ✓
PENNDOT
2140 HERR STREET
HARRISBURG PA 17103-1699

✓ SUSAN WOOD
1980 STERLING PLACE
LANCASTER PA 17601 ✓

✓ CHRISTOPHER UNDERHILL ESQUIRE ✓
HARTMAN UNDERHILL & BRUBAKER
221 EAST CHESTNUT STREET
LANCASTER PA 17602

✓ 2 JASON D SHARP ASSISTANT ✓
COUNSEL
DEPARTMENT OF TRANSPORTATION
OFFICE OF CHIEF COUNSEL
PO BOX 8212
HARRISBURG PA 17105-8212

✓ NORFOLK SOUTHERN RAILWAY ✓
COMPANY
110 FRANKLIN ROAD S E
ROANOKE VA 24042-0028

✓ BENJAMIN C DUNLAP JR ESQUIRE ✓
NAUMAN, SMITH, SHISSLER & HALL,
LLP
200 NORTH 3RD STREET, 18TH FLOOR
PO BOX 840
HARRISBURG PA 17108-0840

✓ KENNETH ZIELONIS ESQUIRE ✓
STEVENS & LEE
4750 LINDLE ROAD
HARRISBURG PA 17111

B, H, K, J

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	A-00117798 & C-20042702		YES	NO
Case Name:	Application of PennDot & Susan Wood v. National Railroad Passenger Corporation	Prehearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	HBG	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date:	October 12, 2004	Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	Louis G. Cocheres	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:	one day	
		RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>

PLEASE DOCKET

PLEASE DOCKET

DOCUMENT FOLDER

REMARKS: This case should be scheduled for hearing on Dec. 9 2004. See corrections to the parties list (attached) Prepared direct testimony is due Oct. 26, 2004

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
Kenneth Zielonis Stevens & Lee	4750 Lindle Rd. City: Hbg State: Pa Zip: 17111	Lancaster County
Telephone: 717-561-5278	E-mail Address: kzel@stevenslee.com	Fax Number: 610-371-7375
Guy Benaventana Narman, Smith, Shissler & Hall	200 NORTH THIRD STREET FULTON BANK BUILDING City: HBG State: PA Zip: 17108	MARILLI SOUTHMAN
Telephone: 717-236-3010	E-mail Address:	Fax Number: 717-234-1925
Gina M. D'Alfonso PENNDOT, OFFICE of Chief Counsel	P.O. Box 8212 City: Hbg State: PA Zip: 17105-8212	Department of Transportation
Telephone:	E-mail Address: gdal@state.pa.us	Fax Number: 717-772-2741

Check this box if additional parties or attendees appear on back of form

[Signature]
Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

Name and Telephone Number	Address	Who are you representing?
* DAVID A SALAPA Telephone: (717) 783-2841	400 NORTH ST P.O. Box 3265 City: HARRISBURG State: PA Zip: 17105-3265 E-mail Address: DSALAPA@STATE.PA.US	Pa. P. U. C Bureau of Transportation & Safety Fax Number: (717) 772-1931
+ Susan Wood Telephone: 717-772-4171 (w)	1980 Sterling Place City: Lancaster State: PA Zip: 17601 E-mail Address: Swood@state.pa.us	I am the complainant Fax Number:
+ E.S. Underhill Telephone: (717) 299-7254	221 E Chestnut St Lancaster City: State: PA Zip: 17602 E-mail Address: ehru@rublow.com	Fax Number: (717) 299-3160
+ Dennis Moore Telephone: 202-906-2750	60 Massachusetts Ave NE City: Washington DC State: Zip: 20002 E-mail Address:	AMTRAK Fax Number:
Telephone:	E-mail Address:	Fax Number:
Telephone:	E-mail Address:	Fax Number:
Telephone:	E-mail Address:	Fax Number:
Telephone:	E-mail Address:	Fax Number:

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



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

IN REPLY PLEASE
REFER TO OUR FILE

October 14, 2004

In Re: A-00117798
C-20042702

(See Letter Dated 10/12/04)

**DOCUMENT
FOLDER**

APPLICATION OF PENNDOT
&
SUSAN WOOD
v.
NATIONAL RAILROAD PASSENGER CORPORATION

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to replace the existing overhead bridge and request exemptions for horizontal clearances where S. R. 0072, Section 006 (Fruitville Pike) crosses over the tracks of National Railroad Passenger Corporation (Amtrak) (AAR No. 518 172T) in the City of Lancaster and Manheim Township, Lancaster County; and the allocation of costs incident thereto.

And
Susan Wood

Hearing Cancellation/Reschedule Notice

This is to inform you that the Initial Hearing on the above-captioned case previously scheduled for Thursday, December 9, 2004, has been canceled.

The hearing has been rescheduled as follows:

Type: Initial Hearing
Date: Wednesday, December 8, 2004
Time: 10:00 a.m.
Location: Hearing Room 3
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania

DOCKETED
NOV 03 2004

Presiding: Administrative Law Judge Louis G. Cocheres
 P.O. Box 3265
 Harrisburg, PA 17105-3265
 Telephone: (717) 783-5452
 Fax: (717) 787-0481

Please mark your records accordingly.

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 Cocheres
 Cherie Pyle
 Beth Plantz
 Docket Section
 Calendar File

#447549

Cocheres, Louis

From: Cocheres, Louis
Sent: Wednesday, October 13, 2004 11:25 AM
To: 'Christopher S. Underhill'; Cocheres, Louis
Cc: Salapa, David; Ben Dunlap; Dennis Moore; Wood, Susan (DCNR); Ken Zielonis; Sharp, Jason; D'Alfonso, Gina; James M. Martin; Charlotte Katzenmoyer
Subject: RE: Susan Wood v. Amtrak, et al., No. C-20042702 New Hearing Date

~~A-00117798~~

Mr. Underhill:

I have no problem moving the hearing to Dec. 8, even though the hearing notice for Dec. 9 has already been mailed. However, before I direct that a new notice be sent, I would like to hear from the other parties to confirm that Dec. 8 is available on everyone's calendar. Kindly respond promptly.

Thank you

A-00117798

ALJ Cocheres

pc: File Room (PLEASE DOCKET)

-----Original Message-----

From: Christopher S. Underhill [mailto:chrisu@hublaw.com]
Sent: Wednesday, October 13, 2004 11:07 AM
To: The Honorable Louis G. Cocheres
Cc: David Salapa; Ben Dunlap; Dennis Moore; Susan Wood; Ken Zielonis; Jason Sharp; Gina D'Alfonso; James M. Martin; Charlotte Katzenmoyer
Subject: Susan Wood v. Amtrak, et al., No. C-20042702

Dear Judge Cocheres:

I am writing to request that the hearing scheduled for December 9 at 10:00 a.m. be rescheduled to the afternoon or continued to another date. I did not have my calendar at yesterday's hearing. Upon my return to my office, I discovered that I have a Pre-Trial Conference in a civil lawsuit scheduled for 9:00 a.m. on that date here in Lancaster. The Pre-Trial Conference was scheduled on September 4.

SECRETARY'S BUREAU
OCT 14 PM 1:42

It is unlikely to last much more than an hour and, therefore, I will be available in the afternoon. As I recall, you stated you had both December 8 and December 9 available for a hearing. My clients and I are available all day on the 8th. Under these circumstances, I am afraid I have little choice but to request either a rescheduling or a continuance. Thank you for your consideration of my request.

Yours truly,

Christopher S. Underhill
Via Internet Email

Christopher S. Underhill
Hartman Underhill & Brubaker LLP
221 East Chestnut Street, Lancaster, PA 17602-2782
Phone: (717) 299-7254 x118 Fax: (717) 299-3160

DOCKETED
DEC 02 2004

DOCUMENT

1980 Sterling Place
Lancaster, PA 17601
October 22, 2004

Prothonotary
Pennsylvania Public Utility Commission
P. O. Box 3265
North Office Building
Harrisburg, PA 17120-3265

DOCUMENT

RECEIVED
GENERAL INVESTIGATIVE
BUREAU
OCT 23 2004 9:53

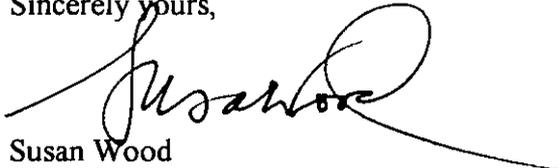
RE: In Re: A-00117798
C-20042702

Application of PennDOT & Susan Wood v. National Railroad Passenger
Corporation

To the Prothonotary:

Enclosed for filing are an original and three copies of the Written Testimony of Susan Wood, Complainant, for the above-captioned matter, along with Certificate of Service.

Sincerely yours,



Susan Wood

Enclosures

cc: Louis G. Cocheres, Administrative Law Judge
David Salapa, Esq.
Christopher S. Underhill, Jr., Esq.
Benjamin C. Dunlap, Jr., Esq.
Dennis Moore, Esq.
Ken Zielonis, Esq.
Jason D. Sharp, Esq.

5

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: A-00117798
C-20042702

Application of PennDOT & Susan Wood
v. National Railroad Passenger Corporation

DOCUMENT

Written Testimony of Susan Wood, Complainant, in Response to Item #11 in the
Questions and Procedures Dated June 2004

SECRETARY'S OFFICE
04 OCT 25 11 09 AM '04

1 *Item 11: Ms. Susan Wood submit testimony describing the nature and extent of your*
2 *complaint with specific reference to what improvements you would recommend be*
3 *constructed or services provided at each of the rail/highway crossings.*

4 Susan Wood's response: My complaint concerning the walkway on the Route 501
5 (also known as Route 222) railway bridge is as follows: Trash, including broken
6 glass, and other debris litter the walkway and are not removed. Weeds grow in the
7 cracks and through the concrete railing. Snow is not removed and becomes icy and
8 rutted. The northern portion of the walkway is deteriorating, broken, crumbling,
9 cracked, and uneven. It has a steep grade and also slants down sideways towards the
10 roadway. The result of all of these conditions is that using the walkway is difficult
11 and hazardous throughout the year. When the snow is deep, the walkway is virtually
12 impassable for the average pedestrian.

13 My complaint concerning the walkway on the Fruitville Pike railway bridge is as
14 follows: The bridge being relatively new, I am not aware of any current problems
15 with the infrastructure. However, as the infrastructure ages, it will probably need
16 maintenance and repairs. To my knowledge, there is no snow removal. Trash and
17 other debris will undoubtedly accumulate.

DOCKETED

DEC 10 2004

1 My recommendations: Responsibility should be assigned to a party or parties to 1)
2 regularly and at reasonable intervals remove trash, debris, and weeds from the 501
3 and Fruitville Pike bridge walkways, 2) promptly after precipitation remove snow and
4 ice from the 501 and Fruitville Pike bridge walkways, 3) promptly repair and/or
5 resurface and/or replace the 501 bridge walkway so that it is structurally sound and its
6 surface is even, smooth, intact, and level from side to side, and so that its grade does
7 not exceed the maximum grade allowed under ADA guidelines, 4) continue to
8 monitor and maintain the infrastructure of the 501 and Fruitville Pike bridge
9 walkways so that they may be used safely and without difficulty by pedestrians.
10 After the responsibility for these functions has been assigned, a mechanism should be
11 established to ensure that they are actually carried out by the responsible parties.

10/22/2004


Susan Wood, Complainant
1980 Sterling Place
Lancaster, PA 17601
717-569-7715

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: A-00117798
C-20042702

Application of PennDOT & Susan Wood
v. National Railroad Passenger Corporation

CLERK'S BUREAU

OCT 25 01 9:53

CERTIFICATE OF SERVICE

I hereby certify that I have this day, October 22, 2004, served a true copy of the my written testimony upon the following attorneys for participants by first class mail in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant) and § 1.55 (relating to service on attorneys):

Louis G. Cocheres
Administrative Law Judge
PA Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Dennis Moore, Esq.
Association General Counsel
60 Massachusetts Ave., NE
Washington, DC 20002

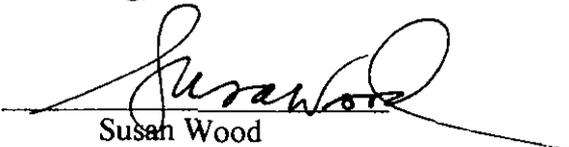
David Salapa, Esq.
Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Ken Zielonis, Esq.
Stevens & Lee
4750 Lindle Road
Harrisburg, PA 17111

Christopher S. Underhill, Jr, Esq..
Hartman, Underhill & Brubaker
221 East Chestnut Street
Lancaster, PA 17602

Jason D. Sharp, Esq.
Office of Chief Counsel
PennDOT
P. O. Box 8212
Harrisburg, PA 17105-821

Benjamin C. Dunlap, Jr., Esq.
Nauman, Smith, Shissler & Hall
200 North Third Street, 18th Floor
P. O. Box 840
Harrisburg, PA 17108-0840


Susan Wood



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

IN REPLY PLEASE
REFER TO OUR FILE

October 25, 2004

Honorable Louis G. Cocheres
Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
P.O. Box 3265
Harrisburg, Pa. 17105-3265

Re: PUC Docket Nos. A-11117798 & C-20042702

Dear Judge Cocheres:

Pursuant to your direction at the October 12, 2004 prehearing conference, enclosed please find one copy of the Bureau of Transportation and Safety's Staff Statement No. 1 and Staff Exhibit No. 1.

Copies have been served on the parties of record as stated on the attached certificate of service.

Sincerely,

David A. Salapa
Assistant Counsel
Bureau of Transportation
And Safety

DOCUMENT

DAS/bms

Enclosures

Cc: James J. McNulty, Secretary
Pa. Public Utility Commission

RECEIVED
2004 OCT 25 AH 10: 25
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I am this date serving the foregoing document upon the persons and in the manner indicated below, pursuant to 52 Pa. Code §1.54.

SERVICE BY FIRST CLASS MAIL ADDRESSED AS FOLLOWS:

Jason D. Sharp, Esquire
Assistant Counsel
Office of Chief Counsel
Pennsylvania Department of Transportation
P.O. Box 8212
Harrisburg, PA 17105-8212

Dennis M. Moore, Esquire
Associate General Counsel
National Railroad Passenger Corporation
60 Massachusetts Avenue, N.E.
Washington, DC 20002

Benjamin C. Dunlap, Jr., Esquire
Nauman, Smith, Shissler & Hall, LLP
200 North Third Street, 18th Floor
P.O. Box 840
Harrisburg, PA 17108-0840

Christopher Underhill, Esquire
Hartman, Underhill & Brubaker
221 East Chestnut Street
Lancaster, Pa. 17602

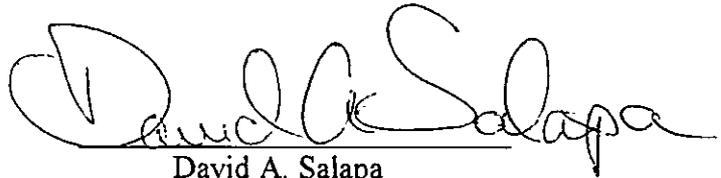
Susan Wood, Esquire
1980 Sterling Place
Lancaster, Pa. 17601

Kenneth Zielonis, Esquire
Stevens & Lee
4750 Lindle Road
Harrisburg, Pa. 17111

2004 OCT 25 AM 10: 25
SECRETARY'S BUREAU

RECEIVED

Honorable Louis G. Cocheres
Administrative Law Judge
Pa. Public Utility Commission
400 North Street
P.O. Box 3265
Harrisburg, PA 17105-3265

A handwritten signature in black ink that reads "David A. Salapa". The signature is written in a cursive style with a horizontal line underneath the name.

David A. Salapa
Assistant Counsel
Bureau of Transportation
and Safety

P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 783-2841

Dated: October 25, 2004

OALJ Hearing Report

Use Check Those Blocks Which Apply

Docket No.:	A-00117798, C-20042702	YES	NO
Case Name:	Application of PennDOT & Susan Wood v. National Railroad Passenger Corporation	Prehearing Held:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Location:	HBG	Hearing Held:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Date:	December 8, 2004	Testimony Taken:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ALJ:	Louis G. Cochères	Transcript Due:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reporting Firm:	Commonwealth Reporting	Hearing Concluded:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
		Further Hearing Needed:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		Estimated Add'l Days:	
		RECORD CLOSED:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
		DATE:	1/5/05
		Briefs to be Filed:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		DATE:	
		Bench Decision:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		REMARKS:	The record will be held open for 4 weeks to allow AMTRAK to submit plans of LITITZ PIKE Bridge.

DOCUMENT FOLDER

RECEIVED

DEC 9 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
Kenneth Zielonis Stevens & Lee Telephone: 717-561-528	4750 Lindle Rd City: Hbg State: Pa Zip: 17111 E-mail Address: KZ@stevenslee.com	County of Lancaster Fax Number: 610-371-7375
Jason Sharp PENNDOT Telephone: 717 787-3128	Po Box 8212 City: Hbg State: Pa Zip: 17110 E-mail Address: jsharp@state.pa.us	PENNDOT Fax Number: 717-772-2741
E.S. Underhill Telephone: (717) 299-7254	221 E Chestnut St City: Lancaster State: Pa Zip: 17602 E-mail Address: zhrisu@nublaw.com	City of Lancaster Manheim Twp Fax Number: (717) 299-3160

Check this box if additional parties or attendees appear on back of form.

Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

Name and Telephone Number	Address			Who are you representing?
Guy Beneventano 717-236-3010 Telephone:	200 N. 3rd St. City: Hhs. State: PA Zip: 17118			NARRI-LIK SOUTHERN
	E-mail Address: Guy P Benny@NSSA.com			Fax Number: 717-234-1925
DAVID SALAPA Telephone: 783-2841	400 NORTH ST P.O. Box 3265 City: HARRISBURG State: PA Zip: 17105-3265			PA PWC BUREAU of Transportation & Safety
	E-mail Address: dsalapa@State.Pa.US			Fax Number: (717)772-1931
Susan Wood 717-772-4171 Telephone: (day)	1980 Sterling Place City: Lancaster State: PA Zip: 17601			complainant
	E-mail Address: SWood512@hotmail.			Fax Number:
Dennis M. Moore 202-900-2750 Telephone:	60 Massachusetts Ave NE City: Washington State: DC Zip: 20002			National RR Passenger Corp. (Amtrak) 202-900-2821
	E-mail Address:			Fax Number:
	City: State: Zip:			
Telephone:	E-mail Address:			Fax Number:
	City: State: Zip:			
Telephone:	E-mail Address:			Fax Number:
	City: State: Zip:			
Telephone:	E-mail Address:			Fax Number:
	City: State: Zip:			
Telephone:	E-mail Address:			Fax Number:

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

Cocheres, Louis

From: Cocheres, Louis
Sent: Thursday, February 03, 2005 5:34 PM
To: 'Susan Wood'; Cocheres, Louis
Cc: bdunlapjr@nssh.com; chrisu@hublaw.com; Sharp, Jason; KZ@stevenslee.com; Salapa, David; Benny@NSSH.com; UDMA@amtrak.com
Subject: RE: A-00117798/C-~~20042702~~

Ms. Wood

My review of the Dec. 8, 2004 transcript confirmed that I specifically allowed the record to remain open for 4 weeks after the hearing. That time frame was set to allow AMTRAK to research its records and submit any existing copy of the Lititz Pike Bridge plans. Even though AMTRAK only confirmed the absence of the plans today, my entry on the hearing report (that green sheet you and the other parties signed to indicate your participation in the hearing) also confirmed that time period and closed the record effective January 5, 2005.

I trust that answers your concerns.

ALJ Cocheres

pc: File Room (PLEASE DOCKET)

DOCKETED
OCT 03 2005

-----Original Message-----

From: Susan Wood [mailto:swood512@hotmail.com]
Sent: Monday, January 31, 2005 8:47 PM
To: lcocheres@state.pa.us
Cc: bdunlapjr@nssh.com; chrisu@hublaw.com; jsharp@state.pa.us; KZ@stevenslee.com; dsalapa@state.pa.us; Benny@NSSH.com; UDMA@amtrak.com; swood512@hotmail.com
Subject: RE: A-00117798/C-20042702

Judge Cocheres--

As you know Amtrak was given four weeks from the date of the hearing, 12/8/04, to submit any documents it might have concerning the history of Route 501 bridge. It's now been almost eight weeks, and to my knowledge, nothing has been submitted. Since I may be the only person involved in the case who has an interest in keeping the proceedings moving, I would like request that you close the record and proceed to your deliberations. Thank you. -- Susan Wood

RECEIVED
05 FEB -4 AM 9:10
SECRETARY'S BUREAU

>From: "Cocheres, Louis" <lcocheres@state.pa.us>
>To: <UDMA@amtrak.com>
>CC: "Cocheres, Louis" <lcocheres@state.pa.us>, "Ben Dunlap" <bdunlapjr@nssh.com>, "Christopher Underhill" <chrisu@hublaw.com>, "Sharp, Jason" <jsharp@state.pa.us>, "Ken Zielonis" <KZ@stevenslee.com>, "Susan Wood" <swood512@hotmail.com>, "Salapa, David" <dsalapa@state.pa.us>, "Guy P" <Benny@NSSH.com>
>Subject: A-00117798/C-20042702
>Date: Mon, 24 Jan 2005 14:27:25 -0500

>Mr. Moore --

>I received the message below, today. Ms. Wood raises a good question. >Have you looked for the plans to the Lititz Pike Bridge? Does AMTRAK >have the plans? Is there some reason why you have not sent them thus >far?

>ALJ Cocheres

DOCUMENT FOLDER

>Judge Cocheres-- It was my understanding that Amtrak was given four
>weeks from the hearing date, 12/8/04, to submit the results of its
>search for records concerning the history of the 501 bridge. Since I
>haven't received
>anything from Amtrak, I was wondering what the status of this is. Thank
>
>you.-- Susan Wood
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