

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: TSR	:	
3. SECTION(S):	:	4. PUBLIC MEETING DATE:
5. APPROVED BY:	:	00/00/00
DIRECTOR:	:	
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 09/27/06
8. DOCKET NO: A-00123148	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: BOROUGH OF HANOVER, YORK COUNTY

RESPONDENT/APPLICANT: YORK RAILWAY COMPANY

COMP/APP COUNTY: YORK

UTILITY CODE: 950000

ALLEGATION OR SUBJECT

APPLICATION OF THE YORK RAILWAY COMPANY TO DETERMAIN FAIR AND REASONABLE MAINTENANCE RESPONSIBILITIES FOR THE WARNING DEVICES AT THE BROADWAY STREET CROSSINGS (DOT 540 847 W AND DOT 832 109 N) WHERE YORK RAILWAY COMPANY AND CSX TRANSPORTATION CROSS SAID ROADWAY IN THE BOROUGH OF HANOVER, YORK COUNTY, PA.

DOCKETED
SEP 28 2006

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BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

2006 SEP 27 11 09:10

Application Docket No. A-00123148

September 21, 2006

In re: Application of the York Railway Company to determine fair and reasonable maintenance responsibilities for the warning devices at the Broadway Street crossings (DOT 540 847 W and DOT 832 109 N) where York Railway Company and CSX Transportation cross said roadway in the Borough of Hanover, York County, PA.

To the Pennsylvania Public Utility Commission:

1. The name and address of Applicant is York Railway Company, Operations Manager, Andrew T. Chunko, 2790 West Market Street, York, PA 17404.
2. The name and address of attorney for the applicant is Adam Frankel, Chief Counsel, Genesee & Wyoming, Inc., 66 Field Point Road, Greenwich, CT 06830.
3. York Railway Company, a public utility operating as a common carrier of freight in the Commonwealth of Pennsylvania, is requesting the PUC's assistance in determining signal maintenance responsibilities at public grade crossing "Broadway Street in the Borough of Hanover, PA.

Grade Crossings to be affected by this application:

- Single track of York Railway Company at Broadway Street Hanover, PA (West Branch MP31.40, DOT540847W).
 - Single track of CSX Transportation at Broadway Street Hanover, PA (Hanover Subdivision MP53.90, DOT832109N).
4. It has been requested by York Railway Company that the PUC evaluate and make a fair determination concerning railroad (CSX Transportation and York Railway Company) signal maintenance responsibilities at public grade crossing "Broadway Street in the Borough of Hanover, York County, PA. At the present time, although there is no documentation stating such, York Railway Company the minority user of referenced grade crossing is subject to 100% of the grade crossing signal maintenance for CSX Transportation track traversing the grade crossing and York Railway Company track traversing the grade crossing. York Railway Company has traversed this grade crossing with a train **20 times so far during the year 2006**. CSX Transportation traverses this grade crossing with a train **7 times a day** (D795, D797, D778, Light power, K943, K942) Monday through Friday and additionally on weekends as required. York Railway Company wishes to see a more equitable maintenance solution involving CSXT for the maintenance of the signal systems.
 5. The names and addresses of the persons, parties and entities concerned in, or affected by the proposed construction, to the best of the applicants knowledge are:

DUCKETED DOCUMENT FOLDER
SEP 28 2006

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Mr. Gary C. Fawver, P.E.
Chief Utilities and Right-of-Way Section
Bureau of Design, PennDot
P.O. Box 3362
Harrisburg, PA 17105-3362

Pennsylvania Department of Transportation
Attn – Gregory J. Vaughn Grade Crossing Administrator
Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699

York County Commissioners
4th Floor
One West Market Way
York, PA 17401

CSX Transportation – Signal Department
Attn – Carl Roe
500 Water Street J-301
Jacksonville, FL 32202

Borough of Hanover
44 Frederick Street
Hanover, PA 17331

6. A Field Conference of all parties of interest should be held to discuss a proposed change in maintenance responsibilities.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of 1.54 (*Relating to service by participant*).

Mr. Gary C. Fawver, P.E.
Chief Utilities and Right-of-Way Section
Bureau of Design, PennDot
P.O. Box 3362
Harrisburg, PA 17105-3362

Pennsylvania Department of Transportation
Attn – Gregory J. Vaughn Grade Crossing Administrator
2140 Herr Street
Harrisburg, PA 17103-1699

York County Commissioners
4th Floor
One West Market Way
York, PA 17401

CSX Transportation – Signal Department
Attn – Carl Roe
500 Water Street
Jacksonville, FL 32202

Borough of Hanover
44 Frederick Street
Hanover, PA 17331

§1.36 Verification.

Verification

I, Andrew T. Chunko, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief), and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

9/21/06
Date

Andrew T. Chunko
Signature
York Railway Company
Manager of Operations
717-771-1742

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

IN REPLY PLEASE
REFER TO OUR FILE
A-00123148

September 28, 2006

ADAM FRANKEL, CHIEF COUNSEL
GENESEE & WYOMING, INC.
66 FIELD POINT ROAD
GREENWICH CT 06830

Application of the York Railway Company to determine fair and reasonable maintenance responsibilities for the warning devices at the Broadway Street crossings (DOT 540 847 W and DOT 832 109 N) where York Railway Company and CSX Transportation cross said roadway in the Borough of Hanover, York County, PA.

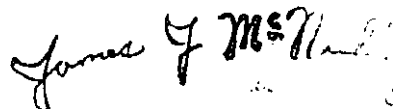
Dear Sir/Madam:

Receipt is acknowledged of the application of York Railway Company, which has been captioned and docketed to the above number.

We note that you have served copies of the application upon the parties involved.

The matter will receive the Commission's attention, and you will be advised of any further procedure.

Very truly yours,



James J. McNulty
Secretary

DOCKETED
SEP 28 2006

**DOCUMENT
FOLDER**

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COMMONWEALTH OF PENNSYLVANIA

DATE: September 28, 2006

SUBJECT: A-00123148

TO: Bureau of Transportation of Safety - Rail

FROM:  James J. McNulty, Secretary

APPLICATION OF YORK RAILWAY COMPANY

We attach hereto a copy of the application of York Railway Company, which has been captioned and docketed to the above number.

Applicant has served copies of the application upon the parties involved.

This matter is assigned to your Bureau for appropriate action.

Attachment

jih

DOCKETED
SEP 28 2006

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