

Nauman Smith

Attorneys At Law

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Craig J. Staudenmaier, Esquire
E-mail: cjstaud@nssh.com
Telephone Extension: 22

December 29, 2016

Filed Electronically

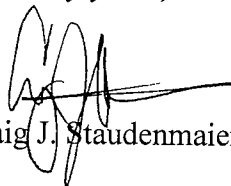
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

RE: Application of CSX Transportation, Inc. to abolish the public crossing of the single track of York Railway Company with Broadway Street in the Borough of Hanover, York County (DOT #540 847W)

Dear Secretary Chiavetta:

I am enclosing an Application for filing on behalf of CSX Transportation, Inc. in the above-referenced matter. As evidenced by the attached Certificate of Service, a copy of the Application is being served upon all parties of record. If you have any questions, please advise.

Sincerely yours,



Craig J. Staudenmaier

CJS/klg
Enclosure
cc: All parties of Record (w/enc.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN RE: Application of CSX Transportation, Inc. to abolish the public crossing of the single track of York Railway Company with Broadway Street in the Borough of Hanover, York County (DOT #540 847W) : : **Docket No:**
: : **Filed Electronically**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

CSX Transportation, Inc. (“CSXT”), by and through its counsel, Nauman, Smith, Shissler & Hall, LLP, hereby files this Application to abolish the crossing of York Railway Company (“York Railway”) with Broadway Street in the Borough of Hanover, York County (DOT #540 847W), pursuant to the provisions of 66 Pa. C.S. § 2702(c) and 52 Pa. Code § 5.11 *et seq.*, and in support thereof avers as follows:

1. The subject crossing is adjacent to a single track crossing of CSXT with Broadway Street having a DOT # of 832 109N.
2. In an Application filing with the Commission dated September 21, 2006, at Application Docket No. A-00123148, York Railway stated that it was “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” at Broadway Street in the Borough of Hanover. See *id.* at Paragraph 4. A true and correct copy of York Railway’s Application is attached hereto as Exhibit “A”.
3. In the aforementioned Application, York Railway requested that the Commission “determine fair and reasonable maintenance responsibilities for the warning devices at the Broadway Street crossings” due to its asserted low usage of its track compared with CSXT’s usage of the crossing.

4. Since the filing of York Railway's Application, the two parties have been involved in sporadic discussions to alter the signal and maintenance responsibilities at the crossings, but no agreement was ever reached and no order was entered by the Commission to alter the maintenance responsibilities.

5. By e-mail dated October 11, 2016, David Hart, General Manager of York Railway, informed Brett Johnson, C&S Division Engineer of CSXT, that "We have taken a rail out on our side within the island circuit and have disabled our side within the signal box. Since this work is done we have placed our side out of service and do not plan to continue to do any inspections at this crossing."

6. Since that time, York Railway has done nothing more than providing access to its signal box so that CSXT's maintainer can perform required testing per federal regulations on the CSXT track.

7. As no further testing on the crossing is being performed or documented by York Railway, CSXT instituted stop and flag measures for the crossings of its trains at the Broadway Street crossing.

8. Since that time CSXT has received increasing complaints from residents in the area, regarding children playing with fusees after the train stops and flags. CSXT is also concerned with the increased danger of injury to its crews in performing the stop and flag measures.

9. CSXT has requested that York Railway fully test the signalization at the crossing per federal regulations (*i.e.*, a full annual test on the crossing), with CSXT providing necessary CSXT track protection and track circuit shunting so that a full operational test can be performed

and properly documented and the stop and flag measures can be discontinued. York Railway has refused to do so.

10. CSXT had a meeting set up with York Railway on December 21, 2016, for CSXT to perform full testing of the crossing signalization. Even though the meeting was confirmed with York Railway the day prior, no York Railway personnel showed up for the meeting.

11. In the interest of public safety, on December 21, 2016, CSXT took control of York Railway's signal box at the crossing and performed the required full annual operational test to confirm that the signalization is functioning properly. CSXT then placed its own locks on the signal box and will continue to perform all required testing of the crossing on an interim basis.

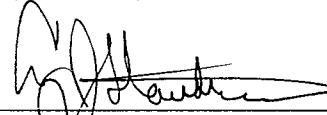
12. In order to effect a permanent resolution of this important public safety issue, CSXT requests that the Commission order York Railway to remove its tracks from the roadway, at its sole cost and expense, and that the Commission formally abolish York Railway's crossing at this location.

13. CSXT will agree to thereafter reposition the signal mast on the York Railway side of the crossing to comply with MUTCD standards and assume complete maintenance responsibility for the signalization at the crossing, at CSXT's sole cost and expense. If York Railway ever desires to reestablish a crossing at this location, it will then need to do so at its sole cost and expense with separate signalization equipment and an interconnection.

WHEREFORE, CSX Transportation, Inc. requests that the Commission order the abolition of York Railway's crossing with Broadway Street in the Borough of Hanover, York County, upon the conditions stated above, on an expedited basis

Respectfully Submitted,

NAUMAN, SMITH, SHISSLER & HALL, LLP

By:  _____

Benjamin C. Dunlap, Jr., Esquire
Supreme Court I.D. #66283

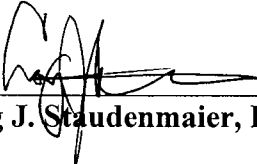
Craig J. Staudenmaier, Esquire
Supreme Court I.D. 34996

200 North Third Street, 18th Floor
P.O. Box 840
Harrisburg, PA 17108-0840
Attorney for CSX Transportation, Inc.

Date: December 29, 2016

VERIFICATION

I, **Craig J. Staudenmaier**, a member of the firm of Nauman, Smith, Shissler & Hall, LLP, attorneys for CSX Transportation, Inc., in the foregoing proceeding, make this verification on behalf of CSX Transportation, Inc. and do state that as attorney for CSX Transportation, Inc., I am authorized to make this Verification on behalf of CSX Transportation, Inc., and further state that, based on information provided to me by CSX Transportation, Inc., the facts set forth in the foregoing **Application** are true and correct to the best of my knowledge, information and belief. I understand that my statements are made subject to 18 Pa. C.S. § 4904 providing for criminal penalties for unsworn falsification to authorities.



Craig J. Staudenmaier, Esquire

Date: December 29, 2016

COPY

BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SEP 21 2006
7:00 PM
SEP 21 2006
9:10 AM

Application Docket No. A-00123148

September 21, 2006

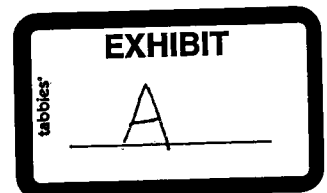
In re: Application of the York Railway Company to determine fair and reasonable maintenance responsibilities for the warning devices at the Broadway Street crossings (DOT 540 847 W and DOT 832 109 N) where York Railway Company and CSX Transportation cross said roadway in the Borough of Hanover, York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



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.

§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

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN RE: Application of CSX Transportation, Inc. to abolish the public crossing of the single track of York Railway Company with Broadway Street in the Borough of Hanover, York County (DOT #540 847W) : : **Docket No:**
: : **Filed Electronically**

I hereby certify that I served one (1) copy of the Application of CSX Transportation, Inc. in the above-referenced matter, this day, by depositing the same in the United States mail, postage prepaid, in Harrisburg, Pennsylvania, addressed to:

David B. Hart
General Manager
Maryland Midland Railway, Inc.
York Railway Company
York Logistics
Genesee & Wyoming Companies
2790 West Market Street
York, PA 17404

Dale Ault
Borough of Hanover
44 Frederick Street
Hanover, PA 17331

Ken Charron
VP - Commercial Counsel
Genesee & Wyoming Railroad Services, Inc.
13901 Sutton Park Dr., S.
Suite 150
Jacksonville, FL 32224

York County Commissioners
Commissioners Office
28 East Market Street
York, PA 17401

Ahmed Lasloudji
Engineering District 8-0
Pennsylvania Department of Transportation
2140 Herr Street
Harrisburg, PA 17103-1699

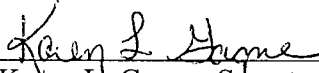
Shannon Griest
Columbia Gas of PA, Inc.
251 W. Maiden St.
Washington, PA 15301

Comcast of Southeastern Pennsylvania
c/o USIC Locating Services, Inc.
13085 Hamilton Crossing Blvd., Suite 200
Carmel, IN 46032

FirstEnergy Corp.
76 S. Main Street
Akron, OH 44308-1890

Leo Hilbert
CenturyLink
122 Baltimore Street
P.O. Box 896
Hanover, PA 17331

Gina M. D'Alfonso, Esquire
Office of Chief Counsel
PennDOT
P.O. Box 8212
Harrisburg, PA 17105-8212



Karen L. Gagne, Secretary to
Craig J. Staudenmaier, Esquire

Date: December 29, 2016