

York County, PA crossing (“Crossing”) and conduct the necessary work to repair the roadway post-removal, subject to CSXT’s agreement to allow York to install a switch east of the Crossing and the provision of trackage rights to York to allow York to operate over CSXT’s track at the Crossing in the future.² CSXT has already taken over maintenance responsibilities for the warning devices at the Crossing so that issue is no longer in dispute. In the event that the warning devices at the Crossing need to be moved after York removes its track, it is York’s understanding that CSXT will bear the responsibility for relocation of any warning devices.

- C. Based on the settlement posture of this matter, York contends that a proposed plan and schedule of discovery is not necessary. In lieu of a proposed plan and schedule of discovery, York suggests that the Commission set a deadline for the Parties to fully resolve the issues discussed herein taking into consideration the necessity for regulatory approvals.
- D. See Paragraph C.
- E. See Paragraph C.
- F. York’s position is that witness testimony will not be necessary in this matter. However, in the event that becomes necessary, David Hart, General Manager, York Railway Company, 2790 West Market Street, York, PA 17404, (717) 771-1742, will testify regarding the original dispute between the parties as well as the current status of the dispute.

² The Parties are looking into what is necessary, including the regulatory approvals and contractual provisions, associated with such an agreement.

G. Issues:

1. Maintenance Of The Warning Devices At The Crossing

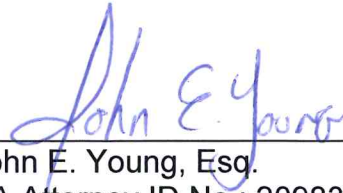
The original dispute between the parties centered around a determination of fair and reasonable maintenance responsibilities for the warning devices at the Broadway Street Crossing where both York and CSXT railway tracks cross said roadway. York has not used its track at the Crossing since 2008. Since the original dispute began, CSXT has taken over maintenance responsibilities for the warning devices at the Crossing. As discussed in Paragraph B, the Parties have essentially resolved the disputes which are the subject of both Parties' Applications to this Commission and simply require more time to globally resolve the disputes.

2. Removal of York's Track From The Crossing

As discussed above, York has agreed to remove its track from the Crossing and conduct the necessary work to repair the roadway post-removal, subject to CSXT's agreement to allow York to install a switch east of the Crossing and the provision of trackage rights to York to allow York to operate over CSXT's track at the Crossing in the future

H. If necessary, Mr. Hart will testify as to the relationship between the parties and how the parties plan to resolve their dispute.

Respectfully submitted,
York Railway Company,
By its attorneys,



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