

(7-83)

PUC DOCKET NO. C-844440

MONITOR: SHAI

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Harrisburg, Pennsylvania 17120  
Office of Chief Counsel



November 2, 1984

IN REPLY REFER TO

RECEIVED

NOV 2 1984

Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, Pennsylvania 17120

SECRETARY'S OFFICE  
Public Utility Commission

Re: Complaint No. C-844440  
Pennsylvania Department of  
Transportation v. Conrail  
Snyder Township, Blair County

Dear Mr. Rich:

Enclosed please find original and three (3) copies  
of the Complaint of the Department of Transportation in the  
above entitled matter.

Kindly assign a complaint number and advise.

Very truly yours,

Herbert G. Zahn  
Assistant Counsel  
(717) 787-5931

220/HGZ:rmm  
Enclosures

cc: W. J. Clements, P.E. (Attn.: M. Davis)  
District Engineer #9-0

DOCUMENT  
FOLDER

FORMAL COMPLAINT

RECEIVED

NOV 8 1984

BEFORE

PENNSYLVANIA PUBLIC UTILITY COMMISSION SECRETARY'S OFFICE  
Public Utility Commission

For Commission Use Only: COMPLAINT DOCKET NO. <u>C-844440</u>	REF. # _____	UTILITY CODE <u>500080</u>
PENNA. DEPT OF TRANSPORTATION (PENNDOT)	VS.	CONSOLIDATED RAIL CORPORATION (CONRAIL)

PLEASE PRINT:

- YOUR NAME, ADDRESS AND TELEPHONE NUMBER.

Name Pennsylvania Department of Transportation  
 Street Room 522, Transportation and Safety Building  
 City Harrisburg State Pennsylvania Zip 17120  
 County Dauphin Home Telephone-Area Code (717) 787-5931  
 Work Telephone-Area Code ( ) \_\_\_\_\_

DOCUMENT FOLDER

- COMPANY YOU ARE COMPLAINING ABOUT.

Name Consolidated Rail Corporation

- WHAT IS YOUR COMPLAINT (DESCRIBE PROBLEM).

At a point in Snyder Township, Blair County, State Highway Route 55 (former U.S. Route 220) crosses above the grade of the Main Line tracks of Consolidated Rail Corporation (Conrail). The structure of the subject crossing is generally in fair condition; however, an in-depth inspection report prepared for and at the expense of your complainant has disclosed that the lack of preventative maintenance has created localized deteriorations which create conditions that are hazardous to the safety of the travelling public. Your Honorable Commission's Order in Complaint Docket No. 11005 dated March 20, 1939, assigned responsibility for maintenance of the superstructure and substructure of the subject

(More Space On Back)

For Commission Use Only: DATE FILED <u>11/2/84</u>	MONITOR <u>SHANE</u>	BUREAU <u>ALJ</u>
---	----------------------	-------------------

crossing to The Pennsylvania Railroad Company; predecessor of Consolidated Rail Corporation (Conrail). Your complainant requested Conrail to repair the localized deteriorations to protect the safety of travelling public by letters dated September 6, 1983 and December 29, 1983. Conrail has refused to perform the necessary repairs by its letter dated December 5, 1983.

(If You Need More Space Attach Paper)

4. WHAT DO YOU WANT US TO DO?

Your complainant prays your Honorable Commission to find the subject crossing hazardous to the safety of the travelling public and order Conrail to rehabilitate those portions of the subject structure that are in a state of disrepair.

(If You Need More Space Attach Paper)

YOU MUST SIGN HERE

Signature of complainant or attorney for corporate complainant

PUT TODAY'S DATE HERE

11/2/84

Today's Date

**YOU DO NOT NEED A LAWYER** If you *DO* have a lawyer PLEASE PRINT the lawyer's name, address and telephone number below.

Lawyer's Name Herbert G. Zahn  
Street Office of Chief Counsel, Department of Transportation  
City Harrisburg State Pennsylvania Zip 17120  
Telephone Number-Area Code ( 717 ) 787-5931

THIS MUST BE COMPLETED BY NOTARY PUBLIC  
AFFIDAVIT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA }  
\_\_\_\_\_ County } ss:

\_\_\_\_\_, being duly sworn (affirmed) according to law, deposes and says that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof.

\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this \_\_\_\_\_

day of \_\_\_\_\_ 19 \_\_\_\_\_

My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Signature of Official Administering Oath

AFFIDAVIT (Corporation)

COMMONWEALTH OF PENNSYLVANIA }  
DAUPHIN \_\_\_\_\_ County } ss:

Herbert G. Zahn \_\_\_\_\_, being duly sworn (affirmed) according to law, deposes and says that he is Assistant Counsel of Pennsylvania Department of Transportation and says that he is Assistant Counsel of Pennsylvania Department of Transportation; that he is authorized to and does make this affidavit

(Office of Affiant)

(Name of Corporation)

for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects the said Pennsylvania Department of Transportation to be able to prove the same at the hearing hereof.

(Name of Corporation)

*Herbert G. Zahn*

Herbert G. Zahn

Signature of Affiant

Sworn and subscribed before me this 2nd

day of November 19 84

My Commission Expires 2/17/86

*Suzanne Marie Miller*  
Signature of Official Administering Oath

# PRACTICE AND PROCEDURE BEFORE THE PUBLIC UTILITY COMMISSION

## APPEARANCES OF ATTORNEYS

Every attorney appearing before the Commission must be admitted to practice before the Supreme Court of Pennsylvania or the highest court of another state if a similar agency in that other jurisdiction would permit members of the bar of this Commonwealth to practice before them.

## FORMAL COMPLAINTS

(A) **CONTENT:** — Each formal complaint must be divided into numbered paragraphs and must set forth (1) Name and address of the complaining party; (2) Name and address of complaining party's attorney, if any; (3) Name and address of the person or company complained against (respondent) and the nature or type of its business; (4) The act or thing done or not done or about to be done by the respondent which violates any law which the Commission administers or violates any regulation or order of the Commission. If you know the specific section of the statute or particular regulation or order of the Commission involved, please state it; (5) In concise, clear sentences describe how you were adversely affected by the utility's conduct stated in #4 above. (6) A clear statement of the relief sought. (52 Pa. Code § 3.121(a))

(B) **EXECUTION: JOINDER OF CAUSES AND PARTIES:** — Each formal complaint must be in writing and must be signed and notarized: (1) By the party filing the complaint or by one of the parties if there is more than one; (2) By an authorized officer of the party filing the complaint if the party is a corporation or association. Complaints against rates and service must not be included in the same document. Two separate complaints should be filed; one for rates and one for service. All of the complaining party's grounds for suing the respondent must be stated at one time. Two or more people may join in one complaint if they both have complaints against the same respondent and their complaints are based upon a like set of facts or ask for the same relief from the Commission.

(C) **FILING: SERVICE:** — An original and three copies of each complaint must be filed and, if more than one respondent is named, an additional copy must be filed for each additional respondent. The Commission will serve a copy of the complaint upon each respondent together with a notice to satisfy the complaint or answer it in writing within twenty (20) days after the service.

Complaints by a public utility or other person or corporation subject to the public utility law challenging any regulation or order of the Commission which the complainant is or has been required to observe or carry into effect shall be substantially in the form above described and reference must be made to the particular regulation or order or part thereof complained against and shall quote the pertinent portions thereof.

*Crossing Complaints. Parties Respondent.* Whenever a complaint is made under Section 409 of the Public Utility Law that any crossing is dangerous or inadequate and requires reconstruction, relocation, alteration or abolition, all public utilities and municipal corporations concerned and, where applicable, the Department of Transportation of the Commonwealth of Pennsylvania, shall be made parties respondent.

## ANSWERS TO COMPLAINTS

(D) **FORM AND EXECUTION: CONTENT: FILING AND SERVICE:** — Every answer shall be in writing and shall be signed and notarized in the form stated in 52 Pa. Code § 3.122 by the party filing such answer or by one of the parties if there is more than one or if the party is a partnership, or by an authorized officer of the party filing the answer if the party be a corporation or association. The answer shall set forth in paragraphs numbered to correspond with the complaint the facts upon which respondent relies and shall specifically admit or deny the material allegations of the complaint. An original and three copies of each answer shall be filed (1 Pa. Code 35.35). Proof of service of one copy of each answer upon each complainant or his attorney shall be attached to such answer.

## MOTIONS TO STRIKE OR DISMISS OR FOR AMPLIFICATION

(E) Any party deeming a pleading insufficient in form may file with the Commission a motion to strike. Any party deeming a pleading insufficient in substance or desiring to question the jurisdiction of the Commission may file with the Commission a motion to dismiss. Any party deeming the allegations of fact in any pleading to be so insufficiently averred that adequate answer to the pleading is impossible may file with the Commission a motion for amplification of the specific allegations deemed insufficient. An original and two copies of each motion to strike or dismiss or for amplification shall be filed. Proof of service of a copy of the motion upon each party of record shall be attached to such motion.

## HEARINGS

### (F) PRELIMINARY STATEMENTS, EVIDENCE, CONTINUANCE, CORRECTIONS OF TRANSCRIPT: —

At any initial hearing all persons entering an appearance shall state for the record (before any testimony shall be received) their names, addresses, and for whom they appear. The presiding official may require or allow a factual statement describing the pleading or the position of any party in the case.

Any oral or documentary evidence may be received, but the Commission shall as a matter of policy exclude irrelevant, immaterial, unduly repetitious evidence. Every party is entitled to present his case or defense by oral evidence (e.g. witnesses or documentary evidence (letters, notices, etc.)), to submit rebuttal evidence, and to conduct cross examination. The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding are known as the record. The record shall be open for inspection by the public. The Commission will not impose any sanction or making any ruling unless they examine the whole record or the portions cited by any party. Any ruling of the Commission must be supported by and in accordance with the reliable, probative and substantial evidence presented by the parties.

Only under exceptional circumstances will requests for continuance of a hearing be considered unless submitted at least five (5) days prior to the hearing date.

No correction of any transcript of testimony shall be made except upon: (a) written request within fifteen (15) days after the transcript has been filed with the Commission, or (b) upon written stipulation by all parties of record filed within twenty (20) days after the transcript has been filed with the Commission.



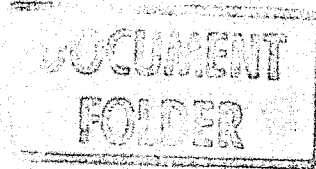
COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

November 5, 1984

IN REPLY PLEASE  
REFER TO OUR FILE

C-844440

A. J. DiGregorio, Docket Clerk  
Consolidated Rail Corporation  
1138 Six Penn Center Plaza  
Philadelphia, PA 19104



Dear Mr. DiGregorio:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Pennsylvania Department of Transportation (the complaining party)

To defend yourself against the claims stated in the following pages, you must act within twenty (20) days, by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

AN ADMINISTRATIVE LAW JUDGE MAY REVOKE OR SUSPEND ANY CERTIFICATE OR PERMIT HELD BY YOU, OR IMPOSE A FINE, OR ANY OTHER APPROPRIATE PENALTY OR REMEDY AUTHORIZED BY THE PUBLIC UTILITY CODE. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, Pennsylvania 17108  
(800) 692-7375

Very truly yours,

Jerry Rich  
Secretary

Attachment

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Dept. of Transportation

v.

Consolidated Rail Corporation

11/05/84  
Complaint Docket  
No. C-844440

DOCUMENT  
FOLDER

FORMAL COMPLAINT  
NOTICE TO RESPONDENT  
TO ANSWER OR SATISFY

DOCKETED

NOV 7 - 1984

TO: A. J. DiGregorio

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa.C.S. §702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17120, an answer (original and two copies), in writing, under oath, which, as required by Section 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant.

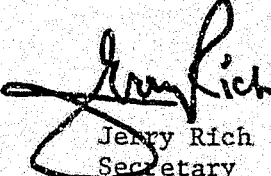
2. If you fail to either satisfy this complaint or to file an answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35. In that event, an Administrative Law Judge of the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy

authorized by the Public Utility Code, 66 Pa.C.S. §101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Administrative Law Judge is not limited to the relief sought by the complainant in paragraph 4. of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint will be dismissed by an Administrative Law Judge in accordance with Section 703(a) of the Public Utility Code, 66 Pa.C.S. §703(a), unless the Judge determines that such dismissal would be contrary to the public interest, in which event he may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, an Administrative Law Judge will, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa.C.S. §101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Administrative Law Judge is not limited to the relief sought by the complainant in paragraph 4. of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in this complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa.C.S. §101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4. of the attached complaint.

  
Jerry Rich  
Secretary

(SEAL)

11/05/84

Certified Mail  
Return Receipt Requested

JEL:bjc

CONRAIL

ORIGINAL

RECEIVED

NOV 21 1984  
SECRETARY'S OFFICE  
Public Utility Commission

November 15, 1984

Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120

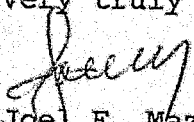
Re: Complaint Docket No. 844440, Blair County

Dear Sir:

I enclose for filing on behalf of Consolidated Rail Corporation and original and two copies of its Answer in the captioned matter.

I hereby certify I have served a copy of the Answer upon attorney for Complainant.

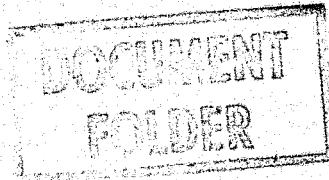
Very truly yours,

  
Joel E. Mazon  
General Attorney  
CONSOLIDATED RAIL CORPORATION

1138 Six Penn Center Plaza  
Philadelphia, PA 19103  
(215) 977-5020

JEM/cam  
Enclosure

cc: Herbert G. Zahn, Esquire (w/enc.)



RECEIVED

NOV 2 1984

SECRETARY'S OFFICE  
Public Utility Commission

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA DEPARTMENT	:	
OF TRANSPORTATION	:	COMPLAINT DOCKET
	:	
v.	:	NO. 844440
	:	
CONSOLIDATE RAIL CORPORATION	:	

ANSWER OF CONSOLIDATED RAIL CORPORATION

COMES NOW, Consolidated Rail Corporation, by its attorney, Joel E. Mazor, and makes answer to the captioned Complaint as follows:

<p><b>DOCKETED</b></p> <p>NOV 21 1984</p>
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<p><b>DOCUMENT</b></p> <p><b>FOLDER</b></p>
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1. Admitted.

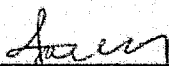
2. It is admitted that Consolidated Rail Corporation is the owner and operator of the line of railroad involved in the captioned complaint. It is further submitted that both Snyder Township and Blair County are necessary and proper parties defendant.

3. It is admitted that at a point in Snyder Township, Blair County, State Highway Route 55 crosses above the track grade of the main line tracks of Consolidated Rail Corporation. It is further admitted that the structure is generally in fair condition. Respondent, however, is without sufficient knowledge or information to either affirm

or deny that an in-depth inspection report prepared for Complainant has disclosed that the lack of preventive maintenance has created the localized deteriorations which create conditions that are hazardous to the safety of the travelling public, and demands proof thereof. It is not denied that there was a proceeding docketed as Complaint Docket 1005 and that your honorable Commission issued an Order in that case. It is denied, however, that Consolidated Rail Corporation was a party to is bound by any of the terms and conditions of that Order.

4. Consolidated Rail Corporation respectfully requests that the Commission hold such on-site conferences and hearings as to make a just and proper determination in the captioned matter after all necessary and proper parties respondent have been added.

CONSOLIDATED RAIL CORPORATION

By:   
\_\_\_\_\_  
Joe E. Mazor

General Attorney  
1138 Six Penn Center Plaza  
Philadelphia, PA 19103  
(215) 977-5020

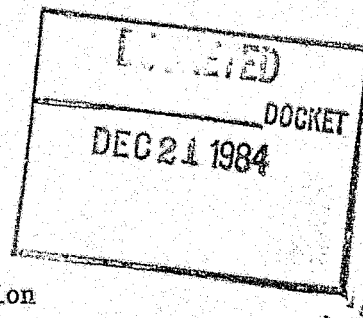


December 13, 1984

C-844440

(See attached list)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

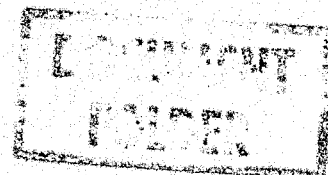


Pennsylvania Department of Transportation

v.

Consolidated Rail Corporation, alleging that the bridge carrying SHR 55 (former U.S. Route 220) above the grade of the railroad tracks is in need of structural repairs.

\_\_\_\_\_



Dear \_\_\_\_\_:

This is to advise that a field investigation and conference will be held at the site of the crossing involved in the above-entitled proceeding on Thursday, January 3, 1985 at 10:30 a.m. to discuss the matters involved.

Kindly arrange to have a representative present.

Very truly yours,

W. B. Calder, P.E.  
Civil Engineer  
Bureau of Rail Transportation

WBC:jk

SNYDER TOWNSHIP SUPERVISORS  
BLAIR COUNTY, PENNSYLVANIA

ORIGINAL-844480

E. C. GRAZIER, Chairman  
R. D. 4, Box 264  
Tyrone, Pa. 16686

RICHARD J. ALLEN, Vice-Chairman  
P. O. Box 198  
Tyrone, Pa. 16686

JAMES S. DAUGHENBAUGH, Supervisor  
R. D. 3, Box 438  
Tyrone, Pa. 16686



ATTY. ALLEN E. GIBBONEY, Solicitor  
701 Second Street, Juniata  
Altoona, Pa. 16601

EFFIE MAE ALLEN, Secretary-Treasurer  
R. D. 3, Box 119, Tyrone, Pa. 16686  
(814) 684-1048  
(814) 684-2044

December 14, 1984

TO: Public Utility Commission  
North Office Building  
P.O. Box 3265  
Harrisburg, Pennsylvania 17120

RECEIVED

DEC 24 1984

SECRETARY'S OFFICE

FROM: Snyder Township Supervisors Public Utility Commission

SUBJECT: RESPONSIBILITY OF BRIDGE MAINTENANCE

RECEIVED  
DEC 29 1984  
SECRETARY'S OFFICE  
Public Utility Commission

The Board of Supervisors, Snyder Township, Blair County, Pennsylvania 16686 are concerned over the lack of responsibility Conrail has taken on a request from the Supervisors to paint the Grazierville bridge, located in Snyder Township. This bridge is badly in need of being painted.

The Supervisors urge action by the Public Utility Commission in this matter.

I am enclosing letter received from Mr. J.R. Clark, Chief Engineer-Maintenance of Way dated November 1, 1984. The Supervisors would like to know why Conrail should not be responsible for the maintenance of this bridge.

Thank you.

Sincerely,

*Effie Mae Allen*

EFFIE MAE ALLEN  
Secretary-Treasurer

DOCKETED  
DEC 26 1984

BUREAU OF  
DEC 19 1984  
RAIL  
TRANSPORTATION

DOCUMENT  
FOLDER

EM:dn

CONRAIL

C-844440

BUREAU OF  
DEC 13 1984  
RAIL  
TRANSPORTATION

November 1, 1984

Subject: Central Region - Allegheny Division - Main Line-Harrisburg  
to Pittsburgh - O.H. Bridge No. 224.13 - Grazierville,  
Blair County, Pa. - File: Br. 224.13-WRA.

Ms. Effie Mae Allen  
Secretary-Treasurer  
Snyder Township - Blair County  
R.D. #3 - Box 119  
Tyrone, Pa. 16686

Dear Ms. Allen:

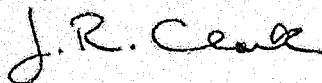
Please refer to previous correspondence, your letter of October 5, 1984  
and Mr. J. T. Sullivan's letter of October 15, 1984, concerning Over  
Head Bridge No. 224.13, Grazierville, Pa.

It is Conrail's position that the Congressional Act which created Conrail  
did not intend to burden Conrail with the maintenance responsibility of  
non-operating property such as highway bridges benefiting the highway  
users. We therefore must decline your request that Conrail paint the  
highway bridge.

The bridge has been inspected and no structural defects have been found.  
We will arrange for the removal of any loose material from the bridge  
members over the roadway.

We hope this will be satisfactory to Snyder Township.

Very truly yours,



J. R. Clark  
Chief Engineer-Maintenance of Way

Room 1634-Six Penn Center Plaza  
Philadelphia, Pa. 19103-2959



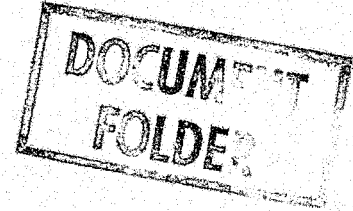
COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

April 30, 1985

IN REPLY PLEASE  
REFER TO OUR FILE

C-844440

Merle K. Evey, Solicitor  
Blair County  
401 Allegheny Street  
Hollidaysburg, Pa. 16646



Pennsylvania Department of Transportation  
v.  
Consolidated Rail Corporation, Snyder Township, Blair County and The Bell  
Telephone Company of Pennsylvania

Dear Mr. Evey:

It has been determined that Snyder Township, Blair County and The Bell Telephone Company of Pennsylvania are now party respondents to the above entitled complaint, and accordingly we are enclosing copy of the complaint as filed, along with notice requiring your answer thereto within twenty days.

Copy of this letter is being sent this date to each other party of record advising them of this action.

Very truly yours,

for Jerry Rich  
Secretary

Enclosure

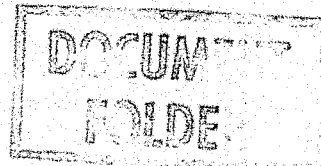
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Department of Transportation

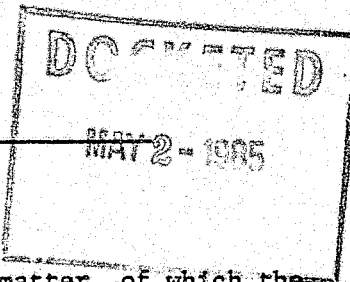
Complaint Docket

Consolidated <sup>v.</sup> Rail Corporation, Snyder Township,  
Blair County and The Bell Telephone Company of  
Pennsylvania

No. C-844440



FORMAL COMPLAINT  
NOTICE TO RESPONDENT  
TO ANSWER OR SATISFY



TO: Merle K. Evey, Solicitor, Blair County

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa.C.S. §702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17120, an answer (original and two copies), in writing, under oath, which, as required by Section 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant.

2. If you fail to either satisfy this complaint or to file an answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35. In that event, an Administrative Law Judge of the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy

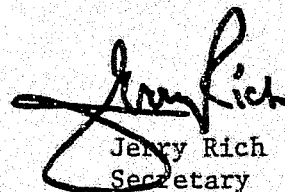
authorized by the Public Utility Code, 66 Pa.C.S. §101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Administrative Law Judge is not limited to the relief sought by the complainant in paragraph 4. of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint will be dismissed by an Administrative Law Judge in accordance with Section 703(a) of the Public Utility Code, 66 Pa.C.S. §703(a), unless the Judge determines that such dismissal would be contrary to the public interest, in which event he may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, an Administrative Law Judge will, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa.C.S. §101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Administrative Law Judge is not limited to the relief sought by the complainant in paragraph 4. of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in this complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa.C.S. §101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4. of the attached complaint.

4/30/85  
(SEAL)

  
Jerry Rich  
Secretary

Certified Mail  
Return Receipt Requested

JEP



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

April 30, 1985

IN REPLY PLEASE  
REFER TO OUR FILE

C-844440

William L. Leonard, Vice President &  
General Counsel  
The Bell Telephone Company of Pennsylvania  
One Parkway  
Philadelphia, Pa. 19102

Pennsylvania Department of Transportation  
v.  
Consolidated Rail Corporation, Snyder Township, Blair County and The Bell  
Telephone Company of Pennsylvania

Dear Mr. Leonard:

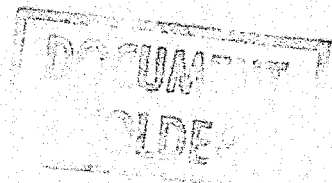
It has been determined that Snyder Township, Blair County and The Bell Telephone Company of Pennsylvania are now party respondents to the above entitled complaint, and accordingly we are enclosing copy of the complaint as filed, along with notice requiring your answer thereto within twenty days.

Copy of this letter is being sent this date to each other party of record advising them of this action.

Very truly yours,

for Jerry Rich  
Secretary

Enclosure



BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Department of Transportation

Consolidated Rail Corporation, Snyder Township,  
Blair County and The Bell Telephone Company of  
Pennsylvania

Complaint Docket  
No. C-844440

FORMAL COMPLAINT  
NOTICE TO RESPONDENT  
TO ANSWER OR SATISFY

TO: William L. Leonard, Vice President & General Counsel

DOCKETED  
MAY 2 - 1985

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa.C.S. §702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17120, an answer (original and two copies), in writing, under oath, which, as required by Section 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant.

2. If you fail to either satisfy this complaint or to file an answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35. In that event, an Administrative Law Judge of the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy

authorized by the Public Utility Code, 66 Pa.C.S. §101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Administrative Law Judge is not limited to the relief sought by the complainant in paragraph 4. of the attached complaint.

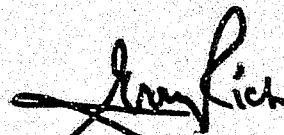
3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint will be dismissed by an Administrative Law Judge in accordance with Section 703(a) of the Public Utility Code, 66 Pa.C.S. §703(a), unless the Judge determines that such dismissal would be contrary to the public interest, in which event he may direct that hearings be held upon the complaint.

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4/30/85

(SEAL)

  
Jerry Rich  
Secretary

Certified Mail  
Return Receipt Requested



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

April 30, 1985

IN REPLY PLEASE  
REFER TO OUR FILE

C-844440

Allen E. Gibboney, Solicitor  
Snyder Township  
701 Second Street, Juniata  
Altoona, Pa. 16601

Pennsylvania Department of Transportation  
v.  
Consolidated Rail Corporation, Snyder Township, Blair County and The Bell  
Telephone Company of Pennsylvania

Dear Mr. Gibboney:

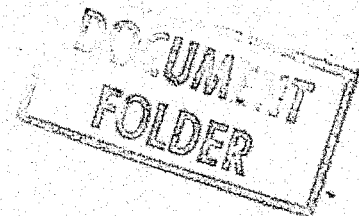
It has been determined that Snyder Township, Blair County and The Bell Telephone Company are now party respondents to the above entitled complaint, and accordingly we are enclosing copy of the complaint as filed, along with notice requiring your answer thereto within twenty days.

Copy of this letter is being sent this date to each other party of record advising them of this action.

Very truly yours,

for Jerry Rich  
Secretary

Enclosure



BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

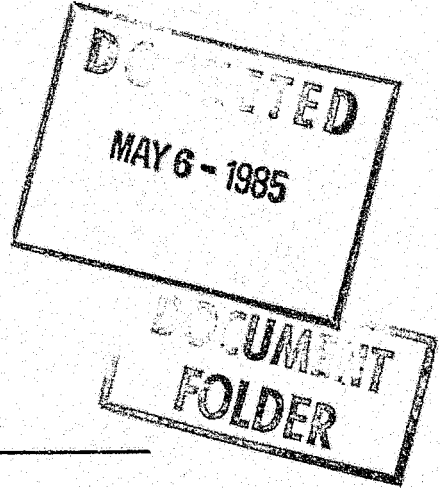
Pennsylvania Department of Transportation  
v.  
Consolidated Rail Corporation, Snyder Township  
Blair County and The Bell Telephone Company  
of Pennsylvania

Complaint Docket  
No. C-844440

---

FORMAL COMPLAINT  
NOTICE TO RESPONDENT  
TO ANSWER OR SATISFY

---



TO: Allen E. Gibboney, Solicitor, Snyder Township

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 56 Pa.C.S. §702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17120, an answer (original and two copies), in writing, under oath, which, as required by Section 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant.

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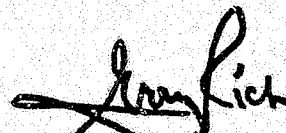
3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint will be dismissed by an Administrative Law Judge in accordance with Section 703(a) of the Public Utility Code, 66 Pa.C.S. §703(a), unless the Judge determines that such dismissal would be contrary to the public interest, in which event he may direct that hearings be held upon the complaint.

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4/30/85

(SEAL)

  
Jerry Rich  
Secretary

Certified Mail  
Return Receipt Requested

JEP

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17120  
May 2, 1985

MONITOR: COMMISSIONER SHANE

In re: C-844440

(See attached list)

Pennsylvania Department of Transportation  
vs.  
Consolidated Rail Corporation, Snyder Township, Blair County  
and The Bell Telephone Company of Pennsylvania

NOTICE

The captioned complaint alleges that the bridge carrying State Highway Route 55 (former U.S. Traffic Route 220) above the grade of the railroad tracks in Snyder Township, Blair County, is in need of structural repairs.

A hearing on this proceeding will be held Wednesday, June 26, 1985, at 10:00 a.m., in the small hearing room, Highland Hall Annex, Blair County Courthouse, 500 Walnut Street, Hollidaysburg.

We are enclosing herewith, a list of questions, prepared by our Bureau of Rail Transportation, indicating information to be developed at the hearing, along with other relevant testimony.

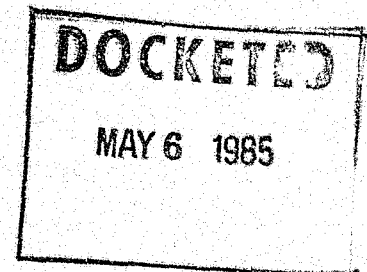
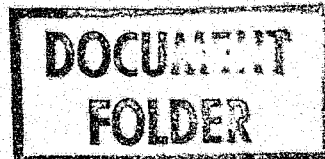
If any party intends to offer prepared written testimony, such testimony must be served upon each participant of record no less than twenty (20) days prior to this hearing.

You are advised that if you fail to appear at the hearing, the hearing will proceed without you. In that event, it is possible that you or your client will have issues determined against you and that you might be assigned positive duties or be required to pay money and will have waived any objection thereto.

The presiding officer in this proceeding will be Administrative Law Judge Larry Gesoff. Judge Gesoff can be contacted at 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania 15222; telephone (412) 565-3550.

If you intend to file exhibits, please be advised that two copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

Enclosure  
cc: Judge Gesoff  
Law Bureau  
Bureau of Rail Trans.  
Mr. Bramson  
Ms. Dickson  
Ms. Crouse  
File Room



C-844440 - Parties of Record;

Spencer A. Manthorpe, Chief Counsel  
Pennsylvania Department of Transportation  
521 Transportation & Safety Building  
Harrisburg, Pennsylvania 17120

Daniel F. Donovan, General Attorney  
Consolidated Rail Corporation  
1138 Six Penn Center Plaza  
Philadelphia, Pennsylvania 19103

Merle K. Evey, Solicitor  
Blair County  
401 Allegheny Street  
Hollidaysburg, Pennsylvania 16648

Allen E. Gibboney, Esquire  
701 Second Street, Juniata  
Altoona, Pennsylvania 16601  
(for Snyder Township)

William L. Leonard, Vice President  
and General Counsel  
The Bell Telephone Company of Pennsylvania  
One Parkway  
Philadelphia, Pennsylvania 19102

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17120

May 2, 1985

In re: C-844440

Spencer A. Manthorpe, Chief Counsel  
Pennsylvania Department of Transportation  
521 Transportation & Safety Building  
Harrisburg, PA 17120

Pennsylvania Department of Transportation  
vs.  
Consolidated Rail Corporation, Snyder Township, Blair County  
and The Bell Telephone Company of Pennsylvania

NOTICE

The captioned complaint alleges that the bridge carrying State Highway Route 55 (former U.S. Traffic Route 220) above the grade of the railroad tracks in Snyder Township, Blair County, is in need of structural repairs.

A hearing on this proceeding will be held Wednesday, June 26, 1985, at 10:00 a.m., in the small hearing room, Highland Hall Annex, Blair County Courthouse, 500 Walnut Street, Hollidaysburg.

It will be necessary for you to publish the enclosed notice once during each of the weeks of June 10 and 17, 1985, in a newspaper having a general circulation in the area involved. Proof of publication must be received in the office of the Secretary of the Commission, on or before the date of hearing.

We are enclosing herewith, a list of questions, prepared by our Bureau of Rail Transportation, indicating information to be developed at the hearing, along with other relevant testimony.

If any party intends to offer prepared written testimony, such testimony must be served upon each participant of record no less than twenty (20) days prior to this hearing.

You are advised that if you fail to appear at the hearing, the hearing will proceed without you. In that event, it is possible that you or your client will have issues determined against you and that you might be assigned positive duties or be required to pay money and will have waived any objection thereto.

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If you intend to file exhibits, please be advised that two copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

NOTICE TO BE PUBLISHED

Notice is hereby given that a complaint having been filed with the Pennsylvania Public Utility Commission alleging that the bridge carrying State Highway Route 55 (former U.S. Traffic Route 220) above the grade of the railroad tracks in Snyder Township, Blair County, is in need of structural repairs, which proceeding is entitled "Pennsylvania Department of Transportation versus Consolidated Rail Corporation, Snyder Township, Blair County and The Bell Telephone Company of Pennsylvania" (C-844440), the Commission has fixed Wednesday, June 26, 1985, at 10:00 A.M., in the Small Hearing Room, Highland Hall Annex, Blair County Courthouse, 500 Walnut Street, Hollidaysburg, Pennsylvania, as the time and place for hearing.

All parties in interest may appear and be heard if they so desire.

s/  
\_\_\_\_\_  
Spencer A. Manthorpe, Chief Counsel  
for Pennsylvania Department of  
Transportation

1. Pennsylvania Department of Transportation (complainant) shall submit testimony describing the general location of the existing railroad-highway crossing, above grade, involved in this proceeding.
2. Complainant shall submit testimony regarding the name, location and termini of the public highway involved in this proceeding.
3. Complainant shall submit testimony describing in detail the type, width of pavement, alignment, grades and general physical condition of the highway approaches to the existing above-grade crossing.
4. Complainant shall submit testimony as to its present obligation with respect to the maintenance of the existing crossing structure and the highway approaches thereto.
5. Complainant shall submit data concerning the present and estimated future highway traffic at this location.
6. Complainant shall submit testimony describing in detail the conditions presently existing at the above-grade crossing and in the vicinity thereof, which, in its opinion, render the crossing dangerous or inadequate for the safety of the highway users currently traversing the crossing.
7. Complainant shall submit testimony indicating whether, in its opinion, the crossing is adequate, and if not, submit testimony whether the crossing should be altered, in the interest of safety and/or accommodation and convenience of the traveling public.
8. Complainant shall submit testimony indicating whether it has made any structural inspections or prepared any construction plans or construction estimates for any work on the bridge structure, and if not, whether it will agree to make such inspections and prepare such plans, in the event the complaint is sustained and an improvement of the crossing area is ordered by the Commission.
9. Complainant shall submit testimony as to what part of the work it will agree to perform; what portion of the costs it will agree to assume; and what portion of the completed improvement it will agree to maintain, in the event the instant complaint is sustained, and that an improvement of the crossing area is ordered by the Commission.
10. Consolidated Rail Corporation (Conrail) shall submit testimony as to the exact corporate name of the owner and operator of the line of railroad involved in this proceeding.
11. Conrail shall submit testimony as to the number of tracks presently located at the site of the above-grade crossing.

12. Conrail shall submit testimony describing the type, number of spans, and general physical condition of the substructure and superstructure of the existing bridge, and the approximate date of construction of the bridge structure, and the party or parties responsible for its construction.
13. Conrail shall submit testimony as to its present obligation with respect to the maintenance of the existing crossing structure.
14. Conrail shall submit testimony indicating whether, in its opinion, the existing crossing is adequate in strength and physical dimension to accommodate safely the class and volume of traffic normally using the highway at this location, and if not, submit testimony describing the general nature and extent of all work which it deems necessary or advisable to provide a safe and convenient crossing at this location.
15. Conrail shall submit testimony indicating whether it has prepared any detailed inspections, or has prepared any engineering studies, estimates or construction plans for the alteration of the highway crossing, above grade, and if so, submit copies thereof into the record; and if not, state whether it will agree to prepare such data.
16. Conrail shall submit testimony indicating what portion of the work it will agree to perform; what portion of the costs it will agree to assume; and what portion of the completed work it will agree to maintain in the future, in the event the instant complaint is sustained, and an alteration of the crossing is ordered by the Commission.
17. Township of Snyder shall submit testimony indicating whether, in its opinion, the involved railroad-highway crossing should be altered, to effectuate the prevention of accidents and promote the safety of the public.
18. Township of Snyder shall submit testimony indicating what portion of the costs of construction and future maintenance of any alteration of the crossing ordered by the Commission it will agree to assume, in the event the instant complaint is sustained.
19. County of Blair shall submit testimony indicating whether, in its opinion, the involved railroad-highway crossing should be altered to effectuate the prevention of accidents and promote the safety of the public.
20. County of Blair shall submit testimony indicating what portion of the costs of construction and future maintenance of any alteration of the crossing ordered by the Commission it will agree to assume, in the event the instant complaint is sustained.

21. Complainant shall submit into evidence copies of any past orders or action of this Commission or its predecessor which may have dealt with the construction, reconstruction, alteration or maintenance of the subject crossing; also to the best of its ability, give specific statements as to when, why, and how the subject crossing was established.
22. Query whether any of the interested parties, any non-carrier utility companies, or any other parties, desire to submit any additional relevant testimony.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

NOTICE TO BE PUBLISHED

Notice is hereby given that a complaint having been filed with the Pennsylvania Public Utility Commission alleging that the bridge carrying State Highway Route 55 (former U.S. Traffic Route 220) above the grade of the railroad tracks in Snyder Township, Blair County, is in need of structural repairs, which proceeding is entitled "Pennsylvania Department of Transportation versus Consolidated Rail Corporation, Snyder Township, Blair County and The Bell Telephone Company of Pennsylvania" (C-844440), the Commission has fixed Wednesday, June 26, 1985, at 10:00 A.M., in the Small Hearing Room, Highland Hall Annex, Blair County Courthouse, 500 Walnut Street, Hollidaysburg, Pennsylvania, as the time and place for hearing.

All parties in interest may appear and be heard if they so desire.

JERRY RICH  
Secretary

CONFIDENTIAL

William M. Posner  
Attorney

Bell of Pennsylvania

Law Department  
One Parkway, 16th Floor  
Philadelphia, Pennsylvania 19102  
Phone (215) 466-8871

May 30, 1985

RECEIVED

Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120

JUN 8 1985

SECRETARY'S OFFICE  
Public Utility Commission

Re: Pennsylvania Department of Transportation v.  
Consolidated Rail Corporation, Snyder Township,  
Blair County and The Bell Telephone Company of  
Pennsylvania, Docket No. C-844440

Dear Mr. Rich:

Enclosed for filing with the Commission are the original and three copies of the Answer of The Bell Telephone Company of Pennsylvania with respect to the above-captioned proceeding.

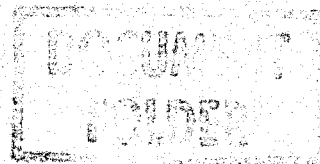
Sincerely,



WMP/lk

Enclosure

cc: All Parties



RECEIVED

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JUN 8 1985  
SECRETARY'S OFFICE  
Public Utility Commission

PENNSYLVANIA DEPARTMENT OF  
TRANSPORTATION

Complainant,

v.

CONSOLIDATED RAIL CORPORATION,  
SNYDER TOWNSHIP, BLAIR COUNTY  
AND THE BELL TELEPHONE COMPANY  
OF PENNSYLVANIA

Respondents.

COMPLAINT DOCKET  
NO. C-844440

DOCKETED  
JUN 1 - 1985

ANSWER OF  
THE BELL TELEPHONE COMPANY OF PENNSYLVANIA

1. It is admitted that the complainant herein is the Pennsylvania Department of Transportation whose principal place of business is Room 522, Transportation and Safety Building, Harrisburg, Pennsylvania.

2. It is admitted that the named respondent is The Consolidated Rail Corporation. The Bell Telephone Company of Pennsylvania is an additional respondent pursuant to §35.35 as stated in the Commission's letter dated April 30, 1985.

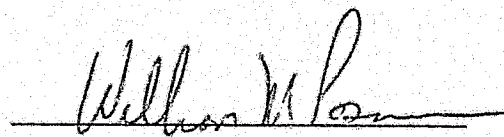
DOCUMENT  
INDEXED

3. Respondent, The Bell Telephone Company of Pennsylvania is able to neither admit nor deny the allegation in paragraph three of the complaint insofar as it is alleged that there has been lack of preventative maintenance causing localized deterioration creating conditions that are hazardous to the safety of the public. Strict proof of such lack of preventative maintenance and resulting hazardous conditions is therefore demanded. It is further admitted by The Bell

Telephone Company of Pennsylvania that it has no legal responsibility for maintenance of the superstructure and substructures of the subject crossing thereof.

WHEREFORE, in accordance with the above, The Bell Telephone Company of Pennsylvania requests that the instant complaint be dismissed.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "William M. Posner", is written over a horizontal line.

William M. Posner  
One Parkway, 16th Floor  
Philadelphia, PA 19102  
(215) 466-8871

Attorney for Respondent  
The Bell Telephone Company  
of Pennsylvania

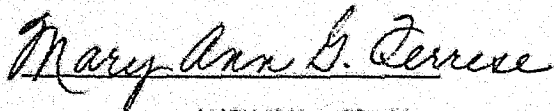
COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF PHILADELPHIA :

WILLIAM M. POSNER, being duly sworn according to law, deposes and says that he is an Attorney for The Bell Telephone Company of Pennsylvania; that he is authorized to and does make this Affidavit for it; and that the facts set forth are true and correct to the best of his knowledge, information and belief, and he expects the said The Bell Telephone Company of Pennsylvania to be able to prove them at the hearing thereof.



WILLIAM M. POSNER

Sworn to and subscribed  
before me this 30th day  
of May 1985.



MARY ANN G. FERRESE  
Notary Public, Phila., Phila. Co.  
My Commission Expires July 27, 1987

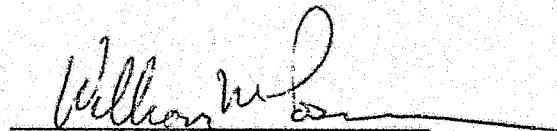
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CERTIFICATE OF SERVICE

---

I hereby certify that I have this day served the foregoing document upon all parties in accordance with the requirements of 1 Pa. Code § 1.54 (relating to service by a participant).

Dated at Philadelphia, Pennsylvania, this thirtieth day of May 1985.



WILLIAM M. POSNER

Attorney for Respondent,

THE BELL TELEPHONE COMPANY  
OF PENNSYLVANIA

One Parkway  
Philadelphia, PA 19102

701 SECOND STREET, JUNIATA  
TELEPHONE 944-4692

ALLEN E. GIBBONEY  
ATTORNEY AT LAW  
ALTOONA, PENNSYLVANIA 16601

June 10, 1985 RECEIVED

JUN 14 1985

Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pennsylvania 17120

SECRETARY'S OFFICE  
Public Utility Commission

Re: Pennsylvania Department of Transportation  
v Consolidated Rail Corporation, Snyder  
Township, Blair County and The Bell Telephone  
Company of Pennsylvania,  
Docket No. C-844440

Dear Mr. Rich:

Enclosed for filing with the Commission are the original  
and three copies of the Answer of Snyder Township to the above captioned pro-  
ceeding.



Very truly yours,

AEG/m  
enc.



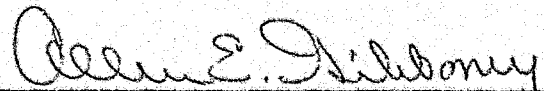
structure and/or substructure of the subject crossing.

4.

Respondent, Snyder Township is able to neither admit or deny the allegations of Paragraph Four of the Complaint. Snyder Township has no legal responsibility for the structure, superstructure and/or substructure of the subject crossing.

WHEREFORE, Snyder Township requests that the instant Complaint be dismissed as to Snyder Township.

Respectfully submitted,



---

Allen E. Gibboney, Esquire  
701 Second Street, Juniata  
Altoona, Pennsylvania 16601  
Telephone: 814 944-4685  
Solicitor, Snyder Township

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF BLAIR

: SS

E.C. GRAZIER, being duly sworn according to law, deposes and says that he is Chairman of the Board of Supervisors of Snyder Township; that he is authorized to and does make this Affidavit for it; and that the facts set forth are true and correct to the best of his knowledge, information and belief, and he expects the said Snyder Township to be able to prove them at the hearing thereof.

*E.C. Grazier*

---

Sworn and subscribed to before me  
this 12<sup>th</sup> day of June, 1985.

*[Signature]*

---

Notary Public

My comm. expires: Jan. 7, 1987

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties in accordance with the requirements of law.

Altoona, Pennsylvania

June 16<sup>th</sup>, 1985



---

Allen E. Giboney, Esquire  
Snyder Township Solicitor

COMPLAINT DOCKET NO. C-844440

BEFORE THE PENNSYLVANIA PUBLIC  
UTILITY COMMISSION

PENNSYLVANIA DEPARTMENT OF  
TRANSPORTATION,  
Complainant

vs

CONSOLIDATED RAIL CORPORATION,  
SNYDER TOWNSHIP, BLAIR COUNTY  
AND THE BELL TELEPHONE COMPANY  
OF PENNSYLVANIA,  
Respondents

ANYSER OF SNYDER TOWNSHIP

ALLEN E. GIBBONEY  
ATTORNEY AT LAW  
ALTOONA, PENNSYLVANIA 16601



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, Pa. 17120

ORIGINAL

June 20, 1985

IN REPLY PLEASE  
REFER TO OUR FILE  
C-844440

Jerry Rich, Secretary  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120

RECEIVED  
JUN 20 1985  
SECRETARY'S OFFICE  
Public Utility Commission

In re: Pennsylvania Department of Transportation v.  
Consolidated Rail Corporation, Snyder Township,  
Blair County and The Bell Telephone Company of  
Pennsylvania

---

Dear Secretary Rich:

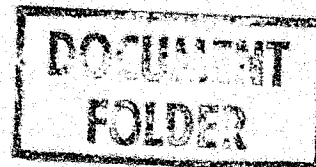
Enclosed please find the original and three (3) copies of  
the Notice of Appearance to be filed in the above-captioned matter.

Sincerely,

*Richard S. Herskovitz*  
Richard S. Herskovitz  
Assistant Counsel

Enclosures

cc: Hon. Larry Gesoff  
All Parties



BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED  
JUN 20 1985  
SECRETARY'S OFFICE  
Public Utility Commission

Pennsylvania Department of  
Transportation :

v. :

Consolidated Rail Corporation, :  
Snyder Township, Blair County :  
and The Bell Telephone Company :  
of Pennsylvania :

Docket No. C-844440

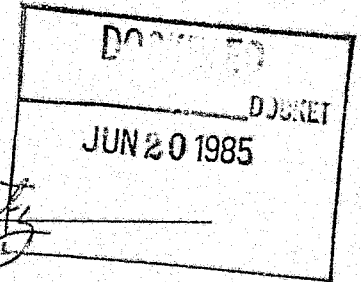
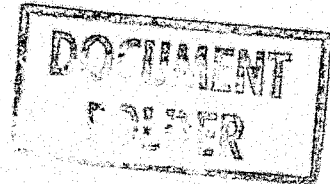
NOTICE OF APPEARANCE

To the Secretary:

Please enter my appearance in the above-captioned case on  
behalf of the Public Utility Commission.

*Richard S. Herskovitz*  
Richard S. Herskovitz  
Assistant Counsel  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120

Dated: June 20, 1985



CERTIFICATE OF SERVICE

I hereby certify that I am, this 20th day of June, 1985, serving by first class United States mail the foregoing document upon the persons listed below:


Spencer A. Manthorpe, Chief Counsel  
Pa. Department of Transportation  
521 Transportation & Safety Building  
Harrisburg, PA 17120

Daniel F. Donovan, General Attorney  
Consolidated Rail Corporation  
1138 Six Penn Center Plaza  
Philadelphia, PA 19103

Merle K. Evey, Solicitor  
Blair County  
401 Allegheny Street  
Hollidaysburg, PA 16648

Allen E. Gibboney, Esq.  
701 Second Street, Juniata  
Altoona, PA 16601

William M. Posner, Esq.  
The Bell Telephone Co. of Pennsylvania  
One Parkway, 16th Floor  
Philadelphia, PA 19102

  
Richard S. Herskovitz  
Assistant Counsel

**ORIGINAL**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATIONHarrisburg  
July 16, 1985

## IN REPLY REFER TO

Blair County  
L. R. 55  
Snyder Township  
PUC. C. 844440**RECEIVED**

JUL 17 1985

Mr. Jerry Rich, Secretary  
Public Utility Commission  
Harrisburg, PA 17120**SECRETARY'S OFFICE**  
**Public Utility Commission**

Dear Mr. Rich:

Attached is Publications Authorization and Invoice Form OA-521, which includes Proof of Publication, in Altoona-Mirror, of notice of hearing in connection with Complaint Docket No. C. 844440.

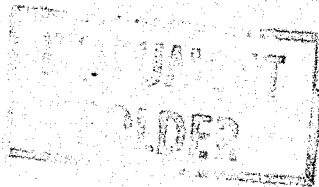
It will be noted that the publication was made in the issues of the paper on June 10 and 17, 1985.

Very truly yours,

A handwritten signature in cursive script, appearing to read "W. J. Clements".

For: Alfred F. Lyng, P. E.  
Chief Engineer  
Highway Administration

Attachment



**PUBLICATIONS AUTHORIZATION AND INVOICE**

**TO BE COMPLETED BY AGENCY:**

TO: (Name and Address of Newspaper)

Altoona-Mirror  
 Altoona, PA 16603

FROM: (Name and Address of Agency)

W. J. Clements, P. E., Chief Utility Engineer  
 Department of Transportation-Bureau of Design  
 ROW & Utilities Division-Rm. 509-T. & S. Bldg.  
 Harrisburg, PA 17120

Herewith is enclosed copy for publication of advertisement for proposals to:  Employ  Purchase  Contract  Sell

Publish Advertisement (No. of Times)	Maximum No. Lines	Date	Order No.
June 10 and June 17, 1985			
Dates of Insertion		Signature for Agency	
June 10 and June 17, 1985		<i>William J. Clements</i>	

You, as vendor, are authorized to publish this advertisement in your newspaper subject to the terms of this order, as follows: Advertisement to be published in regular advertising columns, no position specified; caption of two lines and signature to be in capitals and subject matter and title of officer to be set solid in type regularly used by your newspaper for public (legal) notice advertising; charge to be made at the rate charged to and paid by commercial advertisers for matter similarly set and occupying similar space; advertisement to be run in all your editions as specified above. Vendor agrees that, in the performance of any contract awarded to it hereunder, said vendor will not discriminate against any employe or other persons on account of race, color, sex, religious creed, ancestry, age or national origin and that the Commonwealth, upon receipt of satisfactory evidence of such discrimination shall have the right to cancel said contract.

Return this copy at once if you will not accept this advertisement under the terms set forth.

If published, the original and two copies must be signed by the editor or publisher. The original must be notarized. The fourth copy is yours.

Commonwealth to be billed only for actual number of printed lines published.

FUND	DEPT	APP	YEAR	LEDG	ORG	COST CENTER	OBJ	FPR		AMOUNT
								SUB CATG	ELEM	

**TO BE COMPLETED BY PUBLISHER:**

IMPORTANT: Charge for Publication of Advertising as per Authorization

	DATE OF INSERTION	ACTUAL NO. OF PRINTED LINES	PER LINE	TOTAL AMOUNT
1st Ad	6/10/85	38 lines	.42	15.96
2nd Ad	6/17/85			15.96
3rd Ad			aff charge	1.50

**RECEIVED**  
 JUL 22 1985

**NET TOTAL**  
 \$33.42

PASTE PRINTED COPY HERE

Commonwealth of Pennsylvania  
 County of Blair ss:

Before me, the subscriber, a Notary Public in and for said County, personally came Rich A. Slep who being duly sworn, doth depose and say that he is Classified Advertising Manager the Altoona Mirror a general newspaper published at Altoona, PA 16603 that the advertisement, of which copy is attached hereto, was published in the regular advertising columns of said newspaper, in all editions of said newspaper, in all respects as ordered and invoiced above; and that the Commonwealth is not charged therefor at a rate higher than is charged any ordinary commercial advertiser for a similar amount of matter occupying similar space and set in a similar manner, in said newspaper.

Sworn and subscribed before me this 19th day of June 19 85

*Donis A. Blank*  
 Notary Public

*Rich A. Slep*  
 Signature of Affiant

My commission expires \_\_\_\_\_

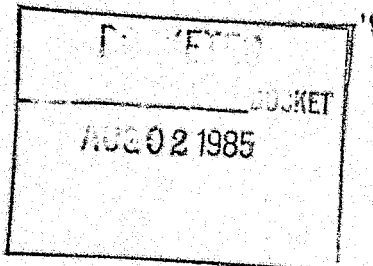
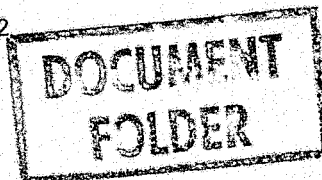
DOVIS A. BLANK, NOTARY PUBLIC  
 ALTOONA, BLAIR COUNTY  
 MY COMMISSION EXPIRES MARCH 31, 1986  
 Member, Pennsylvania Association of Notaries

\*This affidavit must be made by the Owner, Publisher, or the designated agent of the owner or publisher.

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Room 1103, State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222

July 19, 1985



Re: C-84440<sup>4</sup>, Pennsylvania Department of  
Transportation v. Consolidated Rail  
Corporation, Snyder Township, Blair  
County and Bell Telephone Company of  
Pennsylvania

C-844440 —

To: ALL PARTIES

The transcript in the above-referenced proceeding indicates that PennDOT may wish to file a Brief. My understanding is that counsel for PennDOT will notify myself and all parties whether it will file a Brief. In keeping with that understanding, PennDOT is to notify myself and all parties within ten days of the date of this letter whether or not it desires to file a Brief.

If PennDOT decides to file a Brief, it will be due within forty days of the date of this letter. Other parties may file Main Briefs by the same date. If any party wishes to forego a Main Brief and file a Reply Brief only, it may do so. In that case Reply Briefs are due twenty days after Main Briefs are due.

Very truly yours,

A handwritten signature in cursive script that reads "Larry Gesoff".

Larry Gesoff  
Administrative Law Judge

LG:bjm

cc: Stephanie Lyons  
File Room

Parties of Record

Stephen F. J. Martin, Esq.  
Pennsylvania Department of Transportation  
522 Transportation & Safety Building  
Harrisburg, PA 17120

Daniel F. Donovan, Esq.  
Consolidated Rail Corporation  
1138 Six Penn Center Plaza  
Philadelphia, PA 19103

Allen E. Gibboney, Esq.  
701 Second Street  
Altoona, PA 16601

Richard Herskovitz, Esq.  
Law Bureau  
Pa. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17120

Merle K. Evey, Solicitor  
Blair County  
401 Allegheny Street  
Hollidaysburg, PA 16648

William L. Leonard, Vice President  
and General Counsel  
The Bell Telephone Company of Pa.  
One Parkway  
Philadelphia, PA 19102

# APPEARANCE SHEET

## HEARING REPORT

DOCKET NO. C-844440

CASE NAME Pennsylvania Department of Transportation vs. Consolidated Rail Corporation, etc.

HEARING LOCATION Hollidaysburg, PA.

HEARING DATE June 26, 1985

ALJ Gesoff

CHECK THOSE BLOCKS WHICH APPLY:

Hearing concluded

Record closed

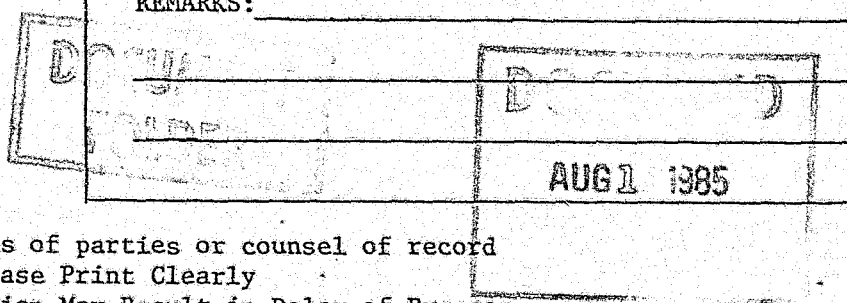
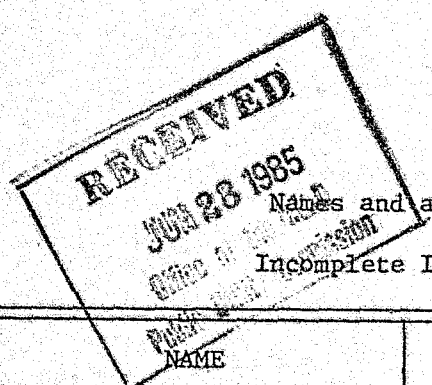
Briefs to be filed  *Pennell may file one - My briefing letter will require them to notify me if they plan to file a brief.*

Further hearing

Estimated add'l days

BENCH DECISION

REMARKS: \_\_\_\_\_



Names and addresses of parties or counsel of record  
Please Print Clearly  
Incomplete Information May Result in Delay of Process

NAME	ADDRESS	APPEARING FOR
Stephen F. J. Moran	Room 522 TRANSPORTATION SAFETY BLDG City: HARRISBURG State: PA Zip: 17120	Department of Transportation
Daniel F. Donovan	1138 4th Penn Center Plaza City: Philadelphia State: Pa. Zip: 19103	Council
Allen E. Gibboney	701 Second Street Juniata City: Altoona State: PA Zip: 16601	Snyder Township
Richard Hershowitz	P.O. Box 3205 City: Hg. State: PA Zip: 17120	PUC Trial Staff

Check this box if additional parties of counsel of record appear on back.

Maurice McCool  
Reporter