**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation :

of the Commonwealth of Pennsylvania :

for approval to alter the public at-grade crossing :

by the installation of the new automatically :

operated flashing light crossing warning signal : A-2015-2466693

where South Third Street (T-559) crosses the :

single track of Norfolk Southern Railroad :

Company (DOT No: 535152B) in Guilford :

Township, Franklin County all in accordance with :

the Federal Grade Crossing Program and the :

allocation of costs incident thereto :

**PREHEARING CONFERENCE ORDER**

On February 4, 2015, the Pennsylvania Department of Transportation (PA DOT) filed an application with the Pennsylvania Public Utility Commission (Commission) seeking approval to alter the at-grade crossing as described in the above caption and for the allocation of all costs incident thereto. A field conference was held on September 29, 2015 and subsequent conference calls between the parties were held on October 20, 2015 and November 18, 2015. The parties were unable to arrive at a mutually-acceptable resolution of this matter during these meetings. As a result, by letter dated December 3, 2015, the proceeding was referred to the Commission’s Office of Administrative Law Judge (OALJ) for the scheduling of an evidentiary hearing.

I have been assigned by the Commission to serve as the Presiding Officer in this proceeding. By Notice dated January 7, 2016, a Prehearing Conference has been scheduled for Thursday, February 4, 2016 at 10:00 a.m., in hearing room 4 of the Commonwealth Keystone Building, Harrisburg, PA. In accordance with Section 333 of the Public Utility Code, 66 Pa. C.S. § 333, and Section 5.221-5.224 of the Commission’s regulations, 52 Pa. Code §§ 5.221-5.224, this Prehearing Conference Order is being issued.

ORDER

THEREFORE,

IT IS ORDERED:

1. That an initial prehearing conference shall be held at 10:00 a.m. on Thursday, February 4, 2016, in hearing room 4 of the Commonwealth Keystone Building, Harrisburg, Pennsylvania.
2. That absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference. Failure of a party to participate in the conference, after being served with notice of the date, time and place thereof and without good cause shown, shall constitute a waiver of all objections to the agreements reached and any order or ruling issued with respect thereto.
3. That all parties shall review the regulations relating to discovery, specifically 52 Pa. Code § 5.331(b), which provides, among other things, that “a party shall initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code § 5.322, which encourages parties to exchange information on an informal basis. All parties are urged to cooperate in discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371 – 5.372.
4. That pursuant to 52 Pa. Code §§1.21 – 1.23, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).
5. That you must serve me directly with a copy of any documents you file in this proceeding. My address is:

Steven K. Haas

Administrative Law Judge

Pennsylvania Public Utility Commission

P.O. Box 3265

Harrisburg, PA 17105-3265

Telephone: (717) 787-3788

Email: sthaas@pa.gov

If you send me any correspondence or documents, you must send a copy to all other parties. The current service list was attached to the January 7, 2016 Prehearing Conference Notice.

1. That parties shall review the regulations pertaining to prehearing conferences, in particular 52 Pa.Code §5.222(d), which provides that parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable.

1. That pursuant to 52 Pa.Code §1.55, each party shall be limited to one entry on the service list. Parties shall provide the name, business address, business telephone number and business e-mail address (if any) of the person they wish to have listed on the service list.
2. That on or before Friday, January 29, 2016, the parties shall file and serve upon me and each other a Prehearing Conference Memorandum addressing:

a.) The information described in Paragraph 7, above.

b.) A statement addressing possible settlement of the case, subject to approval of the Pennsylvania Public Utility Commission.

c.) A proposed plan and schedule for discovery.

d.) A proposed schedule for litigation. The parties are directed to confer prior to the prehearing conference to develop, if possible, a mutually-acceptable litigation schedule.

e.) The names, titles, business addresses, and telephone numbers of witnesses each party expects to call and a brief description of the subject matter of each witness’ testimony.

f.) A list of the issues and sub-issues in this proceeding which the party intends to address and a statement of the party’s position on each of the issues and sub-issues listed.

1. Attached to this Prehearing Conference Order is a list of topics and questions that the various parties to this proceeding, as indicated on the attachment, are expected to address and answer at the evidentiary hearing. The litigation schedule developed by the parties and established at the Prehearing Conference should reflect the time needed by the parties to compile the information requested.

Date: January 12, 2016

Steven K. Haas

Administrative Law Judge

**A-2015-2466693 – APPLICATION OF THE DEPARTMENT OF TRANSPORTATION OF THE COMMONWEALTH OF PENNSYLVANIA FOR APPROVAL TO ALTER THE PUBLIC AT-GRADE CROSSING BY THE INSTALLATION OF THE NEW AUTOMATICALLY OPERATED FLASHING LIGHT CROSSING WARNING SIGNAL WHERE SOUTH THIRD STREET (T-559) CROSSES THE SINGLE TRACK OF NORFOLK SOUTHERN RAILROAD COMPANY (DOT NO: 535152 B) IN GUILFORD TOWNSHIP FRANKLIN COUNTY ALL IN ACCORDANCE WITH THE FEDERAL GRADE CROSSING PROGRAM AND THE ALLOCATION OF COSTS INCIDENT THERETO.**

\*GINA M D’ALFONSO ESQIRE

PENNDOT

OFFICE OF CHIEF COUNSEL

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\****Accepts e-Service***

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GREGORY COOK

CHAIRMAN GUILFORD TWP

GUILFORD TWP SUPERVISORS

115 SPRING VALLEY ROAD

CHAMBERSBURG PA 17202

JOHN HART CHIEF CLERK

FRANKLIN COUNTY COMMISSIONERS

14 NORTH MAIN STREET

CHAMBERSBURG PA 17201-1824

SHELLY BARD

CENTURY LINK

250 LINCOLN WAY EAST

PO BOX 429

CHAMBESBURG PA 17201

1. Norfolk Southern Railway Company (NS) submit testimony as to the exact corporate name of the owner and operator of the line of railroad at the subject crossing.
2. NS submit testimony as to the number of tracks presently located at the subject crossing, and the volume, class and approximate speed of all trains operated daily over its tracks and whether any significant changes to such operations are contemplated in the foreseeable future.
3. NS submit testimony describing the physical condition and characteristics of the subject crossing, including the type of traffic control systems, roadway width, type of paving, intersection angle, condition of the rail, and the general physical condition of the crossing.
4. NS submit testimony as to whether any accidents involving a train and motor vehicle or train and pedestrian have occurred at the subject crossing within the past five years; and if so, submit testimony as to the number of such accidents and the nature and cause thereof.
5. NS submit testimony describing the types of traffic control systems at the adjacent at-grade crossings at Alleman Road (T 452), Swamp Fox Road (S.R. 0914) and Colorado Street (T 511).
6. NS submit testimony as to whether, in its opinion, the subject crossing should be altered, permanently closed and/or whether any additional traffic control systems are necessary to effectuate the prevention of accidents and to promote safety for the traveling public.
7. NS submit testimony describing the general nature, extent and estimated cost of any repairs, work or changes which it deems necessary or advisable at the subject crossing.
8. NS submit testimony indicating what portion of future maintenance that it will agree to bear, and the portions, if any, of said work or cost thereof which should be performed and borne by each of the other parties hereto. Responses should be specific as to percentage of allocations suggested and should include the reasons for such allocations.
9. Guilford Township (Township) submit testimony as to whether Third Street (T 559) is a Township ordained and maintained roadway, and if so submit testimony describing in detail the highway approaches to the subject crossing including the alignment, grades, and roadway width, speed limit and the general physical condition of the approaches.
10. Township submit as an exhibit a plan showing the location of the subject crossing with respect to schools, hospitals, fire department, police department and commercial businesses, whether there are any growth trends in business, schools and residential housing in the vicinity that would increase the vehicular traffic at the subject crossing.
11. Township submit testimony as to the approximate class and volume of vehicular and pedestrian traffic traversing the crossing.
12. Township submit copies of any past orders or actions of thisCommission, or its predecessor, which may have dealt with the construction, alteration, or reconstruction or maintenance of the subject crossing involved herein.
13. Township state whether any accidents involving train and motor vehicles, train and pedestrians or motor vehicles and other motor vehicles have occurred at this location within the past five years; and if so, submit testimony as to the number of such accidents and the nature and cause thereof.
14. Township submit testimony as to whether, in its opinion, the existing traffic control systems at the subject crossing are adequate for the prevention of accidents and promotion of safety of the public.
15. Township submit testimony as to whether, in its opinion, any additional traffic control devices should be installed at the crossing in the interest of the prevention of accidents and the promotion of safety of the public.
16. Township submit testimony as to whether, in its opinion, the highway approaches to the crossing should be realigned or re-profiled in the interest of the prevention of accidents and the promotion of safety of the public.
17. Township submit testimony as to whether, in its opinion, the subject crossing should be permanently closed to vehicular and pedestrian traffic in the interest of the prevention of accidents and the promotion of safety of the public.
18. Township submit testimony indicating what portion of the work it will agree to perform; what portion, if any, of the cost of same and future maintenance that it will agree to bear; and the portions, if any, of said work or cost thereof which should be performed and borne by each of the other parties hereto. Responses should be specific as to percentage of allocations suggested, and should include the reasons for such allocations.
19. Township submit testimony as to what, in its opinion, should be done to improve safety of the subject crossing.
20. Pennsylvania Department of Transportation (Department) submit testimony as to whether Federal or State funds would be available for any improvement of the subject crossing.
21. Department and Franklin County submit answers to Questions 12 thru 19 inclusive, as if same were directed to it.
22. Query whether any party in interest, or any other party, has any additional relevant testimony to offer.