

**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 :  
where South Third Street (T-559) crosses the : A-2015-2466693  
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 :

**GUILFORD TOWNSHIP'S PREHEARING CONFERENCE MEMORANDUM**

**I. ENTRY ON THE SERVICE LIST**

Guilford Township requests that all documents be served on:

Guilford Township  
c/o Scott T. Wyland  
Salzmann Hughes, P.C.  
105 N. Front Street, Suite 205  
Harrisburg, PA 17101  
(717) 234-6700  
swyland@salzmannhughes.com

**II. SETTLEMENT POSSIBILITIES**

Guilford Township remains open to discussing a resolution of the matter.

**III. DISCOVERY PLAN AND SCHEDULE**

Guilford Township agrees to cooperate with Judge Haas and all other parties at the Initial Prehearing Conference to develop a proposed plan and schedule of discovery, as well as any reasonable and appropriate modifications to the Commission's Rules of Practice and Procedure for the conduct of discovery as are necessary. Guilford Township has reviewed the Department of Transportation's proposed schedule and finds it to be reasonable. Guilford Township plans to engage in written discovery regarding the scope of work and estimated cost of the work proposed at the crossing, and reserves the right to seek depositions if deemed necessary.

**IV. MUTUALLY-ACCEPTABLE LITIGATION SCHEDULE**

Guilford Township agrees to cooperate with Judge Haas and all other parties at the Initial Prehearing Conference to develop a proposed litigation schedule. Guilford Township has reviewed the Department of Transportation's proposed schedule and finds it to be reasonable, with the exception that two hearing days may be necessary.

**V. WITNESSES**

Guilford Township reserves the right to present the following witnesses to testify in these matters, as well as the right to call additional witnesses, and in particular witnesses from the County, as may be warranted upon proper notice to all parties:

Name: Don Clapper  
Title: Guilford Township Supervisor  
Business Address: 115 Spring Valley Road, Chambersburg, PA 17202  
Phone Number: 717-264-6626  
Subject Matter of Testimony: Mr. Clapper will provide fact testimony regarding the crossing, the character of the area, community needs, and the Township's position regarding PennDOT's application.

Name: Gregory Cook  
Title: Former Guilford Township Supervisor  
Business Address: 115 Spring Valley Road, Chambersburg, PA 17202  
Phone Number: 717-264-6626  
Subject Matter of Testimony: Mr. Cook will provide fact testimony regarding the crossing, the character of the area, community needs, and discussions and correspondence regarding the PennDOT's application.

Name: Greg Creasy, P.E.  
Title: Grove Miller Engineering, Inc., Principal Traffic Engineer  
Business Address: 4800 Linglestown Road, Suite 105, Harrisburg, PA 17112  
Phone Number: 717-545-3636  
Subject Matter of Testimony: Mr. Creasy will provide expert testimony regarding the crossing, the improvements proposed by the Department, and alternate impacts on the transportation network.

Name: Dennis Miller  
Title: Adjoining Property and Business Owner  
Business Address: 5200 3<sup>rd</sup> St., Marion, PA 17235  
Phone Number: 717-375-2344  
Subject Matter of Testimony: Mr. Miller will provide fact testimony regarding the crossing, the character of the area, community needs, and

discussions and the impact of alternate effects on his businesses and property.

Name: Williard Agri-Service, Inc.  
Business Address: 5325 3<sup>rd</sup> St., Marion, PA 17235  
Phone Number: 717-375-2229  
Subject Matter of Testimony: Fact testimony regarding the impact of PennDOT's application or any suggested alternatives on Williard Agri-Service, Inc.'s adjoining property.

Name: Chambersburg Area School District  
Business Address: 435 Stanley Avenue, Chambersburg, PA 17201  
Phone Number: 717-261-3321  
Subject Matter of Testimony: Fact testimony regarding the impact of PennDOT's application or any suggested alternatives on Chambersburg Area School District's nearby facility.

Name: Phil Tarquino  
Title: Director, Franklin County Planning Office  
Business Address: 218 N. Second St., Chambersburg, PA 17201  
Phone Number: 717-261-3855  
Subject Matter of Testimony: Fact testimony regarding the impact of PennDOT's application or any suggested alternatives on the transportation network.

## **VI. ISSUES AND POSITIONS**

- A. The Township supports PennDOT's application to further enhance traffic control and safety at the subject crossing.
- B. The cost of the improvements identified in PennDOT's application should be borne by PennDOT as PennDOT has identified funds to complete the improvements based upon the most recent estimate provided by Norfolk Southern.
- C. The subject crossing should not be permanently closed to vehicular and pedestrian traffic, as such closure is not in the interest of the prevention of accidents or the promotion of safety of the public, and is an absurd result when PennDOT is willing to fund 100% of the costs of the improvements identified in PennDOT's application.
- D. Norfolk Southern should bear the costs of ongoing maintenance and operation of the improvements, as Norfolk Southern is the beneficiary of the improvements funded by PennDOT.

Respectfully Submitted,

**SALZMANN HUGHES, P.C.**

Dated: January 29, 2016

By: /s/ Scott T. Wyland  
Scott T. Wyland  
Attorney I.D. No. 52660  
Samuel E. Wiser Jr.  
Attorney I.D. No. 203665  
Isaac P. Wakefield  
Attorney I.D. No. 311909  
105 North Front Street, Suite 205  
Harrisburg, PA 17101  
(717) 234-6700

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Allocation of costs incident thereto :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Guilford Township's Prehearing Conference Memorandum was served upon the parties listed below by First-Class mail:

Stephen K. Haas  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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

Stephen Klinger HGC  
Norfolk Southern Railway Co.  
1200 Peachtree St. NE Box 123  
Atlanta, GA 30309

Timothy Bentley, Esquire  
Norfolk Southern Railway Co.  
Three Commercial Place  
Norfolk, VA 23510

Henry Dan  
First Energy  
800 Cabin Hill Drive  
Greensburg, PA 15601

John Hart Chief Clerk  
Franklin County Commissioners  
14 North Main Street  
Chambersburg, PA 17201-1824

Shelly Bard  
Century Link  
250 Lincoln Way East  
P.O. Box 429  
Chambersburg, PA 17201

***SALZMANN HUGHES, P.C.***

Dated: January 29, 2016

By: /s/ Scott T. Wyland  
Scott T. Wyland