



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

January 28, 2016

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

RE: **Docket No. A-2015-2466693**

Dear Secretary Chiavetta:

Enclosed for filing please find the Department's *Prehearing Conference Memorandum*, in the above-captioned matter.

I hereby certify that a copy has been sent to all parties of record as indicated by the Certificate of Service.

Very truly yours,

A handwritten signature in cursive script that reads "Gina M. D'Alfonso".

Gina M. D'Alfonso
Assistant Counsel in Charge

Enclosure

220/GMD:aca

cc: Steven K. Haas, Administrative Law Judge
Parties of Record
Mark J. Chappell, P.E., Chief, Utilities and Right-of-Way Section
Gregory J. Vaughn, Grade Crossing Engineer, Utilities and Right-of-Way Section
Ahmed Lasloudji, District Grade Crossing Engineer, District 8-0

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of	:	
Transportation of the Commonwealth of	:	A-2015-2466693
Pennsylvania for approval to alter the public at-	:	
grade crossing by the installation of the new	:	Electronically Filed
automatically operated flashing light crossing	:	
warning signal 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.	:	

**COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION'S PREHEARING CONFERENCE MEMORANDUM**

In accordance with the January 12, 2016 Prehearing Conference Order of Administrative Law Judge Steven K. Haas, in the above referenced matter, the Department of Transportation ("Department") offers the following in response to the specific requests contained therein:

- a) It is requested that the Department's sole entry on the service list shall be as follows:

Gina M. D'Alfonso
Assistant Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128
Fax Number (717) 772-2741
gdalfonso@pa.gov

- b) The Department has discussed the present issues with both the Guilford Township and Norfolk Southern and will continue its efforts to resolve the matter. However, no settlement or agreement has been reached in the present matter.

- c) At this time, the Department does not anticipate the need for discovery. In the event that the Department or any other party desires to engage in discovery, the Department proposes that all discovery is completed, including discovery requests and any responses thereto, no later than two (2) weeks prior to the date for the submission of pre-served written direct testimony.
- d) The Department specifically requests that the parties concerned with the above captioned matter submit written testimony pursuant to 52 Pa. Code § 5.412. The Department believes that one day for a hearing is sufficient if the parties are directed to pre-file written testimony. As such, the Department proposes the following litigation schedule:

Written direct testimony submitted on or before: March 25, 2016

Written rebuttal testimony submitted on or before: April 8, 2016

Hearing: Week of April 18, 2016

- e) The Department intends to present the following witness to testify in this matter:

Gregory J. Vaughn
Grade Crossing Engineer
Utilities and Right-of-Way Section, Central Office
PO Box 3362
Harrisburg, PA 17105-8212

Mr. Vaughn's testimony will address the Department's position that the Commission should approve the Department's Application to alter the subject crossing as it is in the interest of the travelling public; additionally, his testimony will discuss the reasonable cost estimates of the proposed work, and he will answer Questions 20 and 21 on the Questions and Procedures attached to the Prehearing Conference Order.

The Department reserves the right to add additional witnesses and to expand the testimony of the existing witnesses as the case develops.

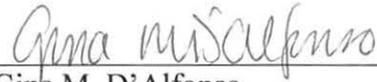
f) The issues in the current matter include:

Issue: Whether the Commission should approve the Department's Application to alter the subject at-grade crossing by the installation of new automatically operated flashing-lights.

Position: The Department's position is that the Application should be approved in the interest of the safety of the traveling public. However, the project cost estimate provided by Norfolk Southern has far exceeded the estimate anticipated by the Department.

Respectfully Submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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Pennsylvania Attorney I.D. Number 46767
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DATED: January 28, 2016

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County all in accordance with the Federal Grade :
Crossing Program and the allocation of costs :
incident thereto. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Department's *Prehearing Conference Memorandum* was served upon the parties listed below, in accordance with the requirements of §1.54, by electronic mail as indicated and First-Class mail, postage prepaid, this 28th day of January, 2016:

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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DATED: January 28, 2016