



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 12, 2016

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

RE: **Docket No. I-2016-2527248**

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 blue ink, appearing to read "N. Mertens".

Nicholas D. Mertens  
Assistant Counsel

Enclosure

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**

Investigation upon the Commission’s motion :  
into matters pertaining to the proper safety of : I-2016-2527248  
the traveling public traversing the crossing :  
where Lighthouse Road (DOT 535 148 L), : **Electronically Filed**  
crosses, at grade, one track of Norfolk :  
Southern Railway Company in Guilford :  
Township, Franklin County :

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

In accordance with the Prehearing Conference Order dated April 21, 2016, in the above referenced matter, the Department of Transportation (“Department”) offers the following in response to the specific requests contained in the Order:

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

Nicholas D. Mertens  
Assistant Counsel  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
Telephone No. (717) 787-3128  
Fax No. (717) 772-2741  
nimertens@pa.gov

- b) The Department, Guilford Township, Norfolk Southern Railway Company, and the Commission’s Bureau of Investigation and Enforcement (collectively referred to as the “Parties”) have engaged in discussions to settle the issues involved in this proceeding and the Commission matter at the adjacent South Third Street Crossing, Commission Docket Number A-2015-2466693, also located in Guildford Township. The Parties have proposed a twelve (12) month period to allow the Township to secure funding to construct a “relief

road” which will alleviate the need for the Lighthouse Road and South Third Street crossings. This road will not create any additional highway-rail crossings. The Department, in agreement with the remaining Parties, proposes to suspend the present litigation schedule subject to successful settlement discussions within an allotted timeframe.

- c) In the event that a successful settlement of the issue is not reached within the allotted timeframe, the Department proposes that the Parties are required to develop a mutually agreed upon discovery schedule at such time.
- d) In the event that a successful settlement of the issue is not reached within the allotted timeframe, the Department proposes that the Parties are required to develop a mutually agreed upon litigation schedule at such time.
- e) In the event that a successful settlement of the issue is not reached within the allotted timeframe, 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 safety concerns at the subject crossing and the need for either safety improvements to the subject crossing or abolishment of said crossing.

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 present investigation should be referred to the Commission's Mediation Program for the Parties to reach a mutual agreement as to the disposition of the subject crossing and the adjacent South Third Street crossing.

**Position:** The Department, in agreement with the remaining interested Parties, proposes to suspend the present litigation schedule and refer the matter to the Commission's Mediation Program.

Respectfully Submitted,

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



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Nicholas D. Mertens  
Assistant Counsel  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
Telephone No. (717)787-3128  
Pennsylvania Attorney I.D. No. 313998  
nimertens@pa.gov

DATED: May 12, 2016

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Township, Franklin County :

**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 52 Pa. Code § 1.54, by First-Class mail, postage prepaid, this 12<sup>th</sup> day of May, 2016:

Rebecca Pastier  
FirstEnergy Solutions  
341 White Pond Drive, B2  
Akron, OH 44320

Robert Munoz  
Comcast Business Communications, LLC  
One Comcast Center  
Philadelphia, PA 19103

CenturyLink  
1201 Walnut Bottom Road  
Carlisle, PA 17015

Norfolk Southern Railway Company  
Three Commercial Place  
Norfolk, VA 23510

Jeff Wirtzfeld  
CenturyLink  
1801 California Street  
10<sup>th</sup> Floor  
Denver, CO 80202

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

Benjamin Dunlap, Jr., Esq.  
Nauman Smith Shissler & Hall  
200 North Third Street, 18<sup>th</sup> Floor  
P.O. Box 840  
Harrisburg, PA 17108

Elizabeth Murray  
Comcast Phone of PA, LLC  
50 Randolph Road  
Somerset, NJ 08873

John Holloway  
Guildford Township Authority  
115 Spring Valley Road  
Chambersburg, PA 17202

Charlene Rericha  
FirstEnergy Solutions  
341 White Pond Drive, B2  
Akron, OH 44320

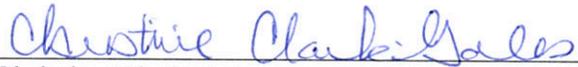
Zsuzsanna E. Benedek, Esq.  
240 North Third Street  
Suite 300  
Harrisburg, PA 17101

Scott T. Wyland, Esq.  
Salzmann Hughes, PC  
354 Alexander Spring Road, STE 1  
Carlisle, PA 17015

Adam D. Young, Esq.  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Sam Wiser  
Salzman Hughes, PC  
79 St. Paul Drive  
Chambersburg, PA 17201

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



Christine Clark-Gales  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
Telephone No. (717) 787-3128