**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.

A Prehearing Conference was held in this proceeding on February 4, 2016 at 10:00 a.m., in hearing room 4 of the Commonwealth Keystone Building, Harrisburg, PA. The following counsel were present at this conference: Benjamin C. Dunlap on behalf of Norfolk Southern Railway Company; Gina M. D’Alfonzo on behalf of the Pennsylvania Department of Transportation (PA DOT); Samuel E. Wiser, Jr. on behalf of Guilford Township; Mary   
Beth Shank on behalf of Franklin County and Adam Young on behalf of the Commission’s Bureau of Investigation and Enforcement. A litigation schedule was established during this conference.

Subsequently, by letter dated May 19, 2016, I was informed by counsel to PA DOT that the parties had engaged in settlement discussions and that all of the parties joined in requesting that further litigation in the proceeding be held in abeyance and the case be referred to the Commission’s Mediation Unit to provide the parties additional time to attempt, with the assistance of the Commission’s Mediation Unit personnel, to reach a settlement. As noted, all parties are in agreement with this request. As it is the Commission’s policy to encourage settlements in contested proceedings, I will grant the joint request and refer this proceeding to the Mediation Unit for further review.

ORDER

THEREFORE,

IT IS ORDERED:

1. That this proceeding be referred to the Commission’s Mediation Unit for further review.
2. That the litigation schedule established during the February 4, 2016 Prehearing Conference is rescinded.

Date: June 8, 2016

Steven K. Haas

Administrative Law Judge

**-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.**

*REVISED 2/29/16*

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