

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

STATUS REPORT

AND NOW, comes Guilford Township ("Guilford") by and through its legal counsel, Salzmann Hughes, P.C., and files this Status Report at the request of Administrative Law Judge Haas ("ALJ Haas"), and in support thereof state as follows:

1. This proceeding concerns an at-grade crossing where T-425 (Lighthouse Road) crosses a single track of Norfolk Southern Railroad Company (DOT No: 535 148 L) in Guilford Township, Franklin County, Pennsylvania (the "Township"), referred to herein as the "Crossing."
2. The parties to this proceeding are also parties to a separate but related proceeding at A-2015-2466693, relating to the installation of certain improvements at an at-grade crossing where T-559 (South Third Street) crosses a single track of Norfolk Southern Railroad Company (DOT No: 535 152 B) in Guilford Township, Franklin County, Pennsylvania (the "Third Street Crossing").
3. By email dated June 6, 2019, ALJ Haas requested that the parties submit a status update regarding this proceeding and the Third Street Crossing proceeding at A-2015-2466693.
4. Accordingly, a similar status update is being filed in the appropriate docket of each proceeding.

5. A Prehearing Conference was held on Wednesday, May 18, 2016, attended by counsel for Norfolk Southern, the Township, Pennsylvania Department of Transportation (“PennDOT”), and the Commission’s Bureau of Investigation and Enforcement (“BI&E”).

6. Following the Prehearing Conference, this matter was referred to the Commission’s Mediation Unit upon agreement of the parties.

7. The parties were initially unable to resolve the issues involved through proceedings before the Commission’s Mediation Unit.

8. A Scheduling Order was set on March 12, 2018, for further proceedings before the ALJ.

9. At the request of the parties, ALJ Haas issued an Order Suspending Litigation Schedule on May 29, 2018, suspending the litigation to give the parties additional time to attempt to finalize a settlement.

10. Thereafter, the parties engaged in amicable negotiations to address the concerns raised in this matter and to achieve terms of resolution acceptable to all parties for the benefit of the public.

11. A settlement in principle was reached that involved abolishing the Crossing and installing a cul-de-sac along Lighthouse Road to account for the abolished Crossing.

12. In the process of formalizing the settlement, the Township was also awaiting word regarding a grant funding application it had submitted that would provide funding to build a relief road from the current terminus of or other connection point along Archer Drive (T-820) on the north, to Lighthouse Road (T-425) on the south (the “Relief Road”).

13. Due to repeated rescheduling of the meeting at which grants were to be announced, the grant award announcement was delayed for several months between the end of 2018 and early 2019.

14. The Township was ultimately awarded a Multimodal Transportation Fund grant that will, along with certain other financial contributions, enable the Township to construct the Relief Road.

15. The Relief Road will allow for the Crossing to be abolished without the need for construction of the cul-de-sac as originally envisioned by the parties.

16. Accordingly, revisions were necessary for the settlement agreement as originally contemplated and a draft was prepared to account for this alternative proposal.

17. A draft "Joint Petition for Settlement" was prepared and reviewed by the Township, and circulated to all counsel on June 7, 2019. The Township is awaiting comments and revisions to the same.

18. The parties anticipate that the Joint Petition for Settlement will be submitted to the Commission for approval within ninety (90) days of the date of this filing.

19. The Township respectfully request that the status of this proceeding be kept status quo while the parties attempt to finalize the terms of the Joint Petition for Settlement and submit the same to the Commission for approval.

Respectfully Submitted,

SALZMANN HUGHES, P.C.

Dated: June 10, 2019

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
112 Market Street, 8th Floor
Harrisburg, PA 17101
(717) 234-6700

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Guilford Township’s Revised 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

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

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

Mary Beth Shank, Esq.
Franklin County Solicitor
14 North Main Street
Chambersburg, PA 17201

Michael L. Swindler, Esq.
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105

SALZMANN HUGHES, P.C.

Dated: June 10, 2019

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