

**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: 535 152 B) in Guilford :
Township, Franklin County all in accordance with :
the Federal Grade Crossing Program and the :
Allocation of costs incident thereto :

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 states as follows:

1. This proceeding concerns 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 “Township”), referred to herein as the “Crossing.”
2. The parties to this proceeding are also parties to a separate but related proceeding at I-2016-2527248, relating to an investigation upon the Commission’s motion into matters pertaining to the proper safety of the traveling public traversing the crossing where Lighthouse Road (DOT 535 148 L) crosses, at grade, one track of Norfolk Southern Railway Company in Guilford Township, Franklin County, Pennsylvania (the “Lighthouse Road Crossing”).
3. By email dated June 6, 2019, ALJ Haas requested that the parties submit a status update regarding this proceeding and the Lighthouse Road Crossing proceeding at I-2016-2527248.

4. Accordingly, a similar status update is being filed in the appropriate docket of each proceeding.

5. On or about February 4, 2015, the Pennsylvania Department of Transportation (“PennDOT”) filed an application seeking approval to alter the at-grade Crossing by the installation of new automatically operated flashing-light crossing warning signals and for the allocation of all costs incident thereto.

6. 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.

7. During the field conference, the parties were unable to reach a mutually acceptable resolution of the issues related to the Crossing.

8. The Commission thereafter referred the proceeding to the Commission’s Office of Administrative Law Judge for the scheduling of an evidentiary hearing.

9. A Prehearing Conference was held on February 4, 2016, attended by counsel for Norfolk Southern Railway Company (“Norfolk Southern”), Guilford Township (the “Township”), PennDOT, and the Commission’s Bureau of Investigation and Enforcement (“BI&E”).

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

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

12. 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.

13. A settlement in principle was reached that involved the installation of certain safety enhancements at the Crossing together with an allocation of the funds to be contributed by the parties for the same.

14. The parties exchanged various drafts of a proposed "Joint Petition for Settlement" with respect to the improvements to be installed at the Crossing.

15. The Township was in the process of reviewing the final submitted comments of BI&E and intended to circulate a final version of the Joint Petition for Settlement for approval of counsel and submission to the Commission for approval.

16. Recently, however, the Township has learned that conditions may favor the construction of a relief road for Lighthouse Road. The relief road would allow the Crossing to be abolished in a similar manner to the anticipated resolution of the Lighthouse Road Crossing.

17. The Township believes that it may be beneficial to reduce the proposed improvements at the crossing as originally contemplated by the parties as part of a settlement agreement in an effort to mitigate the costs to all parties where the relief road will ultimately be constructed and the crossing abandoned in the near term.

18. The Township is examining those costs and the status of the potential relief road. The Township anticipates that it will take one or two months to fully analyze these issues to determine whether changes to the initial settlement proposal should be offered.

19. 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.

20. Accordingly, the Township respectfully requests that the status of this matter remain unchanged while these final terms of settlement are explored and resolved.

Respectfully Submitted,

SALZMANN HUGHES, P.C.

Dated: June 11, 2019

By: /s/ Scott T. Wyland
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Guilford Township's Status Report was served upon the parties listed below by First Class Mail.

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SALZMANN HUGHES, P.C.

Dated: June 11, 2019

By: /s/ Scott T. Wyland
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