

December 21, 2021

VIA EFILING

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17101

**Re: 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 Company in Guilford Township, Franklin County
Docket No. I-2016-2527248**

Dear Secretary Chiavetta:

Please find enclosed a Joint Petition for Settlement and related Statements in Support of the Joint Petition for Settlement for filing in the above-referenced matter. In accordance with the accompanying Certificate of Service, we are serving a copy of the Settlement and related Statements in Support on all parties of record.

If you have any questions or concerns, please feel free to contact me at the address listed above.

Very Truly Yours,

SALZMANN HUGHES, P.C.



Scott T. Wyland

STW/mam

Enclosure

cc: Certificate of Service

**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	:	

JOINT PETITION FOR SETTLEMENT

I. PROCEDURAL HISTORY

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. By Order entered February 25, 2016, the Pennsylvania Public Utility Commission ("Commission") initiated, upon its own motion, an investigation for purposes of determining all matters relating to the safety of the Crossing where Lighthouse Road (T-425) crosses, at grade, one track of Norfolk Southern in the Township and the future disposition of the Crossing.

3. A field conference was held on March 15, 2016, for the purpose of determining whether an amicable resolution of the various matters involved in this proceeding could be reached.

4. During the initial field conference, the parties were unable to arrive at a mutually acceptable resolution of the issues related to the Crossing.

5. The Commission thereafter referred the proceeding to the Commission's Office of Administrative Law Judge (the "ALJ") for the scheduling of an evidentiary hearing.

6. 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”).

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

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

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

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

11. 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.

12. The parties have now agreed to settlement terms in this proceeding and now submit this Joint Petition for Settlement (“Petition”).

II. STIPULATED FACTS

1. The Crossing is an at-grade crossing where Lighthouse Road (T-425) crosses, at grade, a single track of Norfolk Southern’s railway line (DOT No. 535 148 L) in the Township.

2. By order entered February 25, 2016, the Commission initiated, upon its own motion, an investigation for the purpose of determining all matters relating to the safety of the Crossing and the future disposition of the Crossing.

3. A traffic study was performed in May of 2018, indicating an average daily traffic volume of 132 vehicles on Lighthouse Road and a peak average daily traffic volume of 155.

4. Upon a field review, inspections, and engineering input, and during the course of discovery in this matter, it was determined that the subject Crossing should be closed and abolished.

5. Additionally, it was determined that certain safety related improvements that might be installed at the Crossing may not be feasible due to potential conflicts that might arise from electrical and/or electromagnetic interference from nearby electrical transmission lines.

6. The parties agreed that the subject Crossing should be abolished.

7. The parties agreed that abolishing the Crossing would be preferable to upgrading existing traffic control facilities or constructing additional facilities and upgrades.

8. The parties agreed that certain work must be undertaken to abolish the Crossing.

9. Specifically, the parties agreed that the Township will undertake the following work to facilitate the closure and abolishment of the Crossing:

- a. To the east of the Crossing, the Township shall establish 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"). The design and construction of the Relief Road commenced in or around Spring of 2020, and was completed on or around September 2021. The Township intends to fund construction of the Relief Road through a combination of funds received pursuant to this Stipulation, grant funding recently awarded to the Township for this purpose, and otherwise through available funds of the Township.

- b. The Township's responsibilities in designing and building said Relief Road shall include, but not be limited to: (i) preparing a survey prior to commencing construction; (ii) acquiring property, obtaining or vacating any easements or rights of way if necessary, obtaining any required permits and authorizations, and executing and recording any instruments necessary to facilitate the construction of the Relief Road; (iii) taking all actions necessary to vacate the Lighthouse Road roadway from State Route 11 to its intersection with the established Relief Road, as shown on Exhibit "A" attached hereto, in favor of WCN Properties, L.P., Target Corporation, Norfolk Southern, and West Penn Power Company, at its sole cost and expense; and (iv) constructing the new Relief Road.
 - c. The Township will remove a portion of the roadway surface on each side of the Norfolk Southern railroad track as follows: (i) from the eastern boundary of the State Route 11 right-of-way to a point extending two (2) feet from the western boundary of the Norfolk Southern railroad track; and (ii) from a point extending two (2) feet from the eastern boundary of the Norfolk Southern railroad track to a point onto the roadway of Lighthouse Road at the boundary of the Norfolk Southern right-of-way, where the Township will place concrete median barriers.
10. The parties further agreed that Norfolk Southern shall:
- a. Pay the Township a one-time, lump sum payment of Twenty-Eight Thousand Dollars (\$28,000.00) as incentive for closing and abolishing the crossing.

- b. Remove the Crossing itself and the roadway surface for two feet outside the tracks, at its sole cost and expense.
- c. Remove any crossbucks associated with the Crossing at Norfolk Southern's sole cost and expense.
- d. Issue any and all permits to the Township and/or the Township's contractors, at no cost to the Township or its contractors, to the extent they are required by Norfolk Southern for the removal of the roadway surface within the Norfolk Southern right-of-way. Pay for the costs of any flaggers that are required for the Township's on-site removal of the roadway surface within the Norfolk Southern right-of-way provided that the Township shall provide ninety days' written notice to Norfolk Southern of the Township's intent to commence the roadway surface removal work so that Norfolk Southern can coordinate its work of removal of the Crossing if desired.

11. Finally, the parties agreed that PennDOT shall not be responsible for performing any work outside of its own right of way along State Route 11. Within the PennDOT right of way, however, PennDOT shall perform the following at its sole cost:

- a. Issue a Highway Occupancy Permit to the Township at no cost to the Township consistent with 67 Pa. Code § 441.4.
- b. Stake/paint the State Route 11 right of way 70'/35' from the centerline.
- c. Eradicate any lines and restripe the shoulder adjacent to the Crossing on State Route 11.
- d. Remove turn lane indications associated with the Crossing as deemed necessary by PennDOT.

- e. Remove any railroad crossing signs or signs on State Route 11 indicating a grade crossing on Lighthouse Road.

12. PennDOT shall also approve a Section 130 incentive payment for at-grade crossing closures in accordance with 23 U.S.C. § 130 of Seven Thousand Five Hundred Dollars (\$7,500.00) based upon the incentive payment by Norfolk Southern to the Township as specified herein.

13. The work and contribution of each party toward abolishing the Crossing will facilitate complete abolishment of the crossing and will thereby reduce hazards and increase public safety in the area.

III. PROPOSED CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of and the parties to this proceeding. 66 Pa.C.S. §§ 2702 and 2704.

2. The Commission has the authority to order the construction, reconstruction, alteration, relocation, repair, maintenance, protection, suspension or abolition of railroad crossings, and the authority to determine and order which concerned parties should perform such work, in order to prevent accidents and promote the safety of the public. 66 Pa.C.S. §§ 2702 and 2704.

3. The Township, Norfolk Southern, PennDOT, and BI&E are all concerned parties within the meaning of 66 Pa.C.S. §§ 2702 and 2704.

4. "It is the policy of the Commission to encourage settlements." 52 Pa. Code § 5.231(a).

5. The Joint Petition for Settlement is in the public interest as its terms provide for the protection of the public safety with respect to the Crossing.

IV. SETTLEMENT TERMS

Pursuant to Sections 507 (relating to “Contracts between public utilities and municipalities”) and 2702 (relating to “Construction, relocation, suspension and abolition of crossings”) of the Pennsylvania Public Utility Code (“Code”), 66 Pa.C.S. §§ 507 and 2702, the undersigned parties to this proceeding agree in this Joint Petition for Settlement as follows:

1. The parties, by the signatures of their representatives below, stipulate to the facts as presented in the Stipulated Facts within this Petition for Settlement.

2. The parties agree to perform the responsibilities as specified herein in a combined effort to abolish the Crossing to reduce hazards and increase public safety at the Crossing.

3. The subject crossing shall be abolished, upon the establishment and construction of a relief road, as further detailed in this Joint Petition for Settlement.

4. The Township’s responsibilities and share of costs associated with the combined effort shall be as specified herein. Subject to the payment of funds by Norfolk Southern and PennDOT as specified herein, the Township shall undertake the following work to facilitate the closure and abolishment of the Crossing:

- a. To the east of the Crossing, the Township shall establish 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”). Design and construction of the Relief Road commenced in or around Spring of 2020, and was completed in or around September 2021. The Township intends to fund construction of the Relief Road through a combination of funds received pursuant to this Stipulation, grant funding recently awarded to the Township for this purpose, and otherwise through available funds of the Township.

- b. The Township's responsibilities in designing and building said Relief Road shall include, but not be limited to: (i) preparing a survey prior to commencing construction; (ii) acquiring property, obtaining or vacating any easements or rights of way if necessary, obtaining any required permits and authorizations, and executing and recording any instruments necessary to facilitate the construction of the Relief Road; (iii) taking all actions necessary to vacate the Lighthouse Road roadway from State Route 11 to its intersection with the established Relief Road, as shown on Exhibit "A" attached hereto, in favor of WCN Properties, L.P., Target Corporation, Norfolk Southern, and West Penn Power Company, at its sole cost and expense; and (iv) constructing the new Relief Road.
- c. The Township will remove a portion of the roadway surface on each side of the Norfolk Southern railroad track as follows: (i) from the eastern boundary of the State Route 11 right-of-way to a point extending two (2) feet from the western boundary of the Norfolk Southern railroad track; and (ii) from a point extending two (2) feet from the eastern boundary of the Norfolk Southern railroad track to a point onto the roadway of Lighthouse Road at the boundary of the Norfolk Southern right-of-way, where the Township will place concrete median barriers.

5. The Township agrees, in addition to and in connection with the abolishment of the Crossing, to vacate those portions of Lighthouse Road from its centerline adjacent to property owned by WCN Properties L.P., Target Corporation, Norfolk Southern, and West Penn Company, to those entities, as shown on the plans and metes and bounds descriptions attached hereto as

Exhibit "A" and Exhibit "B," respectively. The Township will not vacate any other portion of Lighthouse Road in conjunction with this proceeding. The vacation of the above referenced roadway and abolishment of the crossing shall occur upon the completion of Relief Road and the issuance of a Secretarial Letter memorializing the abolition and closing this investigation.

6. In connection with the request to vacate the specified portion of Lighthouse Road, the parties request that the adjacent property owners be added as parties to this proceeding solely for the purpose of effectuating this roadway vacation as follows:

WCN Properties L.P.
900 Kriner Road, Suite 1,
Chambersburg, Pa 17201

Target Corporation
1000 Nicollet Mall,
Minneapolis, MN 55403

West Penn Power Company
800 Cabin Hill Drive,
Greensburg, PA 15601

WCN Properties, L.P., Target Corporation, and West Penn Power Company have each consented to its addition as a party to this proceeding solely for purposes of effectuating the roadway vacation as evidenced by the letters of support attached hereto as Exhibit "C."

7. Norfolk Southern shall:
- a. Pay the Township a one-time, lump sum payment of Twenty-Eight Thousand Dollars (\$28,000.00) as incentive for closing and abolishing the crossing.
 - b. Remove the Crossing itself and the roadway surface for two feet outside the tracks, at its sole cost and expense.
 - c. Remove any crossbucks associated with the Crossing at Norfolk Southern's sole cost and expense.

- d. Issue any and all permits to the Township and/or the Township's contractors, at no cost to the Township or its contractors, to the extent they are required by Norfolk Southern for the removal of the roadway surface within the Norfolk Southern right-of-way. Pay for the costs of any flaggers that are required for the Township's on-site removal of the roadway surface within the Norfolk Southern right-of-way provided that the Township shall provide ninety days' written notice to Norfolk Southern of the Township's intent to commence the roadway surface removal work so that Norfolk Southern can coordinate its work of removal of the Crossing if desired.

8. PennDOT shall not be responsible for performing any work outside of its own right of way along State Route 11. Within the PennDOT right of way, however, PennDOT shall perform the following at its sole cost:

- a. Issue a Highway Occupancy Permit to the Township at no cost to the Township consistent with 67 Pa. Code § 441.4.
- b. Stake/paint the State Route 11 right of way 70'/35' from the centerline.
- c. Eradicate any lines and restripe the shoulder adjacent to the Crossing on State Route 11.
- d. Remove turn lane indications associated with the Crossing as deemed necessary by PennDOT.
- e. Remove any railroad crossing signs or signs on State Route 11 indicating a grade crossing on Lighthouse Road.

9. PennDOT shall also approve a Section 130 incentive payment for at-grade crossing closures in accordance with 23 U.S.C. § 130 of Seven Thousand Five Hundred Dollars (\$7,500.00) based upon the incentive payment by Norfolk Southern to the Township as specified herein.

10. The parties shall coordinate in good faith to determine any other cost sharing that may become necessary as work progresses.

11. All work will be completed by May 1, 2022, unless another date is agreed to by the parties.

12. Upon the entry of an order by the Commission approving the settlement, the matter will be reassigned to the Commission's Bureau of Technical Utility Services, Rail Safety Section.

13. Upon completion of the work provided herein, the parties agree to provide written notice to Rail Safety. Rail Safety shall, within thirty days of written notice, complete a final inspection to determine that the Relief Road has been established and that the work performed by the Parties within the limits of the Crossing was completed satisfactorily and as specified in this Petition. If the Relief Road has been established and the balance of the work is found to have been completed satisfactorily and as specified in this Petition, Rail Safety shall issue a Secretarial Letter closing the matter and officially abolishing the crossing.

14. Subject to the parties' right to withdraw from this Joint Petition for Settlement pursuant to Paragraph 16 below, the parties hereto agree to abide by the work responsibilities and financial obligations delineated in this Joint Petition for Settlement.

15. This Joint Petition for Settlement is contingent upon its approval pursuant to Sections 507 and 2702 of the Code and the issuance of a Commission Secretarial Letter or Order accepting and approving the same.

16. The parties agree that any party may petition the Commission for rehearing if the Commission Secretarial Letter or Order substantively modifies the terms of this Joint Petition for Settlement. In that event, any party may give notice to the other parties that it is withdrawing from this Joint Petition for Settlement. Such notice must be in writing and must be given within twenty (20) business days of the issuance of any Initial or Recommended Decision or any Commission Order or Secretarial Letter which adopts this Joint Petition for Settlement with substantive modifications of its terms. The consequence of any party withdrawing from this Joint Petition for Settlement as set forth above is that all issues associated with the requested relief presented in the proceeding will be fully litigated unless otherwise stipulated between the parties and all obligations of the parties as set forth above to each other are terminated and of no force and effect.

17. The parties executing this Joint Petition for Settlement agree that its purpose is to act as a General Release, except as specifically noted within, and is to settle, compromise and release all claims, actions, suits and rights whatsoever existing between and on behalf of those respective parties as set forth above, their successors and assigns, including all such claims, actions, suits and rights whatsoever; whether known or unknown to those parties, except to enforce the terms of this Joint Petition for Settlement.

18. The benefits and obligations of this Joint Petition for Settlement shall be binding upon the successors and assigns of the parties to this Stipulation.

19. This Stipulation may be signed in counterparts and all signatures attached hereto will be considered as originals.

V. PROPOSED ORDER

In order to effectuate the parties' Joint Petition for Settlement, the undersigned parties request that the Commission issue a Secretarial Letter or Order in substantially the following form.

The Commission will serve the public interest by adopting this Stipulation. The Joint Petition for Settlement will save the parties the time and expense they would incur further litigating this matter before the Commission. Since all of the parties agree to the terms of the Joint Petition for Settlement, adopting it will eliminate the possibility of any appeal from the Commission Secretarial Letter or Order, thus saving the parties the additional time and expense they might incur in such an appeal. Adopting this Joint Petition for Settlement will further the statutory provisions of 66 Pa.C.S. § 2702 *et seq.*, in regard to the public convenience and safety, and further the Commission policy of encouraging settlements. 52 Pa. Code § 5.231(a). The parties hereto therefore request that the Commission adopt the following ordering paragraphs in accordance with the Joint Petition for Settlement of the parties and in furtherance of the public interest and safety:

1. That the Joint Petition for Settlement in this proceeding is hereby approved and adopted.
2. That this Order is without prejudice to the right of any party to enforce any lawful agreement allocating costs among the parties.
3. That the portion of Lighthouse Road from State Route 11 to its intersection with the established Relief Road, shall be vacated as shown on the right-of-way plans and metes and bounds descriptions attached hereto as Exhibit "A" and Exhibit "B," respectively. The Township will not vacate any other portion of Lighthouse Road in conjunction with this proceeding. The vacation of the above referenced roadway and abolishment of the crossing shall occur upon the completion of Relief Road and the issuance of a Secretarial Letter memorializing the abolition and closing this investigation.
4. That the following adjacent property owners be added to this proceeding solely for the purpose of effecting the roadway vacation:

WCN Properties, L.P.
900 Kriner Road, Suite 1,
Chambersburg, Pa 17201

Target Corporation
1000 Nicollet Mall,
Minneapolis, MN 55403

West Penn Power Company
800 Cabin Hill Drive,
Greensburg, PA 15601

5. The Township's responsibilities and share of costs associated with the combined effort shall be as specified herein. Subject to the payment of funds by Norfolk Southern and PennDOT as specified herein, the Township shall undertake the following work to facilitate the closure and abolition of the Crossing:

- a. To the east of the Crossing, the Township shall establish 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"). Design and construction of the Relief Road commenced in or around Spring of 2020 and was completed in or around September 2021. The Township intends to fund construction of the Relief Road through a combination of funds received pursuant to this Stipulation, grant funding recently awarded to the Township for this purpose, and otherwise through available funds of the Township.
- b. The Township's responsibilities in designing and building said Relief Road shall include, but not be limited to: (i) preparing a survey prior to commencing construction; (ii) acquiring property, obtaining or vacating any easements or rights of way if necessary, obtaining any required permits and authorizations, and executing and recording any instruments necessary to facilitate the

construction of the Relief Road; (iii) taking all actions necessary to vacate the Lighthouse Road roadway from State Route 11 to its intersection with the established Relief Road, as shown on the plan attached hereto as Exhibit "A", in favor of WCN Properties, L.P., Target Corporation, Norfolk Southern, and West Penn Power Company, at its sole cost and expense; and (iv) constructing the new Relief Road.

- c. The Township will remove a portion of the roadway surface on each side of the Norfolk Southern railroad track as follows: (i) from the eastern boundary of the State Route 11 right-of-way to a point extending two (2) feet from the western boundary of the Norfolk Southern railroad track; and (ii) from a point extending two (2) feet from the eastern boundary of the Norfolk Southern railroad track to a point onto the roadway of Lighthouse Road at the boundary of the Norfolk Southern right-of-way,—where the Township will place concrete median barriers.

6. That Norfolk Southern shall:

- a. Pay the Township a one-time, lump sum payment of Twenty-Eight Thousand Dollars (\$28,000.00) as incentive for closing and abolishing the crossing.
- b. Remove the Crossing itself and the roadway surface for two feet outside the tracks, at its sole cost and expense.
- c. Remove any crossbucks associated with the Crossing at Norfolk Southern's sole cost and expense.
- d. Issue any and all permits to the Township and/or the Township's contractors, at no cost to the Township or its contractors, to the extent they are required by

Norfolk Southern for the removal of the roadway surface within the Norfolk Southern right-of-way. Pay for the costs of any flaggers that are required for the Township's on-site removal of the roadway surface within the Norfolk Southern right-of-way provided that the Township shall provide ninety days' written notice to Norfolk Southern of the Township's intent to commence the roadway surface removal work so that Norfolk Southern can coordinate its work of removal of the Crossing if desired.

7. That PennDOT shall within the PennDOT right of way, perform the following at its sole cost:

- a. Issue a Highway Occupancy Permit to the Township at no cost to the Township consistent with 67 Pa. Code § 441.4.
- b. Stake/paint the State Route 11 right of way 70'/35' from the centerline.
- c. Eradicate any lines and restripe the shoulder adjacent to the Crossing on State Route 11.
- d. Remove turn lane indications associated with the Crossing as deemed necessary by PennDOT.
- e. Remove any railroad crossing signs or signs on State Route 11 indicating a grade crossing on Lighthouse Road.

8. That PennDOT shall also approve a Section 130 incentive payment for at-grade crossing closures in accordance with 23 U.S.C. § 130 of Seven Thousand Five Hundred Dollars (\$7,500.00) based upon the incentive payment by Norfolk Southern to the Township as specified herein.

9. That all work will be completed by May 1, 2022, unless another date is agreed to by the parties.

10. Upon the entry of an order by the Commission approving the settlement, the matter will be reassigned to the Commission's Bureau of Technical Utility Services, Rail Safety Section.

11. Upon completion of the project, the parties agree to provide written notice to Rail Safety. Rail Safety shall, within thirty days of receiving written notice, complete a final inspection to determine that the Relief Road has been established and that the work performed by the Parties within the limits of the Crossing was completed satisfactorily and as specified in this order. Nothing herein shall be interpreted as imparting jurisdiction upon Rail Safety or any other entity over or with respect to the design, plans, specifications, execution, or acceptability of the work related to the Township's construction of the Relief Road.

12. If the Relief Road has been established and the balance of the work performed by the Parties within the limits of the Crossing is found to have been completed satisfactorily and as specified in this Order, Rail Safety shall issue a Secretarial Letter closing the matter and officially abolishing the crossing.

[SIGNATURE PAGE TO FOLLOW]


Date: _____

Benjamin C. Dunlap, Jr.
*Counsel for Norfolk Southern
Railway Company*

Date: _____

Scott T. Wyland
Counsel for Guilford Township

Date: 11.15.2021



Karen L. Cummings
*Counsel for the Commonwealth of
Pennsylvania, Department of Transportation*

Date: _____

Kayla L. Rost
*Counsel for the Commission's Bureau of
Investigation and Enforcement*

Date: _____

Benjamin C. Dunlap, Jr.

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*Counsel for Norfolk Southern
Railway Company*

Date: _____

Scott T. Wyland
Counsel for Guilford Township

Date: _____

Karen L. Cummings
*Counsel for the Commonwealth of
Pennsylvania, Department of Transportation*

Date: _____

Kayla L. Rost
*Counsel for the Commission's Bureau of
Investigation and Enforcement*

Date: _____

Benjamin C. Dunlap, Jr.
*Counsel for Norfolk Southern
Railway Company*

Date: _____

Scott T. Wyland
Counsel for Guilford Township

Date: _____

Karen L. Cummings
*Counsel for the Commonwealth of
Pennsylvania, Department of Transportation*

Date: November 16, 2021



Kayla L. Rost
*Counsel for the Commission's Bureau of
Investigation and Enforcement*

Date: _____

Benjamin C. Dunlap, Jr.
*Counsel for Norfolk Southern
Railway Company*

Date: 12.6.21 _____



Scott T. Wyland
Counsel for Guilford Township

Date: _____

Karen L. Cummings
*Counsel for the Commonwealth of
Pennsylvania, Department of Transportation*

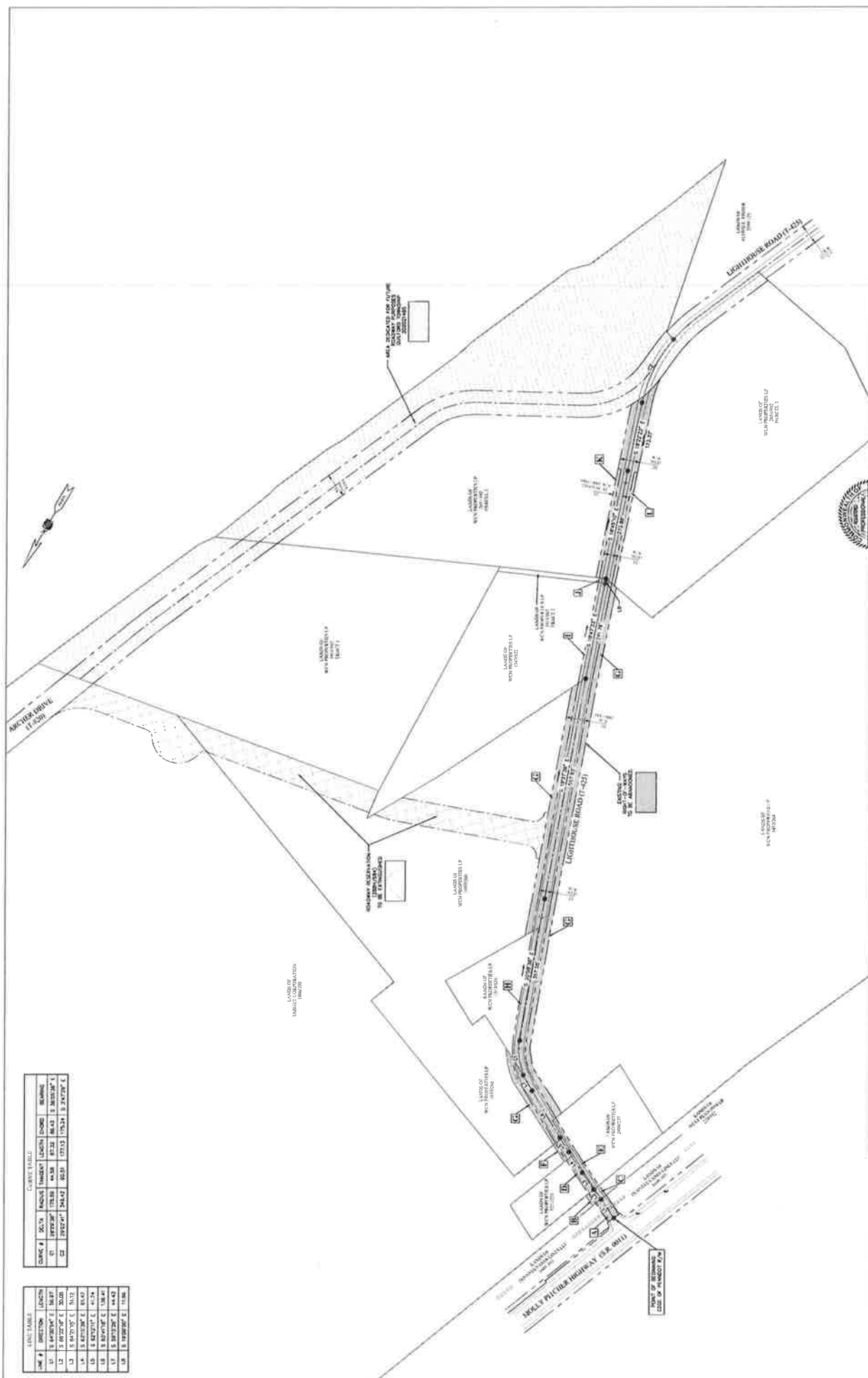
Date: _____

Kayla L. Rost
*Counsel for the Commission's Bureau of
Investigation and Enforcement*

EXHIBIT A – PLAN DEPICTING VACATION OF LIGHTHOUSE ROAD

LINE #	DIRECTION	LENGTH
1	S 84°28'14" E	56.97
2	S 69°22'42" E	30.08
3	S 64°21'32" E	51.12
4	S 82°03'28" E	66.63
5	S 82°03'28" E	66.63
6	S 82°03'28" E	66.63
7	S 82°03'28" E	66.63
8	S 82°03'28" E	66.63
9	S 82°03'28" E	66.63
10	S 82°03'28" E	66.63

CURVE #	ANGLE	RADIUS	CHORD	CHORD BEARING
C1	287°23'	174.58	64.38	86.42 S 30°52'28" E
C2	295°21'	244.47	82.53	75°21' S 74°27' E



GRAPHIC SCALE

1 INCH = 200 FT.

WILLIAM A. BRINDLE ASSOCIATES, INC.
ENGINEERING SURVEYING PLANNING

228 LINDSEY WAY, SUITE 100
CHAMBERLAIN, PA. 15901
PHONE: (412) 264-1760

RIGHT-OF-WAY ABANDONMENT FOR GUILFORD TOWNSHIP - LIGHTHOUSE ROAD (T-425)

SCALE: AS SHOWN

DATE: 1/20/07

BY: [Signature]

APPROVED BY: [Signature]

SCALE: 1" = 100'

PROJECT NO. 17659559

SHEET NO. 1 OF 2

DATE: 1/20/07

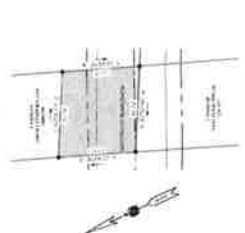
FILE NO. 176-1

SEE PLAN, SHEET 174 OF 180 SHEETS FOR LOCATION OF THIS ROAD AND FOR THE LOCATION OF THE RIGHT-OF-WAY BOUNDARIES.



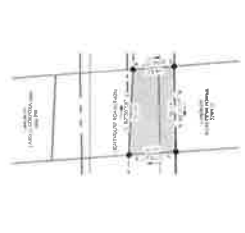
DETAIL A
1" = 30'

SEE PLAN, SHEET 174 OF 180 SHEETS FOR LOCATION OF THIS ROAD AND FOR THE LOCATION OF THE RIGHT-OF-WAY BOUNDARIES.



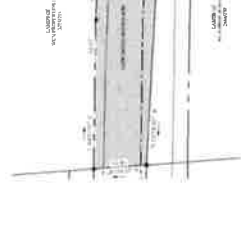
DETAIL B
1" = 30'

SEE PLAN, SHEET 174 OF 180 SHEETS FOR LOCATION OF THIS ROAD AND FOR THE LOCATION OF THE RIGHT-OF-WAY BOUNDARIES.



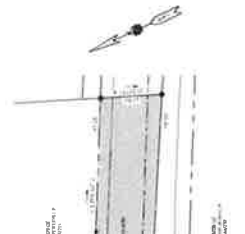
DETAIL C
1" = 30'

SEE PLAN, SHEET 174 OF 180 SHEETS FOR LOCATION OF THIS ROAD AND FOR THE LOCATION OF THE RIGHT-OF-WAY BOUNDARIES.



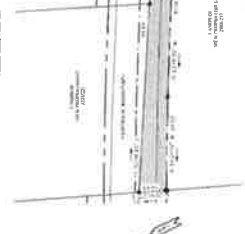
DETAIL D
1" = 30'

SEE PLAN, SHEET 174 OF 180 SHEETS FOR LOCATION OF THIS ROAD AND FOR THE LOCATION OF THE RIGHT-OF-WAY BOUNDARIES.



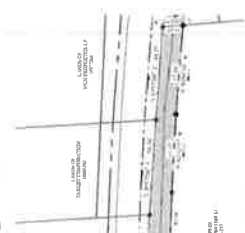
DETAIL E
1" = 30'

SEE PLAN, SHEET 174 OF 180 SHEETS FOR LOCATION OF THIS ROAD AND FOR THE LOCATION OF THE RIGHT-OF-WAY BOUNDARIES.



DETAIL F
1" = 30'

SEE PLAN, SHEET 174 OF 180 SHEETS FOR LOCATION OF THIS ROAD AND FOR THE LOCATION OF THE RIGHT-OF-WAY BOUNDARIES.

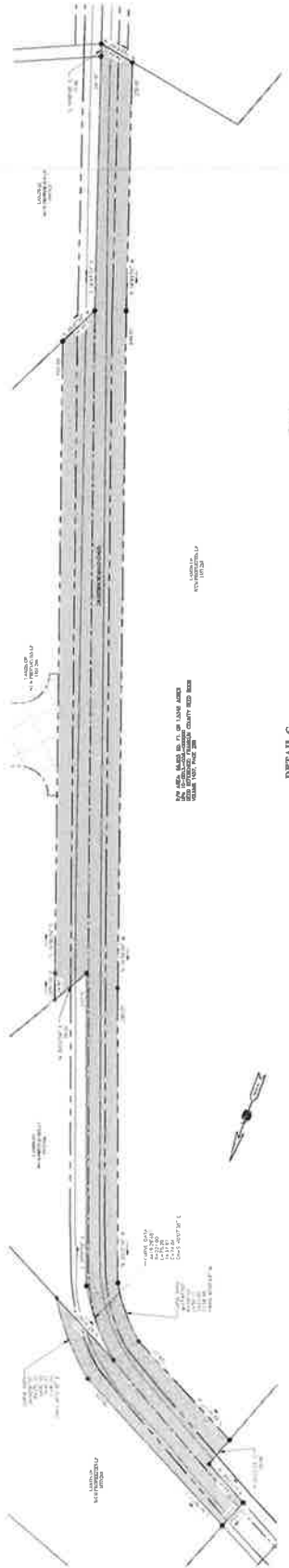


DETAIL G
1" = 30'

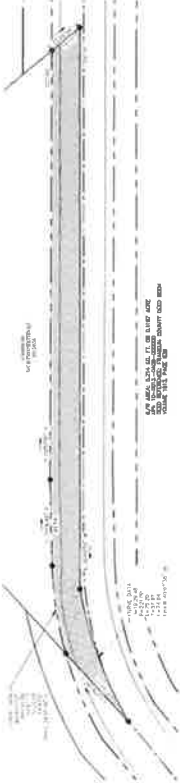
SEE PLAN, SHEET 174 OF 180 SHEETS FOR LOCATION OF THIS ROAD AND FOR THE LOCATION OF THE RIGHT-OF-WAY BOUNDARIES.



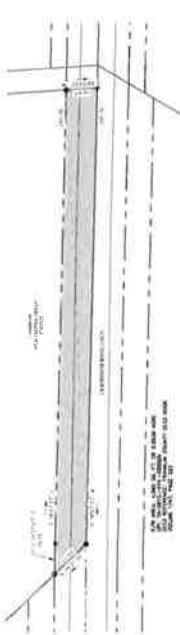
DETAIL H
1" = 30'



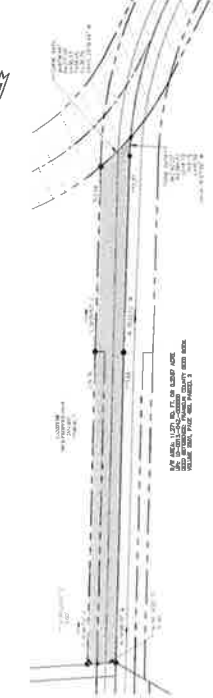
DETAIL I
1" = 30'



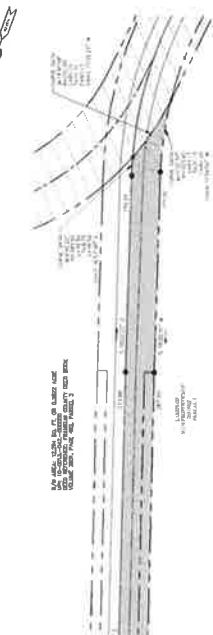
DETAIL J
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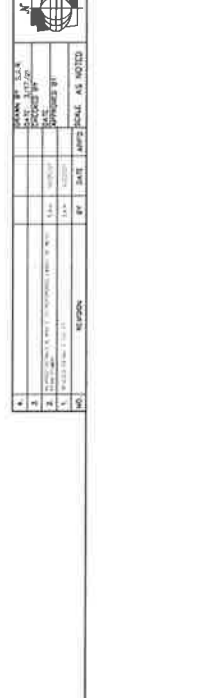
DETAIL K
1" = 30'



DETAIL L
1" = 30'



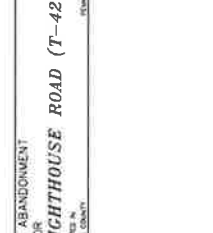
DETAIL M
1" = 30'



DETAIL N
1" = 30'



DETAIL O
1" = 30'



WILLIAM A. BRINDLE ASSOCIATES, INC.
 ENGINEERING SURVEYING PLANNING
 334 LINDSEY WAY EAST CHARLOTTE, NC 28205 PHONE/FAX (704) 264-2700

RICHARD W. BYERS
 PROFESSIONAL SURVEYOR
 STATE OF NORTH CAROLINA

RIGHT-OF-WAY ABANDONMENT FOR GUILFORD TOWNSHIP - Lighthouse Road (T-425)
 SHEET NO. 2 OF 2
 DRAWING NO. 1765950
 DATE 08/11/10

NO.	REVISION	DATE	SCALE	AS NOTED
1	ISSUED FOR PERMIT	08/11/10	AS NOTED	
2	REVISED TO REFLECT PERMIT COMMENTS	08/11/10	AS NOTED	
3	REVISED TO REFLECT PERMIT COMMENTS	08/11/10	AS NOTED	
4	REVISED TO REFLECT PERMIT COMMENTS	08/11/10	AS NOTED	

**EXHIBIT B – METES AND BOUNDS DESCRIPTIONS OF VACATED AREAS ON
LIGHTHOUSE ROAD**

Parcel 1448/593-Addition (Detail A)

ALL the following described real estate, lying and being situate in Guilford Township, Franklin County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Eastern right-of-way of Molly Pitcher Highway, S.R. 0011; thence along the Eastern right-of-way of Molly Pitcher Highway, S.R. 0011, North 23 degrees 40 minutes 58 seconds East, 33.02 feet to a point at lands of Pennsylvania Lines LLC; thence along lands of Pennsylvania Lines LLC, South 64 degrees 30 minutes 54 seconds East, 56.14 feet to a point; thence through the former Lighthouse Road, T-425, South 20 degrees 49 minutes 18 seconds West, 16.55 feet to a point in the former Lighthouse Road, T-425; thence through the same, South 21 degrees 15 minutes 21 seconds West, 16.55 feet to a point at lands of Pennsylvania Lines LLC; thence along lands of Pennsylvania Lines LLC, North 64 degrees 30 minutes 54 seconds West, 57.67 feet to a point on the Eastern right-of-way of Molly Pitcher Highway, S.R. 0011, the place of beginning.

CONTAINING 1,878 sq. ft. or 0.0431 acres

Parcel 1806/390-Addition (Detail B)

ALL the following described real estate, lying and being situate in Guilford Township, Franklin County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the former Lighthouse Road, T-425; thence through the former Lighthouse Road, T-425, and along lands of Pennsylvania Lines LLC, North 20 degrees 49 minutes 18 seconds East, 27.12 feet to a point at lands of Target Corporation; thence along lands of Target Corporation, South 62 degrees 36 minutes 17 seconds East, 30.24 feet to a point at lands of WCN Properties LP; thence along lands of WCN Properties LP, and through the former Lighthouse Road, T-425, South 20 degrees 49 minutes 18 seconds West, 27.17 feet to a point in the former Lighthouse Road, T-425; thence in the former Lighthouse Road, T-425, North 62 degrees 30 minutes 58 seconds West, 30.24 feet to a point, the place of beginning.

CONTAINING 815 sq. ft. or 0.0187 acres

Parcel 229/552-Addition (Detail C)

ALL the following described real estate, lying and being situate in Guilford Township, Franklin County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the southern right-of-way of the former Lighthouse Road, T-425; thence through the former Lighthouse Road, T-425, North 21 degrees 15 minutes 21 seconds East, 16.55 feet to a point in the former Lighthouse Road, T-425; thence in the former Lighthouse Road, T-425, South 62 degrees 30 minutes 58 seconds East, 30.24 feet to a point in the same; thence in the same, South 20 degrees 40 minutes 27 seconds West, 14.53 feet to a point in the southern right-of-way of the former Lighthouse Road, T-425, and at lands of West Penn Power; thence along lands of West Penn Power, North 66 degrees 21 minutes 13 seconds West, 30.24 feet to a point, the place of beginning.

CONTAINING 468 sq. ft. or 0.01075 acres

Parcel 3221/221-Addition (Detail D)

ALL the following described real estate, lying and being situate in Guilford Township, Franklin County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the former Lighthouse Road, T-425; thence through the former Lighthouse Road, T-425, North 20 degrees 49 minutes 18 seconds East, 18.59 feet to a point at lands of WCN Properties LP; thence along lands of WCN Properties LP, South 64 degrees 21 minutes 15 seconds East, 52.67 feet to a point; thence along the same, South 63 degrees 15 minutes 39 seconds East, 47.28 feet to a point at the northern right-of-way of the former Lighthouse Road, T-425; thence through the former Lighthouse Road, T-425, South 21 degrees 33 minutes 15 seconds West, 21.59 feet to a point in the former Lighthouse Road, T-425 ; thence in the same, North 62 degrees 06 minutes 45 seconds West, 99.99 feet to a point, the place of beginning.

CONTAINING 2,022 sq. ft. or 0.0464 acres

Parcel 2888/237-Addition (Detail E)

ALL the following described real estate, lying and being situate in Guilford Township, Franklin County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the former Lighthouse Road, T-425; thence in the former Lighthouse Road, T-425, South 62 degrees 06 minutes 45 seconds East, 99.99 feet to a point; thence in the same, South 61 degrees 17 minutes 08 seconds East, 50.39 feet to a point; thence in the same, South 61 degrees 17 minutes 08 seconds East, 49.25 feet to a point; thence in the same, South 20 degrees 22 minutes 13 seconds West, 11.01 feet to a point at lands of WCN Properties LP; thence along lands of WCN Properties LP, North 60 degrees 41 minutes 18 seconds West, 47.24 feet to a point; thence along the same, North 62 degrees 12 minutes 11 seconds West, 41.37 feet to a point; thence along the same, North 63 degrees 15 minutes 39 seconds West, 61.16 feet to a point; thence along the same, North 64 degrees 21 minutes 15 seconds West, 49.53 to a point; thence through the former Lighthouse Road, T-425, North 20 degrees 40 minutes 27 seconds East, 14.53 feet to a point, the place of beginning.

CONTAINING 2,342 sq. ft. or 0.0538 acres

Parcel 1806/390-Addition (Detail F)

ALL the following described real estate, lying and being situate in Guilford Township, Franklin County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the former Lighthouse Road, T-425; thence through the former Lighthouse Road, T-425, and along lands of WCN Properties LP, North 21 degrees 33 minutes 15 seconds East, 27.99 feet to a point at lands of Target Corporation; thence along lands of Target Corporation, South 62 degrees 36 minutes 17 seconds East, 50.26 feet to a point at lands of WCN Properties LP; thence through the former Lighthouse Road, T-425, South 21 degrees 33 minutes 15 seconds West, 29.16 feet to a point in the former Lighthouse Road, T-425; thence in the former Lighthouse Road, T-425, North 61 degrees 17 minutes 08 seconds West, 50.39 feet to a point, the place of beginning.

CONTAINING 1429 sq. ft. or 0.0328 acres

Parcel 1457/268-Addition (Detail G)

ALL the following described real estate, lying and being situate in Guilford Township, Franklin County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the former Lighthouse Road, T-425; thence through the former Lighthouse Road, T-425, North 21 degrees 33 minutes 15 seconds East, 29.16 feet to a point at lands of WCN Properties LP; thence along lands of WCN Properties LP, South 62 degrees 36 minutes 17 seconds East, 190.59 feet to a point; thence along the same, on a curve to the right having a radius of 251.00 feet, a length of 82.98 feet, and a chord bearing of South 41 degrees 11 minutes 32 seconds East, 82.60 feet to a point at other lands of WCN Properties LP; thence along the lands of WCN Properties LP and through the former Lighthouse Road, T-425, North 62 degrees 36 minutes 06 seconds West, 80.13 feet to a point in the former Lighthouse Road, T-425; thence in the former Lighthouse Road, T-425, on a curve to the right having a radius of 221.00 feet, a length of 75.20 feet, and a chord bearing of South 40 degrees 07 minutes 38 seconds East, 74.84 feet to a point; thence in the same, South 20 degrees 10 minutes 59 seconds East, 297.11 feet to a point in the road; thence through the same and along lands of WCN Properties LP, North 30 degrees 22 minutes 54 seconds East, 39.01 feet to a point at lands of WCN Properties LP; thence along the same, South 20 degrees 11 minutes 10 seconds East, 24.85 feet to a point; thence along the same, South 19 degrees 30 minutes 24 seconds East, 602.09 feet to a point; thence along the same and through the former Lighthouse Road, T-425, South 26 degrees 21 minutes 32 seconds West, 41.92 feet to a point in the former Lighthouse Road, T-425; thence in the former Lighthouse Road, T-425, South 18 degrees 47 minutes 33 seconds East, 241.76 feet to a point; thence in the same, South 19 degrees 08 minutes 00 seconds East, 11.96 feet to a point; thence through the former Lighthouse Road, T-425, North 79 degrees 23 minutes 49 seconds West, 34.24 feet to a point at lands of WCN Properties LP; thence along lands of WCN Properties LP, North 18 degrees 49 minutes 55 seconds West, 236.66 feet to a point; thence along the same, North 19 degrees 30 minutes 24 seconds West, 644.81 feet to a point; thence along the same, North 20 degrees 12 minutes 14 seconds West, 280.21 feet to a point; thence along the same, on a curve to the left having a radius of 191.00 feet, a length of 59.22 feet, and a chord bearing of North 40 degrees 01 minute 43 seconds West, 58.98 feet to a point; thence along the same, North 62 degrees 36 minutes 17 seconds West, 128.00 feet to a point at other lands of WCN Properties LP; thence along lands of WCN Properties LP and through the former Lighthouse Road, T-425, North 20 degrees 22 minutes 13 seconds East, 29.98 feet to a point in the former Lighthouse Road, T-425; thence in the same, North 61 degrees 17 minutes 08 seconds West, 49.25 feet to a point, the place of beginning.

CONTAINING 66,855 sq. ft. or 1.5348 acres

Parcel 1513/636-Addition (Detail H)

ALL the following described real estate, lying and being situate in Guilford Township, Franklin County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the former Lighthouse Road, T-425; thence through the former Lighthouse Road, T-425, South 62 degrees 36 minutes 06 seconds East, 49.07 feet to a point at lands of WCN Properties LP; thence along lands of WCN Properties LP, on a curve to the right having a radius of 192.09 feet, a length of 47.13 feet, a chord bearing of South 28 degrees 51 minutes 30 seconds East, 47.01 feet to a point; thence along the same, South 21 degrees 28 minutes 48 seconds East, 45.54 feet to a point; thence along the same, South 19 degrees 57 minutes 01 seconds East, 227.09 feet to a point; thence through the former Lighthouse Road, T-425, South 30 degrees 22 minutes 54 seconds West, 19.13 feet to a point in the former Lighthouse Road, T-425; thence in the same, North 20 degrees 10 minutes 59 seconds West, 297.11 feet to a point; thence in the same, on a curve to the left having a radius of 221.00 feet, a length of 75.20 feet, a chord bearing of North 40 degrees 07 minutes 38 seconds West, 74.84 feet to a point, the place of beginning.

CONTAINING 5,214 sq. ft. or 0.1197 acres

Parcel 1747/522-Addition (Detail I)

ALL the following described real estate, lying and being situate in Guilford Township, Franklin County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the former Lighthouse Road, T-425; thence through the former Lighthouse Road, T-425, North 26 degrees 21 minutes 32 seconds East, 22.83 feet to a point at lands of WCN Properties LP; thence along lands of WCN Properties LP, South 19 degrees 37 minutes 07 seconds East, 16.15 feet to a point; thence along the same, South 18 degrees 47 minutes 33 seconds East, 240.35 feet to a point; thence through the former Lighthouse Road, T-425, South 66 degrees 29 minutes 26 seconds West, 16.47 feet to a point in the former Lighthouse Road, T-425; thence in the former Lighthouse Road, T-425, North 18 degrees 47 minutes 33 seconds West, 241.76 feet to a point, the place of beginning.

CONTAINING 4,090 sq. ft. or 0.0939 acres

Parcel 1911/542 Tract 2-Addition (Detail J)

ALL the following described real estate, lying and being situate in Guilford Township, Franklin County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the former Lighthouse Road, T-425; thence through the former Lighthouse Road, North 66 degrees 29 minutes 26 seconds East, 16.47 feet to a point at lands of WCN Properties LP; thence along lands of WCN Properties LP, South 18 degrees 47 minutes 33 seconds East, 11.97 feet to a point; thence through the former Lighthouse Road, T-425, South 66 degrees 29 minutes 26 seconds West, 16.40 feet to a point in the former Lighthouse Road, T-425; thence in the former Lighthouse Road, North 19 degrees 08 minutes 00 seconds West, 11.96 feet to a point, the place of beginning.

CONTAINING 196 sq. ft. or 0.0045 acres

Parcel 2651-492 Parcel 2-Addition (Detail K)

ALL the following described real estate, lying and being situate in Guilford Township, Franklin County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the former Lighthouse Road, T-425; thence through the former Lighthouse Road, T-425, North 66 degrees 29 minutes 26 seconds East, 25.00 feet to a point at lands of WCN Properties LP; thence along lands of WCN Properties LP, South 18 degrees 46 minutes 59 seconds East, 276.30 feet to a point; thence along the same, South 18 degrees 20 minutes 57 seconds East, 163.08 feet to a point at the right-of-way of Lighthouse Road, T-425; thence along the right-of-way of Lighthouse Road, T-425, on a curve to the left, having a radius of 235.00 feet, a length of 36.83 feet, a chord bearing of South 25 degrees 18 minutes 44 seconds West, 36.79 feet to a point on the right-of-way of Lighthouse Road, T-425; thence in the former Lighthouse Road, T-425, on a curve to the left, having a radius of 349.42 feet, a length of 16.50 feet, a chord bearing of North 16 degrees 57 minutes 39 seconds West, 16.50 feet to a point; thence in the same, North 18 degrees 22 minutes 22 seconds West, 173.37 feet to a point; thence in the same, North 18 degrees 45 minutes 10 seconds West, 273.88 feet to a point, the place of beginning.

CONTAINING 11,271 sq. ft. or 0.2587 acres

Parcel 2651-492 Parcel 3-Addition (Detail L)

ALL the following described real estate, lying and being situate in Guilford Township, Franklin County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the former Lighthouse Road, T-425; thence in the former Lighthouse Road, T-425, South 18 degrees 45 minutes 10 seconds East, 273.88 feet to a point; thence in the same, South 18 degrees 22 minutes 22 seconds East, 173.37 feet to a point; thence in the same, on a curve to the right having a radius of 349.42 feet, a length of 16.50 feet, a chord bearing of South 16 degrees 57 minutes 39 seconds East, 16.50 feet to a point; thence along the right-of-way of Lighthouse Road, T-425, on a curve to the left having a radius of 235.00 feet, a length of 60.29 feet, a chord bearing of South 13 degrees 28 minutes 23 seconds West, 60.13 feet to a point at lands of WCN Properties LP; thence along lands of WCN properties LP, on a curve to the left having a radius of 323.45 feet, a length of 64.13 feet, a chord bearing of North 11 degrees 59 minutes 59 seconds West, 64.03 feet to a point; thence along the same, North 18 degrees 20 minutes 31 seconds West, 177.15 feet to a point; thence along the same, North 18 degrees 46 minutes 59 seconds West, 287.99 feet to a point; thence through the former Lighthouse Road, T-425, South 79 degrees 23 minutes 49 seconds East, 28.79 feet to a point, the place of beginning.

CONTAINING 12,294 sq. ft. or 0.2822 acres

EXHIBIT C – LETTERS OF CONSENT

WCN Properties, LP
900 Kriner Road, Suite 1
Chambersburg, PA 17202

March 16, 2021

Scott T. Wyland,
Salzmann Hughes, P.C.
112 Market Street, 8th Floor
Harrisburg, PA 17101

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

Dear Mr. Wyland,

As an authorized representative of WCN Properties, L.P., I write to confirm that WCN Properties, L.P., has no objection to the vacation to it of that portion of Lighthouse Road adjacent to its property, as proposed in the above-referenced PUC proceeding. WCN Properties, L.P., likewise has no objection to being joined as a party in the PUC proceeding for the limited purpose of accomplishing the roadway vacation. Please contact me if you have any questions.

Sincerely,



Colby Nitterhouse

President - WCN Properties, LP



Casey L. Pettersen
Senior Real Estate Portfolio Manager
Direct Dial: (612) 761-1657
Email: casey.pettersen@target.com

October 7, 2021

Scott T. Wyland,
Salzmann Hughes, P.C.
112 Market Street, 8th Floor
Harrisburg, PA 17101

Re: Target Store T-0589 Chambersburg, PA (3001 Archer Drive, Chambersburg, PA 17201)
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.
PUC Docket No. I-2016-2527248.

Dear Mr. Wyland,

As an authorized representative of Target Corporation, I write to confirm that Target Corporation has no objection to the vacation to it of that portion of Lighthouse Road adjacent to its property, as proposed in the above-referenced PUC proceeding and depicted in the attached Exhibit A. Target Corporation likewise has no objection to being joined as a party in the PUC proceeding for the limited purpose of accomplishing the roadway vacation.

Please contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Casey", with a long horizontal flourish extending to the right.

Casey Pettersen
Senior Real Estate Manager



EXHIBIT A

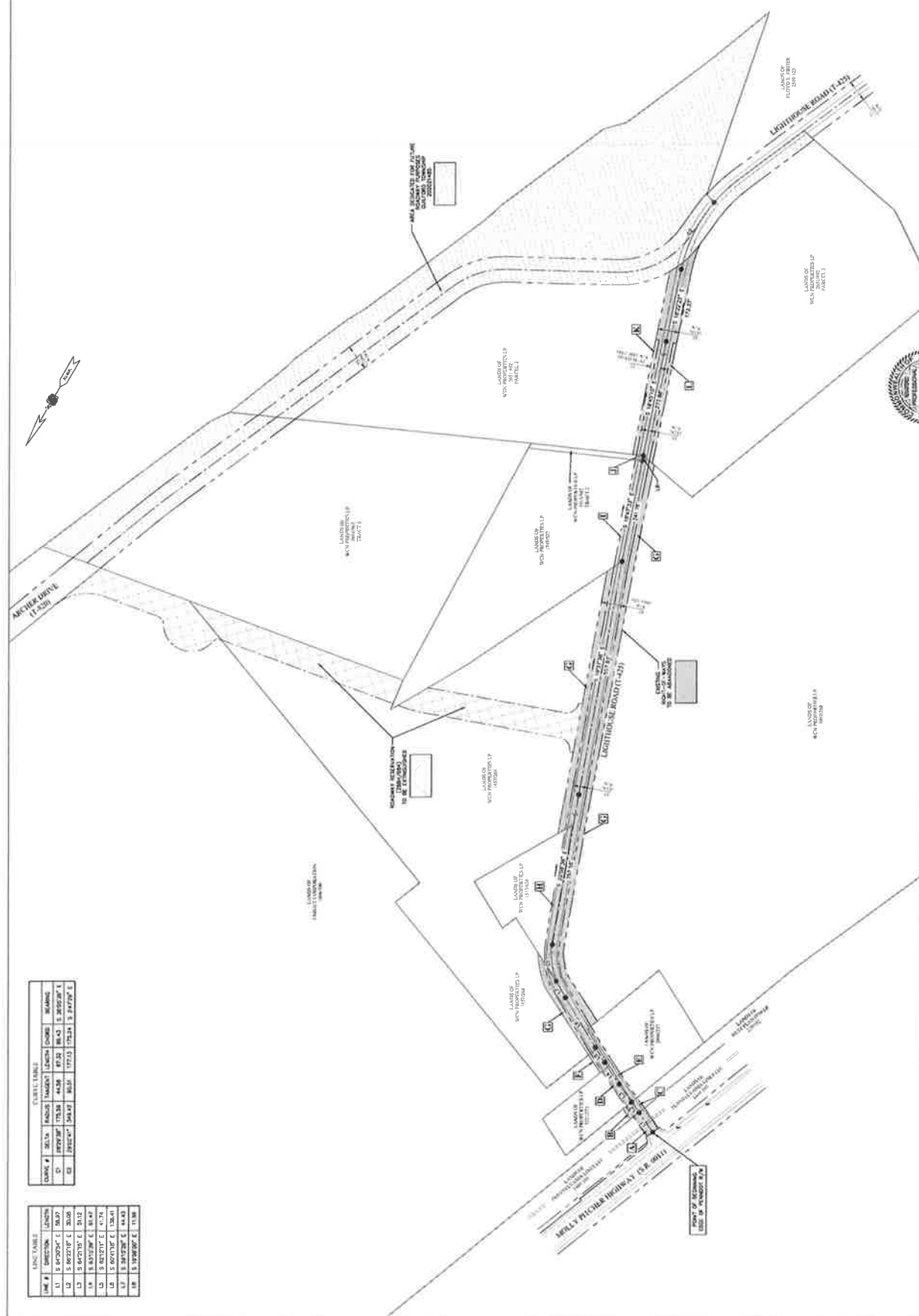


CURVE TABLE

STATION	PC	PVI	PT	CHORD BEARING	CHORD DISTANCE	ARC DISTANCE
11	5+47.00	5+80.00	6+13.00	81.43	117.24	117.24
12	5+80.00	6+13.00	6+46.00	81.43	117.24	117.24
13	6+13.00	6+46.00	6+79.00	81.43	117.24	117.24
14	6+46.00	6+79.00	7+12.00	81.43	117.24	117.24
15	6+79.00	7+12.00	7+45.00	81.43	117.24	117.24
16	7+12.00	7+45.00	7+78.00	81.43	117.24	117.24
17	7+45.00	7+78.00	8+11.00	81.43	117.24	117.24
18	7+78.00	8+11.00	8+44.00	81.43	117.24	117.24

DATA TABLE

STATION	PC	PVI	PT	CHORD BEARING	CHORD DISTANCE	ARC DISTANCE
11	5+47.00	5+80.00	6+13.00	81.43	117.24	117.24
12	5+80.00	6+13.00	6+46.00	81.43	117.24	117.24
13	6+13.00	6+46.00	6+79.00	81.43	117.24	117.24
14	6+46.00	6+79.00	7+12.00	81.43	117.24	117.24
15	6+79.00	7+12.00	7+45.00	81.43	117.24	117.24
16	7+12.00	7+45.00	7+78.00	81.43	117.24	117.24
17	7+45.00	7+78.00	8+11.00	81.43	117.24	117.24
18	7+78.00	8+11.00	8+44.00	81.43	117.24	117.24



RIGHT-OF-WAY ABANDONMENT FOR CUILFORD TOWNSHIP - LICHTHOUSE ROAD (T-425)

SHEET NO. 1 OF 2
DATE: 1/25/2019
FILE NO. 176

WILLIAM A. BRINDLE ASSOCIATES, INC.
ENGINEERING SURVEYING PLANNING
238 JACKSON WAY EAST
CHARLOTTE, NC 28205
PHONE: 704.371.2444 FAX: 704.371.2445

RICHARD LAYERS
REGISTERED PROFESSIONAL SURVEYOR
STATE OF NORTH CAROLINA
NO. 17659

GRAPHIC SCALE
1" = 100 FT.
(1" IN FIELD)



800 Cabin Hill Dr.
Greensburg, PA 15601

Scott T. Wyland,
Salzmann Hughes, P.C.
112 Market Street, 8th Floor
Harrisburg, PA 17101

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

Dear Mr. Wyland,

As an authorized representative of the West Penn Power Company, I write to confirm that the West Penn Power Company has no objection to the vacation to it of that portion of Lighthouse Road adjacent to its property, as proposed in the above-referenced PUC proceeding. The West Penn Power Company likewise has no objection to being joined as a party in the PUC proceeding for the limited purpose of accomplishing the roadway vacation. Please contact me if you have any questions.

Sincerely,

WEST PENN POWER COMPANY:

By: _____

William R. Beach
Director Real Estate for FirstEnergy
Service Company on behalf of
West Penn Power Company

STATEMENTS IN SUPPORT OF THE JOINT PETITION FOR SETTLEMENT

**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	:	

**COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION'S STATEMENT IN SUPPORT OF THE JOINT PETITION FOR
SETTLEMENT**

The Commonwealth of Pennsylvania, Department of Transportation, submits this Statement in Support of the Joint Petition for Settlement. Pennsylvania Public Utility Commission ("Commission") will serve the public interest by adopting the Joint Petition for Settlement in the above-captioned matter. The settlement will save the parties the time and expense that would be incurred in litigating this matter before the Commission. Since all of the signatory parties agree to the terms of the settlement, adopting it will eliminate the possibility of an appeal from the Commission Secretarial Letter or Order, thus saving the signatory parties the additional time and expense that might be incurred in such an appeal. Adopting this settlement will further the statutory provisions of 66 Pa. C.S. § 2702 *et seq.*, in regard to the public convenience and safety.

This settlement is in the public interest because it promotes the safety and welfare of the public. The Commission's paramount goals in regulating crossings are to prevent accidents and promote public safety. 66 Pa. C.S. § 2702 (b). The settlement in this matter requires the crossing to be abolished and a relief road be constructed to facilitate these goals. Further, it clearly allocates costs. This settlement resolves all outstanding issues and the Department of Transportation respectfully requests that the Joint Petition for Settlement in the above matter be approved and the matter be resolved.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Karen L. Cummings
Senior 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 Number (717) 772-2741
Pennsylvania Attorney I.D. 85556
kcummings@state.pa.us

DATED: November 15, 2021

**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	:	

**NORFOLK SOUTHERN RAILWAY COMPANY'S
STATEMENT IN SUPPORT OF SETTLEMENT**

Norfolk Southern Railway Company ("Norfolk Southern") submits this Statement in Support of the Joint Petition for Settlement (the "Settlement") in the above-referenced proceeding on behalf of Norfolk Southern, Guilford Township, the Pennsylvania Department of Transportation and the Commission's Bureau of Investigation and Enforcement.

The Settlement is the result of successful negotiations among the active parties and resolves all the outstanding issues in this proceeding. Specifically, the settlement provides for the abolition of a crossing that all parties agree is dangerous, while providing alternate access to properties on the east side of the crossing, where substantial development is occurring.

The Settlement will save the parties the time and expense that would be incurred in further litigation before the Commission and avoid the possibility of appeals from the Commission's Order. The Settlement assigns responsibility for the removal of the crossing and resolves all cost issues. The Settlement promotes the Commission's policy promoting settlements in contested proceedings as set forth in 52 Pa. Code §5.231(a).

Therefore, Norfolk Southern believes that the public interest will be served by the adoption and granting of the Settlement and requests that the terms of the Settlement be approved.

Respectfully Submitted,

NAUMAN, SMITH, SHISSLER & HALL, LLP

Date: November 17, 2021

By: *Benjamin C. Dunlap, Jr.*
Benjamin C. Dunlap, Jr., Esquire
Supreme Court I.D. #66283
200 North Third Street, 18th Floor
P.O. Box 840
Harrisburg, PA 17108-0840
Attorney for Norfolk Southern Railway Company

**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	:	Docket No. I-2016-2527248
where Lighthouse Road (DOT 535148L)	:	
crosses, at grade, one track of Norfolk	:	Electronically Filed
Southern Railway Company in Guilford	:	
Township, Franklin County	:	

**STATEMENT OF THE BUREAU OF INVESTIGATION AND ENFORCEMENT
IN SUPPORT OF JOINT PETITION FOR SETTLEMENT**

The Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E") offers this Statement in Support of the Joint Petition for Settlement in the above-captioned matter.

The Commission possesses exclusive authority in Pennsylvania to order the construction, alteration, protection, suspension, or abolition of a rail-highway crossing, as well as the exclusive authority to determine and order which parties should perform such work at the crossing and which parties must maintain the crossing in the future, all to effectuate the prevention of accidents and promote the public safety. 66 Pa.C.S. §§ 2702, 2704.

"It is the policy of the Commission to encourage settlements." 52 Pa. Code § 5.231(a). The Commission has stated that "it is not [its] intention to require a hearing if one is not necessary . . . [t]he parties may file a joint petition for settlement." *Yellow Dog Road*, Docket No. I-2014-2405193 (Order entered May 17, 2018). "Settlements lessen the time and expense the parties must expend litigating a case and at the same time conserve administrative hearing resources and are often preferable to those achieved at the conclusion

of a fully-litigated proceeding.” *Hamill Road*, Docket No. A-2011-2258876 (Recommended Decision dated July 29, 2014; Order dated Sept. 11, 2014); *see also* 52 Pa. Code § 69.401.

The Commission must review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004); *Pennsylvania Public Utility Commission v. C.S. Water and Sewer Associates*, 74 Pa. P.U.C. 767 (1991). In a rail proceeding, “the basis for the Commission’s action is the public interest, and the standard to be applied is ‘the prevention of accidents and the promotion of the safety of the public.’” *Pittsburgh R. Co. v. Pennsylvania Public Utility Com.*, 182 A.2d 80, 84 (Pa. Super. 1962) (citing *Pennsylvania Railroad Co. v. Pa. P.U.C.*, 35 A.2d 588 (Pa. Super. 1944)).

This settlement is the result of a successful negotiation among all interested parties and resolves concerns raised in the investigation brought forth by the Commission.

On February 25, 2016, the Commission initiated, upon its own motion, an investigation for purposes of determining all matters relating to the safety of the Crossing where Lighthouse Road (T-425) crosses, at grade, one track of Norfolk Southern in the Guilford Township and the future disposition of the Crossing. The Order listed the parties as Guilford Township (“Township”), Franklin County, the Pennsylvania Department of Transportation (“PennDOT”), Norfolk Southern Railway Company (“Norfolk Southern or NS”), CenturyLink, Comcast, and First Energy.

On March 15, 2016, the Commission’s Technical Utility Services, Rail Safety Division, held a field conference at the subject crossing to determine whether an amicable resolution of the investigation could be reached. The parties were unable to reach an

amicable resolution, resulting in Rail Safety referring the matter to the Office of Administrative Law Judge for the scheduling of an evidentiary hearing.

On May 18, 2016, a Prehearing Conference was held and attended by counsel for Norfolk Southern, Guilford Township, PennDOT, and I&E. The matter was then referred to the Commission's Mediation Unit.

Unable to agree to a resolution of this matter, the matter was again referred to OALJ for litigation. On May 29, 2018, at the request of the parties, an Order Suspending Litigation was issued to allow the parties ample time to finalize a settlement.

On or about September 11, 2019, Mr. Randy Fisher filed a Petition to Intervene with the Commission's Secretary's Bureau. By Order dated May 12, 2020, Administrative Law Judge ("ALJ") Stephen Haas denied the Petition to Intervene.

The parties have agreed to amicably resolve this matter through this Joint Petition for Settlement. In short, the parties have agreed to abolish the at-grade crossing located on Lighthouse Road due to the difficulty in adding enhanced safety features and devices to ensure the safety of the travelling public.

In light of the abolishment, Guilford Township will construct and establish a Relief Road to divert traffic away from Lighthouse Road. Guilford Township commenced the construction of the Relief Road in the Spring of 2020 and has completed the construction project. With the establishment of the Relief Road, Guilford Township will vacate Lighthouse Road from State Route 11 to its intersection with the Relief Road. The vacation will include the removal of the roadway surface on each side of Norfolk Southern's train tracks and the erection of concrete median barriers on the eastern boundary of the tracks.

In exchange for the abolishment of the crossing, Norfolk Southern will pay a one-time lump sum of \$28,000.00 to Guilford Township, will remove the crossing and roadway surface for two feet outside the crossing, remove any crossbucks associated with the crossing, pay for the cost of any flaggers when performing the work, and issue any permits that may be required in the removal of the roadway surface in Norfolk Southern's right-of-way.

PennDOT agrees to issue a Highway Occupancy Permit to the Township at no cost, stake/paint the State Route 11 right-of-way, eradicate any lines and restripe the shoulder adjacent to the crossing, remove any turn lane indications associated with the crossing, and remove any railroad crossing signs on State Route 11. PennDOT also agrees to approve a Section 130 incentive payment of \$7,500.00.

As part of the abolishment of the crossing and vacation of Lighthouse Road, the parties agree to add WCN Properties L.P., Target Corporation, and the West Penn Power Company as parties to effectuate the roadway vacation.

Thus, the location and environment surrounding the crossing at Lighthouse Road does not allow for the construction of the enhanced safety features needed to ensure the prevention of accidents and promotion of public safety. Moreover, elimination of the grade crossing provides the highest level of crossing safety because the intersection of the highway and the railroad is removed. Further benefits include the reduction in highway vehicle delay, rail traffic delay, and maintenance costs of the crossings surfaces and traffic control devices. Last, the elimination of this crossing at Lighthouse Road does not unduly inconvenience the travelling public along State Route 11 and will require traffic to be directed to nearby highway-rail crossings with enhanced safety features (active traffic control devices).

The settlement will save the parties the time and expense they would otherwise incur in further litigating this matter before the Commission. Since all parties agree to the terms of the settlement, adopting it will eliminate the possibility of any appeal from a Commission Order. This settlement is the most cost-effective solution for all interested parties and resolves all the parties' outstanding issues.

The abolishment of the public at-grade crossing and construction of the Relief Road pursuant to the terms of this settlement address the safety concerns to the satisfaction of I&E. I&E therefore submits that the Commission will serve the public interest by adopting and granting this Joint Petition for Settlement as its terms provide for the abolishment and continued protection of the public's safety with respect to the crossing.

Respectfully submitted,



Kayla L. Rost

Prosecutor

PA Attorney ID No. 322768

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Dated: November 16, 2021

**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	:	

**STATEMENT OF GUILFORD TOWNSHIP
IN SUPPORT OF THE JOINT PETITION FOR SETTLEMENT**

Guilford Township (the "Township") submits this Statement in Support of the Joint Petition for Settlement in the above-captioned matter. The Township concurs in the position of the other parties in this proceeding that the settlement will serve the public interest. The settlement avoids the time and expense involved in further litigation and eliminates the possibility of an appeal from any Commission Order. The settlement will serve to protect the public safety by abolishing an at-grade crossing for which certain safety related improvements may not be feasible and, in light of the abolishment, establishing and constructing a relief road. This settlement is in the public interest because it promotes the safety and welfare of the public, which is paramount to the goals of the Commission in regulating crossings to prevent accidents and promote public safety generally. 66 Pa.C.S. § 2702(b).


This settlement is the product of lengthy and successful negotiations among all interested parties. Furthermore, the settlement is in the best interests of the Township. The Township has attained certainty regarding the cost of the settlement with its joint applicants. As with the balance of the parties in this case, this settlement will save the Township time and expense than it would otherwise incur in further litigating this matter.

The Township respectfully requests that the Public Utility Commission approve and adopt the Joint Petition for Settlement.

Respectfully submitted,

SALZMANN HUGHES, P.C.

Dated: December 6, 2021

By: 
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Counsel for Guilford Township

**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 :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Joint Petition for Settlement and related Statements in Support of the Joint Petition for Settlement were served upon the parties listed below as follows:

VIA EMAIL

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SALZMANN HUGHES, P.C.

Dated: December 21, 2021

By: 
Scott T. Wyland