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U.S. Steel Tower ♦ Suite 4850 ♦ 600 Grant Street ♦ Pittsburgh, PA 15219

Phone: (412) 261-6600 ♦ Fax: (412) 471-2754

Harlan S. Stone
Attorney at Law

Direct Dial: (412) 553-7077
E-mail: hstone@mdbbe.com

PLEASE REFER TO: SHALE-115943

September 10, 2010

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

RE: Township of Shaler
Petition to Modify an Order of the Commission Adopted
July 29, 2010 - Docket No. A-00122618

Dear Sir or Madam:

Enclosed for filing please find a Petition to Modify Order relative to the above matter.

Very truly yours,

HARLAN S. STONE
Solicitor for Township of Shaler

HSS/kb
Enclosure

cc: Gary Fawver, P.E. / PennDot
Malek A. Francis / PennDot
Carl A. Roe, Jr., Principal Engineer, CSX Transportation, Inc.
Debbie Delia / Verizon
Len Zapf / Duquesne Light
Rick Moslen / Comcast
Russell A. Peterson, President, Allegheny Valley Railroad Company
Honorable Dan Onorato, County Executive, Allegheny County
Thomas E. Donatelli, P.E., Director, Allegheny County Department of Public Works
Noreen Karolski, P.E., Buchart Horn, Inc.
Beth Seubert, MCI
George Pozzuto / Equitable Gas Company
(all w/enclosure)

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2010 SEP 14 AM 9:33
P.A.P.U.C.
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN RE: Application of the Township of Shaler for approval of the alteration of the crossing #145710P where East Pennview Street crosses at grade the tracks of the Allegheny Valley Railroad Company, (Lessee)/CSX Transportation, Inc., (Owner) in the Township of Shaler, Allegheny County; and the allocation of costs incident thereto.

Application
Docket No. A-00122618

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SECRETARY'S BUREAU

PETITION TO MODIFY ORDER

AND NOW, comes the Township of Shaler, by and through its counsel, Harlan S. Stone and Meyer Darragh, Buckler, Bebenek & Eck, P.L.L.C., and files this Petition to Modify an Order of the Commission adopted July 29, 2010 stating in support:

1. The name and address of your Petitioner is:
Township of Shaler
c/o Kevin M. Creagh, P.E.
300 Wetzel Road
Glenshaw, PA 15116

2. The name and address of attorney for the Petitioner is:
Mr. Harlan S. Stone, Esquire
Meyer Darragh, Buckler, Bebenek & Eck, P.L.L.C.
U.S. Steel Tower
Suite 4850
600 Grant Street
Pittsburgh, PA 15219

3. Petitioner is a municipal corporation of the Commonwealth of Pennsylvania, organized and existing under the First Class Township Code, and an agency of the Commonwealth existing under the Administrative Code of 1929, 71 P.S. §511, et. seq. and generally 36 P.S. §670-401 et. seq.

4. On or about April 28, 2006, Petitioner filed an application seeking Commission approval of an Allegheny County project to alter the crossing where East

Pennview Street crosses at grade a track of CSX Transportation, Inc. leased to Allegheny Valley Railroad Company in Shaler Township, Allegheny County. A copy of Petitioner's application is attached hereto and marked exhibit "A".

5. The project involves improving an existing one lane steel bridge, which carries East Pennview Street over Pine Creek in the Township of Shaler, Allegheny County, Pennsylvania. The bridge was built in 1902 and is currently posted for 13 tons. Allegheny Valley Railroad (lessee)/CSX (owner) is on the western side of the bridge at Station 29+30. The centerline of railroad track is approximately 6' from the wingwall of the bridge.

The proposed bridge will be replaced with a two lane structure. The improvements will increase the overall width of the bridge from 18' to 38' while increasing the roadway curb to curb width from 14' to 35'. The roadway width at the railroad tracks will be 34'. The vertical grade will remain the same.

The project also includes the acquisition of right-of-way on the southeastern side of the road to accommodate the widened roadway section, widened bridge section, wingwall placement and guide rail placement. Right-of-way will be required on the northern side to accommodate the widened bridge section, wingwall placement and guide rail placement. A temporary construction easement may be required for the contractor to assess the site.

6. The project was at all times and in all respects an Allegheny County project funded by the State Bridge Bill, requiring no participation by Shaler Township.

7. The Commission's Order adopted July 29, 2010 approving the project, mistakenly and incorrectly, identifies Shaler Township as the party primarily responsible for the project and would require Shaler, not the County, to bear all the costs and expense associated with project design, construction, rights-of way, and the submission of detailed plans and drawings. A copy of the Commission's Order is attached hereto and marked exhibit "B".

8. The Commission's Order repeatedly refers to Shaler Township as the party proposing the project and describes Shaler Township as being willing to accept all costs and expenses associated with it. This is not accurate since Allegheny County, not Shaler Township, is the party proposing the project and the party that has agreed to be responsible for all associated costs and expenses.

9. Therefore, Petitioner respectfully requests that the Order adopted by the Commission be modified as follows:

a. All references to "Shaler Township" beginning on page 1, paragraph 3, and continuing through page 2, be deleted and the name "Allegheny County" be substituted in their place.

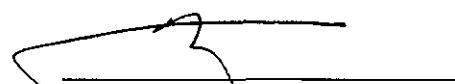
b. The reference to "Shaler Township" at page 3, paragraph 4, be deleted, and the name "Allegheny County" be substituted in its place.

c. All references to "Shaler Township" at page 10, paragraphs 8,9,10, and 11 13, and 14 be deleted, and the name "Allegheny County" be substituted in their place.

d. All references to "Shaler Township" at page 11, paragraphs 15, 16, 17, 18, and 21 be deleted, and the name "Allegheny County" be substituted in their place.

WHEREFORE, Petitioner, Shaler Township, respectfully requests that the Commission's Order dated July 29, 2010, be modified consistent with this Petition.

Respectfully Submitted,



Harlan S. Stone
Solicitor for Shaler Township
Meyer, Darragh, Buckler,
Bebenek, and Eck
Suite 4850
600 Grant Street
Pittsburgh, Pa. 15219
Telephone#412-261-6600

Dated: September 10, 2010


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SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN RE: Application of the Township of Shaler for approval of the alteration of the crossing #145710P where East Pennview Street crosses at grade the tracks of the Allegheny Valley Railroad Company, (Lessee)/CSX Transportation, Inc., (Owner) in the Township of Shaler, Allegheny County; and the allocation of costs incident thereto. Application
Docket No. A-00122618

VERIFICATION

I, Kevin M. Creagh, make the following statement subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authority, and state that as the Engineer for Shaler Township, I am authorized to make this statement on behalf of Shaler Township, and that the facts set forth in the foregoing document are true and correct to the best of my information, knowledge and belief.



Kevin M. Creagh, P.E.
Shaler Township

Dated: 9-8-10

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COPY

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BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA.P.U.C.
SECRETARY'S BUREAU

In re: Application of the Township of Shaler for approval of the alteration of the crossing #145710P where East Pennview Street crosses at grade the tracks of Allegheny Valley Railroad Company, (Lessee)/ CSX Transportation, Inc., (Owner) in the Township of Shaler, Allegheny County; and the allocation of costs incident thereto.

Application Docket No. A-00122618

To the Pennsylvania Public Utility Commission:

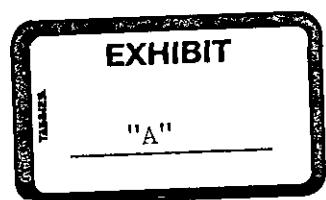
1. The name and address of Applicant are:
Township of Shaler
Kevin M. Creagh, P.E.
300 Wetzell Road
Glenshaw, PA 15116
2. The name and address of attorney for the Applicant are:
Mr. Joseph E. Vogrin, III
Meyer Darragh Buckler Bebenek & Eck, P.L.L.C.
U.S. Steel Tower
Suite 4850
600 Grant Street
Pittsburgh, PA 15219
3. The Applicant is an agency of Commonwealth of Pennsylvania, organized and existing under the Administrative Code of 1929, 71 P.S. §511, et. seq. and generally 36 P.S. §670-401 et. seq.
4. The existing structure is a one lane steel bridge, which carries East Pennview Street over Pine Creek in the Township of Shaler, Allegheny County, Pennsylvania. The bridge was built in 1902 and is currently posted for 13 tons. Allegheny Valley Railroad (lessee)/CSX (owner) is on the western side of the bridge at Station 29+30. The centerline of railroad track is approximately 6' from the wingwall of the bridge.

The proposed bridge will be replaced with a two lane structure. The improvements will increase the overall width of the bridge from 18' to 38' while increasing the roadway curb to curb width from 14' to 35'. The roadway width at the railroad tracks will be 34'. The vertical grade will remain the same.

The project also includes the acquisition of right-of-way on the southeastern side of the road to accommodate the widened roadway section, widened bridge section, wingwall placement and guide rail

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PA PUBLIC UTILITY COMMISSION
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BUREAU OF TRANSPORTATION & SAFETY
RAIL SAFETY DIVISION



placement. Right-of-way will be required on the northern side to accommodate the widened bridge section, wingwall placement and guide rail placement. A temporary construction easement may be required for the contractor to access the site.

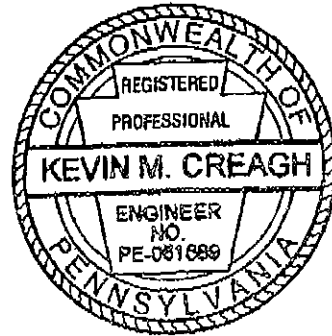
- 5. The names and addresses of the persons, parties and entities concerned in, or affected by the proposed construction, to the best of the Applicant's knowledge are shown in the Certificate of Service.
- 6. East Pennview Street crosses one (1) track at grade of Allegheny Valley Railroad Company (Lessee), at approximately Station 29 + 30. The current ADT for East Pennview Street is 3,758 vehicles with 5% trucks.
- 7. The program is being funded under the State Bridge Bill (80% State, 20% County). The tentative letting date is March 2008.
- 8. The project is necessary and proper for the safety and convenience of the public.
- 9. A conference of all parties of interest should be held to discuss the proposed improvements.

Wherefore, Applicant prays your Honorable Commission to approve the application:

Respectfully Submitted:

Kevin M. Creagh

Kevin M. Creagh, P.E.
300 Wetzel Road
Glenshaw, PA 15116



VERIFICATION

I, Noreen L. Karolski, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this manner. I understand that the statements herein are made subject to the penalties of 18 PA C.S. §4904 (relating to unsworn falsification to authorities).

Date: 4/25/06

Noreen L. Karolski
Noreen L. Karolski, P.E.
Project Manager

BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of the Township of Shaler for approval of the alteration of the crossing #145710P where East Pennview Street crosses at grade the tracks of Allegheny Valley Railroad Company, (Lessee)/CSX Transportation, Inc. (Owner) in the Township of Shaler, Allegheny County; and the allocation of costs incident thereto.

Application
Docket No. _____

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below, in accordance with the requirements of 52 PA Code §1.54, by first class mail, postage prepaid:

Mr. Gary Fawver, P.E., Chief
Right-of-Way and Utilities Division
Bureau of Design, PENNDOT
Commonwealth Keystone Building
7th Floor, P.O. Box 3362
Harrisburg, PA 17105-3362

Malek A. Francis
Engineering District 11-0
Pennsylvania Department of Transportation
45 Thoms Run Road
Bridgeville, PA 15017

Mr. Carl A. Roe, Jr., Principal Engineer
CSX Transportation, Inc.
500 Water Street, Suite: J-301
Jacksonville, FL 32202

Mr. Russell A. Peterson, President
Allegheny Valley Railroad Company
25 South Broadway
Scottdale, PA 15683

The Honorable Dan Onorato, County Executive
Allegheny County
101 County Court House
436 Grant Street
Pittsburgh, PA 15219

Mr. Thomas E. Donatelli, P.E., Director
Allegheny County Department of Public Works
501 County Office Building
542 Forbes Avenue
Pittsburgh, PA 15219-2904

Mr. George Pozzuto
Equitable Gas Company
200 Allegheny Center Mall
Pittsburgh, PA 15212

Ms. Debbie Delia
Verizon of PA
201 Stanwix Street, 9th Floor
Pittsburgh, PA 15222

Mr. Len Zapf
Duquesne Light Company
2601 Preble Avenue
Pittsburgh, PA 15233

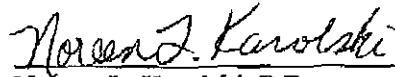
Mr. Kevin M. Creagh, P.E.
Shaler Township/Girty's Run Joint Sewer Authority
300 Wetzel Road
Glenshaw, PA 15116

Mr. Rick Moslen
Comcast
300 Corliss Street
Pittsburgh, PA 15220

Ms. Noreen Karolski, P.E.
Buchart Horn, Inc.
Liberty Technology Center
2200 Liberty Avenue, Suite 300
Pittsburgh, PA 15222

Ms. Beth Seubert
MCI
MCI ID: 5015-2004
OSP National Support/Investigations
Dept. 42864 Loc 107
2400 North Glenville
Richardson, TX 75082

Dated this 25th Day of April, 2006



Noreen L. Karolski, P.E.
Project Manager



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

August 3, 2010

A-00122618

TO ALL PARTIES:

Application of the Township of Shaler Township for approval of the alteration of the crossing (DOT 145 710 P) where East Pennview Street crosses at grade the tracks of Allegheny Valley Railroad Company, (lessee) CSX Transportation, Inc., (owner) in the Township of Shaler, Allegheny County; and the allocation of costs thereto.

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on July 29, 2010 adopted an Order in the above entitled proceeding.

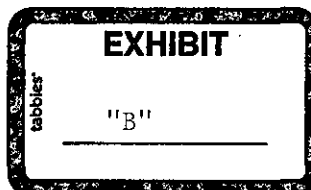
An Order has been enclosed for your records.

Very truly yours,

Rosemary Chiavetta
Secretary

Encls
Cert. Mail
JF

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SECRETARY'S BUREAU



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA. 17105-3265

Public Meeting held July 29, 2010

Commissioners Present:

James H. Cawley, Chairman
Tyrone J. Christy, Vice Chairman
John F. Coleman, Jr.
Wayne E. Gardner
Robert F. Powelson

A-00122618

Application of the Township of Shaler Township for approval of the alteration of the crossing (DOT 145 710 P) where East Pennview Street crosses at grade the tracks of Allegheny Valley Railroad Company, (lessee) CSX Transportation, Inc., (owner) in the Township of Shaler, Allegheny County; and the allocation of costs thereto.

ORDER

BY THE COMMISSION:

This matter is before us upon application filed April 28, 2006 by Shaler Township seeking Commission approval to alter the crossing where East Pennview Street crosses at grade a track of CSX Transportation, Inc. leased to Allegheny Valley Railroad Company (AVRR) in Shaler Township, Allegheny County.

A field investigation and conference, arranged by a Commission staff engineer and held at the site of the crossing, was attended by representatives of PennDOT, AVRR, Shaler Township, Duquesne Light Company, Equitable Gas Company, Comcast and Allegheny County.

Shaler Township proposes to reconstruct the bridge carrying East Pennview Street over Pine Creek which is on the eastern approach to the at grade crossing. The existing bridge is a single span steel thru girder structure providing for one lane traffic posted for 13 tons. The existing crossing is a single track at grade crossing with a timber and asphalt crossing surface.

Automatically operated flashing light railroad crossing warning signals and gates are installed on each approach to the crossing.

Shaler Township proposes to remove the existing structure and construct a new single span prestressed concrete spread box beam bridge that will provide two eleven foot wide traffic lanes. The roadway through the crossing will be widened to approximately 34 feet. A new high-type concrete crossing surface will be installed for the full width of the new roadway. In addition, new automatically operated flashing railroad crossing warning signals and gates will be installed on the approaches to the crossing.

Shaler Township agrees to construct the project at its sole cost and expense. The Township will reimburse the railroad for the costs of any alterations to its facilities by the project, including the installation of a new crossing surface and flashing railroad crossing warning signals and gates and for maintenance and protection of train traffic during construction. Alterations required to non-carrier public utilities in public right-of-way will be made by the utilities at their initial cost and expense. None of the parties objected to Shaler Township's proposal. The project will be funded by State Bridge Bill with 80% State funds and 20% County funds.

The Commission has tentatively established jurisdiction over those portions of the project between Highway Station 28+50 and Highway Station 30+45. It will be necessary for the Commission to appropriate railroad property for construction of the project.

The applicant has certified that a copy of the application has been served on each party in interest and none has advised that it objects to the issuance of an order, prior to a hearing, approving the application.

Upon full consideration of the matters involved, we determine that it is not necessary to schedule a hearing in this proceeding at this time and that issuance of an order without hearing is proper since Shaler Township has agreed to construct the project, at its sole cost and expense, and none of the parties has expressed any objections to the proposal. We also determine that the alteration or relocation of any non-carrier public utilities facilities should be made at their initial cost and expense and that a hearing be scheduled after the project is complete to consider allocation of costs incident to the improvement.

The record having been certified to this Commission, we issue this order pursuant to Section 335(a) of the Public Utility Code, 66 Pa. C.S. Subsection 335 (a); THEREFORE,

IT IS ORDERED:

1. That the application be and is hereby approved to the extent hereinafter ordered.

2. That the crossing where East Pennview Street crosses at grade a track of CSX Transportation Inc. (leased to Allegheny Valley Railroad Company) in the Township of Shaler, Allegheny County, be altered generally in accordance with the approved plans.

3. That the right-of-way plan submitted by Shaler Township entitled "Right-of-Way Plan For Replacement Of Pine Creek Bridge No. 11 East Pennview Street Township of Shaler" consisting of ten (10) sheets is hereby approved and made part hereof.

4. That Shaler Township within six months from date of service of this order and prior to start of work, submit a detailed construction plan and bridge plan for the crossing project to the parties of record for their examination and to this Commission for its approval.

5. That in accordance with the provisions of Section 2702 of the Public Utility Code, 66 Pa. C.S. Subsection 2702, the following described property be and is hereby taken and appropriated for the purpose of the improvement in accordance with the right-of-way plan approved in Paragraph No. 3 of this order and Paragraph No. 5 of this order shall be recorded by the Recorder of Deeds of Allegheny County, and shall be indexed under the name of the record owner of said property, grantor, and the Commonwealth of Pennsylvania, grantee, at the sole cost and expense of Shaler Township.

CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
Required Permanent Highway Easement 1

ALL THOSE CERTAIN TRACTS OF LAND situated in Shaler Township, Allegheny County, bounded and described as follows, to wit:

Beginning at a point in Pine Creek at the northwesterly side of East Pennview Street, said point being the intersection of the northwesterly right-of-way line of East Pennview Street and the southwesterly corner of Gala Limited Partnership, B.M.C. LP, distance sixteen (16') feet left and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+90 thereof; thence on a curve to the left in a southwesterly direction across the stream to a point along Pine Creek's bank, twenty-two (22') feet left and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+47.00 thereof; thence in a northwesterly direction, thirty-six and no hundredths (36.00') feet left and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+52.00 thereof; thence in northeasterly direction in Pine Creek, thirty-three and no hundredths (33.00') feet left and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+62.00 thereof; thence in a southeasterly direction in Pine Creek, twenty-three and no hundredths (23.00') feet left and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+62.00 thereof; thence in a northeasterly direction in Pine Creek, twenty (20') feet left, and measured at right angles from the right-of-way centerline of East Pennview Street at

Station 29+90 thereof; thence in a southeasterly direction along the property line between CSX and Gala Limited Partnership, B.M.C.LP to the point and place of beginning containing nine thousandths (0.009) of an acre of land more or less.

Required Permanent Highway Easement 2

Beginning at a point in Pine Creek at the southeasterly side of East Pennview Street, said point of being the intersection of the property line between CSX and Alfred and Irene Barbour, twenty-five (25') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+88 thereof; thence in a southwesterly direction in Pine Creek, twenty-two and no hundredths (22.00') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+48.00 thereof; thence in a southwesterly direction in Pine Creek, thirty-one and no hundredths (31.00') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+26.00 thereof; thence in a northwesterly direction to the railroad tracks, nineteen (19') feet and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+26.00 thereof; thence in a southwesterly direction, eighteen and no hundredths (18.00') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 28+79.00 thereof; thence in a southeasterly direction, thirty-two and no hundredths (32.00') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 28+54.00 thereof; thence in a southwesterly direction, sixteen and 5 tenths (16.5') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 28+44.00 thereof; thence in a northwesterly direction along a line curving to the right along the existing right-of way of East Pennview Street with a radius of sixty-seven and fifty-nine hundredths (67.59') feet; thence in a northeasterly direction along a line curving to the right along the existing

right-of-way of East Pennview Street with a radius of nineteen and fourteen hundredths (19.14') feet; thence in a northeasterly direction along a line curving to the right along the existing right-of-way of East Pennview Street with a radius of five hundred twenty-eight and sixty-one hundredths (528.61') feet thereof; thence in a northeasterly direction along the existing right-of-way of East Pennview Street seventeen (17') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+88 thereof; thence in a southeasterly direction along the property line of Alfred and Irene Barbour to the point and place of beginning containing four hundredths (0.040) of an acre of land more or less.

The above pieces of land shown on the County of Allegheny's Right-of-Way Plan for the replacement of Pine Creek Bridge No. 11 as Temporary Construction Easement for East Pennview Street and designated and delineated as Parcel 6 on sheet 8 of said drawings, as recorded in the Department of Real Estate in Allegheny County, PA in Highway Book 152 on page 38, on March 30, 2010, is a portion of real estate which became legally vested in CSX Transportation, Inc. by merger with Chesapeake and Ohio Railway Company dated August 18, 1987.

6. That in accordance with the provisions of section 2702 of the Public Utility code; 66 Pa. C.S. §2702, the following described property be and is hereby taken and appropriated temporarily, for use during the construction period only, in accordance with the right-of-way plan approved in Paragraph No. 3 of this order, and that Paragraph No. 6 of this order shall be recorded by the Recorder of Deeds of Allegheny County, and shall be indexed under the name of the record owner of property, grantor, and the Commonwealth of Pennsylvania, grantee, at the sole cost and expense of Shaler Township, applicant herein; said temporary appropriation shall terminate upon completion of the construction of the improvement and its opening to public use.

CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202

ALL THOSE CERTAIN TRACTS OF LAND situated in Shaler Township, Allegheny County, bounded and described as follows, to wit:

Temporary Construction Easement 1

Beginning at point in Pine Creek on the northwesterly side of East Pennview Street, said point being the property line with Gala Limited Partnership, B.M.C. LP, twenty (20') feet left and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+90 thereof; thence in a southwesterly direction in Pine Creek, twenty-three and no one hundredths (23.00') feet left and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+62.00 thereof; thence in a northwesterly direction in Pine Creek, thirty-three and no one hundredths (33.00') feet left and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+62.00 thereof; thence in a southwesterly direction to the bank of Pine Creek, thirty-six and no hundredths (36.00') feet left and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+52.00 thereof; thence in a northwesterly direction along the bank of Pine Creek, forty-nine and no hundredths (49.00') feet left and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+55.00 thereof; thence in a northeasterly direction in Pine Creek, forty-four (44') feet left and measured at right angles from the

right-of-way centerline of East Pennview Street at Station 29+90 thereof; thence in a southeasterly direction along the property line with Gala Limited Partnership, B.M.C. LP to the point and place of beginning containing twenty-two thousandths (0.022) of an acre of land more or less.

Temporary Construction Easement 2

Beginning at a point in Pine Creek at the southeasterly side of East Pennview Street, said point being along the property line of Alfred and Irene Barbour, sixty (60') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+85 thereof; thence in a southwesterly direction in Pine Creek, thirty and no hundredths (30.00') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 28+90.00 thereof; thence in a southwesterly direction, thirty-eight and no hundredths (38.00') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 28+30.00 thereof; thence in a southwesterly direction to the Right-of-Way of East Pennview Street, sixteen and five tenths (16.5') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 28+30.00 thereof; thence in a northwesterly direction along the right-of-way of East Pennview Street, sixteen and five tenths (16.5') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 28+44.00 thereof; thence in a northeasterly direction, thirty-two and no hundredths (32.00') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 28+54.00 thereof; thence in a northwesterly direction, eighteen and no hundredths (18.00') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 28+79.00 thereof; thence in a northeasterly direction, nineteen (19') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+26.00 thereof; thence in a southeasterly direction, thirty-one and no

hundredths (31.00') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+26.00 thereof; thence in a northwesterly direction, twenty-two and no hundredths (22.00') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+48.00 thereof; thence in a northeasterly direction, twenty-five (25') feet right and measured at right angles from the right-of-way centerline of East Pennview Street at Station 29+88 thereof; thence in a northeasterly direction along the property line of Alfred and Irene Barbour to the point and place of beginning and containing fifty-nine thousandths (0.059) of an acre of land more or less.

The above pieces of land shown on the County of Allegheny's Right-of-Way Plan for the replacement of Pine Creek Bridge No. 11 as Temporary Construction Easement for East Pennview Street and designated and delineated as Parcel 6 on sheet 8 of said drawings, as recorded in the Department of Real Estate in Allegheny County, PA in Highway Book 152 on page 38, on March 30, 2010, is a portion of real estate which became legally vested in CSX Transportation, Inc. by merger with Chesapeake and Ohio Railway Company dated August 18, 1987.

7. That Allegheny Valley Railroad Company, at the sole cost and expense of Shaler Township, submit a situation plan, cost estimate, and detailed circuit plan for the subject crossing project to each party in interest for review and to this Commission for approval.

8. That Shaler Township, at its sole cost and expense, furnish all material and perform all work necessary to construct the proposed crossing project generally in accordance with the approved plans and this order.

9. That Shaler Township, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain all traffic controls that may be required to properly accommodate highway and pedestrian traffic during the time the crossing project is being constructed.

10. That Allegheny Valley Railroad Company, at the sole cost and expense of Shaler Township, furnish all material and perform all work necessary to install new automatically operated flashing light railroad crossing warning signals and gates, and a high type concrete railroad crossing surface generally in accordance with the approved plan, Part 8 of the Manual on Uniform Traffic Control Devices, and the construction criteria of the Shaler Township.

11. That Allegheny Valley Railroad Company, at the sole cost and expense, of Shaler Township, furnish and maintain flagmen and watchmen, as required, to protect its operations during the time work is being performed across and adjacent to its tracks.

12. That any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority located within the limits of public right-of-way, within the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the crossing project, be made by said public utility company or municipal authority at its initial cost and expense, and in such manner as will not interfere with the construction of the project.

13. That any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority located on private right-of-way within the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the proposed project, be made by said public utility company or municipal authority at the sole cost and expense of Shaler Township, and in such manner as will not interfere with the construction of the project.

14. That Shaler Township, at its sole cost and expense, furnish all material and perform all work necessary to complete the remainder of the crossing project, including installation of all attendant storm drainage facilities and any other ancillary features of the project, generally in accordance with the approved plans and this order.

15. That Shaler Township, at least ten (10) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

16. That Allegheny Valley Railroad Company cooperate with Shaler Township and conduct its operations in the vicinity of the crossing, in a safe manner and under control during the time project is being constructed.

17. That construction of the crossing project be completed in a manner satisfactory to this Commission on or before December 31, 2012, and that on or before said date, Shaler Township report to this Commission the date of actual completion of the work.

18. That Shaler Township, at its sole cost and expense, pay all compensation for damages due to owners of property taken, injured, or destroyed by reason of the construction of the crossing project in accordance with this order.

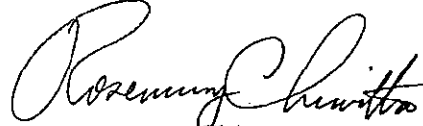
19. That upon completion of construction of the proposed project, each non-carrier public utility company and municipal authority, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its respective facilities, existing or altered, located within the limits of the improvement.

20. That upon completion of construction of the proposed project, Allegheny Valley Railroad Company, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its railroad facilities at the crossing, including the automatically operated flashing light warning signals and gates, and to maintain at all times in a smooth and satisfactory condition the high type concrete crossing surface.

21. That upon completion of the alteration of the crossing, Shaler Township, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway approaches to the subject crossing up to the concrete crossing surface and, in addition, maintain the railroad advance warning signs, stop bars and pavement markings on the approaches thereto.

22. That upon completion of the work herein ordered, and upon a written request by any party hereto, this proceeding be scheduled for a hearing at a time and a place assigned by this Commission, upon due notice to all parties, to receive evidence relative to the allocation of initial costs incurred, if any, by any of the parties, and any other matters relevant to this proceeding.

BY THE COMMISSION

A handwritten signature in cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: July 29, 2010

ORDERED ENTERED: August 3, 2010

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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2010 SEP 14 AM 9:34
PA.P.U.C.
SECRETARY'S BUREAU

IN RE: Application of the Township of Shaler for approval of the alteration of the crossing #145710P where East Pennview Street crosses at grade the tracks of the Allegheny Valley Railroad Company, (Lessee)/CSX Transportation, Inc., (Owner) in the Township of Shaler, Allegheny County; and the allocation of costs incident thereto.

Application
Docket No. A-00122618

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Petition to Modify Order was served upon the parties listed below, in accordance with the requirements of § 1.54, by first-class mail, postage prepaid this 10th day of September, 2010.

Mr. Gary Fawver, P.E., Chief
Right-of-Way and Utilities Division
Bureau of Design, PENNDOT
Commonwealth Keystone Building
7th Floor, P.O. Box 3362
Harrisburg, PA 17105-3362

Malek A. Francis
Engineering District 11-0
Pennsylvania Department of
Transportation
45 Thoms Run Road
Bridgeville, PA 15017

Mr. Carl A. Roe, Jr., Principal Engineer
CSX Transportation, Inc.
500 Water Street, Suite J-301
Jacksonville, FL 32202

Ms. Debbie Delia
Verizon of PA
201 Stanwix Street, 9th Floor
Pittsburgh, PA 15222

Mr. Len Zapf
Duquesne Light Company
2601 Preble Avenue
Pittsburgh, PA 15233

Mr. Rick Moslen
Comcast
300 Corliss Street
Pittsburgh, PA 15220

Mr. Russell A. Peterson, President
Allegheny Valley Railroad Company
25 South Broadway
Scottsdale, PA 15683


Ms. Noreen Karolski, P.E.
Buchart Horn, Inc.
Liberty Technology Center
2200 Liberty Avenue, Suite 300
Pittsburgh, PA 15222

The Honorable Dan Onorato
County Executive, Allegheny County
101 County Courthouse
436 Grant Street
Pittsburgh, PA 15219

Ms. Beth Seubert
MCI
MCI ID: 5015-2004
OSP National Support/Investigations
Dept. 42864 Loc 107
2400 North Glenville
Richardson, TX 75082

Mr. Thomas E. Donatelli, P.E., Director
Allegheny County Department of Public
Works
501 County Office Building
542 Forbes Avenue
Pittsburgh, PA 15219-2904

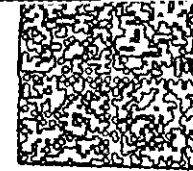
Mr. George Pozzuto
Equitable Gas Company
200 Allegheny Center Mall
Pittsburgh, PA 15212



Harlan S. Stone
Solicitor for Shaler Township

Dated: 9/10/2010

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U.S. Steel Tower • Suite 4850 • 600 Grant Street
Pittsburgh • PA • 15219

115943 / HSS

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