

Brian J. Knipe  
(717) 237-4820  
[brian.knipe@bjrc.com](mailto:brian.knipe@bjrc.com)

T 717.237.4800  
F 717.233.0852  
[www.bjrc.com](http://www.bjrc.com)

March 31, 2011

**VIA HAND DELIVERY**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
Harrisburg, PA 17120

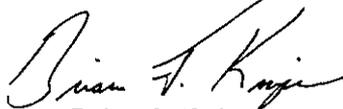
RECEIVED  
2011 MAR 31 PM 3:17  
PA PUC  
SECRETARY'S BUREAU

Re: *Application of Norfolk Southern Railway Company for approval of an exemption from the Commission's overhead clearance requirements at 52 Pa. Code § 33.121 for a track operated by Norfolk Southern Railway Company, located in the City of Pittsburgh in Allegheny County, Docket No. A-2011-*

Dear Secretary Chiavetta:

On behalf of Norfolk Southern Railway Company, I have enclosed for filing the original and three (3) copies of the above referenced Application. Copies of the Application have been served in the manner indicated on the attached Certificate of Service.

Very truly yours,



Brian J. Knipe

For BUCHANAN INGERSOLL & ROONEY, P.C.

BJK/kra

Enclosures

cc: Brian H. Simmons, Esq.  
Certificate of Service

RECEIVED  
2011 MAR 31 PM 3:18  
PA PUC  
SECRETARY'S BUREAU

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Norfolk Southern :  
Railway Company for approval of an :  
exemption from the Commission's :  
overhead clearance requirements at 52 :           Docket No. A-2011-  
Pa. Code § 33.121 for a track operated :  
by Norfolk Southern Railway Company, :  
located in the City of Pittsburgh in :  
Allegheny County :

RECEIVED  
2011 MAR 31 PM 3:18  
PA PUC  
SECRETARY'S BUREAU

**APPLICATION OF NORFOLK SOUTHERN RAILWAY COMPANY FOR  
APPROVAL OF EXEMPTION FROM OVERHEAD  
CLEARANCE REQUIREMENTS**

Norfolk Southern Railway Company ("Norfolk Southern"), by and through its attorneys, files this Application pursuant to 52 Pa. Code § 33.127(b), and requests that the Pennsylvania Public Utility Commission ("Commission") approve an exemption from the Commission's overhead clearance requirements at 52 Pa. Code § 33.121 for a track operated by Norfolk Southern beneath the railroad crossing at the North Avenue and Brighton Road Bridge (the "North Avenue Bridge") in the City of Pittsburgh, Allegheny County (the "City").

As explained below, the City is preparing plans to make repairs to the North Avenue Bridge consistent with the Commission's directive. The nature of these repairs will not result in any increase in the North Avenue Bridge's current "grandfathered" nineteen foot (19') clearance over railroad tracks operated by Norfolk Southern. The Commission's orders, however, require that the repairs result in an increase in overhead clearance from 19' to twenty-two feet (22'). While Norfolk Southern agrees that the Commission's 22' overhead clearance requirement at 52 Pa. Code § 33.121 applies to the North Avenue Bridge — such that when the bridge is reconstructed some day and loses its grandfathered status, its overhead clearance must be increased to 22' — the repairs ordered by the Commission will restore the bridge to good

working order without increasing its overhead clearance. Further, as explained below in Section II.C of this Application, it was the Commonwealth Court's intention that the repairs to the North Avenue Bridge not increase its clearance to 22', and that its clearance remain at 19'. Therefore, to ensure these necessary repairs are completed as soon as possible while valuable resources are conserved, Norfolk Southern requests that the Commission approve an exemption from the 22' overhead clearance requirement for the North Avenue Bridge.

**I. BACKGROUND**

1. The name and address of Applicant are:

Norfolk Southern Railway Company  
Three Commercial Place  
Norfolk, VA 23510

2. The name and address of Applicant's attorneys are:

Brian J. Knipe  
Buchanan Ingersoll & Rooney, PC  
17 North Second Street, 15th Floor  
Harrisburg, PA 17101-1503

Brian H. Simmons  
Buchanan Ingersoll & Rooney, PC  
20th Floor, One Oxford Centre  
Pittsburgh, PA 15219

3. Norfolk Southern is a public utility operating as a common carrier of freight in the Commonwealth of Pennsylvania. Norfolk Southern operates a track beneath the North Avenue Bridge. Accordingly, Norfolk Southern has a right to request an exemption from the Commission's overhead clearance requirements for the North Avenue Bridge, in accordance with 52 Pa. Code § 33.127(b).

4. In an Order entered August 21, 2006 at Docket No. A-00119379 (the "August 2006 Order"), the Commission adopted a Recommended Decision Upon Remand ("RD Upon Remand") of Administrative Law Judge Larry Gesoff (the "ALJ"), and ordered the alteration of three (3) rail-highway crossings located in the North Side section of the City and crossing over

railroad tracks operated by Norfolk Southern: (1) the Ridge Avenue bridge, which the Commission ordered be "removed;"<sup>1</sup> (2) the West Ohio Street bridge, which the Commission ordered be "replaced" with a new structure;<sup>2</sup> and (3) the North Avenue Bridge, the subject of this Application, which the Commission ordered be "repaired."<sup>3</sup>

5. The August 2006 Order directs that the North Avenue Bridge be repaired as follows: "the said repairs to include, but not be limited to, repairs to the north end of the west girder and to floor beam No. 29 and the reconstruction of the sidewalks . . . ."<sup>4</sup> The repairs the Commission directed will not increase the North Avenue Bridge's clearance level.

6. However, the August 2006 Order further directs that the repaired North Avenue Bridge "maintain a clearance of not less than 22-feet above the track bed . . . ."<sup>5</sup>

7. Because the intended repairs would not allow the City to increase the North Avenue Bridge's overhead clearance from 19' to 22', on September 5, 2006, the City and Norfolk Southern filed a Joint Motion for Clarification of the August 2006 Order ("Joint Motion"). The Joint Motion requested that the Commission strike from Ordering Paragraphs 4 and 5(c) of the August 2006 Order the phrase "the said structure to maintain a clearance of not less than 22-feet above the track bed," a modification which would allow the repaired North Avenue Bridge to be maintained at its existing clearance of 19'.

8. In an Order entered October 26, 2010 (the "October 2010 Order"), the Commission denied the Joint Motion because the Joint Motion did not meet the *Duick*<sup>6</sup> standard which governs requests for modifications of a prior Commission order:

---

<sup>1</sup> See August 2006 Order, Ordering Paragraphs 2, 5(a).

<sup>2</sup> See August 2006 Order, Ordering Paragraphs 3, 5(b).

<sup>3</sup> See August 2006 Order, Ordering Paragraphs 4, 5(c).

<sup>4</sup> See August 2006 Order, Ordering Paragraphs 4, 5(c).

<sup>5</sup> See August 2006 Order, Ordering Paragraphs 4, 5(c).

<sup>6</sup> See *Duick v. Pennsylvania Gas and Water Company*, 56 Pa. P.U.C. 553, 1982 Pa. P.U.C. LEXIS 4 (1982).

The [Joint] Motion does not identify any factual or legal argument that was overlooked by this Commission in determining that the 22-foot clearance requirement applies in this case. In particular, the . . . [City and Norfolk Southern] have not demonstrated that this case is no longer controlled by the Commonwealth Court's decision that the 22-foot clearance requirement of Section 33.121 applies and that this Commission is without authority to waive that requirement absent an application from the railroad for an exemption pursuant to Section 33.127(b).<sup>7</sup>

In a related footnote, the Commission explained that "[w]e do not consider the Joint Motion an application by the carrier for an exemption request pursuant to 52 Pa. Code § 33.127(b)."<sup>8</sup>

9. Accordingly, Norfolk Southern is filing this Application to request a clearance exemption pursuant to 52 Pa. Code § 33.127(b), in accordance with the Commission's October 2010 Order.

## II. GROUNDS FOR EXEMPTION

### A. **The North Avenue Bridge Is "Grandfathered" and Should Be Exempt from the 22' Overhead Clearance Requirement**

10. In 1974 the Commission adopted Regulations regarding minimum overhead clearances above railroad tracks. Section 33.121(a) of the Regulations requires that a bridge maintain an overhead clearance of 22' above railroad tracks:

(a) Minimum overhead clearances above railroad tracks, used or proposed to be used for transporting freight cars, shall be 22 feet, except as provided in this Subchapter. Structures constructed, or under construction, prior to the adopting of this Subchapter may be maintained at existing clearances and additional tracks may be constructed and existing tracks reconstructed at the same clearance.<sup>9</sup>

---

<sup>7</sup> October 2010 Order at 10.

<sup>8</sup> October 2010 Order at 10 n.1.

<sup>9</sup> 52 Pa. Code § 33.121(a).

11. The second sentence of Section 33.121(a) provides that bridges existing at lower overhead clearances prior to the adoption of the regulations in 1974 are "grandfathered."

12. Section 33.126 of the Commission's Regulations provides that a grandfathered bridge may be maintained at its existing lower clearance only until it is "relocated" or "reconstructed," at which time it must be raised to meet the 22' clearance requirement:

Except as otherwise provided in this subchapter, if overhead or side clearances between a track and any building, structure, or facility are less than the minimum prescribed in this Subchapter, but were created prior to the adoption of such provisions such minimum clearances shall be provided whenever such a building, structure, or facility is **relocated or reconstructed**. However, the Commission may grant specific requests for the future continuance of prior clearances at such reconstructed buildings, structures, or facilities, if application is made as provided in § 33.127(b) (relating to exemptions).<sup>10</sup>

13. In contrast, Section 33.128(b) provides that a grandfathered bridge remains **exempt** from the 22' overhead clearance requirement, and may remain at a lower clearance, if it is merely "repaired," rather than relocated or reconstructed:

(b) This subchapter does not apply to **repairs**, renewals, maintenance, extensions, additions, or rearrangements in substantially the same location and within the general plan of existing installations if existing clearances are not reduced.<sup>11</sup>

14. As the ALJ found in his initial Recommended Decision at Docket No. A-00119379, the North Avenue Bridge was constructed in 1905 and reconstructed in 1929 and was grandfathered under 52 Pa. Code § 33.121(a).<sup>12</sup> Pursuant to the August 2006 Order, the North Avenue Bridge will not be "relocated" or "reconstructed" and therefore will not lose its grandfathered status under 52 Pa. Code §§ 33.126 and 33.128(b).

---

<sup>10</sup> 52 Pa. Code § 33.126 (emphasis added).

<sup>11</sup> 52 Pa. Code § 33.128(b) (emphasis added).

<sup>12</sup> See August 5, 2003 Recommended Decision ("August 2003 RD") at Docket No. A-00119379, at 12, Finding of Fact ("FOF") 60.

15. Section 33.127(b) of the Commission's Regulations authorizes Norfolk Southern, as the carrier concerned, to request an exemption from the Commission's 22' overhead clearance requirement:

(b) If, in any particular case, exemption from any of the requirements of this subchapter is deemed necessary by the carrier concerned, the Commission may grant an application by such carrier for such exemption if accompanied by a full statement of conditions existing and the reason why such exemption is requested. Any exemption granted will be limited to the particular case covered by the application.<sup>13</sup>

**B. No Party Has Requested That the Instant Repairs Result in an Increase in the North Avenue Bridge's Overhead Clearance**

16. Because the North Avenue Bridge was in better condition, the City proposed repairs, rather than reconstruction. Indeed, in the August 2003 RD, the ALJ observed that while the City and Norfolk Southern differed about the extent of the work needed to restore the "deteriorated" Ridge Avenue and West Ohio Street bridges, and Norfolk Southern wanted these two bridges **replaced** at an overhead clearance of 22', "[t]he City and [Norfolk Southern] agree that the North Avenue bridge needs to be **repaired**."<sup>14</sup> The August 2003 RD further found that "The North Avenue bridge is in the best shape of the three bridges in question. To rehabilitate it, the sidewalks would have to be reconstructed and the deteriorated floor beam and damaged girder would have to be repaired. Tr. 65."<sup>15</sup>

17. At various times during this litigation, the parties asserted that no increase in the overhead clearance of the North Avenue Bridge was at issue because the North Avenue Bridge was merely being repaired. For example:

---

<sup>13</sup> 52 Pa. Code § 33.127(b).

<sup>14</sup> See August 2003 RD at 18 (emphasis added).

<sup>15</sup> August 2003 RD at 14 (FOF 75).

a. In its Main Brief filed on July 1, 2003 at Docket No. A-00119378, the City explained why no increase in the North Avenue Bridge's overhead clearance is appropriate at this time:

Lastly, one of the Bridges, being newer, does not need to be rebuilt at all (Stem testimony, Transcript at 119; Hocker testimony, Transcript at 186). Requiring it to be raised several feet would be an unnecessary burden and expense on whomever the PUC selects as the entity or entities responsible for paying for the rehabilitation.<sup>16</sup>

b. In its Main Brief at Docket No. A-00119378, Norfolk Southern similarly distinguished the North Avenue Bridge from the other bridges at issue:

In contrast, the bridge at North Avenue and Brighton Road requires only moderate repairs, specifically the replacement of one floorbeam (No. 29) and repairs to a girder and a bearing pedestal. (Transcript of April 23, 2003 evidentiary hearing ("Tr.") at 187). Although this bridge (like all bridges) will need to be reconstructed at some point in the future, NS's engineer, Jonathan Hocker, testified that replacement is not required at this time. (Tr. at 186).<sup>17</sup>

c. Norfolk Southern entitled Section A.1 of its Reply Brief at Docket No. A-00119378, "The Parties Agree that the Bridge at North Avenue and Brighton Road Only Requires Repair and thus No Exemption is Required For This Bridge at this Time."<sup>18</sup>

d. In its Exceptions to the August 2003 RD, Norfolk Southern explained why the North Avenue Bridge did not lose its grandfathered status and remained exempt from the Commission's 22' overhead clearance requirement:

The North Avenue and Brighton Road Bridge only requires repairs and thus is not being reconstructed. Accordingly, the mandates for increasing overhead clearance in section 33.126 do

---

<sup>16</sup> City Main Brief ("MB") at 7-8.

<sup>17</sup> Norfolk Southern MB at 5-6.

<sup>18</sup> Norfolk Southern Reply Brief ("RB") at 2.

not apply to this bridge, which may be repaired at the existing 19' clearance. *See* 52 Pa. Code § 33.128(b).<sup>19</sup>

18. In its October 2010 Order, the Commission correctly observed that "Norfolk Southern previously took the position in this litigation that the 22-foot clearance requirement of 52 Pa. Code § 33.121 applies to . . . [the North Avenue] bridge."<sup>20</sup> Norfolk Southern does not dispute this characterization of its position, but respectfully adds one important clarification. Specifically, Norfolk Southern indeed believes that the 22' overhead clearance requirement applies to the North Avenue Bridge, so that if and when the North Avenue Bridge is **reconstructed**, Norfolk Southern will want the clearance of the North Avenue Bridge increased to 22'. Throughout this litigation, Norfolk Southern needed to protect its right to demand an increase in the North Avenue Bridge's overhead clearance at an appropriate time in the future. At present, however, the North Avenue Bridge is merely being repaired. Therefore, Norfolk Southern believes that under 52 Pa. Code § 33.128(b), the North Avenue Bridge remains exempt from the 22' clearance requirement of 52 Pa. Code § 33.121.

**C. The Commonwealth Court's Decision Does Not Require the North Avenue Bridge to Meet the Commission's 22' Overhead Clearance Requirement**

19. In the October 2010 Order, the Commission found that "the . . . [City and Norfolk Southern] have not demonstrated that this case is no longer controlled by the Commonwealth Court's decision that the 22-foot clearance requirement of Section 33.121 applies . . ."<sup>21</sup>

20. The discussion of the "Commonwealth Court's decision" refers to the Commonwealth Court's February 25, 2005 Order at Docket No. 1790 C.D. 2004,<sup>22</sup> which

---

<sup>19</sup> Exceptions of Norfolk Southern at 5 n.2 (filed September 2, 2003).

<sup>20</sup> October 2010 Order at 9-10.

<sup>21</sup> October 2010 Order at 10.

vacated an Opinion and Order of the Commission entered July 26, 2004 with respect to all three bridges, and remanded the case to the Commission for the purpose of determining how the 22' clearance will be achieved.

21. The Commission believed that the Commonwealth Court did not mean to suggest that the City raise the North Avenue Bridge's overhead clearance to 22'. Therefore, on March 11, 2005, the Commission filed an Application for Clarification, Reargument and Reconsideration ("Application for Clarification") which asked the Commonwealth Court, among other things, to clarify that the North Avenue Bridge's overhead clearance could remain at 19':

The Court's February 25, 2005 order also vacates the entire Commission July 26, 2004 order after the body of the opinion states that it vacates only the portion of the Commission's order directing the City of Pittsburgh to replace the Ridge Avenue and West Ohio Street structures at their existing overhead clearances.

\* \* \*

Second, the Court should also clarify this inconsistency because Norfolk Southern did not appeal the Commission's determination that the City of Pittsburgh repair the North Avenue and Brighton Road bridge at the existing overhead clearance. It is unclear now whether the Commission must require twenty two feet of overhead clearance for all three bridges or just the two that it ordered replaced. The Court could remedy this confusion by reversing only the portion of the July 26, 2004 Commission order that directed the City of Pittsburgh to replace the two bridges at the existing clearance and affirming the balance of the July 26, 2004 order.<sup>23</sup>

22. In an order issued April 20, 2005, the Commonwealth Court granted the Commission's request for clarification, and clarified that it did **not** intend to direct that the North Avenue Bridge be repaired at an increased overhead clearance of 22':

---

<sup>22</sup> The decision is reported as *Norfolk Southern Railway Company v. Pennsylvania Public Utility Commission*, 870 A.2d 942 (Pa. Cmwlth. Ct. 2005).

<sup>23</sup> Application for Clarification at 1-2; *see also* Application for Clarification at 7-8.

NOW, April 20, 2005, having considered respondent's application for clarification, reargument and reconsideration, and petitioner Norfolk Southern Railway Company's answer, the application for reargument and reconsideration is denied.

\* \* \*

Respondent's application for clarification is granted to reflect that . . . the PUC's entire order is not vacated in its entirety, but only that portion of the order regarding the overhead clearances of the Ridge Avenue Bridge and the West Ohio Street Bridge.

Accordingly, the Commonwealth Court never required that the North Avenue Bridge be repaired at an increased overhead clearance of 22'.

**D. The Requested Exemption Is Compatible with the Public Interest, Safety and Well-Being**

23. The requested exemption from the Commission's 22' overhead clearance requirement will ensure the necessary repairs to the North Avenue Bridge are completed as soon as possible while valuable resources are conserved.

24. The following governmental entities and public utilities are or may be concerned or affected by the repairs to the North Avenue Bridge:

Lorraine Mackler, Esq.  
City of Pittsburgh  
Department of Law  
313 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219

Gina M. D'Alfonso, Esq.  
Office of Chief Counsel  
PennDOT  
P.O. Box 8212  
Harrisburg, PA 17105-8212

Level 3 Communications LLC  
c/o James Melia, Esq.  
Kirkpatrick & Lockhart  
240 N. Third Street  
Harrisburg, PA 17101

Jody Noble, Esq.  
Duquesne Light Company  
411 7th Avenue  
Pittsburgh, PA 15219

AT&T Communications of PA, Inc.  
c/o Michelle Painter, Esq.  
Painter Law Firm, PLLC  
13017 Dunhill Drive  
Fairfax, VA 22030

Chad Cicconi, Esq.  
Equitable Gas Company  
225 North Shore Drive  
Pittsburgh, PA 15212

Ronald B. Huey, P.E.  
Vice President & Location Officer  
Maguire Group Inc.  
D.L. Clark Bldg., 6th Floor  
503 Martindale Street  
Pittsburgh, PA 15212-5746

However, no one will be affected by the requested exemption. Consequently, no one opposed the City's and Norfolk Southern's September 2006 Joint Motion. Further, the City of Pittsburgh supports this Application, as indicated in a letter filed with the Commission on December 14, 2010. A copy of the City's letter of December 14, 2010 is attached as **Exhibit A**.

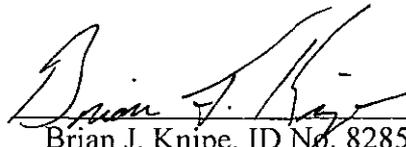
25. Approval of this Application and the requested exemption is compatible with the public interest, safety and well-being.

**III. CONCLUSION**

WHEREFORE, for all the foregoing reasons, Norfolk Southern Railway Company respectfully requests that the Pennsylvania Public Utility Commission approve its Application for an exemption from the overhead clearance requirements for the North Avenue and Brighton Road Bridge.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY, P.C.

By:   
Brian J. Knipe, ID No. 82854  
17 North Second Street, 15th Floor  
Harrisburg, PA 17101-1503  
Telephone: (717) 237-4820  
Facsimile: (717) 233-0852  
[brian.knipe@bipc.com](mailto:brian.knipe@bipc.com)

Brian H. Simmons, ID No. 84187  
20th Floor, One Oxford Centre  
Pittsburgh, PA 15219  
Telephone: (412) 392-2048  
Facsimile: (412) 392-2128  
[brian.simmons@bipc.com](mailto:brian.simmons@bipc.com)

Dated: March 31, 2011

Attorneys for Norfolk Southern Railway Company

RECEIVED  
2011 MAR 31 PM 3:18  
PA PUC  
SECRETARY'S BUREAU



# CITY OF PITTSBURGH

## Department of Law

Luke Ravenstahl, Mayor

Daniel D. Regan, City Solicitor

LORRAINE N. MACKLER  
Assistant City Solicitor

Phone: (412) 255-2017

December 14, 2010

RECEIVED

MAR 8 2011

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor North  
Harrisburg, PA 17120

Re: *Application of the City of Pittsburgh for leave to continue prior overhead clearance for certain bridges over tracks operated by Norfolk Southern Corporation in the City of Pittsburgh, Allegheny County, Docket No. A-00119378*

*Application of the City of Pittsburgh for approval of the alteration of the railroad crossings at Ridge Avenue, West Ohio Street, and North Avenue and Brighton Road Bridges, Docket No. A-00119379*

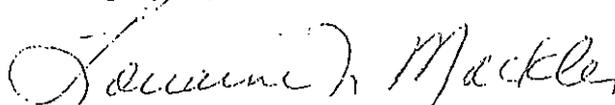
Dear Secretary Chiavetta:

The City of Pittsburgh takes due notice of the Commission's Opinion and Order entered in this matter on August 21, 2010. We share the Commission's deep commitment to the prevention of accidents and the promotion of public safety. Our primary charge as a City is the protection of the health and safety of our populace. In good faith, therefore, we wish to inform the Commission that the City of Pittsburgh will have great difficulty complying with the twenty-two foot clearance requirements and timetable established for the North Avenue and Brighton Road bridges.

We have not made a formal submission in response to the Commission's order because it is our understanding from Brian J. Knipe, Counsel for Norfolk Southern Corporation, that Norfolk Southern will apply pursuant to § 33, 127(b) for an exemption from the 22-foot clearance requirement. The City of Pittsburgh will support that exemption request.

Chief among the City of Pittsburgh's reasons for supporting the Norfolk Southern's expected request for an exemption is our ardent desire to prevent accidents and promote safety. At this time, urgently needed repairs are being made to that bridge; the City expects to have those repairs completed by the middle of 2011.

Respectfully submitted,



Lorraine N. Mackler  
Assistant City Solicitor,  
City of Pittsburgh

LNM:jkd  
Enclosures

cc: Daniel Delaney, Esq.  
Brian J. Knipe, Esq.  
Lawrence F. Barth, Esq.  
Gina M. D'Alfonso, Esq.  
Jody Noble, Esq.  
Chad Cicconi, Esq.  
*AT&T Communications of PA, Inc.*  
Ronald B. Huey, P.E.  
Brian H. Simmons, Esq.

VERIFICATION

I, THOMAS M. BRACEY, hereby state that the facts above set forth are true and correct (or 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 matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: 3/28/11

Thomas M. Bracey  
Thomas M. Bracey  
Senior Engineer Public Improvements  
Norfolk Southern Corporation

**RECEIVED**

MAR 31 2011

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Norfolk Southern :  
Railway Company for approval of an :  
exemption from the Commission's :  
overhead clearance requirements at 52 :           Docket No. A-2011-  
Pa. Code § 33.121 for a track operated :  
by Norfolk Southern Railway Company, :  
located in the City of Pittsburgh in :  
Allegheny County :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

**Via First-Class U.S. Mail**

Lorraine Mackler, Esq.  
City of Pittsburgh  
Department of Law  
313 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219

Level 3 Communications, LLC  
c/o James Melia, Esq.  
Kirkpatrick & Lockhart  
240 N. Third Street  
Harrisburg, PA 17101

Lawrence F. Barth, Esq.  
PA Public Utility Commission  
Bureau of Transportation & Safety  
Box 3265  
Harrisburg, PA 17105-3265

Gina M. D'Alfonso, Esq.  
Office of Chief Counsel  
PennDOT  
P.O. Box 8212  
Harrisburg, PA 17105-8212

Jody Noble, Esq.  
Duquesne Light Company  
411 7th Avenue  
Pittsburgh, PA 15219

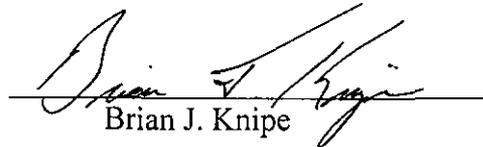
Chad Cicconi, Esq.  
Equitable Gas Company  
225 North Shore Drive  
Pittsburgh, PA 15212

RECEIVED  
2011 MAR 31 PM 3:18  
PA PUC  
SECRETARY'S BUREAU

AT&T Communications of PA, Inc.  
c/o Michelle Painter, Esq.  
Painter Law Firm, PLLC  
13017 Dunhill Drive  
Fairfax, Virginia 22030

Ronald B. Huey, P.E.  
Vice President & Location Officer  
Maguire Group Inc.  
D.L. Clark Bldg., 6th Floor  
503 Martindale Street  
Pittsburgh, PA 15212-5746

Dated this 31st day of March, 2011.

  
Brian J. Knipe

Counsel for  
Norfolk Southern Railway Company

RECEIVED

2011 MAR 31 PM 3:18

PA POU  
SECRETARY'S BUREAU