

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

April 22, 2011

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

Re: Application of the Department of Transportation of the Commonwealth of Pennsylvania for the approval to replace the existing superstructure of the bridge carrying SR 0772 over the two tracks of the National Railroad Passenger Corporation (AMTRAK) (DOT 518 014 T) in the Borough of Mount Joy, Lancaster County and an exemption from the Commission's minimum vertical clearance requirements.

:
Application Docket No. A-2008-2079988

Dear Secretary McNulty:

Enclosed herein please find the Department of Transportation's *Notice of Appearance and Petition to Transfer Jurisdiction to the Court of Common Pleas of Lancaster County*.

Very truly yours,

Kelly Edward Solomon
Assistant Counsel

cc: William J. Cressler, Assistant Chief Counsel, Real Property Division
Christopher J. Clements, Assistant Counsel in Charge, Right of Way Section
Mark Chappell, P.E., Chief, Right of Way & Utilities Division
David Reynolds, Engineering District 8-0
Parties of Record

Attachs.



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of : Application Docket No. A-2008-2079988
Transportation of the Commonwealth of :
Pennsylvania for the approval to replace:
The existing superstructure of the bridge:
Carrying SR 0772 over the two tracks of :
The National Railroad Passenger :
Corporation (AMTRAK) (DOT 518 014 T):
In the Borough of Mount Joy, :
Lancaster County and an exemption :
From the Commission's minimum :
Vertical clearance requirements. :

NOTICE OF APPEARANCE

Please enter the appearance of Kelly Edward Solomon, Assistant Counsel, on behalf of the Commonwealth of Pennsylvania, Department of Transportation, in the above-referenced action. I am authorized to accept service on behalf of the Commonwealth of Pennsylvania, Department of Transportation in this matter. On the basis of this notice, I request a copy of each document hereafter issued by the Commission in this matter.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Kelly Edward Solomon
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. Number 85714
ksolomon@state.pa.us

DATED: April 22, 2011

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of : Application Docket No. A-2008-2079988
Transportation of the Commonwealth of :
Pennsylvania for the approval to replace:
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Corporation (AMTRAK) (DOT 518 014 T):
In the Borough of Mount Joy, :
Lancaster County and an exemption :
From the Commission's minimum :
Vertical clearance requirements. :

**PETITION OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
TO TRANSFER JURISDICTION TO THE COURT OF COMMON PLEAS OF
LANCASTER COUNTY**

COMES NOW, the Commonwealth of Pennsylvania, Department of Transportation, by its attorney, Kelly Edward Solomon, Assistant Counsel, and in its Petition to Transfer Jurisdiction to the Court of Common Pleas of Lancaster County respectfully represents:

1. The name and address of your Petitioner is the Department of Transportation of the Commonwealth of Pennsylvania, P.O. Box 8212, Harrisburg, Pennsylvania 17105-8212.

2. The name and address of counsel for the Petitioner is Kelly Edward Solomon, Assistant Counsel, Office of Chief Counsel, Department of Transportation of the Commonwealth of Pennsylvania, P.O. Box 8212, Harrisburg, Pennsylvania 17105-8212.

3. By Order adopted December 9, 2009, and entered December 9, 2009, in the proceeding docketed at Application Docket No. A-2008-2079988, your Honorable Commission approved the application of the Department of Transportation (Department) to replace the existing superstructure of the bridge carrying State Route 0772 over the two tracks of the National Railroad Passenger Corporation (AMTRAK) (DOT#518014T) in the Borough of Mount Joy, Lancaster County and exemption from the Commission's minimum vertical clearance requirements.

4. The aforesaid project necessitated the appropriation of property belonging to AMTRAK and your Honorable Commission directed, at paragraph 4 of the above mentioned Order, that said property be appropriated pursuant to Section 2702 of the Public Utility Code, 66 Pa. C.S. § 2702.

5. As of the date of this Petition, AMTRAK has not accepted the Department's estimate of just compensation for the property.

6. The name and address of AMTRAK is:

National Railroad Passenger Corporation
30th Street Station, 3rd Floor South
Philadelphia, PA 19104

7. The undersigned hereby certifies that a true and correct copy of this petition was duly served upon AMTRAK.

WHEREFORE, your Petitioner, Commonwealth of Pennsylvania, Department of Transportation requests your Honorable Commission, pursuant to 66 Pa. C.S. §2704, refer this matter to the Court of Common Pleas of Lancaster County, for the filing of a Petition to deposit the Department's estimate of just compensation into court pursuant to Sections 307, 521, and 522 of the Eminent Domain Code, 26 Pa.C.S. §§307, 521, and 522, as they may apply.

Respectfully submitted,

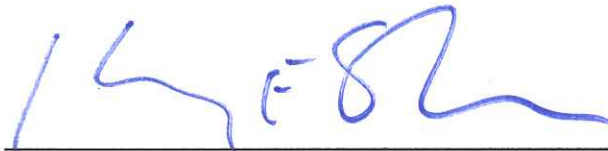


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Dated: April 22, 2011

COMMONWEALTH OF PENNSYLVANIA :
 : SS
COUNTY OF DAUPHIN :


Before me, the undersigned, personally appeared, Kelly Edward Solomon, Assistant Counsel, Commonwealth of Pennsylvania, Department of Transportation, who being duly sworn according to law, deposes and says that he is authorized and does make this affidavit on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the averments contained and set forth in the foregoing Petition are true and correct, to the best of his knowledge and belief.



Kelly Edward Solomon
Assistant Counsel
ID No. 85714
Commonwealth of Pennsylvania
Department of Transportation

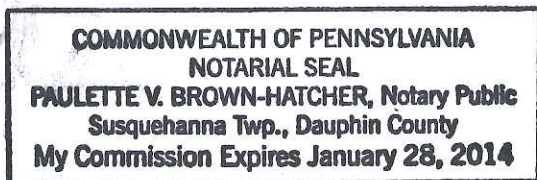
Sworn and subscribed before me

this ^{NA}22 day of April, 2011.



Notary Public

My Commission Expires:



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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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From the Commission's minimum :
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CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the Department's
*Amended Petition to Transfer Jurisdiction to the Court of Common Pleas of Lancaster
County* upon the following named parties in the manner indicated on this date:

VIA FIRST CLASS MAIL, POSTAGE PREPAID:

Mark Sawyer, P.E.
AMTRAK
30th Street Station
Mail Box 64
Philadelphia, PA 19104

Dennis Stuckey
Lancaster County Commissioners
50 North Duke Street
Lancaster, PA 17608-3480

John Rebman, President
Mount Joy Borough
21 East Main Street
Mount Joy, PA 17552

Mark Deatruck
Comcast Communications, Inc.
1131 South Duke Street
Lancaster, PA 17602

Dennis Moore, Esq.
AMTRAK
60 Massachusetts Avenue NE
3rd Floor
Washington, DC 20002

Kevin Herr
Mount Joy Borough Authority
21 East Main Street
Mount Joy, PA 17552

David J. Dean
UGI Utilities, Inc.
P.O. Box 3565
1500 Paxton Street
Harrisburg, PA 17105-3565

Kim Grauel
United Telephone Company of Pennsylvania
1201 Walnut Bottom Road
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Carlisle, PA 17013-0905

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1220 Broadcasting Road
Wyomissing, PA 19610

Randal S. Noe, Esq.
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

T. David Wyatt, System Engineer
Public Improvements
Norfolk Southern Corporation
Bridges and Structures Department
1200 Peachtree Street, NE—Office 7100
Atlanta, GA 30309

Tom Bracey, Sr. Engineer
Public Improvements
Norfolk Southern Corporation
Bridges and Structures Department
1200 Peachtree Street, NE—Office 7100
Atlanta, GA 30309

Respectfully submitted,



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Dated: April 22, 2011