



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

August 10, 2011

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

RE: **Docket No. C-2011-2237486**

Dear Secretary Chiavetta:

Enclosed for filing, please find the original and one copy of the *Petition Modification of the Order Dated May 19, 2011*, of the Department of Transportation.

A copy of this attached has been served upon the parties in the Certificate of Service attached to the application.

Very truly yours,

  
Gina M. D'Alfonso  
Assistant Counsel in Charge

Enclosures

220/GMD:gw

cc: Parties of Record  
David A. Salapa, Administrative Law Judge, Pennsylvania Public Utility Commission  
Mark J. Chappell, P.E., Chief, Utilities and Right-of-Way Section  
Joseph Strok, District Grade Crossing Engineer, Engineering District 4-0

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

A. EDWARD SCHWARTZ	:	Complaint Docket
Complainant	:	No: C-2011-2237486
	:	
	:	
v.	:	
	:	<b>Electronically Filed</b>
CANADIAN PACIFIC RAILROAD	:	
LACKAWANNA COUNTY,	:	
La PLUME TOWNSHIP,	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, DEPARTMENT	:	
OF TRANSPORTATION	:	
Respondents	:	

**PETITION MODIFICATION OF THE ORDER DATED MAY 19, 2011**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (“Department”), by and through its counsel, Gina M. D’Alfonso, and submits the following in support of its Petition for Modification of the Order dated May 19, 2011 pursuant to 52 Pa. Code §5.103:

1. A Order in this matter dated May 19, 2011, directed that the Department, within thirty (30) days from service of the Order provide any engineering inspections and analysis to determine the feasibility and any remedial action to reopen the bridge safely(sic) to the public and report its findings to the Commission.

2. The Department has determined that an in-depth structural analysis, an engineering analysis which is more detailed than inspection, is required to provide the information requested by the Public Utility Commission in the May 19, 2011, Order.

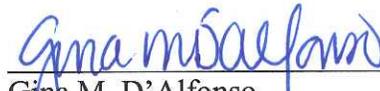
3. It has taken some time to get a consultant on board to prepare this in-depth structural analysis and the structural analysis itself is a time consuming process. As a result, it is anticipated that a report following the in-depth structural analysis will be available for distribution to the parties in accordance with the Order dated June 6, 2011, by October 31, 2011.

4. The Department respectfully requests that the May 19, 2011, Order of the Public Utility Commission be modified as follows (modification is underlined):

5. That Pennsylvania Department of Transportation, at its initial cost and expense, by October 31, 2011, provide a copy of the in-depth analysis to the parties as set forth in the June 6, 2011, Order Granting Petition for Issuance of Protective Order.

WHEREFORE, the Department of Transportation respectfully requests that the relief sought in this Petition be granted.

Respectfully Submitted,



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Gina M. D'Alfonso  
Assistant Counsel in Charge  
PA Attorney Id# 46767  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
9<sup>th</sup> Floor - Keystone Building  
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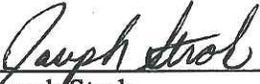
DATED: August 10, 2011

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

A. EDWARD SCHWARTZ	:	Complaint Docket
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LACKAWANNA COUNTY,	:	
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COMMONWEALTH OF	:	
PENNSYLVANIA, DEPARTMENT	:	
OF TRANSPORTATION	:	
Respondents	:	

**VERIFICATION**

I, Joseph Strok, District Grade Crossing Administrator, Commonwealth of Pennsylvania, Department of Transportation, in the foregoing document, make the following statement subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsifications to authority, and do state that as Grade Crossing Administrator for the Commonwealth of Pennsylvania, Department of Transportation, I am authorized to make this statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the facts set forth in the foregoing document are true and correct to the best of my information, knowledge and belief.

  
\_\_\_\_\_  
Joseph Strok  
District Grade Crossing Administrator

DATED: Aug 9, 2011

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

A. EDWARD SCHWARTZ	:	Complaint Docket
Complainant	:	No: C-2011-2237486
	:	
v.	:	
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LACKAWANNA COUNTY,	:	
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COMMONWEALTH OF	:	
PENNSYLVANIA, DEPARTMENT	:	
OF TRANSPORTATION	:	
Respondents	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Department's *Petition for Modification of the Order Dated May 19, 2011* was served upon the parties listed below, in accordance with the requirements of §1.54, by First-Class mail, postage prepaid this 10<sup>th</sup> day of August, 2011:

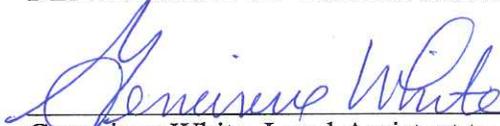
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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



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Dated: August 10, 2011