

THOMAS, SPADAFORE & WALKER, LLP

ATTORNEYS AT LAW
MERIDIAN BUILDING
935 MARKET STREET
MEADVILLE, PENNSYLVANIA 16335

R. CHARLES THOMAS
EMIL M. SPADAFORE, JR.
WILLIAM L. WALKER

(814) 332-6000
(814) 332-6009 (FAX)

July 27, 2012

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

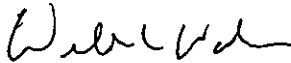
RE: *Motion for Continuance of Union Township, Applicant*
Application Docket No.: A-2011-2258876

Dear Ms. Chiavetta:

Enclosed for filing are an original and three (3) copies of the Motion for Continuance of Union Township, Applicant, in the above referenced case. Copies have been served on the parties of record in accordance with the certificate of service.

Sincerely,

THOMAS, SPADAFORE & WALKER, LLP

By: 
William L. Walker, Esquire
Attorney for Union Township

WLW/alh
Enclosures

RECEIVED
2012 JUL 30 AM 11:32
PA P.U.C.
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of Union Township	:	
For approval of the relocation of	:	
the crossing of the bridge carrying	:	Docket No.: A-2011-2258876
T-413 (Hamill Road) over and above	:	
tracks of Norfolk Southern Railway	:	Filed Electronically
Company, located in Union	:	
Township, Crawford County,	:	
Pennsylvania	:	

MOTION FOR CONTINUANCE OF UNION TOWNSHIP,
CRAWFORD COUNTY, PENNSYLVANIA

Union Township, by and through its counsel, William L. Walker, Esquire, hereby files this Motion for Continuance pursuant to 52 Pa. Code § 1.15(b), and in support thereto submits as follows:

1. The Prehearing Conference in the above matter was held on February 28, 2012, in which counsel for the active parties, Union Township ("Township"), Norfolk Southern Railway Company ("Norfolk Southern"), the Pennsylvania Department of Transportation ("PennDOT") and the Commission's Bureau of Investigation and Enforcement ("BI&E") participated.

2. The litigation schedule established at the time of the Prehearing Conference was modified as a result of a Motion for Continuance filed by Norfolk Southern Railway Company on May 8, 2012, which resulted in an Order granting a sixty (60) day continuance entered by Conrad A. Johnson, Administrative Law Judge on May 15, 2012. The litigation schedule was extended so that the written direct testimony of all parties was to be submitted on or about August 17, 2012, with a Technical Evidentiary Hearing scheduled for October 2nd and 3rd 2012.

3. The purpose of the continuance was to further explore and examine whether a settlement could be reached by which the parties would agree to the removal of the Hamill Road Bridge and the construction/ reconstruction of a formerly existing roadway (Taylor Road) which would provide access to the residents of the Hamill Road area and would result in no new grade crossings. The effect of this resolution would be the elimination of the existing bridge crossing of the Norfolk Southern Railway single track. It would allow the residents to utilize an existing grade crossing (on Mount Pleasant Road) located several hundred yards east of the existing Hamill Road Bridge. All parties seem to agree that the proposal is the best resolution of the problem which lead to this litigation in the first place. The Township intends to file a revised Application with the commission to request this alternative resolution.

RECEIVED
 2012 JUL 30 AM 11:33
 PA P.U.C.
 SECRETARY'S BUREAU

4. The cost of implementing the construction/ reconstruction of Taylor Road would be comparable to the cost of the new at grade crossing initially requested by Union Township and the Township is presently engaged in an effort to identify the source of funding for the implementation of the project. Representatives of Union Township recently attended the Northwest Regional Planning Organization Transportation Improvement Project meeting at the offices of PennDOT and were also invited to, and attended, the Crawford County Planning Commission meeting on July 23, 2012. The affirmative vote of these two bodies will be necessary in order to secure the funding necessary to implement the project. The members of the Regional Planning Organization, who control the funding, are to consider and vote on the proposal at a special telephonic meeting which will be held in the early part of August 2012.

5. The current litigation schedule would require direct written testimony to be submitted to the Commission on or about August 17, 2012. The active parties believe that it would be in the interest of all litigants to continue for sixty (60) days the litigation schedule for written direct testimony, written rebuttal testimony, and the Technical Evidentiary Hearing so that the potential solution can be further explored and examined especially with respect to the funding for the proposed construction project.

6. Counsel for Union Township, Norfolk Southern, PennDOT and BI&E have all agreed to the request for the sixty (60) day continuance.

7. The parties have also agreed to suspend the pending discovery responses while the potential resolution is being explored.

WHEREFORE, Union Township, with the concurrence of the other active parties, specifically, Norfolk Southern Railway Company, PennDOT and BI&E, hereby request a sixty (60) day continuance of the litigation schedule in this matter for the purpose of exploring the potential resolution.

Respectfully submitted,

THOMAS, SPADAFORE & WALKER, LLP

July 27, 2012

Date



William L. Walker, Esquire
Counsel for Union Township
935 Market Street
Meadville, PA 16335
814-332-6000
Attorney ID # 33353

COMMONWEALTH OF PENNSYLVANIA

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of Union Township :
For approval of the relocation of :
the crossing of the bridge carrying :
T-413 (Hamill Road) over and above :
tracks of Norfolk Southern Railway :
Company, located in Union :
Township, Crawford County, :
Pennsylvania :

Docket No.: A-2011-2258876

Filed Electronically

RECEIVED
2012 JUL 30 AM 11:33
PA P.U.C. BUREAU
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I, William L. Walker, Esquire, do hereby certify that a true and correct copy of the attached Motion for Protection Order was served upon the participants listed below, by United States First Class Mail on the 27th day of July, 2012, in accordance with the requirements of § 1.54, at the following addresses:

Armstrong Cable Services
Attn: Engineering/Permits
160 Westview Drive
Meadville, PA 16335

Dominion Transmission, Inc.
One James River Plaza
701 East Cary Street
Richmond, VA 23219

National Fuel Gas Dist RC 344
6363 Main Street
Williamsville, NY 14221

Northwestern REC, Inc.
22534 State Highway 86
Cambridge Springs, PA 16403

Penelec
P.O. Box 98
Montrose, PA 18801

Range Resources
100 Throckmorton Street
Suite 1200
Forth Worth, TX 76102

Union Township
7236 Mercer Pike
Meadville, PA 16335

Crawford County Planning Comm.
Crawford County Courthouse
903 Diamond Park
Meadville, PA 16335

Windstream Pennsylvania, Inc.
Windstream Corp.
4001 N. Rodney Parham Road
Little Rock, AR 72212

Lester J. Hamill, Jr.
8707 Hamill Road
Meadville, PA 16335

John L. Hamill
8707 Hamill Road
Meadville, PA 16335

Geraldine Hamill
8707 Hamill Road
Meadville, PA 16335

Ted S. Kuczynski
338 Smith Road
Sandy Lake, PA 16145

Christopher Dale Dilley
17789 Semerad Road
Meadville, PA 16335

Mary Tortorice
c/o Peter J. Daley, II, Esq.
242 Wood Street
California, PA 15419

Mark Chappell PE Chief
ROW & Utility Division
Bureau of Design
PennDOT
P.O. Box 3362
Harrisburg, PA 17105

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

Donald R. Vanderveen
8716 Hamill Road
Meadville, PA 16335

Harry & Patricia Martin
8679 Hamill Road
Meadville, PA 16335

Benjamin C. Dunlap, Jr. Esquire
Attorney for
Norfolk Southern Railway Company
Nauman Smith
P.O. Box 840
Harrisburg, PA 17108-0840

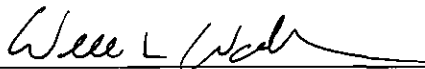
Conrad A. Johnson
Administrative Law Judge
Pa. Public Utility Commission
301 Fifth Avenue
Suite 220, Piatt Place
Pittsburgh, PA 15222

Respectfully submitted,

THOMAS, SPADAFORE & WALKER, LLP

July 27, 2012

Date



William L. Walker, Esquire
Counsel for Union Township
935 Market Street
Meadville, PA 16335
814-332-6000
Attorney ID # 33353

UNITED STATES POSTAGE
★ ★ ★
145 PB8675064
4123 # 01.50⁰ JUL 27 12
5941 MAILED FROM MEADVILLE, PA 16335

THOMAS, SPADAFORE, & WALKER L.L.P.
ATTORNEYS AT LAW
MERIDIAN BUILDING
935 MARKET STREET
MEADVILLE, PENNSYLVANIA 16335

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

