

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**A. Edward Schwartz,**

**Docket Nos. P-2011-2241780  
C-2011-2237486**

**Complainant,**

**v.**

**Delaware & Hudson Railway Company,  
Inc. d/b/a Canadian Pacific, and  
Pennsylvania Department of  
Transportation,**

**Respondents.**

**REPLY OF  
DELAWARE AND HUDSON RAILWAY COMPANY, INC. d/b/a CANADIAN PACIFIC  
TO THE EXCEPTIONS OF THE COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION**

Delaware and Hudson Railway Company, Inc. d/b/a Canadian Pacific (“the Railroad”), through its attorneys, Oliver, Price & Rhodes, now files the following Reply to the Exceptions of the Commonwealth of Pennsylvania Department of Transportation (the “Department”) and states as follows:

1. The Department’s exception to Ordering Paragraph 5 is not only inconsistent with Administrative Law Judge David A. Salapa’s (ALJ Salapa) findings that both the Railroad and the Department received benefit from the continued existence of the grade-separated crossing and that both parties bore responsibility for the crossing’s deteriorated condition but also ignores the maintenance responsibilities attendant with the

Department's ownership of the bridge. Accordingly, the Commission should disregard and give no weight to the Department's exception to Ordering Paragraph 5.

2. The Department's exceptions to Ordering Paragraphs 6 and 7 are inconsistent the Department's responsibilities to maintain the Commonwealth's highways and its duty to protect the safety of highway users. The Department should have sole responsibility and assume all cost of for the construction and maintenance of any cul-de-sacs that may be necessary in the event the crossing is closed.

WHEREFORE, based upon the foregoing, the Railroad respectfully requests that the PUC disregard the Department's exceptions to ALJ Salapa's Recommended Decision.

Dated: October 10, 2013

Respectfully submitted,



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## 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.

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Dated this 10th day of October, 2013.

  
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(Signature)