



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

August 28, 2014

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

RE: **Docket No. A-2008-2079988**

Dear Secretary Chiavetta:

Enclosed for filing please find the Department's *Motion for Extension of Time and Ratification of Department Action*, in the above-captioned matter.

I hereby certify that a copy has been sent to all parties of record as indicated by the Certificate of Service.

Very truly yours,

A handwritten signature in blue ink, appearing to read "N. D. Mertens".

Nicholas D. Mertens
Assistant Counsel

Enclosure

220/NDM:aca

cc: Parties of Record
Mark J. Chappell, P.E., Chief, Utilities and Right-of-Way Section
Ahmed Lasloudji, District Grade Crossing Administrator, District 8-0

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|--|---|-----------------------------|
| Application of the Department of | : | |
| Transportation of the Commonwealth of | : | A-2008-2079988 |
| Pennsylvania for the approval to replace the | : | |
| existing superstructure of the bridge carrying | : | Electronically Filed |
| 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 (2) exemption | : | |
| from the Commission's minimum vertical | : | |
| clearance requirements. | : | |

**MOTION FOR EXTENSION OF TIME AND
RATIFICATION OF DEPARTMENT ACTION**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation, ("Department"), by and through its counsel, Nicholas D. Mertens, Assistant Counsel and offers the following in support of its Motion for Extension of Time, pursuant to 52 Pa. Code §§ 1.15(b) and 5.103, in the above referenced matter:

1. The name and address of the moving party is:

Commonwealth of Pennsylvania
Department of Transportation
Bureau of Project Delivery
P.O. Box 3362
Harrisburg, Pennsylvania 17105-3362

2. The name and address of Counsel for the moving party is:

Nicholas D. Mertens, Assistant Counsel
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, Pennsylvania 17105-8212

Motion for Extension of Time

3. By Order, entered on December 3, 2009, the Pennsylvania Public Utility Commission (“Commission”) approved the Department’s Application to replace the superstructure of a bridge with a single span steel thru-girder bridge. The bridge is located where State Route 0772 (Marietta Avenue) crosses, above grade, two tracks of the National Railroad Passenger Corporation (“Amtrak”) (DOT# 518 014 T) in the Borough of Mount Joy, Lancaster County. It further ordered that all work was to be completed on or before December 31, 2011.
4. The Department has experienced delays in coordinating the project and reaching the various required agreements with Amtrak. Such agreements, including the required easements, have now been executed. As such, the Department respectfully requests an extension of time in order to complete the replacement of the subject superstructure.
5. The Department respectfully requests that the Commission Order entered December 3, 2009 be modified as follows (modification in **bold**):
 15. That all work necessary to complete the construction of the above-grade crossing project be done in a manner as satisfactory to this Commission on or **June 31, 2016** and that on or before said date, Pennsylvania Department of Transportation report to this Commission the date of actual completion of the work and Pennsylvania Department of Transportation certify to this Commission that the work has been satisfactorily completed in accordance with the approved plans and this order.
6. Additionally, the Department will continue to inspect the subject bridge, every 6 months, pursuant to the National Bridge Inspection Standards. The next inspection is scheduled for December 2014.

Motion for Ratification of Department Action

7. On December 18, 2012, the Department, acting in the interest of public safety, closed the sidewalk located on the southern side of the subject bridge.
8. The Department closed the sidewalk after it was discovered that the portion of the steel superstructure supporting the sidewalk was severely rusted and contained substantial section loss.
9. The Department avers that closing the sidewalk to all pedestrian traffic was the only feasible option and was in the interest of public safety.
10. As such, the Department requests that the Commission ratify the Department's closure of the sidewalk, on the southern side of the subject bridge, in the interest of public safety.

WHEREFORE, the Department of Transportation respectfully requests that the Public Utility Commission grant the request for an extension of time to complete the subject project and ratify the Department's action as in the interest of public safety.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Nicholas D. Mertens
Assistant Counsel
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
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Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128
Fax Number (717) 772-2741
Pennsylvania Attorney I.D. Number 313998
nimertens@pa.gov

DATED: August 26, 2014

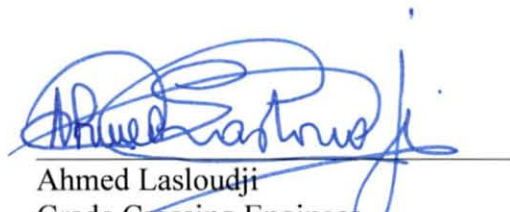
**BEFORE THE
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Joy, Lancaster County and (2) exemption :
from the Commission's minimum vertical :
clearance requirements. :

VERIFICATION

I, Ahmed Lasloudji, Grade Crossing Engineer, 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 the Grade Crossing Engineer 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.

DATED: 8/27/2014


Ahmed Lasloudji
Grade Crossing Engineer
Engineering District 8-0

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the *Motion for Extension of Time* was served upon the parties listed below, in accordance with the requirements of § 1.54, by first-class mail, postage prepaid this 28th day of August, 2014:

Kim Flowers
PPL Electric Utilities Corporation
2 North Ninth Street
GENTW19
Allentown, PA 18101-1179

David Wyatt
Norfolk Southern Corporation
1200 Peachtree Street
Atlanta, GA 30309

Mike Harrison
XO Communications
1220 Broadcasting Road
Wyomissing, PA 19610

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

Mark Deatrick, Construction Coordinator
Comcast Communications, Inc.
1131 South Duke Street
Mount Joy, PA 17522

Mark Sawyer, PE
AMTRAK
30th Street Station
Mail Box 64
Philadelphia, PA 19104

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

Mr. Dennis Moore, Counsel
AMTRAK
60 Massachusetts Avenue, NE
Washington, DC 2002

Dennis Stuckey, Chairman
Office of the Commissioners
Lancaster County Commissioners
150 N. Queen Street
Suite 715
Lancaster, PA 17603

Tom Bracey
Norfolk Southern Company
1200 Peachtree Street
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David J. Dean
UGI Utilities, Inc.
1301 AIP Drive
Middletown, PA 17057

Randal S. Noe, Esquire
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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Telephone No. (717) 787-3128
Fax No. (717) 772-2741

Dated: August 28, 2014