



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

January 6, 2016

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

RE: **Docket No.** P-2011-2241780 & C-2011-2237486

Dear Secretary Chiavetta:

Enclosed for filing please find the Department's *Answer to Petition for Extension of Time*, 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 that reads "Gina M. D'Alfonso".

Gina M. D'Alfonso  
Assistant Counsel in Charge

Enclosure

220/GMD:aca

cc: Parties of Record  
Mark J. Chappell, P.E., Chief, Utilities and Right-of-Way Section  
Joseph Strok, District Grade Crossing Engineer, District 4-0

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

A. EDWARD SCHWARTZ	:	Docket No:
Complainant	:	P-2011-2241780
	:	C-2011-2237486
	:	
v.	:	
	:	Electronically Filed
CANADIAN PACIFIC RAILROAD	:	
LACKAWANNA COUNTY,	:	
La PLUME TOWNSHIP,	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, DEPARTMENT	:	
OF TRANSPORTATION	:	
Respondents	:	

**ANSWER TO PETITION FOR EXTENSION OF TIME**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (Department), by and through its counsel, Gina M. D'Alfonso, Assistant Counsel in Charge, in its Answer to Petition for Extension of Time, respectfully represents:

1. Admitted.
2. Denied. The demolition plans were approved by Secretarial Letter dated December 22, 2014.
3. Admitted. By way of further answer, the acquisition of this Canadian Pacific Line occurred in September 2015. Both railroads were aware of the need to demolish this structure. The Department believes and therefore avers that Canadian Pacific delayed the removal of the structure so that it would be the responsibility of Norfolk Southern. Prior to the sale of the line, Department representatives discussed this

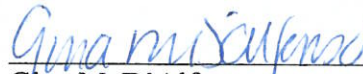
matter with representatives of Norfolk Southern. Norfolk Southern was well aware of the order requiring the removal of the bridge by the end of 2015. The Department continues to expend public funds for the inspection of this structure pending the removal and will be required to perform any interim maintenance.

4. The allegation in paragraph 4 is a prayer for relief to which no response is warranted.
5. Norfolk Southern has offered no good and valid reason to justify its request for extension of time.

WHEREFORE, the Department of Transportation respectfully requests that the request for extension of time be denied and that Norfolk Southern be ordered to remove the structure immediately in accordance with the approved plans.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



Gina M. D'Alfonso  
Assistant Counsel in Charge  
Commonwealth of Pennsylvania  
Department of Transportation  
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DATED: January 6, 2016

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

A. EDWARD SCHWARTZ	:	Complaint Docket
Complainant	:	No: C-2011-2237486
	:	
v.	:	
	:	Electronically Filed
CANADIAN PACIFIC RAILROAD	:	
LACKAWANNA COUNTY,	:	
La PLUME TOWNSHIP,	:	
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.

  
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Joseph Strok  
District Grade Crossing Administrator

DATED: Jan 6, 2016

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

A. EDWARD SCHWARTZ	:	Docket No:
Complainant	:	P-2011-2241780
	:	C-2011-2237486
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v.	:	
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LACKAWANNA COUNTY,	:	
La PLUME TOWNSHIP,	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, DEPARTMENT	:	
OF TRANSPORTATION	:	
Respondents	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Department's *Answer to Petition 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 6<sup>th</sup> day of January, 2016:

Jill M. Spott, Esq.  
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Bureau of Inspection and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



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DATED: January 6, 2016