



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

February 17, 2016

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

RE: **Docket No. A-2013-2391115**

Dear Secretary Chiavetta:

Enclosed for filing please find the Department's *Petition to Transfer Jurisdiction to the Court of Common Pleas of Washington County*, 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 "Justin J. Pike".

Justin J. Pike
Assistant Counsel

Enclosure

220/JJP:aca

cc: Parties of Record
Mark J. Chappell, P.E., Chief, Utilities and Right-of-Way Section
Vincent Komacko, Right-of-Way Administrator, District 12-0

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation of :
the Commonwealth of Pennsylvania for approval to :
widen and replace the existing eastbound bridge :
structure where State Route 0070, Section T10 : Docket No.: A-2013-2391115
crosses over a single track owned by CSX :
Transportation, Inc., and operated thereon by : **Electronically Filed**
Allegheny Valley Railroad (DOT 145 584 X) in :
South Strabane Township, Washington County and :
the allocation of costs incident thereto. :

**PETITION OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
TO TRANSFER JURISDICTION TO COURT OF COMMON PLEAS OF
WASHINGTON COUNTY**

COMES NOW, the Commonwealth of Pennsylvania, Department of Transportation, by its attorney, Justin J. Pike, Assistant Counsel, and in its Petition to Transfer Jurisdiction to the Court of Common Pleas of Washington County respectfully represents:

1. The name and address of your Petitioner is the Department of Transportation of the Commonwealth of Pennsylvania, P.O. Box 8212, Harrisburg, Pennsylvania 17105-8212.
2. The name and address of counsel for the Petitioner is Justin J. Pike, Assistant Counsel, Office of Chief Counsel, Department of Transportation of the Commonwealth of Pennsylvania, P.O. Box 8212, Harrisburg, Pennsylvania 17105-8212.
3. By Order adopted and entered December 3, 2015 in the proceeding docketed at Application Docket No. A-2013-2391115, your Honorable Commission approved the Application of the Department of Transportation (Department) to widen and replace the existing eastbound bridge structure where State Route 0070, Section T10 crosses over a single track owned by CSX Transportation, Inc., and operated thereon by Allegheny Valley Railroad (DOT 145 584 X) in South Strabane Township, Washington County. **(Exhibit A)**

4. By the aforesaid Order, your Honorable Commission directed, at paragraph 2, that certain property be appropriated and for the purpose of the aforesaid project, pursuant to Section 2702 of the Public Utility Code. 66 Pa. C.S. §2702.

5. The aforesaid project necessitated the appropriation of property within South Strabane Township, Washington County, identified in Deed Book 128, Page 83 recorded on March 31, 1884 in the Washington County Courthouse. (Department Claim No. 6200570000).

6. The Department has determined that the just compensation for the property appropriation is \$500 which, as of the date of this Petition, has not been accepted by the CSX.

7. The name and address of the Railway is:


CSX Transportation, Inc.
500 Water Street
Jacksonville, Florida 32202

8. A true and correct copy of this claim for property damage pursuant to 66 Pa. C.S. Section 2704 was duly served upon CSX.

WHEREFORE, your Petitioner, Commonwealth of Pennsylvania, Department of Transportation requests your Honorable Commission, pursuant to 66 Pa. C.S. Section 2704, refer this matter to the Court of Common Pleas of Washington County, for the filing of a Petition to deposit the estimated just compensation amount into court pursuant to the Eminent Domain Code, 26 P.S.C.A. §307.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Justin J. Pike
Assistant Counsel
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128
Fax Number (717) 772-2741
Pennsylvania Attorney I.D. Number 313228

Date: February 17, 2016



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

1200000312

1200000312



December 3, 2015

A-2013-2391115

Recorder of Deeds
County Courthouse
100 West Beau Street, Room 204
Washington, PA 15301

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to widen and replace the existing eastbound bridge structure where State Route 0070, Section T10 crosses over a single track owned by CSX Transportation, Inc., and operated thereon by Allegheny Valley Railroad (DOT 145 584 X) in South Strabane Township, Washington County and the allocation of costs incident thereto.

To Whom It May Concern:

Enclosed, herewith, is a certified copy of an excerpt of the Commission order of December 3, 2015 the above case, appropriating certain lands in the County of Washington said lands being described by metes and bounds

The provisions of Section 2702(d) of the Public Utility Code require that:

"The Commission shall file with the recorder of deeds of the proper county, a copy of that portion of the property and such plans and other detailed information as the Commission may deem necessary. Such portion of the Commission's order dealing with the specific property appropriated shall be recorded and indexed under the name or names of the record owners of such specific property at the expenses of the utility or utilities, political subdivisions, municipality or municipalities, governmental agency, including the Department of Transportation and Public Utility Commission, corporation or persons under whose instigation, petition or complaint the said crossing was constructed, reconstructed, relocated, altered or abolished, as may be ordered to bear such expense of recording by the Commission; provided that when such appropriation of real property has been recorded under the provisions of any other statute, such recording shall not be duplicated under the terms of this section."

DEBORAH BARDELLA
RECORDER OF DEEDS
WASHINGTON, PA
Pennsylvania

INSTRUMENT NUMBER

201601089

RECORDED ON

Jan 14, 2016

11:25:22 AM

Total Pages: 7

RECORDING FEES \$75.00

TOTAL PAID \$75.00

INV: 645573 USER: GH

W/llc

Kindly advise at your earliest convenience the date of recording and the volume and page at which this order is recorded in your records and return to the Commission.

Very truly yours,

Rosemary Chiavetta
Secretary

Enclosure
NW

DEBORAH BARDELLA
RECORDER OF DEEDS
WASHINGTON, PA
Pennsylvania

INSTRUMENT NUMBER

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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA. 17105-3265

Public Meeting held December 3, 2015

Commissioners Present:

Gladys M. Brown, Chairman
John F. Coleman, Jr., Vice Chairman
Pamela A. Witmer
Robert F. Powelson
Andrew G. Place

A-2013-2391115

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to widen and replace the existing eastbound bridge structure where State Route 0070, Section T10 crosses over a single track owned by CSX Transportation, Inc., and operated thereon by Allegheny Valley Railroad (DOT 145 584 X) in South Strabane Township, Washington County and the allocation of costs incident thereto.

ORDER

BY THE COMMISSION:

This matter is before us by reason of an application filed November 1, 2013, by the Pennsylvania Department of Transportation (Department). In its application it states that it desires to widen and replace the existing eastbound bridge structure where State Route 0070, Section T10 crosses over a single track owned by CSX Transportation, Inc. (CSX), and operated thereon by Allegheny Valley Railroad (DOT 145 584 X) in South Strabane Township, Washington County.

By Secretarial Letter dated August 27, 2015 the application was approved by the Commission.

In conjunction with the subject bridge replacement project, it will be necessary for the Commission to appropriate certain portions of railroad property to accommodate construction of the project.

The Department submitted final right-of-way plans to the Commission and all parties of record for review. The plans were received October 21, 2015, and are entitled "COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION DRAWINGS RE-ESTABLISHING LIMITED ACCESS HIGHWAY AND AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR STATE ROUTE 0070 SECTION T10 R/W IN WASHINGTON COUNTY," and consists of seven (7) sheets.

The Department avers that each party to the proceeding was served a copy of the plan for review. None of the parties has advised this Commission that it objects to approval of the plan.

The metes and bounds description required for the property appropriation associated with the said right-of-way plans was submitted to the Commission on October 21, 2015, and is defined herein by this Order.

The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

The record having been certified to this Commission we issue this Order pursuant to Section 335(a) of the Public Utility Code (66 Pa. C.S. §335(a)), and find that the alteration of the crossing is necessary and proper for the service, accommodation, convenience or safety of the public; THEREFORE,

IT IS ORDERED:

1. That the subject crossing where State Route 0070, Section T10 crosses over a single track owned by CSX Transportation, Inc. (CSX), and operated thereon by Allegheny Valley Railroad (DOT 145 584 X) in South Strabane Township, Washington County, be altered by replacing the existing eastbound bridge structure generally in accordance with Pennsylvania Department of Transportation's application, the Commission's Secretarial Letter dated August 27, 2015, this Order, and the right-of-way plans, entitled: "COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION DRAWINGS RE-ESTABLISHING LIMITED ACCESS HIGHWAY AND AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR STATE ROUTE 0070 SECTION T10 R/W IN WASHINGTON COUNTY," consisting of seven (7) sheets, filed with the Commission on October 21, 2015, which plans are made part hereof and are hereby approved.

2. That in accordance with the provisions of Section 2702 of the Public Utility Code, 66 Pa. C. S. §2702, the following described property be and is hereby taken and appropriated temporarily, for use during the construction period only, in accordance with the approved right-of-way plans and that numbered Paragraph 2 of this Order shall be recorded by the Recorder of Deeds of Washington County, and shall be indexed under the name of the record owner of said property, grantor(s), and to the Commonwealth of Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Commonwealth of Pennsylvania Department of Transportation, applicant herein; the above said plans having been recorded by Washington County on October 7, 2015 by Instrument Number 201528489 to which recording reference is made in and of the description of those tracts of land more particularly described in detail below.

CSX Transportation, Inc., Successor to the Ohio and Baltimore
Short Line Railway Company (A Corporation)
500 Water Street
Jacksonville, FL 32202

ALL THOSE CERTAIN PARCELS OF LAND situated in South Strabane Township, Washington County, bounded and described as follows, to wit:

TRACT NO. 1

(Temporary Construction Easement)

Beginning at a point of intersection with the property line of CSX Transportation, Inc. and the legal aerial easement line of State Route 0070, thence continuing along the legal aerial easement line

S 29° 39' 40" E, 90.91 feet to a point on the property line of CSX Transportation, Inc.; thence continuing along said property line

A curve to the left, having a radius of 2,829.93 feet, a delta of 01° 00' 01", a chord bearing of N 87° 33' 50" W, a chord distance of 49.41 feet and an arc length of 49.41 feet, to a point on the temporary construction easement, said point being 124 feet right of and opposite State Route 0070 right-of-way baseline, station 1157+63, thence continuing along said temporary construction easement

N 05° 19' 58" W, 57.91 feet to a point, said point being 100 feet right of and opposite State Route 0070 right-of-way baseline, station 1157+10, thence continuing along the temporary construction easement

N 29° 39' 40" W, 22.89 feet to a point on the property line of CSX Transportation Inc., said point being 100 feet right of and opposite

Tax map # 600-007-00-00-0010-00

State Route 0070 right-of-way baseline, station 1156+87, thence along said property line

A curve to the right, having a radius of 2,906.93 feet, a delta of $00^{\circ} 24' 57''$, a chord bearing of $S 88^{\circ} 14' 13'' E$, a chord distance of 21.09 feet and an arc length of 21.09 feet to a point, the point of beginning. Containing 0.056 acres (2,438.292 sq ft.).

The above tracts of land shown on Pennsylvania Department of Transportation Drawings Re-Establishing Limited Access Highway and Authorizing Acquisition of Right-of-Way for State Route 0070, Section T10 R/W in Washington County, as a temporary construction easement designated and delineated as part of parcel 43 on sheet 127 of 139 of said drawings, as recorded in the office for the recording of deeds in Washington County, Pennsylvania, on October 7, 2015, Instrument No. 201528489, is a portion of real estate which became legally vested in CSX Transportation, Inc., Successor to the Ohio and Baltimore Short Line Railway Company (A Corporation) by deed of Richard C. Mounts, dated March 14, 1884, and recorded March 31, 1884, in Deed Book 128, Page 83, in the Washington County Courthouse.

3. That in all other aspects, our Secretarial Letter issued dated August 27, 2015 remains in full force and effect.

BY THE COMMISSION



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: December 3, 2015

ORDERED ENTERED: December 3, 2015

PENNSYLVANIA PUBLIC UTILITY COMMISSION

COMMONWEALTH OF PENNSYLVANIA, SS:

I, Rosemary Chiavetta, Secretary of the Pennsylvania Public Utility Commission, do hereby certify that the attached is a full, true and correct copy of an excerpt of a Commission Order, adopted December 3, 2015, in the Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to widen and replace the existing eastbound bridge structure where State Route 0070, Section T10 crosses over a single track owned by CSX Transportation, Inc. and operated thereon by Allegheny Valley Railroad (DOT 145 584 X) in South Strabane Township, Washington County and the allocation of costs incident thereto (Application Docket No. A-2013-2391115); as same remains of record and on file in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of Pennsylvania Public Utility Commission to be affixed this 3rd day, of December, 2015.



Secretary

PENNSYLVANIA PUBLIC UTILITY COMMISSION

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation of :
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Transportation, Inc., and operated thereon by : **Electronically Filed**
Allegheny Valley Railroad (DOT 145 584 X) in :
South Strabane Township, Washington County and :
the allocation of costs incident thereto. :

CERTIFICATE OF SERVICE

I hereby certify that I have also served a true and correct copy of the Department's
Petition to Transfer Jurisdiction to Court of Common Pleas of Washington County upon the
following named parties in the manner indicated:

VIA FIRST CLASS MAIL, POSTAGE PREPAID:

Mary E. Helicke, Chief Clerk
Washington County Commissioners
100 West Beau Street, Suite 702
Washington, PA 15301

John J. Stickle, Township Manager
South Strabane Township
550 Washington Road
Washington, PA 15301-9622

Leslie L. Scherr, Project Manager
CSX Transportation
500 Water Street
Jacksonville, FL 32202

Jeff Winkle
Columbia Gas Transmission
4115 Cork-Brocktown Road
Clinton, PA 15026

James Street
Allegheny Valley Railroad Company
519 Cedar Way, Suite 100
Building 1
Oakmont, PA 15139

Matt Anderson
Allegheny Valley Railroad
519 Cedar Way, Suite 100
Building 1
Oakmont, PA 15139

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Alicia Adair, Legal Assistant to
Justin J. Pike
Assistant Counsel
Commonwealth of Pennsylvania
Department of Transportation
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128

Date: February 17, 2016