

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u> March 15, 2006	2. <u>BUREAU AGENDA NO.</u> MAR-2006-OSA-0100*
3. <u>BUREAU:</u> Office of Special Assistants	
4. <u>SECTION(S):</u>	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u> Director: C.W. Davis 7-1828 Mgr/Spvr: K. Sophy 7-8108 Legal Review:	March 16, 2006
7. <u>PERSONS IN CHARGE:</u> K. Barrow 2-8840 <i>KWB</i>	9. <u>EFFECTIVE DATE OF FILING:</u> DOCUMENT FOLDER N/A DOCKETED MAR 27 2006
8. <u>DOCKET NO.:</u> A-00117798, C-20042702	

10. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) **Short summary of history & facts, documents & briefs**
 (c) **Recommendation**

(a) Susan Wood v. National Railroad Passenger Corporation

(b) By Opinion and Order entered February 23, 2006, the Commission denied the Pennsylvania Department of Transportation's (PennDOT) Motion to Strike the Amended Exceptions of the City of Lancaster and Manheim Township and assigned the matter to the Office of Administrative Law Judge for further action. On March 10, 2006, PennDOT filed a Petition for Reconsideration and Clarification (Petition) of the Commission's February 23, 2006 Opinion and Order.

(c) The Office of Special Assistants recommends that the Commission adopt the attached proposed Opinion and Order which grants the Petition, pending consideration and review of the merits.

Order Doc. No. 599434v1

Calendar Doc. No. 599431v1

11. **MOTION BY:** Commissioner Chm. Holland

Commissioner Shane - Yes
 Commissioner Pizzigrilli - Yes
 Commissioner Fitzpatrick - Yes

SECONDED: Commissioner Cawley

CONTENT OF MOTION: Staff recommendation adopted.



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

March 20, 2006

REFER TO OUR FILE

A-00117798
C-20042702

GARY C FAWVER PE CHIEF
PENNDOT
RIGHT OF WAY & UTILITIES DIVISION
PO BOX 3362
HARRISBURG PA 17105-3362

**DOCUMENT
FOLDER**

Susan Woods
v.
National Railroad Passenger Corporation

To Whom It May Concern:

This is to advise you that an Opinion and Order has been adopted by the Commission in Public Meeting on March 16, 2006 in the above entitled proceeding.

An Opinion and Order has been enclosed for your records.

Very truly yours,

James J. McNulty
Secretary

Enclosure
Certified Mail
LJM

RJP

See attached list for additional parties of record

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held March 16, 2006

Commissioners Present:

Wendell F. Holland, Chairman
James H. Cawley, Vice Chairman
Bill Shane
Kim Pizzingrilli
Terrance J. Fitzpatrick

Susan Woods

A-00117798

v.

National Railroad Passenger Corporation

C-20042702

OPINION AND ORDER

BY THE COMMISSION:

Before the Commission for consideration and disposition is the Petition for Reconsideration and Clarification (Petition) filed by the Pennsylvania Department of Transportation (PennDOT) on March 10, 2006, to the Commission Opinion and Order entered on February 23, 2006.

HISTORY

By Opinion and Order entered October 1, 2001, the Commission, *inter alia*, granted PennDOT's Application to reconstruct the bridge that carried State Route 0072.

Section 006 (Fruitville Pike) over and above the tracks of National Railroad Passenger Corporation (Amtrak) in the City of Lancaster and Manheim Township (City and Township), Lancaster County.

On March 23, 2004, Susan Woods (Complainant) filed a Complaint against Amtrak alleging unsafe conditions on the pedestrian walkways on the bridges carrying PA Route 501¹ and Fruitville Pike above the tracks of Amtrak in the City and Township.

On December 8, 2004, an Initial Hearing was held before Administrative Law Judge (ALJ) Louis G. Cocheres on both the Application and the Complaint. By Recommended Decision issued on August 17, 2005, ALJ Cocheres recommended, *inter alia*, that the Township should complete all work necessary to maintain in a safe condition, the sidewalk of the new bridge carrying the Fruitville Pike over Amtrak's tracks. ALJ Cocheres further ordered that the City complete all repairs necessary to create and maintain a smooth walking surface on the bridge carrying SR 222 over Amtrak's tracks. The City and Township filed Exceptions and Amended Exceptions thereto. The Complainant filed Reply Exceptions. On November 10, 2005, PennDOT filed a Motion to Strike the Amended Exceptions. The City and Township filed an Answer opposing the Motion to Strike. By Opinion and Order entered February 23, 2006, we denied PennDOT's Motion to Strike and remanded unresolved issues to the Office of Administrative Law Judge. Whereupon, PennDOT filed the instant Petition contesting the Commission's Order.

DISCUSSION

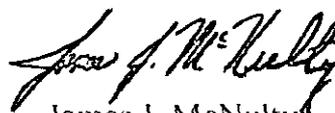
Pursuant to Rule 1701 of the Pennsylvania Rules of Appellate Procedure, Pa. R.A.P. Rule 1701, the Commission must act to grant a petition for reconsideration

¹ The roadway on the bridge, while connecting to SR 501, is actually SR 222.

within thirty days of the date of entry of the order for which reconsideration is sought, or otherwise lose jurisdiction to do so if a petition for review is timely filed. The thirty-day period within which the Commission must act upon this Petition in order to preserve jurisdiction, is March 25, 2006. Accordingly, we shall grant reconsideration, within the meaning of 1701(b)(3), pending review of, and consideration on, the merits of the Petition; **THEREFORE,**

IT IS ORDERED: That the Petition for Reconsideration filed by the Pennsylvania Department of Transportation on March 10, 2006, is granted. pending review of, and consideration on, the merits.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: March 16, 2006

ORDER ENTERED: **MAR 20 2006**