



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

June 5, 2001

GARY C FAWVER PE CHIEF  
 ROW & UTILITY DIVISION  
 PENNDOT BUREAU OF DESIGN  
 PO BOX 3362  
 HARRISBURG PA 17105-3362

DOCUMENT  
 FOLDER

DOCKETED  
 JUN 07 2001

In re: A-00116301 - Application of Southeastern Pennsylvania Transportation Authority (SEPTA) to modify the roadway known as King of Prussia Road where it crosses under the tracks of the National Railroad Passenger Corporation (Amtrak) - owned Harrisburg Line in Radnor Township, Delaware County to install a new concrete guard barrier along the east side of King of Prussia Road to connect the inbound and outbound sides of Radnor Railroad Station.

2001 JUN -7 AM 9:25  
 SEPTA BUREAU

RECEIVED

Dear Mr. Fawver:

This is to advise that a final inspection of the completed work will be held at the site of the SEPTA railroad station/crossing involved in the above captioned proceeding on June 21, 2001, at 10:00 a.m., to consider the acceptability of the completed work, assignment of future maintenance responsibility and any other matters relevant to this proceeding.

Kindly arrange to have your representative present.

Very truly yours,

D. A. Olive, P.E.  
 Rail Safety Division  
 Bureau of Transportation and Safety  
 717-787-5189

DAO:lg

SRB

LAW OFFICES

BEATTY, CRAMP, KAUFFMAN & LINCKE

215 N. OLIVE STREET

P.O. BOX 901

MEDIA, PENNSYLVANIA 19063

(610) 565-8800

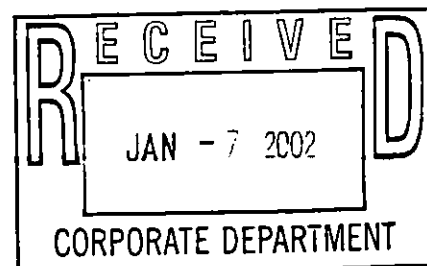
FAX (610) 565-8127

E-MAIL: BCKLLAW@AOL.COM

LEWIS B. BEATTY, JR.  
JOSEPH W. KAUFFMAN  
DAVID J. OTIS  
DAVID G. BLAKE  
WILLIAM P. LINCKE  
NATALIE M. HABERT\*  
REGINA M. MACKENZIE\*  
BERETH K. GRAEFF\*  
JODY L. JENKINS\*  
ALLISON N. MILLER\*\*  
\*Also Member N.J. Bar  
\*\*Also Member of California Bar

OF COUNSEL  
JOHN F. CRAMP  
RALPH B. D'ORIO  
JOSEPH R. YOUNG  
(1921-1993)

January 4, 2002



Eugene N. Cipriani, Esquire  
Septa Legal Department  
1234 Market Street - 5<sup>th</sup> Fl.  
Philadelphia, PA 19107-3780

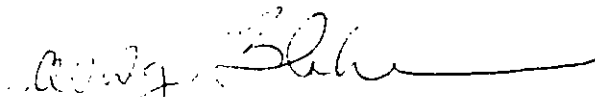
Re: Maintenance of Sidewalk Under Radnor Station Overpass  
At King of Prussia Road

Dear Gene:

You and I had several conversations back in October and November with respect to the King of Prussia Road Railroad Crossing Underpass and specifically, responsibility for maintenance of the sidewalk under that overpass. While Radnor Township was initially hopeful of gaining a commitment from Septa to make some type of annual contribution towards the maintenance and upkeep of that sidewalk in return for which Radnor would assume ultimate responsibility for the actual labor, I understand that Septa is unwilling to make such a contribution in good part because of its responsibility to maintain the overpass itself while PenDot retains responsibility for maintenance and repair of the roadway. Under the circumstances, Radnor Township is reluctantly agreeable to taking over the responsibility for this sidewalk. I understand that all of the work has been completed and it strikes me that it would be an unreasonable waste of everyone's time and monies to argue over responsibilities before the Pennsylvania Public Utility Commission.

I am assuming that your office and/or the PUC and/or PenDot will be preparing an appropriate agreement which can be sent to me for review and hopefully ultimate approval by the Radnor Township Board of Commissioners.

Very truly yours,

  
David G. Blake

DGB:jl

cc: David A. Bashore, Township Manager

1234 Market Street  
Philadelphia, PA 19107-3780  
(215) 580-  
Fax (215) 580-7078  
(215) 580-7318



Southeastern Pennsylvania Transportation Authority  
*Safety • Service • Continuous Improvement*

PA PUBLIC UTILITY COMMISSION

JAN 30 2002

BUREAU OF TRANSPORTATION & SAFETY  
RAIL SAFETY DIVISION

Office of the General Counsel  
Nicholas J. Staffieri  
Eileen Giordano Katz  
Norman Hegge  
C. Neil Petersen  
Robin L. Lewis  
Joan Zupras  
Stanley J. Sinowitz  
Philip E. Berens  
Joan L. Gerson  
Eugene N. Cipriani  
Leslie G. Dias  
Vincent J. Walsh, Jr.  
Delores R. Lanier  
William Brown  
Litsa Stafillidis  
Gladys Buck  
Robert Waller  
Joseph Devannev  
Raymond Porreca  
Raymond Grier  
Joyce Detlich  
Susan Lemonick  
Stephen Vedro  
Maryalice Menguucci  
David Walker  
Meryl Naythons Arinsberg  
Barbara Rosenberg  
Justin P. Borkowski

**VIA FAX TO:  
(610) 565-8127 AND  
U.S. POSTAL SERVICE  
FIRST CLASS MAIL**

January 28, 2002

DOCKETED

JAN 27 2002

David G. Blake, Esquire  
Beatty, Cramp, Kauffman & Lincke  
215 North Olive Street  
P.O. Box 901  
Media, PA 19063

**RE: Application of SEPTA to Modify the Roadway known as King of Prussia Road where it crosses under the tracks of the Amtrak-owned Harrisburg Line in Radnor Township, Delaware County to install a new concrete guard barrier along the east side of King of Prussia Road to connect the inbound and outbound sides of Radnor Train Station;  
P.U.C. Docket No. A-00116301;  
SEPTA Corporate File No. 1875**

Dear David:

I am authorized to state that SEPTA has reviewed your letter of January 4, 2002 and accepts Radnor Township's agreement to take over responsibility for the sidewalk along King of Prussia Road (and for PA DOT to maintain and repair the roadway) under the Amtrak Harrisburg Line. As discussed before, SEPTA has no further involvement with this crossing since SEPTA repaired the pedestrian crossing under the railroad tracks between the inbound (to Philadelphia) and outbound sides of the Radnor Station, just to the east of King of Prussia Road.

I believe a simple letter to Mr. Oliver, the PUC engineer assigned to this case, by you and PA DOT's counsel, Gina M. D'Alfonso, should suffice to terminate this case.

By copy of this letter to Mr. Oliver and Ms. D'Alfonso, if you suggest an alternative route, I will prepare a Stipulation or some other document which can be jointly submitted to the Commission reflecting our agreement.

SEPTA  
2002  
JAN 28 11:17  
BUREAU

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FOLDED

**David G. Blake, Esquire**  
**January 28, 2002**  
**Page -2-**

If you have any questions, please call me at (215) 580-7318.

Very truly yours,

  
Eugene N. Cipriani  
Assistant Deputy Counsel

ENC/lr

Enclosure

cc: David A. Oliver, P.E.  
Gina M. D'Alfonso, Esq.  
C. Neil Petersen, Esq.  
Jeffrey D. Knueppel, P.E.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

www.dot.state.pa.us



Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212

DUCKETED

MAR 11 2002

Tel: 717-787-3128  
Fax: 717-772-2741  
dalfoji@dot.state.pa.us

February 6, 2002

PA PUBLIC UTILITY COMMISSION

Eugene N. Cipriani  
Assistant Deputy Counsel  
Southeastern Pennsylvania Transportation Authority  
1234 Market Street  
Philadelphia, PA 19107-3780

FEB 08 2002

BUREAU OF TRANSPORTATION & SAFETY  
RAIL SAFETY DIVISION

RE: **A-00116301** – Application of SEPTA to Modify the Roadway known as King of Prussia Road where it crosses under the tracks of the Amtrak-owned Harrisburg Line in Radnor Township, Delaware County, to install a new concrete guard barrier along the east side of King of Prussia Road to connect the inbound and outbound sides of Radnor Train Station.  
**Your File No. 1875**

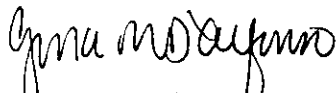
DOCUMENT

Dear Mr. Cipriani:

In response to your letter to Mr. David G. Blake, Esquire, Solicitor for Radnor Township, the Department questions whether or not Radnor Township and SEPTA have addressed the question of maintenance responsibility for the new barrier and fence that were installed by SEPTA along King of Prussia Road. Your letter dated January 28, 2002, is silent on this matter. Until such time as we are satisfied that the maintenance responsibilities for the new barrier and fence have been assumed by a party other than the Department of Transportation, we cannot agree to the matter being closed.

Please let me know whether or not these items of maintenance responsibility have been resolved.

Very truly yours,

  
Gina M. D'Alfonso  
Assistant Counsel-in-Charge

220/GMD:scr

cc: David G. Blake, Esquire  
David A. Oliver, P.E., Public Utility Commission, CKB 3<sup>rd</sup> Floor  
Leonard A. Nardone, P.E., District 6-0

LAW OFFICES

BEATTY, CRAMP, KAUFFMAN & LINCKE

215 N. OLIVE STREET

P.O. BOX 901

MEDIA, PENNSYLVANIA 19063

(610) 565-8800

FAX (610) 565-8127

E-Mail: [Dblake@beattylinke.com](mailto:Dblake@beattylinke.com)

LEWIS B BEATTY, JR.  
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DAVID J. OTIS  
DAVID G. BLAKE  
WILLIAM P. LINCKE  
NATALIE M. HABERT\*  
REGINA M. MACKENZIE\*  
BERETH K. GRAEFF\*  
JODY L. JENKINS\*  
ALLISON N. MILLER\*\*  
VICKI L. KUSHTO  
\*Also Member N.J. Bar  
\*\*Also Member of California Bar

DOCUMENT  
FOLDER

PA P.U.C.  
SECRETARY'S BUREAU

RECEIVED  
MAY 16 AM 10:39  
OF COUNSEL  
JOHN F. CRAMP  
ROBERT B. D'ALONSO  
JOSEPH R. YOUNG  
(1921-1999)

May 10, 2002

PA PUBLIC UTILITY COMMISSION

David A. Oliver, P.E.  
Commonwealth of Pennsylvania  
Public Utility Commission  
Commonwealth Keystone Bldg. - 3<sup>rd</sup> Fl.  
P.O. Box 3265  
Harrisburg, PA 17105-3265

MAY 13 2002

BUREAU OF TRANSPORTATION & SAFETY  
RAIL SAFETY DIVISION

Re: A-00116301 – Application of Septa to Modify the Roadway Known As  
King of Prussia Road/Radnor Township

Dear Mr. Oliver:

As you are aware, Septa, PenDot and Radnor Township, through their counsel, have been going back and forth in an effort to resolve issues of future maintenance and responsibility now that the installation of a new concrete guard barrier along the east side of King of Prussia Road has been completed. I believe that all parties have reached an understanding that PenDot will retain and maintain responsibility for the maintenance and repair of the roadway itself. Radnor Township has reluctantly agreed to take over the responsibility for the repair and future maintenance of the sidewalk under the train station overpass. We thought that this was going to be the end of things but unfortunately, it was not because Ms. D'Alfonso, on behalf of PenDot then raised the issue as to who was going to be responsible for the maintenance of the new jersey barrier and the fence that were installed by Septa along King of Prussia Road. Radnor Township has many concerns over taking over responsibility for the barrier. It is my understanding that the fence has been removed and while we had had some initial discussions about removal of the barrier itself, I think everyone has concluded that it is in the best interest of pedestrian safety and vehicular safety to keep the jersey barrier in

DOCUMENT

JUN 19 2002

Page 2

place. Unfortunately, the parties have not been able to resolve the issue of responsibility for that barrier and by means of this letter I am respectfully requesting and suggesting that a hearing be scheduled to address this issue as it does not appear that the parties are going to be able to resolve things on their own.

Very truly yours,



David G. Blake

DGB:jl

cc: Gina M. D'Alfonso, Esquire – Asst. Counsel in Charge  
Eugene M. Cipriani, Esquire – Asst. Deputy Counsel Septa  
David A. Bashore, Township Manager

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Public Utility Commission

DATE: May 17, 2002

DOCUMENT  
FOLDER

*OK to re-assign  
delt*

SUBJECT: A-00116301

TO: James J. McNulty, Secretary

FROM: David C. Hart, P.E., Manager  
Rail Safety Division  
Bureau of Transportation & Safety

*Delt*

RECEIVED  
2002 MAY 22 PM 1:52  
SECRETARY'S BUREAU

Application of Southeastern Pennsylvania Transportation Authority (SEPTA) to modify the roadway known as King of Prussia Road where it crosses under the tracks of the National Railroad Passenger Corporation (Amtrak) - owned Harrisburg Line in Radnor Township, Delaware County to install a new concrete guard barrier along the east side of King of Prussia Road to connect the inbound and outbound sides of Radnor Railroad Station.

As a result of the letter dated may 10, 2002, from Radnor Township to the Commission, it is suggested that this case be assigned to the Office of Administrative Law Judge and listed for hearing at an early dated and that the following parties in interest be served notice thereof:

Pennsylvania Department of Transportation  
National Railroad Passenger Corporation  
Norfolk Southern Railway Company  
PECO Energy  
Delaware County  
Southeastern Pennsylvania Transportation Authority  
CSX Transportation, Inc.  
Radnor Township  
Consolidated Rail Corporation

DOCKETED  
JUN 28 2002

In addition to any other relevant information, it is suggested that testimony be adduced at the hearing upon the appended list of Questions and Procedure and that appropriate action be taken at the hearing to incorporate the Questions and Procedure into the record in this proceeding.

DAO:lg

cc: Office of Administrative Law Judge  
David Salapa, Acting Deputy Chief Counsel

47

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
www.dot.state.pa.us



Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212

Tel: 717-787-3128  
Fax: 717-772-2741  
dalfogi@dot.state.pa.us

June 12, 2002

DOCKETED  
JUL 08 2002

David A. Salapa, Esquire  
PAPUC  
Bureau of Transportation and Safety  
P.O. Box 3265  
Harrisburg, PA 17105-3265

David G. Blake, Esquire  
Beatty, Cramp, Kauffman & Lincke  
215 N. Olive Street  
P.O. Box 901  
Media, PA 19063

DOCUMENT

Eugene Cipriani, Esquire  
SEPTA Law Department  
1234 Market Street  
Philadelphia, PA 19107-3780

PA PUBLIC UTILITY COMMISSION

JUN 15 2002

BUREAU OF TRANSPORTATION & SAFETY  
RAIL SAFETY DIVISION

RE: King of Prussia road  
A-00116301

Counselors:

The Department of Transportation will not object to a Secretarial Letter that assigns maintenance responsibility to the Department for the jersey barrier installed by SEPTA as part of the crossing alteration. The Department will not object to this responsibility in order to settle this litigation. It is our understanding that the chain link fence that had been mounted on the barrier has been removed.

SECRETARY'S BUREAU

2002 JUN 17 PM 1:40

RECEIVED

Counselors  
June 12, 2002  
Page 2

This settlement offer should not be deemed a precedent but is offered only to settle this matter.

Very truly yours,



Gina M. D'Alfonso  
Assistant Counsel in Charge

220/GMD

cc: ✓ David A. Oliver, P.E., Public Utility Commission, BTS, 3<sup>rd</sup> floor, CKB  
Leonard Nardone, P.E., District 6-0  
Gary C. Fawver, P.E., Chief, Utilities/ROW, 7<sup>th</sup> floor, CKB



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge  
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

June 25, 2002

In Re: **A-00116301**

**BTL**

(See attached list)

**Application of Southeastern Pennsylvania Transportation Authority  
(SEPTA)**

To modify the roadway known as King of Prussia Road where it crosses under the tracks of the National Railroad Passenger Corporation (Amtrak) - owned Harrisburg Line in Radnor Township, Delaware County to install a new concrete guard barrier along the east side of King of Prussia Road to connect the inbound and outbound sides of Radnor Railroad Station.

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: **Initial Hearing**

Date: **Tuesday, August 27, 2002**

Time: **10:00 a.m.**

Location: **In an available hearing room  
Philadelphia State Office Building  
Broad and Spring Garden Streets  
Philadelphia, Pennsylvania**

Presiding: **Administrative Law Judge Herbert Smolen  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: (215) 560-2105  
Fax: (215) 560-3133**

DOCUMENT  
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DOCKETED

JUN 26 2002

We have enclosed a list of questions prepared by the Bureau of Transportation & Safety indicating information to be developed at the hearing along with other relevant testimony.

Each party should submit testimony and exhibits with respect to the entire crossing alteration project with the understanding that the Commission may, in determining this manner, take jurisdiction over any portion of the project.

If any party intends to offer prepared written testimony, the testimony must be served on the presiding officer and each party at least 20 days prior to the hearing unless a different schedule has been ordered by the presiding officer.

The Commission's rules require that all parties, except for those individuals appearing on their own behalf, be represented by counsel. Therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling unit at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Smolen  
Eric Levis - BPL, Keystone 3NE  
Dave Hart - T&S Rail  
Judy Weaver, Scheduling Officer  
Beth Plantz  
Docket Section  
Calendar File

Questions and Procedure

1. Southeastern Pennsylvania Transportation Authority (SEPTA) submit a plan of the general area of the involved crossing showing, among other things, the location of the existing rail-highway crossing in relation to adjacent highways, rail lines and other public rail-highway crossings on the involved rail line; and submit testimony describing the location of the subject rail-highway crossing in relation to public improvements, facilities and adjacent public rail-highway crossings.
2. SEPTA submit testimony describing the general type of the crossing structures including number of spans, principal dimensions, roadway width, number and width of sidewalks; identify the date the structure was constructed, the purpose of its construction and who constructed it.
3. SEPTA submit into evidence copies of past orders or actions of this Commission, or its predecessor, which may have dealt with the construction, alteration or reconstruction of the subject crossing.
4. SEPTA state what maintenance and improvements it had performed on the crossing structure, if any, together with the approximate dates and cost of such work; and state what obligations it has been assigned or has assumed with respect to the maintenance of the subject crossing.
5. SEPTA state whether you will agree to bear maintenance responsibility for any work you have performed at the crossing and, if not, which party to this proceeding would you recommend bear the cost giving reasons therefor.
6. Department submit testimony indicating the daily volume of pedestrian and vehicular traffic that passes below the existing crossing structure, including a breakdown by type of vehicle, and the estimated volume of pedestrian and vehicular traffic, including a breakdown by type of vehicle, that will use it in the future.
7. Pennsylvania Department of Transportation, National Railroad Passenger Corporation, Consolidated Rail Corporation, Norfolk Southern Railway Company, CSX Transportation, Inc., Radnor Township and Delaware County respond to question no's. 3, 4 and 5, as if same were asked of you.
8. Query whether any facilities if any non-carrier public utility company was affected by any improvements and if so what costs need to be allocated and future maintenance assigned.
9. Query whether any party of record, or any other party, desires to submit any additional relevant testimony.

**DATE:** June 28, 2002

**SUBJECT:** A-00116301

**TO:** Office of Administrative Law Judge

**FROM:** James J. McNulty, Secretary *JK*

DOCUMENT  
FOLDER

**Application of Southeastern Pennsylvania Transportation Authority (SEPTA) to modify the roadway known as King of Prussia Road where it crosses under the tracks of the National Railroad Passenger Corporation (Amtrak) - owned Harrisburg Line in Radnor Township, Delaware County to install a new concrete guard barrier along the east side of King of Prussia Road to connect the inbound and outbound sides of Radnor Railroad Station.**

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Per memo from Dave Hart of the Bureau of Transportation and Safety-Rail Division, the above-docketed proceeding is being re-assigned to your Office for hearing.

cc: Dave Hart

**DOCKETED**  
JUN 28 2002

To be published 7-7-02



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

IN REPLY PLEASE  
REFER TO OUR FILE

July 1, 2002

Gary R. Hoffman, Esquire  
Director, Pennsylvania Code & Bulletin  
Room 647, Main Capitol Building  
Harrisburg, PA 17120

DOCKETED  
JUL 09 2002

Re: Notice  
Application of SEPTA to modify the  
roadway known as King of Prussia Road  
Docket No. A-00116301

DOCUMENT

Dear Mr. Hoffman:

Enclosed please find two (2) copies of a notice as captioned above. The Commission requests that this notice be published in the Pennsylvania Bulletin.

Very truly yours,

Veronica A. Smith  
Executive Director

Enclosure

BTL

cc: Regulatory Coordinator DelBiondo  
New Assignments and Filings

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**N O T I C E**

Application of Southeastern Pennsylvania Transportation Authority (SEPTA) to modify the roadway known as King of Prussia Road where it crosses under the tracks of the National Railroad Passenger Corporation (Amtrak) - owned Harrisburg Line in Radnor Township, Delaware County to install a new concrete guard barrier along the east side of King of Prussia to connect the inbound and outbound sides of Radnor Railroad Station.  
Docket Number A-00116301

An Initial Hearing on this matter will be held Tuesday, August 27, 2002 at 10:00 a.m. in an available hearing room, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania, when and where all persons in interest may appear and be heard, if they so desire.

BY THE COMMISSION

James J. McNulty  
Secretary

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Public Utility Commission

DATE: July 3, 2002

SUBJECT: A-00116301

TO: Herbert Smolen  
Administrative Law Judge

FROM: David C. Hart, P.E., Manager  
Rail Safety Division  
Bureau of Transportation & Safety

DOCKETED  
JUL 15 2002

*David C. Hart*  
DOCUMENT

By Secretarial letter dated December 27, 1999, the Commission approved Southeastern Pennsylvania Transportation Authority's (SEPTA) application to alter the crossing by modifying the area of the walkway that lies below the bridge. It also included final allocation of construction costs and assignment of interim maintenance responsibility to SEPTA for the walkway features.

By letter dated May 10, 2002, Radnor Township agreed to accept future maintenance responsibility for the walkway that lies below the bridge and by letter dated June 12, 2002, the Pennsylvania Department of Transportation agreed to the future maintenance responsibility of the jersey barrier.

Since the remaining issues involved herein appear to have been resolved, it will not be necessary to hold the hearing scheduled for August 27, 2002. Therefore, the proceeding should be reassigned to the Rail Safety Division of the Bureau of Transportation & Safety so that an appropriate Secretarial Letter can be issued assigning the remaining future maintenance responsibilities at the crossing.

COMMONWEALTH OF PENNSYLVANIA

**DATE:** July 12, 2002

**SUBJECT:** A-00116301

**TO:** Bureau of Transportation & Safety  
Rail Safety Division

**FROM:** James J. McNulty, Secretary *JJ*

**DOCKETED**  
JUL 15 2002

**RECEIVED**

Southeastern Pennsylvania Transportation Authority

---

Per memo dated July 3, 2002, from David C. Hart, P. E., Manager, Bureau of Transportation & Safety, Rail Safety Division, the above docketed proceeding is being reassigned to your Office for appropriate action.

was

pc: ALJ

**McNulty, James**

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**From:** Christianson, Robert  
**Sent:** Friday, July 12, 2002 9:49 AM  
**To:** McNulty, James  
**Cc:** Hart, David; Smolen, Herbert; Rohrbaugh, Eric; Ditzler, Elzalena; Weaver, Judy; Plantz, Elizabeth  
**Subject:** SEPTA application; A-00116301

This matter is assigned to OALJ and to ALJ Smolen. A hearing is set for August 27, 2002. ALJ Smolen has received, and forwarded to me, a memo, dated July 3, 2002, from David Hart, of T&S Rail Safety Division, stating that the matter (concerning costs and maintenance) had been resolved and that there is no need for a hearing. He also asked that the matter be reassigned to T&S for appropriate disposition.

I agree to the reassignment. This could be done other ways but I think that this simple, administrative disposition is proper. OALJ can provide a copy of the Hart memo, if it is needed.

I assume that all parties know about this. However, OALJ must still cancel the August 27th hearing. I ask my Scheduling Unit to do this by standard notice.

**DOCKETED**  
JUL 16 2002

*OK to  
Reassign  
det  
7/12/02-*

**DOCUMENT**

COMMONWEALTH OF PENNSYLVANIA

**DATE:** July 15, 2002

**SUBJECT:** A-00116301

**TO:** Bureau of Transportation & Safety

**FROM:** James J. McNulty, Secretary *JJ*

**DOCKETED**  
JUL 16 2002

**DOCUMENT**

SEPTA

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Per e-mail dated July 12, 2002, from Robert Christianson, Chief, Office of Administrative Law Judge, the above docketed proceeding is being reassigned to your Office for appropriate action.

was

pc: ALJ