



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

July 24, 2017

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg , PA 17120

RE: Whitehall Township v. R.J. Corman Railroad Company  
Docket No. C-20054822

Dear Secretary Chiavetta:

Enclosed for e-filing please find the Department's *Statement in Support of Settlement* 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 "Nicholas D. Mertens".

Nicholas D. Mertens  
Assistant Counsel

Enclosure

cc: Joel H. Cheskis, Administrative Law Judge  
Parties of Record  
Mark J. Chappell, P.E., Chief, Utilities and Right-of-Way Section  
Rodney Rehnert, District Grade Crossing Engineer, District 5-0  
Kamlesh A. Ashar, P.E., District Bridge Engineer, District 5-0

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Whitehall Township	:	Docket No. C-20054822
	:	
v.	:	
	:	<b>Electronically Filed</b>
R.J. Corman Railroad Company	:	

**STATEMENT IN SUPPORT OF SETTLEMENT**

The Commonwealth of Pennsylvania, Department of Transportation (“Department”) concurs with the other parties that the Joint Stipulation of Settlement (“Settlement”) is in the public interest. The Settlement addresses all the issues involved in the litigation, *i.e.*, the allocation of costs attributed to the repairs and rehabilitation of the South Lehigh Avenue Retaining Wall, including repairs to the South Lehigh Avenue drainage system, and the assignment of future maintenance responsibilities for the Retaining Wall. All repairs were performed by the Department pursuant to the Pennsylvania Public Utility Commission’s (“Commission”) July 26, 2007 Order and, as such, all safety issues involving the Retaining Wall have been resolved. The settlement will serve to protect the public safety.

Additionally, the settlement will save the parties and the Commission the time and expense they would otherwise incur in further litigating this matter. Since all the interested parties agree to the terms of the settlement, adopting it will eliminate the possibility of any appeal from a Commission Order, thus saving the parties the additional time and expense they might incur in such an appeal.

The Commission will serve the public interest by adopting and granting the parties’ Stipulation of Settlement in this matter. The Commission encourages the settlement of contested

proceedings. 52 Pa. Code § 5.231(a). The settlement is an efficient use of the resources of the Commission and the parties hereto.

For all of the above reasons, the Department supports the Settlement in the above captioned matter.

Respectfully Submitted,

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



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DATED: July 24, 2017

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Whitehall Township	:	Docket No. C-20054822
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Department's *Statement in Support of Settlement*, was served upon the parties listed below, in accordance with the requirements of 52

Pa. Code § 1.54, by United Parcel Service, postage prepaid, this 24<sup>th</sup> day of July, 2017:

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DEPARTMENT OF TRANSPORTATION



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