



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

November 3, 2017

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

RE: C-2017-2627911

Dear Secretary Chiavetta:

Enclosed for filing please find the Department's *Answer to New Matter* 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 "Jennifer Brown-Sweeney".

Jennifer Brown-Sweeney
Assistant Counsel

Enclosure

220/JBS:igl

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

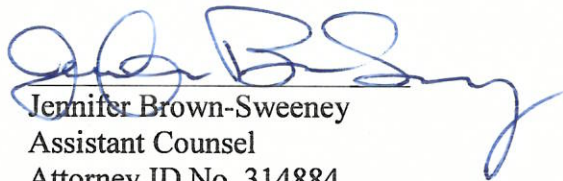
of further answer, Reading, Blue Mountain & Northern Railroad downgraded the crossing from concrete panels to timber asphalt in 2015 which may have caused or contributed to the vertical flex in the rails. The Department is currently unable to find a PUC Order permitting this change in surface. Further, it is denied that PennDOT is responsible for the repair. Specific proof is demanded.

21. Denied. Due to vagueness of “commercial truck traffic” the Department is unable to respond to the allegation. By way of further answer, it is not known whether vehicular traffic caused or contributed to any flex currently in the rails. Specific proof is demanded.

22. Admitted.

WHEREFORE, the Department of Transportation respectfully requests that a field conference with all parties be scheduled in this matter for the purpose of reaching an amicable solution.

Respectfully submitted,



Jennifer Brown-Sweeney
Assistant Counsel
Attorney ID No. 314884
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
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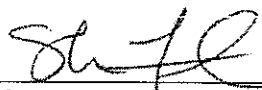
DATED: November 3, 2017

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

White Haven Borough,	:	
Complainant,	:	
	:	Docket No.: C-2017-2627911
v.	:	
	:	Electronically Filed
Reading Blue Mountain &	:	
Northern Railroad Company,	:	
Luzerne County,	:	
PennDOT	:	
Respondents.	:	

VERIFICATION

I, Sarah Fenton, District 4-0 Grade Crossing Engineer, 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 District Grade Crossing Engineer 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.



Sarah Fenton
District 4-0 Grade Crossing Engineer

DATED: November 3, 2017

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

White Haven Borough,	:	
Complainant,	:	
	:	Docket No.: C-2017-2627911
v.	:	
	:	Electronically Filed
Reading Blue Mountain &	:	
Northern Railroad Company,	:	
Luzerne County,	:	
PennDOT	:	
Respondents.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the *Answer to New Matter* was served upon the parties below by first-class mail, postage prepaid this 3rd day of November 2017:

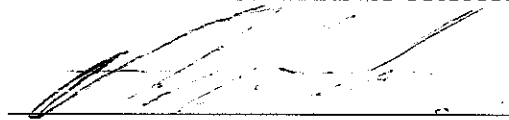
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Respectfully Submitted,
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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