



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

July 10, 2018

David A. Salapa, Administrative Law Judge
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: C-2016-2580970

Dear Judge Salapa,

Enclosed for filing please find the Department's *Prehearing Conference Memoranda* in the above captioned matter. The undersigned certifies that this filing contains no averments or denials of fact subject to verification and penalties under 52 Pa. Code Section 1.36.

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 "Gina M. D'Alfonso".

Gina M. D'Alfonso
Senior Counsel in Charge

cc: Rosemary Chiavetta, Secretary
Parties of Record
Mark A. Chappell P.E., Chief, Utilities and Right-of-Way Section
Jason Barkey, District Grade Crossing Engineer, District 10-0
Gregory J. Vaughn, Grade Crossing Engineer, Central Office, KCB 7th Floor

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joel Royer	:	
Complainant	:	
	:	
v.	:	Docket No.: C-2016-2580970
	:	
Buffalo & Pittsburgh Railroad, Inc.,	:	Electronically Filed
Indiana Borough,	:	
Indiana County,	:	
PennDOT	:	
Respondent	:	

PREHEARING CONFERENCE MEMORANDA
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation, ("Department"), by and through its counsel, Gina M. D'Alfonso, Senior Counsel in Charge, offering this Prehearing Conference Memoranda:

1. The Department requests that the service list in this matter include:

Gina M. D'Alfonso, Senior Counsel in Charge and
Jennifer Brown-Sweeney, Assistant Counsel
Office of Chief Counsel
Pennsylvania Department of Transportation
P.O. Box 8212
Harrisburg, PA 17105-8212
717-787-3128 (phone)
717-772-2741 (fax)
gdalfonso@pa.gov
jbrownswee@pa.gov


Both counsel will accept service electronically.

2. The Department believes this matter should settle.

3. The Department agrees with the discovery and litigation time frames proposed by BPRR.
4. The Department intends to offer the testimony of the Grade Crossing Engineer, Engineering District 10-0, 2550 Oakland Avenue, P.O. Box 429, Indiana, PA, 15701-0429 and any other witnesses that may be required as the case develops.
5. The burden is on the Complainant in this matter. However, the Department has publicly stated that there will be a paving project in this location in 2019. Also, there is another complaint, C-2015-2483303, that includes this same crossing as well as three (3) others. The resolution of Complaint should address the above referenced matter as well.
6. The Department will provide evidence that will likely include the condition of the crossing, what work, if any, it is willing to perform, who should perform the work and bear the costs and a proposed allocation of maintenance.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION


Gina M. D'Alfonso
Senior Counsel in Charge
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No.: 717/787-3128
Fax No.: 717/772-2741
gdalfonso@pa.gov

DATED: July 10, 2018

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Indiana County,	:	
PennDOT	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **Prehearing Conference Memoranda** was served upon the parties below by first-class mail, postage prepaid this 10th day of July 2018:

Erik M. Hocky, Esquire
Clark Hill Thorp Reed
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103

Neva Stotler, Esquire
Indiana Borough Solicitor
2605 Nicholson Road
Suite 2201
Sewickley, PA 15143

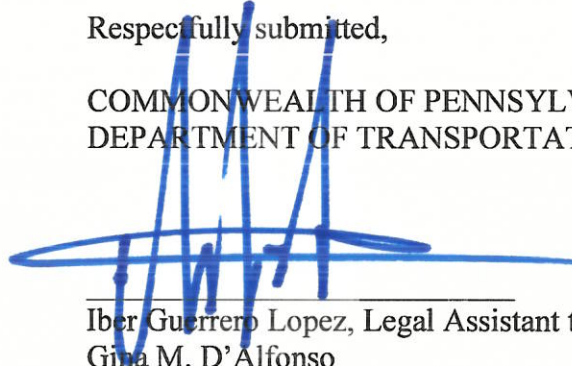
Joel Royer
991 Barclay Road
Indiana, PA 15701

Matthew T. Budash, Esquire
Indiana County Solicitor
120 South Seventh Street
Indiana, PA 15701

Bradley R. Gorter, Esquire
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

A handwritten signature in blue ink, appearing to read 'Iber Guerrero Lopez', is written over a horizontal line. The signature is stylized and somewhat illegible.

Iber Guerrero Lopez, Legal Assistant to
Gina M. D'Alfonso
Senior Counsel in Charge
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No.: 717/787-3128
Fax No.: 717/772-2741

DATED: July 10, 2018