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July 6, 2018

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

**RE: Joel Royer v. Buffalo & Pittsburgh Railroad, Inc., Pennsylvania Department  
Of Transportation, Indiana Borough and Indiana County  
Case NO: C-2016-2580970**

Dear Secretary Chiavetta:

Enclosed is an original Pre-Hearing Conference Memorandum regarding the above. This was filed electronically on July 6, 2018.

Sincerely,

Matthew T. Budash

MTB:dal  
Enclosure  
cc: Eric M. Hockey, Esquire  
cc: Joel Royer  
cc: Dave C. Baer  
cc: Jennifer Brown-Sweeney, Esquire  
cc: Neva Stotler, Esquire  
cc: Bradley R. Gorter, Esquire  
cc: Amanda Olbeter

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**JOEL ROYER**

v.

**BUFFALO & PITTSBURGH RAILROAD, INC.  
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION :  
INDIANA BOROUGH AND INDIANA COUNTY :**

:  
:  
: **C-2016-2580970**  
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**PRE-HEARING CONFERENCE MEMORANDUM**

1. Indiana County, hereinafter "The County" files this Pre-Hearing Conference Memorandum. A Complaint has been filed by Joel Royer which alleges that a railroad crossing located at "intersection of Oakland Ave and Grant Street in Indiana, PA has sunk relative to the concrete aprons at Oakland Ave and its adjacent amiesite at Grant St [sic]." Said Complaint further alleges that the railroad crossing is owned by Buffalo & Pittsburgh Railroad.

2. The subject railroad crossing does not involve any County roads and the County does not have any maintenance or financial interest in the crossing. The County proposes the following witnesses:

John Emerson  
Gibson Thomas Engineering, County Engineer  
1001 Philadelphia Street  
Indiana, PA 15701  
May testify as to crossing related issues.

Commissioner Mike Baker  
Commissioner Rodney Ruddock  
Commissioner Sherene Hess  
825 Philadelphia Street  
Indiana, PA 15701

Will be able to provide testimony that the County does not own any county roads or railroad crossings or have any financial interest in the crossing and as to budgetary constraints should the County be found responsible for maintaining said crossing.

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3. It is requested that the complaint against the County be dismissed against the as it has no ownership or financial interest in the crossing.

Respectfully submitted,

BUDASH & WELCH, LLP

By:



Matthew T. Budash, Esquire  
Solicitor for Indiana County  
PA Supreme Court ID #65526

120 South Seventh Street  
Indiana, Pennsylvania 15701  
Phone: (724) 463-6050

Dated: July 6, 2018

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**C-2016-2580970**

**BUFFALO & PITTSBURGH RAILROAD, INC. :  
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION :  
INDIANA BOROUGH AND INDIANA COUNTY :**

**CERTIFICATE OF SERVICE**

I, Matthew T. Budash, Esquire, hereby certify that a true and correct copy of the within Pre-Hearing Conference Memorandum was mailed by United States Regular Mail to the following this 6<sup>th</sup> day of July, 2018:

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

Joel Royer  
991 Barclay Road  
Indiana, PA 15701

Dave C. Baer, Chief Engineer  
Buffalo & Pittsburgh Railroad Inc.  
201 North Penn Street  
PO Box 477  
Punxsutawney, PA 15767

Jennifer Brown-Sweeney, Esquire  
Gina M. D'Alfonso, Esquire  
PennDOT Office of Chief Counsel  
PO Box 8212  
Harrisburg, PA 17105


Indiana Borough  
Neva Stotler, Esquire  
Indiana Borough Solicitor  
80 North Eighth Street  
Indiana, PA 15701

Bradley R. Gorter, Esquire  
Pa Public Utility Commission  
Bureau of Investigation and Enforcement  
PO Box 3265  
Harrisburg, PA 17105-3265

Amanda Olbeter  
Penndot District 10-0  
2550 Oakland Avenue  
Indiana, PA 15701

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

By:

  
\_\_\_\_\_  
Matthew T. Budash, Esquire  
PA Supreme Court ID #65526

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