



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

March 1, 2019

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

RE: A-2018-3006432, A-2018-3001039, A-00119378, A-00119379, A-2011-2233889

Dear Secretary Chiavetta,

Enclosed for filing please find the Department's *Answer to Motion to Consolidate*, 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 cursive script that reads "Gina M. D'Alfonso".

Gina M. D'Alfonso
Senior Counsel in Charge

Cc: Parties of Record
Jennie A. Granger, AICP, Deputy Secretary of Transportation for Multimodal
Cheryl Moon-Sirianni, P.E., District Executive, District 11-0
Michele Adolini, P.E., Grade Crossing Engineer, District 11-0
Gregory J. Vaughn, Grade Crossing Engineer, Central Office, KCB 7th Floor
Michele Acitelli, P.E., District Utility and Grade Crossing Manager, District 11-0

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Norfolk Southern Railway : A-2011-2233889
Company for approval of an exemption from : **Electronically Filed**
the Commission's overhead clearance :
requirements at 52 Pa. Code § 33.121 for a :
track operated by Norfolk Southern Railway :
Company, located in the City of Pittsburgh in :
Allegheny County. :

Application of Norfolk Southern Railway : A-2018-3001039
Company for approval of the rehabilitation of : **Electronically Filed**
the grade Crossing (DOT # 507446L) where :
Merchant Street passes under the tracks of :
Norfolk Southern Railway Company in City of :
Pittsburgh, Allegheny County. :

Application of Norfolk Southern Railway : A-2018-3006432
Company for approval to reconstruct the : **Electronically Filed**
crossing of the North Avenue / Brighton Road :
bridge crossing above its tracks in the City of :
Pittsburgh, Allegheny County (DOT No. :
507450B), and for an exemption from the :
Commission's overhead clearance regulations. :

Application of the City of Pittsburgh for leave : A-00119378
to continue prior overhead clearance for certain : **Electronically Filed**
bridges over tracks operated by Norfolk :
Southern Corporation in the City of Pittsburgh, :
Allegheny County :

Application of the City of Pittsburgh for : A-00119379
approval of the alteration of the railroad : **Electronically Filed**
crossings at Ridge A venue, West Ohio Street, :
and North Avenue and Brighton Road Bridges :
which carry said streets above the tracks :
operated by Norfolk Southern Corporation in :
the City of Pittsburgh, Allegheny County; as :
amended by the City of Pittsburgh to request :
approval of the abolition of the railroad :
crossing at Ridge A venue :

**THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION'S ANSWER TO THE MOTION TO CONSOLIDATE FILED BY
THE NORTHSIDE LEADERSHIP CONFERENCE**

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 the following Answer to the Motion to Consolidate.

1-5. The allegations contained therein are neither admitted nor denied. Strict proof is demanded.

6. The allegations in contained herein are neither admitted nor denied. Strict proof is demanded. However, by way of further answer, even though the agreement for the funding states that the final payment request must be received by the Department on or before December 31, 2020, it is not uncommon for a grant recipient to request an extension and for said request to be granted.

7-12. The allegations contained therein are neither admitted nor denied. Strict proof is demanded. By way of further answer, the record is clear that A-00119378 was dismissed as moot by order entered July 26, 2004. Application Docket A-00119379 has been fully litigated, appealed and remanded to the PUC for an order directing the City of Pittsburgh to perform certain items of work on West Ohio Street while maintaining the existing clearance and to remove Ridge Avenue. This work is ongoing; plans have already been approved by the PUC. In the interest of public safety, this work should not be halted.

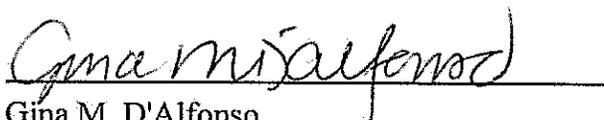
13. The allegations as they relate to the Department are specifically denied.

14. The allegations are neither admitted nor denied. “Exhibit B” speaks for itself.

15. The allegations are neither admitted nor denied. The mission statement of the PUC speaks for itself.

16-18. The allegations are neither admitted nor denied. By way of further answer, the Department incorporates its answer for paragraphs 7-12.

Respectfully Submitted,
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

A handwritten signature in cursive script, reading "Gina M. D'Alfonso", is written over a solid horizontal line.

Gina M. D'Alfonso
Senior Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No.: 717/787 3128
Fax No.: 717/772-2741
Pennsylvania Attorney I.D. 46767
gdalfonso@pa.gov

DATED: March 1, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Norfolk Southern Railway : A-2011-2233889
Company for approval of an exemption from : **Electronically Filed**
the Commission's overhead clearance :
requirements at 52 Pa. Code § 33.121 for a :
track operated by Norfolk Southern Railway :
Company, located in the City of Pittsburgh in :
Allegheny County. :

Application of Norfolk Southern Railway : A-2018-3001039
Company for approval of the rehabilitation of : **Electronically Filed**
the grade Crossing (DOT # 507446L) where :
Merchant Street passes under the tracks of :
Norfolk Southern Railway Company in City of :
Pittsburgh, Allegheny County. :

Application of Norfolk Southern Railway : A-2018-3006432
Company for approval to reconstruct the : **Electronically Filed**
crossing of the North Avenue / Brighton Road :
bridge crossing above its tracks in the City of :
Pittsburgh, Allegheny County (DOT No. :
507450B), and for an exemption from the :
Commission's overhead clearance regulations. :

Application of the City of Pittsburgh for leave :
to continue prior overhead clearance for certain : A-00119378
bridges over tracks operated by Norfolk : **Electronically Filed**
Southern Corporation in the City of Pittsburgh, :
Allegheny County :

Application of the City of Pittsburgh for :
approval of the alteration of the railroad :
crossings at Ridge A venue, West Ohio Street, : A-00119379
and North Avenue and Brighton Road Bridges : **Electronically Filed**
which carry said streets above the tracks :
operated by Norfolk Southern Corporation in :
the City of Pittsburgh, Allegheny County; as :
amended by the City of Pittsburgh to request :
approval of the abolition of the railroad :
crossing at Ridge A venue :

VERIFICATION

I, Jennie A. Granger, Deputy Secretary of Transportation for Multimodal, 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 Deputy Secretary of Transportation for Multimodal 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.

DATED: 03/01/2019



Jennie A. Granger
Deputy Secretary of Transportation for Multimodal

I hereby certify that I have this day served a true copy of the Department's *Answer to Motion to Consolidate* to the participants listed below, in accordance with the requirements of 52 Pa. Code § 1.54, by first class mail, postage prepaid this 1st day of March 2019:

Jonathan Hocker
Norfolk Southern Railway Company
1200 Peachtree Street Ne
Atlanta, GA 30309

Allegheny County Solicitor
445 Fort Pitt Blvd
Pittsburgh, Pa 15219

Deborah Barum
Verizon Pennsylvania LLC
3151 Pioneer Ave
Pittsburgh, PA 15226-1740

Rich Schlegel
Community College of Allegheny County
800 Allegheny Avenue
Facilities Management Division
Pittsburgh, PA 15233

Anthony Bilan, Esquire
Assistant City Solicitor
City of Pittsburgh Solicitor's Office
414 Grant Street
313 City-County Bldg
Pittsburgh, PA 15219

Don Zombek
Peoples Natural Gas
261 Center Street
McKeesport, PA 15132

Rick Obermeier
Pittsburgh Water & Sewer Authority
1200 Penn Avenue
Pittsburgh, PA 15222

**Windstream C/O Damage Group
Personnel**
929 Marthas Way
Hiawatha, IA 52233

Shawn Blanner
DQE Communications LLC
424 South 27th Street Suite 220
Pittsburgh, PA 15203

Brian Sarti
NRG Energy Center Pittsburgh LLC
111 South Commons Avenue
Pittsburgh, Pa 15212

Level 3 Communications LLC
1025 El Dorado Blvd
Broomfield, CO 80021

George Mcelvain
Century Link
700 West Mineral Avenue
Littleton, CO 80120

Shane Thieret
Duquesne Light CO
2645 New Beaver Ave Pa-Td
Pittsburgh, PA 15233

Joseph Bechtold
Comcast Cablevision
1530 Chartiers Ave
Pittsburgh, PA 15204

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Norfolk Southern Railway : A-2011-2233889
Company for approval of an exemption from : **Electronically Filed**
the Commission's overhead clearance :
requirements at 52 Pa. Code § 33.121 for a :
track operated by Norfolk Southern Railway :
Company, located in the City of Pittsburgh in :
Allegheny County. :

Application of Norfolk Southern Railway : A-2018-3001039
Company for approval of the rehabilitation of : **Electronically Filed**
the grade Crossing (DOT # 507446L) where :
Merchant Street passes under the tracks of :
Norfolk Southern Railway Company in City of :
Pittsburgh, Allegheny County. :

Application of Norfolk Southern Railway : A-2018-3006432
Company for approval to reconstruct the : **Electronically Filed**
crossing of the North Avenue / Brighton Road :
bridge crossing above its tracks in the City of :
Pittsburgh, Allegheny County (DOT No. :
507450B), and for an exemption from the :
Commission's overhead clearance regulations. :

Application of the City of Pittsburgh for leave : A-00119378
to continue prior overhead clearance for certain : **Electronically Filed**
bridges over tracks operated by Norfolk :
Southern Corporation in the City of Pittsburgh, :
Allegheny County. :

Application of the City of Pittsburgh for : A-00119379
approval of the alteration of the railroad : **Electronically Filed**
crossings at Ridge A venue, West Ohio Street, :
and North Avenue and Brighton Road Bridges :
which carry said streets above the tracks :
operated by Norfolk Southern Corporation in :
the City of Pittsburgh, Allegheny County; as :
amended by the City of Pittsburgh to request :
approval of the abolition of the railroad :
crossing at Ridge A venue :

CERTIFICATE OF SERVICE

Karina Ricks

City of Pittsburgh Department of Mobility
and Infrastructure
Room 215-B City County Building
611 Second Ave
Pittsburgh, PA 15219

David A. Wolf, Esquire

Goldberg Kamin & Garvin, LLP
437 Grant Street
Pittsburgh, PA 15219

Anthony Bilan, Esquire

City of Pittsburgh
313 City County Building
414 Grant Street
Pittsburgh, PA 15219

Windstream Communications

750 Holiday Drive # 5590
Pittsburgh, PA 15220

Michelle Painter, Esquire

Painter Law Firm, PLLC
13017 Dunhill Drive
Fairfax, VA 22030

Crown Castle

Attn: Rebecca Caldwell
2000 Corporate Drive
Canonsburg, PA 15317

Benjamin C. Dunlap, Jr., Esquire

Nauman Smith
200 North Third Street, 18th Floor
P.O. Box 840
Harrisburg, PA 17108-0840

Chad Cicconi, Esquire

Equitable Gas Company
225 North Shore Drive
Pittsburgh, PA 15212

John J. Richardson, Esquire

Bernstein Burkley PC
707 Grant Street
Suite 2200, Gulf Tower
Pittsburgh, PA 15219

Deborah Erbsstein, Esquire

Goldberg, Kamin & Garvin, LLP
1806 Frick Building
437 Grant Street
Pittsburgh, PA 15219

Bradley Gorter, Esquire

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

NRG Energy Center Pittsburgh

Attn: Bryan Sarti
111 S. Commons Ave.
Pittsburgh, PA 15212

Ronald B. Huey, P.E.

VP & Location Officer
Maguire Group, Inc.
D.L. Clark Building, 6th Floor
503 Martindale Street
Pittsburgh, PA 15222

Lorrain N. Mackler, Esquire

City -County Bldg., Rm 313
414 Grant Street
Pittsburgh, PA 15219

Emma Hempstead, Esquire

Ryan Hamilton, Esquire
Fair Shake Environmental Legal Services
3495 Butler Street, Ste. 102
Pittsburgh, PA 15201

Verizon Pennsylvania LLC

Attn: Deborah Barum
1026 Hay Street
Pittsburgh, PA 15221

Verizon Pennsylvania, LLC
ATTN: Deborah Barum
416 Seventh Ave
Pittsburgh, PA 15219

AT&T Local Services
ATTN: Nancy Spence
3 60 Gees Mill
Business Parkway NE
Conyers, GA 30013

Daniel Delaney, Esquire
James Melia, Esquire
K&L
240 N. Third Street
Harrisburg, PA 17101

Jody Noble, Esquire
Duquesne Light Company
411 7th Avenue
Pittsburgh, PA 15219

Brian H. Simmons, Esquire
Buchanan Ingersoll & Rooney
20th Floor, One Oxford Centre
Pittsburgh, PA 15219

United Transportation Union
PA State Legislative Board
500 N. Third Street, Ste. 7B
Harrisburg, PA 17101

Peoples Gas Company LLC
Attn: Debbie Ross
375 North Shore Drive
Pittsburgh, PA 15212

Level 3 Communications LLC
c/o James Melia, Esq
Kirkpatrick & Lockhart
240 N. Third Street
Harrisburg, PA 17101

Neon Transcom
ATTN: Mike Brodar
196 Van Buren Street
Herndon, VA 20170

Duquesne Light Company
Attn: Shane Thieret PA-TD
2645 New Beaver Ave
Pittsburgh, PA 15233

Richard A. Webb
847 W. North Avenue
Pittsburgh, PA 15233

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION


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: March 1, 2019