



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

March 7, 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 *Amended 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
Michelle Adolini, P.E., Acting Highway Division Chief, Central Office, KCB 7th Floor
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 :
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. :

**THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION'S AMENDED 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 Amended Answer to the Motion to Consolidate in compliance with 52 Pa. Code §5.91.

1. After filing the Answer to the Motion to Consolidate the undersigned became aware that the plans for the West Ohio Street/Ridge Avenue project were not yet approved by the Public Utility Commission.
2. The answers to allegations 1-5, 6, and 13-15 remain the same as if set forth completely herein.
3. The Department desires to amend its answer as follows:

The answer to 7-12 and 16-18 are amended as follows. The change is underlined.

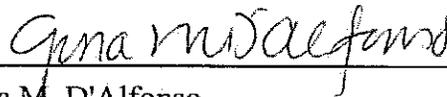
7-12. The allegations contained therein are neither admitted nor denied. Strict proof is demanded. By way of further answer, the record is clear that A-00119378 was dismissed as moot by order entered July 26, 2004. Application Docket A-00119379 has been fully litigated, appealed and remanded to the PUC 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. The plans for this project are near complete.
The Department has already reviewed 90% plans and awaits Plans.

Specifications and Estimates (PS&E) from the City of Pittsburgh. In the interest of public safety, this work should not be halted.

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

WHEREFORE, the Department of Transportation respectfully requests that its request to amend its answer be granted.

Respectfully Submitted,
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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DATED: March 7, 2019

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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: 03/07/2019



Jennie A. Granger
Deputy Secretary of Transportation for Multimodal

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amended by the City of Pittsburgh to request :
approval of the abolition of the railroad :
crossing at Ridge A venue :
: :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Department's *Amended 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 7th day of March 2019:

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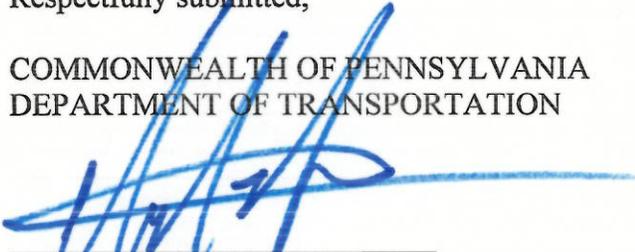
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Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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DATED: March 7, 2019