



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

March 20, 2019

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

**RE: C-2018-3006389**

Dear Secretary Chiavetta,

Enclosed for filing please find the Department's *Prehearing Conference Memorandum* 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

Cc: Parties of Record  
Administrative Law Judge, Dennis J. Buckley  
Michelle Adolini, P.E., Acting Highway Delivery Division Chief  
Daniel Leonard, Grade Crossing Engineer, Central Office, KCB 7<sup>th</sup> Floor  
Rick Cooper, Assistant District Grade Crossing Engineer, District 4-0  
Sara Fenton, Asset Engineer, Railroad Coordinator, District 4-0

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Reading Blue Mountain and Northern Railroad	:	
	:	C-2018-3006389
	:	<b>Electronically Filed</b>
v.	:	
	:	
Department of Transportation	:	

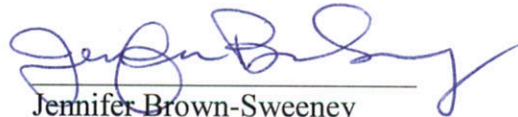
**PREHEARING CONFERENCE MEMORANDUM**  
**PENNSYLVANIA DEPARTMENT OF TRANSPORTATION**

In accordance with the March 13, 2019 Prehearing Conference Order of Administrative Law Judge Dennis J. Buckley in the above-referenced matter, the Department of Transportation, (“Department”), by and through its counsel, Jennifer Brown-Sweeney, offers the following:

1. The Department requests that a hearing be scheduled to address outstanding issues between the parties.
2. On December 7, 2018 the Commission served the Department with a formal complaint by Eric Yoder for Reading & Northern Railroad (“Railroad”).
3. On December 19, 2018 a field investigation and conference was held at the subject crossing where representatives of the Department and the Railroad were in attendance. The Department advised that the roadway was already scheduled to be repaved.
4. The crossing involves State Route 3015 (Moosic Road).
5. The primary issue between the parties is the current condition of the crossing requiring repair.

6. In the September 13, 2001 Secretarial Letter docketed at A-00117857, the Department was ordered, at its sole cost and expense, to furnish all material and do all work necessary in order to repair the approach roadways adjacent to the crossing up to the high-type concrete surface.
7. In the September 13, 2001 Secretarial Letter docketed at A-00117857, the Railroad was ordered, at its sole cost and expense, to furnish all material and do all work necessary to repair the high-type concrete surface.
8. These maintenance responsibilities were reaffirmed in the Secretarial Letter under this docket entered on February 21, 2019.
9. The Department intends to offer the testimony of Asset Engineer/Railroad Coordinator, Sarah Fenton, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA regarding the condition of the crossing as well as any other witnesses that may be required as the case develops.

Respectfully submitted,



Jennifer Brown-Sweeney  
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jbrownsw@pa.gov

DATED: March 20, 2019

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Reading Blue Mountain and Northern Railroad	:	C-2018-3006389
	:	<b>Electronically Filed</b>
v.	:	
	:	
Department of Transportation	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the **Prehearing Conference Memorandum** was served upon the parties below by first-class mail, postage prepaid this 20<sup>th</sup> day of March 2019.

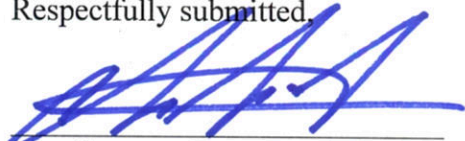
Eric Yoder  
RBMN Railroad  
1 Railroad Blvd.  
Port Clinton, PA 19549

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Lackawanna County General Counsel  
200 Adams Ave., 6<sup>th</sup> Floor  
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Lackawanna County Solicitor  
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Respectfully submitted,



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DATED: March 20, 2019