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Samuel F. Reynolds, Jr.
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December 16, 2019

Via Electronic Filing Only

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
2nd Floor
Harrisburg, PA 17120

Re: *Municipality of Penn Hills co Scott Andrejchak v Union Railroad Company et al.*
Docket No. **C-2019-3013809**

Dear Secretary Chiavetta:

Attached for electronic filing in the above-referenced proceeding is Union Railroad Company's Initial Prehearing Conference Memorandum, which I have served on Judge Dunderdale and all parties or their counsel.

Sincerely,

/s/ Samuel F. Reynolds, Jr.

Samuel F. Reynolds, Jr.

cc w/encl: Hon. Katrina L. Dunderdale
Municipality of Penn Hills, Attn: Scott Andrejchak, Municipal Manager
City of Pittsburgh, Attn: Anthony Bilan, Assistant City Solicitor, via email
Bruce Dice, Esquire
Allegheny County, Attn: Andrew Szefi, Solicitor
PennDOT, Attn: Gina M. D'Alfonso, Esquire, via email

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Municipality of Penn Hills c/o Scott Andrejchak :
 :
 v. :
 : Docket No. C-2019-3013809
 Union Railroad Company, PA Department of :
 Transportation, Allegheny County, Borough of :
 Verona, City of Pittsburgh, and Bureau of :
 Investigation and Enforcement :

**UNION RAILROAD COMPANY'S
INITIAL PREHEARING CONFERENCE MEMORANDUM**

a. The information required by 52 Pa. Code § 1.55:

Samuel F. Reynolds, Jr., PA ID # 42215
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United States Steel Corporation
600 Grant St., Ste. 1500
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(ACCEPTS E-SERVICE)
Attorney for Union Railroad Company

b. A statement regarding possible settlement of the case, subject to approval of the Pennsylvania Public Utility Commission:

Because Union Railroad Company (“URR”) believes that the inlet of the storm water culvert and the building about which the Municipality of Penn Hills (the “Municipality”) complains are not located on land that URR owns and possesses, or has a legal obligation to occupy, maintain, repair or demolish, URR believes it should be dismissed from this case and has no right or interest to participate in settlement.

c. A proposed plan and schedule of discovery:

URR will make it witnesses available for deposition if any party believes it is necessary to determine if the inlet and outfall of the storm water line and the abandoned building about which the Municipality complains are located on land that URR owns and possesses, or has a legal obligation to occupy, maintain, repair or demolish. Ownership of these parcels by the Municipality and Canadian National (“CN”), respectively, are matters that can be ascertained from public records, *viz.*, Allegheny County tax assessment records and deeds of record in the Allegheny County Department of Real Estate.

d. Other proposed orders with respect to discovery:

URR has none to propose.

e. A proposed schedule for the submission of written testimony, conducting an in-person hearing, and submission of briefs:

URR will defer to the other parties, but URR does not need more than 60 days to submit written testimony and a brief. URR does not believe an in-person hearing is necessary unless the Court wishes to hear live testimony from URR's witnesses.

f. Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness' testimony:

Joel M. Hudson, Transtar Operations General Superintendent
c/o URR
708 Duquesne Blvd.
Duquesne, PA 15110

Mr. Hudson may be called to testify about ownership of the URR Parcel and surrounding parcels, including the location and ownership of the culvert inlet and outfall and the ownership of the abandoned CN building.

Stephen M. Wood Hudspeth, Transtar Operations, Civil Engineer I
c/o URR
708 Duquesne Blvd.
Duquesne, PA 15110

Mr. Hudspeth will be called to testify about the location, condition and ownership of the culvert inlet and outfall and meeting and correspondence with Penn Hills borough manager Scott Andrejchak.

Greg Bykowski, PE
Transtar, LLC
900 Thompson Run Road
Monroeville, PA 15146

Mr. Bykowski will be called to testify about ownership of the URR Parcel and surrounding parcels, including the location and ownership of the culvert inlet and outfall and the ownership of the abandoned CN building.

Darren W. Beasock, Transtar Operations Superintendent II – Maintenance
c/o URR
719 Duquesne Blvd.
Duquesne, PA 15110

Mr. Beasock may be called to testify about a meeting with Penn Hills borough manager Scott Andrejchak.

g. A list of the issues and sub-issues of this proceeding which the party intends to address and a statement of the party's position on each of the issues and sub-issues listed:

1. URR is not legally responsible for maintaining the inlet of the storm culvert and the abandoned CN building because neither is on property that URR owns and possesses, or has a legal obligation to occupy, maintain, repair or demolish. Accordingly, URR believes it should be dismissed from this proceeding.
2. Ownership of the parcels: URR will request a stipulation or intends to show that the inlet and outfall of the storm water culvert and the abandoned CN building are not located on property that URR owns.
3. URR has no right of possession or responsibility for maintaining or repairing the inlet and outfall of the storm water culvert and so responsibility to repair, demolish or prevent access by trespassers to the abandoned CN building.

h. A statement describing the evidence the party proposes to present at hearing, relating the evidence to each of the issues and sub-issues the party intends to address:

1. Deed for the URR Parcel.
2. Deeds for the CN parcel and deeds for the parcels on which the inlet and outfall of the storm water culvert are located.
3. Allegheny County Tax Assessment Records and Maps depicting URR's Parcel and surrounding parcels.
4. URR Station Maps for the URR Parcel and surrounding parcels.
5. Photographs of the inlet and outfall of the storm water culvert.

Respectfully submitted,

Dated: December 16, 2019

/s/ Samuel F. Reynolds, Jr.
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Attorney for Union Railroad Company

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Initial Prehearing Conference Memorandum has been filed electronically and served via email upon those accepting email service and by first-class U.S. mail, postage prepaid, this 16th day of December 2019, upon:

Hon. Katrina L. Dunderdale
Pennsylvania Public Utility
Commission
Piatt Building, Ste 220
301 Fifth Avenue
Pittsburgh, PA 15222

Scott Andrejchak, Municipal Manager
Municipality of Penn Hills
102 Duff Road
Pittsburgh, PA 15235

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Bruce Dice, Esquire
Bruce E. Dice & Associates, P.C.
787 Pine Valley Drive, Suite E
Pittsburgh, PA 15239

Andrew Szefi, Solicitor
Allegheny County
Fort Pitt Commons
445 Fort Pitt Boulevard, Suite 300
Pittsburgh, PA 15219

Gina M. D'Alfonso, Esquire
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/s/ Samuel F. Reynolds, Jr.

SAMUEL F. REYNOLDS, JR.

Attorney for Union Railroad Company