



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

July 9, 2020

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

RE: A-2019-3009552, C-2020-3017829

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 cursive script that reads "Gina M D'Alfonso".

Gina M. D'Alfonso
Senior Counsel in Charge

Cc: Parties of Record
Daniel Leonard, P.E., Acting Chief, Utilities and Right-of-Way Section
Gregory Vaughn, Grade Crossing Engineer, Central Office, Keystone Building 7th Floor
Thomas Ryczek, District Grade Crossing Engineer, District 12-0

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Southwest Pennsylvania Railroad for approval of the abolition of eight rail/highway crossings along its Uniontown Industrial Track, as identified in Exhibit A, in the City of Uniontown, Fayette County, Pennsylvania : **Docket No. A-2019-3009552**

City of Uniontown v. Southwest Pennsylvania Railroad Company, Fayette County & PennDOT : **Docket No. C-2020-3017829**
: **Electronically Filed**

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

In accordance with the September 20, 2019 Prehearing Conference Order issued by Administrative Law Judge Emily J. DeVoe, in the above referenced matter, the Department of Transportation (“Department”) offers the following in response to the specific requests contained therein:

1. It is requested that the Department’s sole entry on the service list shall be as follows:¹

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
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gdalfonso@pa.gov

2. It is the understanding of the undersigned that any issues between the applicant and the Department were resolved at the field conference. If that remains to be the case, the Department is optimistic that counsel can stipulate to the facts and resolutions as it relates to the crossings of state routes.

¹ Mark Chappell, P.E., Jason D. Sharp, Chief Counsel and PennDOT District 12 can be removed from the service list.

3. The Department intends to offer Thomas Ryczek to respond to the questions and procedures promulgated by the Public Utility Commission if matters regarding the state routes cannot be resolved. Mr. Ryczek's business address is as follows: PennDOT Engineering District 12-0, 825 North Gallatin Ave., P.O. Box 459, Uniontown, PA 15401-0459. It will be the Department's position that it should not bear any costs for the abolition of the crossings and that the state roads must be restored according to state specifications and in a similar manner to the existing.
4. The Department does not object to the consolidation of the two (2) cases.
5. The Department concurs with a litigation schedule as follows:

Discovery Concluded – October 13, 2020

Written Direct Testimony – November 17, 2020


Written Rebuttal Testimony – December 23, 2020

Hearing – Week of January 25, 2021

Briefing Schedule to be established at the hearing.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

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Commonwealth of Pennsylvania
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DATED: July 9, 2020

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City of Uniontown v. Southwest Pennsylvania Railroad Company, Fayette County & PennDOT : **Docket No. C-2020-3017829**
: **Electronically Filed**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below by electronic mail pursuant to the Emergency Order at Docket Number M-2020-3019262:

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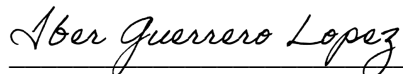
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Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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DATED: July 9, 2020