



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

November 9, 2020

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

RE: I-2019-3012769

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 B. Sweeney".

Jennifer Brown-Sweeney
Assistant Counsel

Cc: Parties of Record
Michael Clinger, P.E., Acting Utilities and Right of Way Section Chief (*email*)
Gregory J. Vaughn, Grade Crossing Engineer, Central Office, KCB 7th Floor (*email*)
Jason Barkey, District Grade Crossing Engineer, District 9-0 (*email*)
Ken Campbell, District Grade Crossing Engineer, District 10-0 (*email*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation upon the Commission's motion into : I-2019-3012769
matters pertaining to the proper safety of the :
traveling public and disposition of the crossing :
where State Route SR0268, crosses over a railroad :
tunnel formally used by Bessemer and Lake Erie :
Railroad in Fairview Township, Butler County and :
where State Route SR0068 formally crosses, below :
grade, the track of Bessemer and Lake Erie :
Railroad in Bradys Bend Township, Armstrong :
County :

PREHEARING CONFERENCE MEMORANDUM

In accordance with the October 7, 2020 Prehearing Conference Order of Administrative Law Judge Mark A. Hoyer in the above-referenced matter, the Department of Transportation (“Department”) offers the following:

1. The Department requests that the sole service entry for the Department be as follows:
Jennifer Brown-Sweeney
Office of Chief Counsel
Pennsylvania Department of Transportation
PO Box 8212
Harrisburg, PA 17105-8212
jbrownsw@pa.gov

All other Department representatives may be removed. Counsel will accept service electronically.

2. Previously, under Docket A-00117858, Bessemer and Lake Erie Railroad (“Railroad”) filed an application that sought to abolish the subject crossings, among 29 other crossings. However, the Public Utility Commission (“Commission”) declined to abolish the subject crossings as discussed in the Secretarial Letter dated April 30, 2002.
3. The Department, with permission of the Railroad, removed the SR 0068 crossing structure in 2004 in order to realign the roadway.
4. On June 26, 2018 a field conference was held to discuss the SR 0268 crossing as a portion of the Railroad’s tunnel was thought to have collapsed under the roadway.
5. By Order dated October 3, 2019 the Commission instituted an investigation for the stated purpose of “determining all matters relating to the abolition and safety, of the

crossings State Route SR0268 crosses, above grade, a track of Bessemer and Lake Erie Railroad in Fairview Township, Butler County and where State Route SR 0068 crosses, below grade, a track of Bessemer and Lake Erie Railroad in Bradys Bend Township, Armstrong County, as well as the future disposition of the crossings, what work shall be performed at the crossings, and allocation of the cost of any work ordered” under this docket. The Department believes these are the issues the Commission is looking to address.

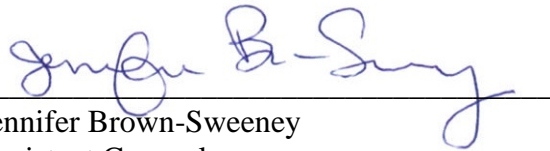
6. The Department requests that a virtual hearing that allows for the ability of all parties to review documents and see witnesses during cross-examination be scheduled to address outstanding issues between the parties.
7. The Department concurs with the procedural schedule proposed by the Bureau of Investigation and Enforcement in its Prehearing Conference Memorandum.
8. The Department intends to offer the following witness to address the questions which were directed to the Department:

Jason Barkey
Senior Civil Engineer Supervisor - Bridge
Pennsylvania Department of Transportation
Engineering District 10-0
2550 Oakland Avenue
Indiana, PA 15701

9. The Department reserves the right to call any additional witnesses deemed necessary, as the case develops.

Respectfully Submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Jennifer Brown-Sweeney
Assistant Counsel
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
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Telephone No. (717) 787-3128
Fax Number (717) 772-2741
Pennsylvania Attorney I.D. Number 314884
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DATED: November 9, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation upon the Commission's motion : Docket No. I-2019-3012769
into matters pertaining to the proper safety :
of the traveling public and disposition of the : Electronically Filed
crossing where State Route SR0268, crosses :
over a railroad tunnel formally used by :
Bessemer and Lake Erie Railroad in :
Fairview Township, Butler County and :
where State Route SR0068 formally crosses, :
below grade, the track of Bessemer and Lake :
Erie Railroad in Bradys Bend Township, :
Armstrong County :

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:

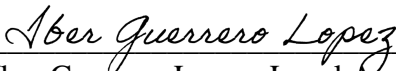
Bradys Bend Township Supervisors
1004 State Route 68
East Brady, PA 16028
bbtownship@gmail.com

Armstrong County Commissioners
Armstrong County Courthouse
450 East Market Street
Kittanning, PA 16201
aspoole@co.armstrong.pa.us

Honorable Mary D. Long
Administrative Law Judge
Pennsylvania Public Utility Commission
301 Fifth Avenue
Suite 220, Piatt Place
Pittsburgh, PA 15222
malong@pa.gov

Kayla Rost, Esq.
PA Public Utility Commission
Bureau of Enforcement & Investigation
400 North Street
Harrisburg, PA 17120
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Respectfully submitted,
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION


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DATED: November 9, 2020