



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

April 8, 2021

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

RE: A-2020-3020667

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 that reads "Jennifer Brown-Sweeney".

Jennifer Brown-Sweeney
Assistant Counsel

Cc: Parties of Record
Mark Chappell, P.E., Chief, Highway Delivery Division
Gregory J. Vaughn, Grade Crossing Engineer, Central Office, KCB 7th Floor
Philip Mutunga, P.E., District Grade Crossing Engineer, District 8-0

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation : A-2020-3020667
of the Commonwealth of Pennsylvania for approval :
to alter the crossings where State Route 3104 crosses, :
above grade, the tracks of CSX Transportation Inc. :
(DOT 584 825 U), Norfolk Southern Railway :
Company (DOT 507 455 K), and the Pittsburgh and :
Ohio Central Railroad Company (DOT Unknown) in :
the City of Pittsburgh, Stowe Township and McKees :
Rocks Borough, Allegheny County. :

PREHEARING CONFERENCE MEMORANDUM

In accordance with the March 10, 2021, Prehearing Conference Order of Administrative Law Judge Conrad A. Johnson in the above-referenced matter, the Department of Transportation (“Department”) offers the following:

1. The Department requests that the service entry for the Department include:

Jennifer Brown-Sweeney
Office of Chief Counsel
Pennsylvania Department of Transportation
PO Box 8212
Harrisburg, PA 17105-8212
717-787-3128 (phone)
717-772-2741 (fax)
jbrownsw@pa.gov

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

2. The Department requests that a hearing be scheduled to address outstanding issues between the parties.
3. On July 7, 2020 the Department filed an Application seeking approval to alter the crossings where state route 3104 crosses above-grade, the tracks of Norfolk Southern Railway Company (“Norfolk Southern”), the Pittsburgh & Ohio Central Railroad Company (“POCR”), CSX Transportation, Inc. (“CSX”), the Ohio River and numerous surface streets located in the City of Pittsburgh (“City”), Stowe Township (“Township”), and McKees Rocks Borough (“Borough”), all in Allegheny County.

4. On Wednesday October 21, 2020 a field conference was held to discuss the project. The Public Utility Commission (“Commission”), Norfolk Southern, POCR, CSX, Peoples Natural Gas Company, Verizon, the City, the Borough, and the Department were in attendance. The issue of sidewalk maintenance and lighting maintenance and energization costs were discussed.
5. The Department reached out to the City, Township, and Borough multiple times following the field conference to discuss resolving the sidewalk and lighting issues. The City was unresponsive.
6. In order to keep the project moving forward, the Commission sent out correspondence giving notice of its proposed resolution to assign sidewalk maintenance, street lighting maintenance, as well as the associated electrical energization costs to each municipality for that which is within its own municipal limits, at its initial cost and expense. The Commission requested that any objections should be made prior to February 1, 2021.
7. The City responded on January 29, 2021 objecting to the proposed resolution.
8. As there were no concerns about the project itself, the Commission issued a Secretarial Letter on March 10, 2021 approving the project and referring the remaining unresolved issues over to the Office of Administrative Law Judge.
9. The Department believes that the outstanding issues in this case are 1) which entity or entities will be responsible for future maintenance of the sidewalk, and 2) which entity or entities will be responsible for lighting maintenance and lighting energization costs.
10. The Department defers to the litigation schedule proposed by counsel for the Public Utility Commission Bureau of Investigation and Enforcement.
11. The Department intends to offer the following witnesses to address the specific questions which will be directed to the Department:

Michael Krajcovic, P.E., Project Manager
PennDOT Engineering District 11-0
45 Thoms Run Road
Bridgeville, PA 15017

Michael Krajcovic, P.E. will testify in regards to the project generally.

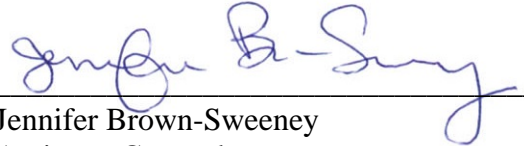
Philip Mutunga, P.E., District Grade Crossing Engineer
PennDOT Engineering District 11-0
45 Thoms Run Road
Bridgeville, PA 15017

Philip Mutunga, P.E. will testify regarding the specifics of the crossing.

12. The Department reserves the right to call any additional witnesses deemed necessary, as the case develops.
13. The Department is willing to work with the other parties to stipulate facts in an attempt to expedite the proceedings.

Respectfully Submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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Pennsylvania Attorney I.D. Number 314884
jbrownswee@pa.gov

DATED: April 8, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of PENNDOT for approval to : Docket No. A-2020-3020667
install new protective fence on the structure :
where State Route 3194 crosses the tracks of : Electronically Filed
CSX Transportation Inc (DOT # 584 825 U), :
Norfolk Southern Railway Company (DOT # :
507 455 K), and the Pittsburgh and Ohio :
Central Railroad Company in the City of :
Pittsburgh, Stowe Township and McKees :
Rocks Borough, Allegheny 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:

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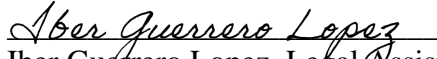
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Respectfully submitted,
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION


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DATED: April 8, 2021