



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 3, 2021

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

**RE: C-20078010 and A-2008-2016324**

Dear Secretary Chiavetta,

Enclosed for filing please find the Department's *Motion to Dismiss* 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,

*Gina M. D'Alfonso*  
Gina M. D'Alfonso  
Senior Counsel in Charge

Cc: Parties of Record  
Administrative Law Judge Joel Cheskis (email)  
Mark J. Chappell, P.E, Highway Delivery Division Chief, KCB 7th Floor (email)  
Gregory J. Vaughn, Grade Crossing Engineer, Central Office, KCB 7<sup>th</sup> Floor (email)  
Rodney Rehnert, District Grade Crossing Engineer, District 5-0 (email)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Blackwood, Inc. :  
v. : C-20078010  
Reading, Blue Mountain :  
and Northern Railroad Company :

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Application for approval of the abolition :  
of the crossing (AAR 592 007 F) where : A-2008-2016324  
Township Route T-567 crosses at grade :  
the tracks of Reading, Blue Mountain :  
and Northern Railroad Company, located :  
in Reilly Township, Schuylkill County. : **Electronically Filed**

**MOTION TO DISMISS THE COMMONWEALTH OF PENNSYLVANIA,**  
**DEPARTMENT OF TRANSPORTATION**

And now, comes the Commonwealth of Pennsylvania, Department of Transportation, (“PennDOT”) by and through its counsel, offering the following in support of its Motion to Dismiss in accordance with 52 Pa. Code 5.103.

1. PennDOT has been a party to these proceedings since their inception. PennDOT is added as a party to every rail complaint and application. See 52 Pa. Code 3.361
2. These matters have lingered for years and it is very apparent from the face of these matters that PennDOT is not involved in either case. The matters involve a rail/highway crossing on a non-state route. The resolution of these matters will not involve PennDOT.

3. Counsel for Blackwood, Inc. and Reading, Blue Mountain and Northern suggested in the status report submitted on April 27, 2021, that PennDOT be dismissed from these proceeding.
4. The dismissal of PennDOT in these matters will be of no consequence to the active litigants or the outcome of the cases nor will it impact PennDOT.
5. Counsel for all parties have indicated that they have no objection to this request.

Wherefore, based upon the above, PennDOT respectfully requests that it be dismissed from these matters.

Respectfully Submitted,  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTAION

  
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DATED: May 3, 2021

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Motion to Dismiss dated May 3, 2021 upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party) and the Emergency Order at M-2020-3019262.

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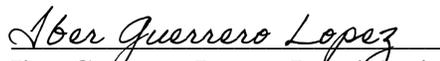
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Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

  
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DATED: May 3, 2021