



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

November 9, 2021

**Via E-file**

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

**RE: C-2021-3028929**

Dear Secretary Chiavetta,

Enclosed for filing please find the Department's *Answer to Complaint* 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.

Respectfully,

A handwritten signature in blue ink, appearing to read "Eric W. White".

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Eric W. White  
Assistant Counsel

cc: Parties of Record  
Mark Chappell P.E., Highway Delivery Division Chief  
Daniel D. Leonard, P.E., Grade Crossing Engineer, Central Office, KCB 7<sup>th</sup> Floor  
Sarah Fenton, District Grade Crossing Engineer, District 4-0  
Rick Cooper, District Grade Crossing Engineer, District 4-0

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>JENNIFER BELETTE</b>	:	
	:	
<b>Complainant</b>	:	<b>Complaint Docket No.</b>
	:	<b>C-2021-3028929</b>
<b>v.</b>	:	
	:	
<b>READING, BLUE MOUNTAIN &amp; NORTHERN RAILROAD COMPANY, PENNSYLVANIA DEPARTMENT OF TRANSPORTATION – DISTRICT 4, LUZERNE COUNTY SOLICITOR, HAZLE TOWNSHIP SOLICITOR</b>	:	<b>Electronically Filed</b>
	:	
<b>Respondents</b>	:	

**ANSWER TO COMPLAINT**

**AND NOW**, comes the Commonwealth of Pennsylvania, Department of Transportation (“Department”), by and through its counsel, Eric W. White, Assistant Counsel, in its Answer to Complaint, respectfully represents:

1. Admitted.
2. Admitted.
3. Denied. By way of further response, the Department does not deny there is an issue with the area described, but disputes that the issue is due to the lack of maintenance and/or lack of proper drainage attributable to the Department. Additionally, the Department asserts the deterioration of the crossing is due to the failure of the railroad company to properly repair and/or maintain the rails and adjoining area as required. The Department further notes that it has reached out to the railroad company when it learned of this issue.
4. The allegations in Paragraph 4 are a prayer for relief to which no response is required.

**WHEREFORE**, the Department of Transportation respectfully requests that a field conference be scheduled in this matter.

Respectfully Submitted,

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



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Eric W. White  
Assistant Counsel  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
Telephone No. (717) 787-3128  
Fax Number (717) 772-2741  
Pennsylvania Attorney I.D. Number 317171  
ewwhite@pa.gov

DATED: November 9, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>JENNIFER BELETTE</b>	:	
	:	
<b>Complainant</b>	:	<b>Complaint Docket No.</b>
	:	<b>C-2021-3028929</b>
	:	
v.	:	
	:	<b>Electronically Filed</b>
<b>READING, BLUE MOUNTAIN &amp; NORTHERN RAILROAD COMPANY, PENNSYLVANIA DEPARTMENT OF TRANSPORTATION – DISTRICT 4, LUZERNE COUNTY SOLICITOR, HAZLE TOWNSHIP SOLICITOR</b>	:	
	:	
<b>Respondents</b>	:	

**VERIFICATION**

I, Sarah J. Fenton, District 4-0 Grade Crossing Engineer, Commonwealth of Pennsylvania, Department of Transportation, in the foregoing document, make the following statement subject to penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authority, and do state that as District Crossing Engineer for the Commonwealth of Pennsylvania, Department of Transportation, I am authorized to make this statement on behalf of the Commonwealth of Pennsylvania Department of Transportation, and that the facts set forth in the foregoing document are true and correct to the best of my information, knowledge and belief.



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Sarah J. Fenton  
District 4-0 Grade Crossing Engineer

DATED: 11/8/2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>JENNIFER BELETTE</b>	:	
<b>Complainant</b>	:	
	:	<b>Complaint Docket No.</b>
<b>v.</b>	:	<b>C-2021-3028929</b>
	:	
<b>READING, BLUE MOUNTAIN &amp; NORTHERN RAILROAD COMPANY, PENNSYLVANIA DEPARTMENT OF TRANSPORTATION – DISTRICT 4, LUZERNE COUNTY SOLICITOR, HAZLE TOWNSHIP SOLICITOR</b>	:	<b>Electronically Filed</b>
<b>Respondents</b>	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Department’s Answer was served upon the parties below by first-class mail, postage prepaid this 9<sup>th</sup> day of November 2021:

Jennifer Belette  
111 Forest Hill Acres  
Hazle Township, PA 18201

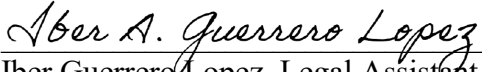
Luzerne County Solicitor  
Vito Deluca  
200 North River St  
Wilkes Barre, PA 18711

Reading, Blue Mountain and Northern  
Railroad Company  
Po Box 218  
Port Clinton, PA 19549

Hazle Township Solicitor  
Christopher Slusser  
1620 North Church St Ste 1  
Hazle Township, PA 18202

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

  
\_\_\_\_\_  
Iber Guerrero Lopez, Legal Assistant to  
Eric W. White  
Assistant Counsel  
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Telephone No. (717) 787-3128  
Fax Number (717) 772-2741

DATED: 11/09/2021