

November 12, 2021

VIA EFILING

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
Commonwealth Keystone Bldg.  
400 North Street  
Harrisburg, PA 17101

**Re: Application of CSX Transportation, Inc. for Approval of the Abolition of the Crossings where Strickler Street (DOT No. 145 461 L) and Griscom Street (DOT No. 145 455 H) cross at grade the tracks of CSX Transportation, Inc. located in Dawson Borough, Fayette County, Pennsylvania  
Docket No. A-2020-3020537**

Dear Secretary Chiavetta:

Please find enclosed for filing the Protest of Dawson Borough, Fayette County in the above-referenced matter.

If you have any questions or concerns, please feel free to contact me at the address listed above.

Very Truly Yours,

***SALZMANN HUGHES, P.C.***

/s/ Scott T. Wyland  
Scott T. Wyland

STW/mam

Enclosure

cc: Certificate of Service

**BEFORE THE PUBLIC UTILITY COMMISSION**

<b>In re: Application of CSX Transportation,</b>	<b>:</b>	<b>Docket No. A-2020-3020537</b>
<b>Inc. for Approval of the Abolition of the</b>	<b>:</b>	
<b>Crossings where Strickler Street</b>	<b>:</b>	
<b>(DOT No. 145 461 L) and Griscom Street</b>	<b>:</b>	
<b>(DOT No. 145 455 H) cross at grade the</b>	<b>:</b>	
<b>tracks of CSX Transportation, Inc. located</b>	<b>:</b>	
<b>in Dawson Borough, Fayette County,</b>	<b>:</b>	
<b>Pennsylvania</b>	<b>:</b>	

**PROTEST OF DAWSON BOROUGH, FAYETTE COUNTY**

Pursuant to 52 Pa. Code § 5.51, Dawson Borough, Fayette County (“Protestant” or “Dawson Borough”), a borough organized and existing under the laws of the Commonwealth of Pennsylvania hereby files this Protest objecting to the above-captioned application (“Application”). In support thereof, Dawson Borough submits as follows:

**I. INTRODUCTION**

1. The name and contact information of the Protestant is as follows:

Dawson Borough  
209 Howell Street  
P.O. Box A  
Dawson, PA 15428

2. The names and contact information for Dawson Borough’s counsel for receiving service of all documents in this proceeding are:

Scott T. Wyland, Esq.  
Isaac P. Wakefield, Esq.  
Salzmann Hughes, P.C.  
112 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101  
Phone: 717-234-6700  
swyland@salzmannhughes.com  
iwakefield@salzmannhughes.com

3. On June 26, 2020, CSX Transportation, Inc. (“Applicant”) filed the above-

captioned Application with this Commission seeking approval for the abolition of two public rail-highway crossings where its tracks cross Strickler Street (DOT No. 145 461 L) and Griscom Street (DOT No. 145 455 H) (hereinafter collectively referred to as the “Subject Crossings”) in Dawson Borough, Fayette County.

4. Dawson Borough is the municipal corporation in which the Subject Crossings that Applicant seeks to abolish are situated and was listed as a concerned party/entity by Applicant.

5. Upon information and belief, no deadline for the filing of protests has been established for the Application.

6. Dawson Borough files this Protest to the Application to ensure that the Commission does not consider the Application to be unopposed and requests that this matter be transferred to the Office of Administrative Law Judge for hearing.

## **II. GROUNDS FOR PROTEST**

7. In the Application, Applicant contends that the Subject Crossings are not necessary for either the public safety or convenience based on a traffic study. (Application at ¶ 15.)

8. Applicant proposes for it to bear all costs to remove the Subject Crossings and construct any barricades the Commission deems necessary. (Application at ¶ 16.)

9. Applicant requests that Dawson Borough be assigned future maintenance responsibilities for any barricades and signage that the Commission deems necessary. (Application at ¶ 17.)

10. Dawson Borough objects to the abolition of the Subject Crossings because the Subject Crossings are necessary and proper for the service, accommodation, and convenience or safety of the public.

11. The Subject Crossings are necessary for access for emergency responders.

12. Dawson Volunteer Fire Company provides fire protection and emergency services to Dawson Borough as well as adjacent municipalities.

13. Dawson Volunteer Fire Company is located at 211 Galley Street, Dawson Borough, PA 15428, which is approximately 0.1 miles from the Griscom Street crossing Applicant proposes to abolish and approximately 0.2 miles from the Strickler Street crossing Applicant proposes to abolish.

14. Dawson Volunteer Fire Company uses the Subject Crossings when providing emergency services and the closing of the Subject Crossings would have a detrimental effect on the safety of the public.

15. Additionally, Fayette EMS is Dawson Borough's local ambulance service that provides emergency medical services to residents of Fayette County.

16. The main office of Fayette EMS is located on Arch Street in Connellsville, Pennsylvania.

17. Fayette EMS opposes closing the Subject Crossings because of the potential delay in its ability to provide imperative emergency medical services in critical situations, resulting in a detrimental effect on the safety of the public.

18. Dawson Borough further objects to Applicant's proposal to construct barricades in that the proposed barricades would have a detrimental effect on public safety due to flood events.

19. Frequent flooding occurs in Dawson Borough along State Route 819 and the surrounding area where the Subject Crossings are located.

20. The proposed barricades will prevent the public from exiting the flooded streets when the other end of the street is flooded and impassible.

21. Flood events can result in loss of lives and property damage.

22. Flood events can and do cause road closures and, in turn, delay the provision of emergency services to Dawson's residents and the surrounding communities.

23. Dawson Borough further objects to the closing of the Subject Crossings to the extent that the closings will result in the creation of dead-end streets without sufficient turnaround areas in violation of applicable ordinances.

24. Dawson Borough reserves the right to refine its position and raise further arguments upon consideration of Dawson Borough's continued evaluation of the Application.

**WHEREFORE**, Dawson Borough respectfully requests that it be granted full party status in this matter as a Protestant and that this matter be referred to the Office of Administrative Law Judge for hearing.

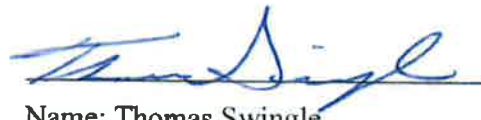
Respectfully submitted,  
***SALZMANN HUGHES, P.C.***

Dated: November 12, 2021

  
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Scott T. Wyland

## VERIFICATION

I, Thomas Swingle, on behalf of Dawson Borough, hereby state that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at a hearing in this matter. This verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

A handwritten signature in blue ink, appearing to read 'Thomas Swingle', written over a horizontal line.

Name: Thomas Swingle

Title: President of Borough Council

Date: November 11, 2021

## CERTIFICATE OF SERVICE

I, Scott T. Wyland, hereby certify that on this 12<sup>th</sup> day of November, 2021, I have served a true copy of the foregoing document via United States mail, first class mail, postage prepaid, as indicated below:

BENJAMIN C. DUNLAP, JR., ESQUIRE  
NAUMAN, SMITH, SHISSLER & HALL,  
LLP  
200 North Third Street, 18th Floor  
Harrisburg, PA 17101  
Phone: 717-236-3010, ext. 121  
Email: bdunlapjr@nssh.com

CSX Transportation  
2000 west Cabot Blvd.  
Suite 130  
Langhorne, PA 19047  
Office: 215-218-3391  
efax: 904-245-3059  
derek\_mihaly@csx.com

KAYLA L. ROST, ESQUIRE  
PA Public Utility Commission  
Bureau of Investigation & Enforcement  
400 North Street, 3rd Floor  
Harrisburg, PA 17120  
Email: karost@pa.gov

ENGINEERING DISTRICT 12-0  
Tom Ryczek  
PO Box 459  
825 N. Gallatin Ave.  
Uniontown, PA 15401  
Email: tryczek@pa.gov

VERIZON PENNSYLVANIA LLC  
Deborah Barum  
1026 Hay Street  
Pittsburgh, PA 15221  
Email: deborah.d.delia@verizon.com

KAREN CUMMINGS, ESQUIRE  
Office of Chief Counsel  
PennDOT  
PO Box 8212  
Harrisburg, PA 17105  
Email: kcummings@pa.gov

FAYETTE COUNTY SOLICITOR  
John M. Purcell, Esquire  
55 East Church Street  
Suite 101  
Uniontown, PA 15401  
Email: jackpurcell146@gmail.com

NORTH FAYETTE COUNTY  
MUNICIPAL AUTHORITY  
Bob Softcheck  
PO Box 368  
Dunbar, PA 15431  
Email: nfcmaps@zoominternet.net

COLUMBIA GAS OF PA INC  
Lisa Collins  
1600 Dublin Rd.  
Columbus, OH 43215  
Email: ldugan@nisource.com

WEST PENN POWER  
Robert Painter  
800 Cabin Hill Drive  
Room B100N  
Greensburg, PA 15601  
Email: rpainte@firstenergycorp.com

VERIZON BUSINESS FORMERLY MCI  
Dean Boyers  
400 International Parkway  
Richardson, TX 75081  
Email: investigations@verizon.com

YOUGH SANITARY AUTHORITY  
L. Wayne Cable  
PO Box 9  
Dawson, PA 15428  
Email: yough@verizon.net

Respectfully submitted,

***SALZMANN HUGHES, P.C.***

Dated: November 12, 2021

  
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Scott T. Wyland