



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

December 30, 2021

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

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

**I&E Prehearing Conference Memorandum**

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Bureau of Investigation and Enforcement's ("I&E") **Prehearing Conference Memorandum** in the above-referenced matter.

Copies have been served on the parties of record in accordance with the attached Certificate of Service. If you have any questions, please contact the undersigned.

Sincerely,

A handwritten signature in blue ink that reads 'Kayla L Rost'.

Kayla L. Rost  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 322768  
(717) 787-1888  
[karost@pa.gov](mailto:karost@pa.gov)

KLR/jfm  
Enclosures

cc: Per Certificate of Service  
Andrew B. Reed, P.E. (*via email - [andreed@pa.gov](mailto:andreed@pa.gov)*)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**PREHEARING CONFERENCE MEMORANDUM  
OF THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT**

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**TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:**

The Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) files this Prehearing Conference Memorandum in accordance with the Prehearing Conference Order of Administrative Law Judge (“ALJ”) Elizabeth H. Barnes dated November 19, 2021.

**I. HISTORY OF THE PROCEEDING**

By letter dated June 26, 2020, CSX Transportation, Inc. (“CSXT”) filed an application for approval to abolish two (2) at-grade public rail-highway crossings located in Dawson Borough, Fayette County (hereinafter “Application”). The subject crossings are Strickler Street (DOT 145 461 L) and Griscom Street (DOT 145 455 H). The Commission confirmed its receipt of the Application by Secretarial Letter dated June 26, 2020.

An initial field investigation and conference was held on June 2, 2021 and was attended by representatives of the Commission's Bureau of Technical Utility Services, Rail Safety Section ("Rail Safety"), the Pennsylvania Department of Transportation ("PennDOT"), CSXT, Bergman Associates (on behalf of CSXT), Dawson Borough, Columbia Gas, North Fayette Water Authority, Verizon, Yough Sanitary Authority, and four (4) residents- Scott Wyland, Rick Goodwin, Gary Huffine, and Jack Bibby.

On November 12, 2021, the Commission received a protest letter from Dawson Borough. Specifically, Dawson Borough averred that the abolishment of the Strickler Street and Griscom Street crossings are not necessary for the public safety or convenience because the crossings are necessary for emergency responders. Dawson Borough further argued that the construction of barricades would be detrimental during flooding events and would prevent the public from exiting flooded streets when the surrounding area is impassible. Last, Dawson Borough objected to the Application since the abolition of the crossings would create dead-end streets without sufficient turnaround areas in violation of applicable ordinances. Dawson Borough requested the matter be referred to the Office of Administrative Law Judge for hearing.

On or about November 16, 2021, Rail Safety requested that the matter be referred to the Office of Administrative Law Judge, noting Dawson Borough's formal protest to the Application.

On November 19, 2021, a Call-in Telephonic Pre-Hearing Conference Notice was issued, scheduling a telephonic prehearing conference for January 4, 2022 before Administrative Law Judge Elizabeth Barnes. Additionally, on November 19, 2021, a

Prehearing Conference Order was issued, instructing the parties to file and serve prehearing memoranda no later than December 30, 2021.

## II. I&E PREHEARING CONFERENCE MEMORANDUM

### A. Service

All service on and communication to I&E in this proceeding should be addressed to:

By Mail: Kayla L. Rost, Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

By Telephone: (717) 787-1888

By E-mail: [karost@pa.gov](mailto:karost@pa.gov)

### B. Statement Regarding Settlement

I&E is open and willing to discuss settlement of this matter.

### C. Plan and Schedule of Discovery

I&E proposes that discovery be conducted consistent with the Commission's regulations at 52 Pa. Code §§ 5.321, *et seq.*

### D. Discovery Orders

I&E does not propose any modifications to the Commission's regulations pertaining to discovery at 52 Pa. Code §§ 5.321, *et seq.*

E. Proposed Litigation Schedule

I&E provided a proposed litigation schedule to PennDOT, CSXT, Verizon, West Penn Power, Dawson Borough, and Yough Sanitary Authority. Verizon responded that its facilities are not impacted by the proposed abolishment.

Accordingly, I&E proposes the following litigation schedule:

1. Written direct testimony due on April 20, 2022.
2. Written rebuttal testimony due on May 17, 2022.
3. Witness schedule due 3 business days before the hearing.
4. Hearing to occur the week of June 6, 2022.
5. Briefing schedule to be established at the hearing.

F. Names and Addresses of Witness(es) to be Presented

Andrew B. Reed, P.E.  
Pennsylvania Public Utility Commission  
Bureau of Technical Utility Services - Rail Safety Section  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 787-4510  
[andreed@pa.gov](mailto:andreed@pa.gov)

I&E reserves the right to modify the identified witness and/or present additional witnesses as it deems necessary based on the issues identified by the parties.

1. Issues to be Addressed

- 1) Whether the public crossing at Strickler Street should be abolished.

- 2) Whether the public crossing at Griscom Street should be abolished.
- 3) If abolished, which party should be responsible for the following items:
  - a) The cost and future maintenance of barricades installed at the subject crossings.
  - b) Purchasing and installing signage indicating the roadway barricades and no outlet.
  - c) Future maintenance of any and all signage associated with the barricades and creation of dead-end streets.
- 4) If abolished, whether a turnaround, cul-de-sac, or other roadway design needs constructed in light of the creation of the dead-end streets, and who should be responsible for the construction and maintenance thereof.
- 5) If not abolished, whether lights and gates should be installed to ensure the safety of the traversing public.
- 6) Whether the potential for flooding at these locations impact the viability of abolishing the crossings.

2. Statement of Evidence to be Presented

Mr. Reed will testify to all matters pertaining to the public safety, present conditions, existing maintenance, and future maintenance at the public crossing. Mr. Reed may testify to additional matters based upon the

issues identified by the parties. The facts of this Application are rather complex, thus the Rail Safety Section and Mr. Reed are open to the following options:

- 1) Abolish the two crossings and have the parties enter into a private agreement for gates to be installed and opened by emergency responders in the event of a flood event and evacuation scenario; or
- 2) Deny the application to abolish and order the installation of lights and gates at both crossings.

Respectfully submitted,



Kayla L. Rost

Prosecutor

PA Attorney ID No. 322768

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
Phone: (717) 787-1888  
Email: [karost@pa.gov](mailto:karost@pa.gov)

Dated: December 30, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of CSX Transportation, Inc. :  
for Approval of the Abolition of the :  
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455 H) cross at grade the tracks of CSX :  
Transportation, Inc. located in Dawson :  
Borough, Fayette County, Pennsylvania :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Prehearing Conference Memorandum** dated December 30, 2021, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Service by Electronic Mail Only**

Honorable Elizabeth H. Barnes  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
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**Service by First-Class Mail**

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