

December 30, 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 Prehearing Conference Memorandum 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**

**In 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**  
:  
:  
:  
:  
:  
:  
:  
:

**PREHEARING CONFERENCE MEMORANDUM OF DAWSON BOROUGH,  
FAYETTE COUNTY**

Pursuant to the Prehearing Conference Order dated November 19, 2021, Dawson Borough, Fayette County (“Dawson Borough”), hereby submits the following Prehearing Conference Memorandum with respect to the above-referenced proceeding.

**I. SERVICE**

Dawson Borough requests that all documents in this matter be served on:

Scott T. Wyland, Esq.  
Isaac P. Wakefield, Esq.  
Salzmann Hughes, P.C.  
354 Alexander Spring Rd.  
Suite 1  
Carlisle, PA 17015  
Phone: (717) 249-6333  
swyland@salzmannhughes.com  
iwakefield@salzmannhughes.com

**II. SETTELEMENT POSSIBILITIES**

Dawson Borough believes this case is suitable for the Commission’s mediation program and respectfully requests referral to a Commission mediator.

**III. PROPOSED SCHEDULE FOR LITIGATION AND DISCOVERY**

Dawson Borough agrees with the proposed schedule for litigation and discovery set forth in the Bureau of Investigation and Enforcement’s Prehearing Conference Memorandum.

#### **IV. STATEMENT OF ISSUES AND POSITIONS**

Reserving the right to supplement its identification of the issues and its positions, Dawson Borough presently sets forth the following issue and its position with respect to the Application of CSX Transportation, Inc. (“Applicant”) for approval of 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”):

Issue: Whether the Subject Crossings should be abolished or whether the Subject Crossings should not be abolished because they are necessary and proper for the service, accommodation, and convenience or safety of the public.

Position: Dawson Borough submits that the Subject Crossings should not be abolished because they are necessary and proper for the service, accommodation, and convenience or safety of the public for the following reasons:

- a. The Subject Crossings are necessary for access for emergency responders, including Dawson Volunteer Fire Company and Fayette EMS. Both Dawson Volunteer Fire Company and Fayette EMS use the Subject Crossings when providing emergency services. Closing the Subject Crossings would potentially delay the ability of emergency responders to provide emergency services to the Borough and the surrounding communities, resulting in a detrimental effect on the safety of the public.
- b. Flooding frequently occurs in the surrounding area where the Subject Crossings are located. Applicant proposes to construct barricades upon abolition of the Subject Crossings. The proposed barricades would impede the public from exiting the

flooded streets and the provision of emergency services during dangerous flood events.

- c. To the extent that the abolition of the Subject Crossings would result in the creation of dead-end streets, there must be sufficient turnaround areas to comply with applicable ordinances and to protect public safety.

**V. WITNESSES**

Dawson Borough intends to present the following witnesses to testify in this matter regarding the positions of the Borough identified above:

- a. Thomas Swingle  
President, Dawson Borough Council  
PO Box A  
Dawson, PA 15428
- b. Rick Adobato, Chief  
Fayette EMS  
709 Blackstone Road  
Connellsville , PA 15425
- c. William Colbert, Chief  
Dawson Volunteer Fire Company  
211 Galley Street  
Dawson, PA 15428

Dawson Borough reserves the right to add additional witnesses and to expand the scope of testimony of the existing witnesses as the case develops.

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

Dated: December 30, 2021

/s/ Scott T. Wyland  
Scott T. Wyland

**CERTIFICATE OF SERVICE**

I, Scott T. Wyland, hereby certify that on this 30<sup>th</sup> day of December, 2021, I have served a true copy of the foregoing document as indicated below:

**Via Email**

Honorable Elizabeth H. Barnes  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
ebarnes@pa.gov

Benjamin C. Dunlap, Jr., Esquire  
Nauman, Smith, Shissler & Hall, LLP  
200 North Third Street, 18th floor  
Harrisburg, PA 17101  
bdunlapjr@nssh.com

Derek Mihaly, Project Manager  
CSX Transportation Inc.  
2000 West Cabot Blvd.,  
Suite 130  
Langhorne, PA 19047  
derek\_mihaly@csx.com

Eric W. White, Esquire  
Assistant Counsel  
Pennsylvania Department of  
Transportation  
P.O. Box 8212  
Harrisburg, PA 17105  
ewwhite@pa.gov

Deborah Barum  
Theodore M. Toth  
Verizon PA  
1026 Hay Street  
Pittsburgh, PA 15221  
Deborah.d.delia@verizon.com  
theodore.m.toth@verizon.com

Robert Painter  
West Penn Power  
800 Cabin Hill Drive  
Room B, 100N  
Greensburg, PA 15601  
rpainte@firstenergycorp.com

L. Wayne Cable  
Yough Sanitary Authority  
P.O. Box 9  
Dawson, PA 15428  
yough@verizon.net

John M. Purcell, Esquire  
55 East Church Street  
Suite 101  
Uniontown, PA 15401  
Jackpurcell146@gmail.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

**Via First Class Mail**

Lisa Collins  
Columbia Gas of Pa. Inc.  
1600 Dublin Road  
Columbus, OH 43215

Damage Prevention Personnel  
Columbia Gas of Pa. Inc.  
1600 Dublin Rd  
Columbus, OH 43215

Mr. Bob Softcheck  
P.O. Box 368  
Dunbar, PA 15431

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

Dated: December 30, 2021

/s/ Scott T. Wyland  
Scott T. Wyland