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December 30, 2021

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
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**

Dear Secretary Chiavetta:

Enclosed please find the Pre-Hearing Memorandum of CSXT, Inc. for filing in the above-referenced matter. A copy has been served upon all interested parties of record. Thank you.

Sincerely yours,

Benjamin C. Dunlap, Jr.

BCDjr/ino  
Enclosures  
cc: All Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PREHEARING MEMORANDUM OF CSX TRANSPORTATION, INC.**

CSX Transportation, Inc. (“CSXT”), by and through its undersigned counsel, hereby submits this Pre-Hearing Memorandum pursuant to the Pre-Hearing Conference Order of Administrative Law Judge Elizabeth H. Barnes, issued November 19, 2021.

Service List

All correspondence and documents to be served in this matter should be sent to CSXT’s legal representative as stated below:

Benjamin C. Dunlap, Jr., Esquire  
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Proposed Litigation Schedule

CSXT concurs with the proposed litigation schedule of the Commission’s Bureau of Investigation and Enforcement (“I&E”) as follows:

1. Written Direct Testimony due on April 20, 2022.

2. Written Rebuttal Testimony due on May 17, 2022.
3. Witness Schedule due three (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.

### Discovery Schedule

CSXT requests 60 days from the date of the pre-hearing conference to conduct limited discovery.

### Issues to be Addressed

Whether the Strickler Street and Griscom Street Crossings in the Borough of Dawson are necessary for the public safety and convenience?

Suggested Answer: In the negative.

### CSXT's Position

CSXT is of the opinion that the subject crossings are not necessary for the public safety and convenience. To the contrary, both crossings were the scene of two accidents, one as recently as 2019, according to FRA Accident/Incident Reports. At the Strickler Street crossing, both accidents were caused by vehicles not stopping at the crossing. At the Griscom Street crossing, both accidents were caused by vehicles stopping on the crossing. The Strickler Street crossing is especially dangerous, as it has a high crest impeding sight distances up and down the tracks.

Both crossings are lightly used, with Strickler Street having an average weekday daily traffic volume (“ADT”) of approximately 34 vehicles and Griscom Street having an ADT of approximately 61 vehicles per day. The Borough currently has six crossings within a half mile area. According to a traffic study conducted by CSXT in connection with its Application, the surrounding street network grid can accommodate the very minor amount of traffic that will be diverted from abolition of these two crossings.

In the worst case scenarios, going from one side of the abolished crossing to the other, additional traffic travel times would be approximately 25-30 seconds for the Strickler Street crossing and approximately 60-70 seconds for the Griscom Street crossing. Importantly, emergency service response times would not be impacted by the abolition of the crossings, because there are no emergency service providers in the area adjacent to the proposed closures.

There are four other crossings in the Borough. The Laughlin Street crossing (SR 0819) is in the process of being upgraded with gates and flashing lights. PennDOT funding was available in the past to upgrade the other crossings at Stauffer Street, Galley Street and Main Street with the addition of gates and flashing lights. CSXT sees having fewer crossings with better safety features as far preferable from a public safety standpoint to having five redundant crossings with no automatic warning devices.

In addition, CSXT questions whether Strickler Street and Griscom Street at the area of the crossings of CSXT tracks are properly dedicated Borough streets, as the railroad predates these roadways and CSXT can locate no property records showing any agreements with the Borough in regard to these crossings. If the roadways are not properly dedicated public

highways, the Commission would have no jurisdiction over these crossings. CSXT plans to conduct limited discovery in this regard.

Respectfully Submitted,

**NAUMAN, SMITH, SHISSLER & HALL, LLP**

By *Benjamin C. Dunlap, Jr.*  
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Counsel for CSX Transportation, Inc.

Date: December 30, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application of CSX Transportation, Inc.** : **Docket No. A-2020-3020537**  
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**where Strickler Street (DOT 145 461 L) and** : **ELECTRONICALLY FILED**  
**Griscom Street (DOT 145 455 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 Pre-Hearing Memorandum of CSXT upon the parties listed below by electronic mail and first class mail, as indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Via Electronic Mail:**

Honorable Elizabeth H. Barnes  
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**Via First Class Mail**

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Date: December 30, 2021

/s/ Ijeoma Okereke