



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

January 13, 2022

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

RE: C-2020-3016906

Dear Secretary Chiavetta,

Enclosed for filing please find the Department's *Prehearing Conference Memorandum* 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.

Very truly yours,

A handwritten signature in cursive script that reads "Jillian G. Fellows".

Jillian G. Fellows
Assistant Counsel

Cc: Parties of Record
Daniel D. Leonard, Grade Crossing Engineer, Central Office, KCB 7th Floor

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Complaint filed by Reading Blue Mountain	:	Docket No.: C-2020-3016906
& Northern Railroad Company involving	:	Electronically Filed
the deteriorated condition of the railroad	:	
crossing surface and roadway approaches at	:	
the public crossing (DOT 361 425 J) where	:	
SR 2019 (Oak Street) crosses, at grade, the	:	
tracks of Reading Blue Mountain &	:	
Northern Railroad Company, located in the	:	
Pittston Township, Luzerne County.	:	
	:	
	:	

PREHEARING CONFERENCE MEMORANDUM

In accordance with the January 12, 2022, Prehearing Conference Order of Administrative Law Judge Emily DeVoe in the above-referenced matter, the Department of Transportation (Department) offers the following:

1. The Department requests that its sole entry on the service list be:

Jillian G. Fellows
Office of Chief Counsel
Pennsylvania Department of Transportation
PO Box 8212
Harrisburg, PA 17105-8212
717-787-3128 (phone)
717-772-2741 (fax)
jfellows@pa.gov

Counsel will accept service electronically.

2. Issues:

- A. Whether the work completed by Reading Blue Mountain Norther was completed unsatisfactory and contrary to the Secretarial Letters.
- B. Whether the work completed by Reading Blue Mountain created a dangerous and unsafe road condition for the traversing public.
- C. Whether Reading Blue Mountain should be responsible for the costs associated with fixing the crossing to a safe and satisfactory condition.

3. Plan and Schedule of Discovery: PennDOT proposes that discovery be conducted consistent with the Commission's regulation at 52 Pa. Code §§ 5.321, *et seq.*
4. Proposed Litigation Schedule: PennDOT is in agreement with the proposed litigation schedule set forth in the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement's Prehearing Conference Memorandum.
5. Witnesses:

Sarah Fenton
District Grade Crossing Manager
Pennsylvania Department of Transportation
Engineering District 4-0
55 Keystone Industrial Park
Dunmore, PA 18512

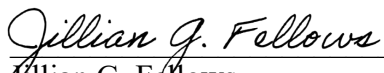
Sarah will testify that the crossing has been raised from what it was and that there is no longer a safe and smooth transition throughout the crossing. Sarah will testify that raising the track beyond its original elevation was never discussed between the parties nor was it ever discussed that there were rail safety concerns with the original elevation.

Kenneth Koziel
Assistant Maintenance Manager
Pennsylvania Department of Transportation
Engineering District 4-0
55 Keystone Industrial Park
Dunmore, PA 18512

Kenneth will testify to numerous meetings he attended with Reading Blue Mountain Northern Railroad regarding the subject crossing. Kenneth will also testify to his involvement with the replacement.

The Department reserves the right to call any additional witnesses deemed necessary as the case develops.

Respectfully Submitted,
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION


Jillian G. Fellows
Assistant Counsel
Supreme Court I.D. No. 324156
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

DATED: January 13, 2022

Telephone No.: 717/787-3128
Fax No.: 717/772-2741
jfellows@pa.gov

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Pittston Township, Luzerne County.	:	
	:	
	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Prehearing Conference Memorandum dated January 13, 2022, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Honorable Emily I. DeVoe
Administrative Law Judge
Pennsylvania Public Utility Commission
301 Fifth Avenue
Suite 220, Piatt Place
Pittsburg, PA 15222
edevoe@pa.gov

Jolene Busher
Reading Blue Mountain & Northern Railroad
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1 Railroad Blvd.
Port Clinton, PA 19549
jbusher@readingnorthern.com

Romilda Crocamo, Esq.
Chief County Solicitor
Luzerne County Office of Law
200 North River St.
Wilkes Barre, PA 18711
romilda.crocamo@luzernecounty.org

John P. Finnerty, Esq.
Pittston Township
421 Broad Street Pittston, PA 18640
pitttown@comcast.net

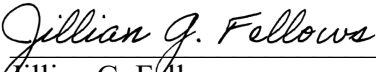
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*Counsel for Reading Blue Mountain and
Northern Railroad Company*

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Counsel for Luzerne County

Kayla J. Rost, Esq.
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Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
karost@pa.gov

Respectfully Submitted,
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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DATED: January 13, 2022