

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN J. SHELKONS and
BADEN BOROUGH

Petitioners,

Vs.

Case No.: C-2014-2443608

NORFOLK SOUTHERN RAILWAY
COMPANY; BEAVER COUNTY;
COMMONWEALTH
OF PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION,

Respondents.

PETITION FOR RECONSIDERATION FROM STAFF ACTION

NOW COMES, the Petitioners, above-named, by and through their attorneys Amato, Start & Associates, P.C., by Stephen A. Chesney, Esquire, and files the following Petition for Reconsideration from Staff Action and in support thereof avers as follows:

1. On January 5, 2022, the Pennsylvania Public Utility Commission issued an Order (attached hereto and marked as Exhibit "A") that closed the matter involving the Pinney Street Bridge (hereinafter "the Bridge") located in the Borough of Baden in the Commonwealth of Pennsylvania.
2. The Order states that Complaint C-2014-2443608 has been satisfied because the crossing (DOT No. 507 558 K) where the Bridge crosses above four tracks of Norfolk Southern Railway Company and four lanes of State Route 0065 in Baden Borough meets all

National Bridge Inspection Standards in addition to the Pennsylvania Department of Transportation Policies and Procedures.

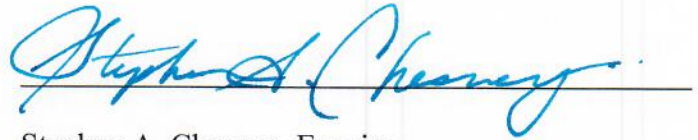
3. At its own expense, Norfolk Southern Railway Company furnishes all material and performs all work necessary to maintain the entire substructure and superstructure of the Bridge.
4. The Borough of Baden's and other surrounding Municipalities' Emergency Service Vehicles need to cross the Bridge to access essential water needed to combat potential fires in the respective municipalities.
5. Petitioners, John J. Shelkons and Baden Borough, believe and therefor aver that the aforementioned crossing is unsafe as a result that Emergency Service Vehicles are unable to cross the Bridge to access water needed to combat potential fires as a result of the posted weight limit.
6. The inability to cross the Bridge creates a health and safety hazard for the citizens of the Baden Borough and surrounding Municipalities.

WHEREFORE, Petitioners request that the Commission grant this Petition for Reconsideration from Staff Action, re-open Complaint C-2014-2443608, and direct Norfolk Southern Railway Company to offer proof that the Bridge is safe for Emergency Service Vehicles (in particular the heaviest firetruck in operation of Baden Borough or any surrounding municipality).

IN THE ALTERNATIVE, Petitioners request that the Commission direct Norfolk Southern Railway Company to improve the Bridge, at their own expense, to a point that the Emergency Service Vehicles of Baden Borough and surrounding municipalities can safely cross the Bridge to access the essential water needed to combat any potential fires.

Respectfully submitted,

AMATO, START, & ASSOCIATES P.C.



Stephen A. Chesney, Esquire

Attorneys for Petitioners



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120
January 5, 2022

IN REPLY PLEASE
REFER TO OUR FILE

C-2014-2443608

TO ALL PARTIES OF RECORD

John J. Shelkons, Complainant
Vs.
Norfolk Southern Railway Company,
Baden Borough, Beaver County,
Commonwealth of Pennsylvania,
Department of Transportation

To Whom It May Concern:

At a location in the Borough of Baden, Pinney Street (borough street), crosses, above grade, four tracks of Norfolk Southern Railway Company and four lanes of State Route 0065 in Beaver County (DOT No. 507 558 K).

A final inspection was held at the site of the crossing on May 23, 2018 with representatives of Pennsylvania Department of Transportation, Baden Borough and the complainant, Mr. John J. Shelkons in attendance. Although notified by letter dated May 8, 2018, there were no representatives from Norfolk Southern Railway Company or Beaver County in attendance.

At the final inspection it was confirmed that the complainant was now satisfied with the resolution in the matter regarding access over and across the subject bridge. At the final inspection the Commission confirmed the crossing (DOT No. 507 558 K) as a public crossing in accordance with our order dated October 15, 1956 at Application Docket A-82520 that accompanied the original formal complaint.

At the final inspection, a Commission staff engineer requested a recent bridge inspection report be provided prior to closing out the complaint to ensure that all matters regarding the safety of the bridge structure were properly addressed by the parties.

= EXHIBIT A "

On December 22, 2021, Norfolk Southern Railway Company submitted a recent bridge inspection report thereby confirming continued inspection and maintenance of the bridge structure.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that since the complaint has been satisfied:

1. The crossing (DOT No. 507 558 K) where Pinney Street, crosses, above grade, four tracks of Norfolk Southern Railway Company and four lanes of State Route 0065 in Baden Borough, Beaver County be affirmed as a public crossing in accordance with Application Docket A-82520.

2. Norfolk Southern Railway Company, at its sole cost and expense, furnish all material and perform all work necessary to maintain the entire substructure and superstructure of the subject bridge.

3. Norfolk Southern Railway Company, at its sole cost and expense, perform all bridge inspections of the subject bridge; the inspections of the bridge should conform to all requirements of the National Bridge Inspection Standards, AASHTO Standards, and the Pennsylvania Department of Transportation Policies and Procedures.

4. The case be "CLOSED."

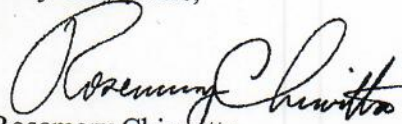
The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

The Commission has waived certain regulatory service provisions as directed by the Commission's Order at M-2021-3028321. Currently, while the Commission's physical facilities are open for business, some of the operational restraints occasioned by the pandemic remain. It is evident that the pandemic and its changing nature require certain procedural flexibility for the public, the regulated community, and the Commission. Toward this end, the Commission will continue to permit electronic service by the Commission on all parties, regardless of whether a particular party has agreed to electronic service. An exception to this general waiver is where the Public Utility Code requires service by specified means, e.g., Section 702. Additionally, service on Commission staff in proceedings pending before it, whether staff is a party or otherwise, shall be exclusively electronic unless the parties agree otherwise. Filings must be submitted by efilings with the Secretary of the Commission by opening an efilings account through the Commission's website and accepting eservice at <https://www.puc.pa.gov/filing-resources/efiling/>. If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action (Petition) with the Commission within twenty (20) days of the date of this letter. The Petition shall be sent to: Secretary, PA Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, and must be filed within twenty (20) days, or if no timely request is made, the action will be deemed to be a final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request; (2) the case docket number (it is provided for you at the top right-hand corner of this letter); (3) the party on whose behalf the petition is made; (4) a Certificate of Service on the other parties of record; and (5) a Verification with original signature in accordance with 52 Pa. Code § 1.36.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary

VERIFICATION

I, Elaine K Rakovan in the above-captioned, hereby verify that the information contained in this Petition for Reconsideration from Staff Action is true and correct to the best of my knowledge, information, and belief. This verification is made subject to the penalties provided for under 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Dated: 1-20-22



Baden Manager

VERIFICATION

I, John J. Shelkons in the above-captioned, hereby verify that the information contained in this Petition for Reconsideration from Staff Action is true and correct to the best of my knowledge, information, and belief. This verification is made subject to the penalties provided for under 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Dated: 1/20/22

A handwritten signature in blue ink, appearing to read "John J. Shelkons", is written over a horizontal line.

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the within Petition for Reconsideration was served upon Norfolk Southern Railway Company, by E-Mail or First-Class Mail on the ____ day of January 2022, addressed as follows:

SECRETARY, PA PUBLIC UTILITY COMMISSION
P.O. Box 3265
Harrisburg, PA 17105-3265

NORFOLK SOUTHERN RAILWAY COMPANY
Jason M Norris, Esquire
Norfolk Southern Corp 3
Commercial Place
Norfolk, VA 23510-9241

BEAVER COUNTY
Solicitor
County Courthouse
810 Third Street Beaver, Pa 15009

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
Nicholas D Mertens, Esquire
Penndot Po Box 8212
Harrisburg, Pa 17105-8212

AMATO, START & ASSOCIATES, P.C.



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