**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Knox Township :

:

v. : C-2019-3009358

:

Buffalo & Pittsburgh Railroad Inc. :

**BRIEFING ORDER**

By letter dated April 8, 2019, Knox Township filed a Formal Complaint against Buffalo & Pittsburgh Railroad Inc. alleging that there are three (3) overpasses[[1]](#footnote-1) that are deteriorating, resulting in large pieces of concrete to fall on the roadway. Knox Township also alleged that the overpasses are too narrow for two-lane traffic and do not meet state requirements. Knox Township requested the removal of the overpasses. The Complaint was received by the Commission on April 10, 2019.

On May 6, 2019, the Pennsylvania Department of Transportation (PennDOT) filed an Answer. Of importance, PennDOT admitted that the railroad overpasses in question are over township roads.

On May 13, 2019, Buffalo & Pittsburgh Railroad Inc. (BPRR) filed an Answer and New Matter. BPRR admitted that the overpasses are located on its right-of-way, but denied that the structures were creating a traffic and safety problem. BPRR admitted that the tracks have not been used for many years and admitted that the overpasses are owned by BPRR. In its New Matter, BPRR stated that it is assessing the three overpasses and reserves the right to amend its Answer.

An evidentiary hearing was conducted in the above-captioned matter on Wednesday, January 25, 2022. Counsel for Knox Township, Buffalo and Pittsburgh Railroad (BPRR), the Bureau of Investigation and Enforcement, and Pennsylvania Department of Transportation (PennDOT) appeared and participated. Counsel for Jefferson County appeared and monitored the proceeding. At the conclusion of the hearing the parties agreed to a briefing scheduled contingent upon the filing date of the hearing transcript. The transcript was filed with the Commission on March 1, 2022.

THEREFORE,

IT IS ORDERED:

1. That main briefs shall be filed on or before **March 31, 2022**.

2. Main briefs shall contain:

A. A table of contents;

B. A history of the proceeding;

C. A discussion;

D. Proposed findings of facts (with record citations to transcript pages or exhibits where supporting evidence appears);

E. Proposed conclusions of law (with citations to supporting statutes, regulations, or relevant case law); and

F. Proposed ordering paragraphs specifically identifying the relief sought.

5. **That any proposed finding of fact that does not include record citations to transcript pages or exhibits where the supporting evidence appears, will not be considered**;

6. That reply briefs shall be filed on or before **April 20, 2022**.

7. That reply briefs shall be co’ncise and directly responsive to arguments made by opposing parties in main briefs.

8. That in addition to filing briefs with the Commission’s Secretary’s Bureau, the parties shall provide a copy of all briefs by email prepared in *Microsoft Word*.

9. That any brief not filed and served on or before the date fixed therefore will not be accepted for filing, except by special permission of the Commission or the presiding Administrative Law Judge pursuant to 52 Pa.Code §5.502(c).

Date: March 2, 2021 \_\_\_\_\_\_\_\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_

Mary D. Long

Administrative Law Judge

**C-2019-3009358 - KNOX TOWNSHIP V. BUFFALO & PITTSBURGH RAILROAD INC.**

KNOX TOWNSHIP7525 KNOX DALE RDPO BOX 41KNOX DALE PA 15847**814.849.0160**[**KNOXTWP@WINDSTREAM.NET**](mailto:knoxtwp@windstream.net)

JEFFREY M GORDON ESQUIRE293 MAIN STREETBROOKVILLE PA 15825**814.849.8316**[**JGORDON@293LAW.COM**](mailto:JGORDON@293LAW.COM)

JAMES DENNISON BOROUGH SOLICITORBROOKVILLE BOROUGH18 WESTERN AVE   
SUITE A BROOKVILLE PA 15825  
[JDENNISON@WINDSTREAM.NET](mailto:JDENNISON@WINDSTREAM.NET)

CATHERINE PUSHCHAK

BUFFALO & PITTSBURGH RAILROAD INC201 NORTH PENN STREETPUNXSUTAWNEY PA 15767 [CATHERINE.PUSHCHAK@GWRR.COM](mailto:catherine.pushchak@gwrr.com)

AARON PONZO, ESQUIRE

J LAWSON JOHNSTON ESQUIRE\*SCOTT CLEMENTS ATTORNEYDICKIE MCCAMEY & CHILCOTE PCTWO PPG PLACE STE 400PITTSBURGH PA 15222**412.392.5506**

**412.281.7272**APONZO@DMCLAW.COM

LJOHNSTON@DMCLAW.COM  
\*Accepts e-Service

CJ ZWICK ATTORNEYLAW OFFICE OF CJ ZWICK171 BEAVER DRIVEDUBOIS PA 15801**814.371.6400**Accepts e-Service

KAREN CUMMINGSPENNDOTPO Box 8212HARRISBURG PA 17105-8212**717.787.3128**Accepts e-Service

MICHAEL L SWINDLER ESQUIREKAYLA L ROST ESQUIRE

BI&E400 NORTH STREETPO BOX 3265HARRISBURG PA 17105-3265**717.783.6369**Accepts e-Service

karost@pa.gov

JILLIAN FELLOWSPENNDOTPO BOX 8212HARRISBURG PA 17105-8212**717.787.3128**Accepts e-Service

1. While not specifically identified, the three (3) overpasses at issue are Harriger Hollow Road (DOT 863 296 J), East Bellport Road (DOT 863 302 K), and Ramsaytown Road (DOT 863 298 X). [↑](#footnote-ref-1)