

April 27, 2022

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street Harrisburg, PA 17120

**RE: Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the crossings where State Route 3104 crosses, above grade, the tracks of CSX Transportation Inc. (DOT 584 825 U), Norfolk Southern Railway Company (DOT 507 455 K), and the Pittsburgh and Ohio Central Railroad Company (DOT Unknown) in the City of Pittsburgh, Stowe Township and McKees Rocks Borough, Allegheny County. Docket No. A-2020-3020667**

**BOROUGH OF MCKEES ROCKS' LETTER REPLY TO PENNDOT'S EXCEPTIONS**

Dear Secretary Chiavetta:

Please accept this short Reply to the Department of Transportation's ("Department") Exceptions filed with the Pennsylvania Public Utility Commission ("Commission"). In its Exceptions, the Department argues that Administrative Law Judge Conrad A. Johnson ("ALJ") erred in the Recommended Decision.

The Borough submits that the ALJ correctly found that the Department is responsible for the maintenance and energization of the navigational and roadway lighting on the bridge; removal of snow, ice, and debris from the bridge's sidewalks; maintenance of the bridge's signage; and application of anti-skid and de-icing material to the bridge. The Recommended Decision is consistent with the testimony.

The Borough respectfully requests that the Commission deny the Department's Exceptions and wholly affirm the ALJ's Recommended Decision without modification.

I hereby certify that a copy has been sent to all parties of record as indicated by the Certificate of Service.

Respectfully,



Megan Turnbull

cc: VIA EMAIL, WITH ATTACHMENT:

Per Certificate of Service  
Office of Special Assistants (ra-OSA@pa.gov)

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the crossings where State Route 3104 crosses, above grade, the tracks of CSX Transportation Inc. (DOT 584 825 U), Norfolk Southern Railway Company (DOT 504 455 K), and the Pittsburgh and Ohio Central Railroad Company (DOT Unknown) in the City of Pittsburgh, Stowe Township and McKees Rocks Borough, Allegheny County.

Docket No. A-2020-3020667

**CERTIFICATE OF SERVICE**

I, Megan M. Turnbull, Esquire, do hereby certify that a true and correct copy of the foregoing **McKees Rocks Borough Letter Reply to PennDOT's Exceptions** was served by electronic mail on this 27<sup>th</sup> day of April 2022, upon the following:

Honorable Conrad A. Johnson  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Piatt Place, Suite 220  
301 Fifth Avenue  
Pittsburgh, PA 15222  
[cojohnson@pa.gov](mailto:cojohnson@pa.gov)

Benjamin C. Dunlap Jr., Esquire  
Nauman Smith Shissler & Hall  
200 North Third Street, 18<sup>th</sup> Floor  
Harrisburg, PA 17101  
[bdunlapjr@nssh.com](mailto:bdunlapjr@nssh.com)


Nicholas Martini  
Stowe Township  
555 Broadway Avenue  
McKees Rocks, PA 15136  
[Nmartinistowetownship@gmail.com](mailto:Nmartinistowetownship@gmail.com)

Kayla Rost, Esquire  
Public Utility Commission  
Bureau of I&E  
400 North Street  
Harrisburg, PA 17120  
[karost@pa.gov](mailto:karost@pa.gov)

Eric W. White, Esquire  
PennDOT  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
[ewwhite@pa.gov](mailto:ewwhite@pa.gov)

Mike Gable  
City of Pittsburgh  
414 Grant Street, 3<sup>rd</sup> FL  
Pittsburgh, PA 15219  
[Mike.gable@pittsburghpa.gov](mailto:Mike.gable@pittsburghpa.gov)

Respectfully submitted,

By:   
Megan Turnbull, Esquire