

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120**

Public Meeting held July 14, 2022

Commissioners Present:

Gladys Brown Dutrieuille, Chairman  
John F. Coleman, Jr., Vice Chairman  
Ralph V. Yanora

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

A-2020-3020667

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Reconsideration and/or Clarification (Petition) filed by the Pennsylvania Department of Transportation on July 1, 2022, seeking reconsideration and clarification of the Opinion and Order entered on June 16, 2022, relative to the above-captioned proceeding.

Pursuant to Rule 1701 of the Pennsylvania Rules of Appellate Procedure, Pa. R.A.P. 1701, the Commission must act to grant a petition for reconsideration within thirty days of the date of entry of the order for which reconsideration is sought or otherwise lose jurisdiction to do so if a petition for review is timely filed.<sup>1</sup> The thirty-day period within which the Commission must act upon the Petition in order to preserve jurisdiction ends on July 18, 2022.<sup>2</sup>

Granting reconsideration pending review of, and consideration on, the merits of the Petition to preserve Commission jurisdiction and toll the thirty-day time period for filing a petition for appellate review does not automatically stay the Commission's underlying Opinion and Order.<sup>3</sup> Pursuant to 52 Pa. Code § 5.572, petitions seeking a stay or supersedeas must be filed with the Commission within fifteen (15) days after the underlying Opinion and Order becomes final.<sup>4</sup>

Accordingly, we shall grant reconsideration, within the meaning of Pa. R.A.P. 1701(b)(3), pending review of, and consideration on, the merits of the Petitions; **THEREFORE,**

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<sup>1</sup> Commission Rules of Practice and Procedure provide that a party may file an Answer to the Petition within ten (10) days of service. 52 Pa. Code § 5.571(c). As of the date of this Order no Answers have been received.

<sup>2</sup> The thirty-day period ends on July 16, 2022, which is a Saturday. Therefore, the next business day, July 18, 2022, is the deadline for the Commission to act on the Petition.

<sup>3</sup> 52 Pa. Code § 5.572; Pa. R.A.P. 1701.

<sup>4</sup> *See also* Pa. R.A.P. 1781.

**IT IS ORDERED:** That the Petition for Reconsideration and/or Clarification filed by the Pennsylvania Department of Transportation on July 1, 2022, is hereby granted, pending further review of, and consideration on, the merits.

**BY THE COMMISSION,**

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: July 14, 2022

ORDER ENTERED: July 14, 2022