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September 20, 2022

Via Electronic Filing

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

Re: Priority 1 bridge repairs in response to a recent inspection at the public crossing (DOT 510 521 Y), where Washington Street crosses, above grade, the tracks of Norfolk Southern Railway Company, Port Authority of Allegheny County East Busway and Waverly Avenue located in the Borough of Swissvale, Allegheny County and exemptions from the minimum side clearances required by 52 Pa. Code, section 33.122
Docket No. A-2022-3033069

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Answer to Motion to Join Additional Respondent on behalf of the Port Authority of Allegheny County with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

/s/ Lauren M. Burge
Lauren M. Burge, Esq.

LMB/lww

Enclosure

cc: Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of Port Authority of Allegheny County's Answer to Motion to Join Additional Respondent upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email Only

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Dated: September 20, 2022

/s/ Lauren M. Burge _____

Lauren M. Burge, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Priority 1 bridge repairs in response to a :
recent bridge inspection at the public :
crossing (DOT 510 521 Y), where :
Washington Street crosses, above grade, the : Docket No. A-2022-3033069
tracks of Norfolk Southern Railway :
Company, Port Authority of Allegheny :
County East Busway and Waverly Avenue :
located in the Borough of Swissvale, :
Allegheny County and exemptions from the :
minimum side clearances required by 52 Pa. :
Code, Section 33.122 :

**PORT AUTHORITY OF ALLEGHENY COUNTY'S
ANSWER TO THE BOROUGH OF SWISSVALE'S
MOTION TO JOIN ADDITIONAL RESPONDENT**

Pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission” or “PUC”) at 52 Pa. Code § 5.103, the Port Authority of Allegheny County d/b/a Pittsburgh Regional Transit (“Port Authority”) submits this Answer to the Borough of Swissvale’s (“Swissvale Borough”) Motion to Join Additional Respondent served on August 31, 2022. In support of this Answer, the Port Authority avers as follows:

INTRODUCTION

On July 6, 2022, the Commission issued a Secretarial Letter approving Norfolk Southern Railway Company’s (“Norfolk Southern”) plans to repair the Washington Street Bridge located in the Borough of Swissvale. On August 15, 2022, Norfolk Southern filed a Petition for Recission of Order (“Petition”) requesting that the Commission rescind the July 6, 2022 Secretarial Letter based upon newly discovered facts related to the extent of the necessary repairs. Norfolk Southern’s Petition was served on a number of entities, including Swissvale Borough. On August 31, 2022, Swissvale Borough filed a Motion to Join Additional Respondent seeking to join the Port Authority as a party to this proceeding.

The Port Authority does not oppose being added as an additional party to this proceeding. As discussed below, however, the Port Authority has no ownership interest or maintenance responsibility over the Washington Street Bridge, the repair of which is at issue here. However, the Port Authority will participate in this proceeding in order to ensure that its operations and the safety of its patrons are not adversely impacted.

ANSWER

1. Admitted.
2. Admitted.
3. Admitted in part. By way of further response, portions of the Port Authority's East Busway carried 30,000 passengers per day and nearly 7.5 million passengers per year prior to the COVID-19 impact adversely effecting Port Authority's ridership across its system. While Port Authority's ridership continues to recover, it has not yet returned to pre-COVID-19 levels.
4. Admitted in part and denied in part. It is admitted that Port Authority buses and other vehicles utilize Washington Street and the Washington Street Bridge in Swissvale. However, Port Authority buses and other vehicles are just one of many types of traffic that use the Washington Street Bridge. Any implication that the Port Authority's use is more significant than other public and private entity uses is denied. For additional clarification, the East Busway terminates on South Braddock Avenue.
5. Denied. It is denied that the Port Authority has any ownership or maintenance responsibility for the Washington Street Bridge. It is therefore also denied that the Port Authority contributed to creating any safety hazard or otherwise allowed the Bridge to fall into disrepair, as the Port Authority has no responsibility for such maintenance or repair. The Port Authority is

without information or knowledge sufficient to form a belief as to the other allegations in this paragraph.

6. The Port Authority is without information or knowledge sufficient to form a belief as to the allegations in this paragraph. The response to Paragraph 5 above is incorporated herein by reference.

7. The Port Authority is without information or knowledge sufficient to form a belief as to the allegations in this paragraph. The response to Paragraph 5 above is incorporated herein by reference.

8. The Port Authority is without information or knowledge sufficient to form a belief as to the allegations in this paragraph. The response to Paragraph 5 above is incorporated herein by reference.

9. No response is required to Paragraph 9 of the Motion, as Norfolk Southern's Petition speaks for itself.

10. It is admitted that Norfolk Southern has requested a site visit in this proceeding. By way of further response, the Port Authority does not oppose this request and is willing to participate in such a site visit.

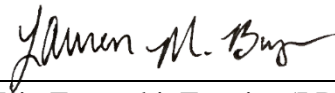
11. Admitted in part and denied in part. It is admitted that proper repair and maintenance of the Washington Street Bridge will prevent adverse impacts to the Port Authority's operations and the safety of its passengers. It is denied, however, that the Port Authority has any ownership, maintenance or repair responsibilities for the Washington Street Bridge or that other entities, including Swissvale Borough itself, would not derive a great benefit from the Washington Street Bridge being repaired and reopened to vehicular traffic. The response to Paragraph 5 above is incorporated herein by reference.

12. No response is required to the conclusory statements in Paragraph 12 of the Motion. To the extent these allegations are deemed factual, they are admitted or denied consistent with Paragraphs 1-11 above.

CONCLUSION

WHEREFORE, the Port Authority of Allegheny County does not oppose being added as a party to this proceeding, while noting that the Port Authority has no ownership interest or maintenance responsibility for the Washington Street Bridge as discussed herein.

Respectfully submitted,



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Date: September 20, 2022

Counsel for
Port Authority of Allegheny County d/b/a
Pittsburgh Regional Transit

Verification

I, Michael J. Cetra, am Chief Legal Officer for the Port Authority of Allegheny County d/b/a Pittsburgh Regional Transit (“Port Authority”), and I hereby state that the facts set forth in the foregoing **Answer** are true and correct to the best of my knowledge, information and belief and that I expect the Port Authority to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: September 20, 2022



Michael J. Cetra
Chief Legal Officer
Port Authority of Allegheny County d/b/a
Pittsburgh Regional Transit