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November 2, 2022

**Via Electronic Mail: [nmiskanic@pa.gov](mailto:nmiskanic@pa.gov)**

Honorable Conrad A. Johnson  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Piatt Place, Suite 220  
301 Fifth Avenue  
Pittsburgh, PA 15222

**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**

Dear Administrative Law Judge Johnson:

I am writing to inform you that our clients, Norfolk Southern Railway Company (“Norfolk Southern”) and CSX Transportation Inc (“CSXT”) will not be participating in either the further call-in telephonic prehearing conference on remand scheduled for December 22, 2022, or any further hearing or proceedings in this matter. Pursuant to the Commission’s Opinion in an Order entered on October 27, 2022, the sole remaining issue in this proceeding is which party is responsible for maintenance of the traffic signals and roadway signage at the subject crossing. As this matter concerns the Pennsylvania Department of Transportation and the involved municipalities, and does not involve either of our railroad clients, we see no need for our participation. Please contact me if you have any questions in this regard.

Sincerely yours,

Benjamin C. Dunlap, Jr.

BCDjr/mj

CC: All parties of record  
Julianne Freeman, Esq. (via electronic mail)  
Sean Craig, Esq. (via electronic mail)

**LEGAL EXCELLENCE AND PRACTICAL SOLUTIONS SINCE 1871**

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**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 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**  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day, November 2, 2022, served a true copy of the foregoing document upon the parties listed below by electronic mail or first class mail, as indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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Date: November 2, 2022

*/s/ Melissa Jean* \_\_\_\_\_