



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 16, 2023

**Via E-File**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street 2nd FL  
Harrisburg, PA 17120

RE: **A-2020-3017848**

Dear Secretary Chiavetta:

Enclosed for electronic filing please find PennDOT's "*Petition for Leave to Withdraw PennDOT's Motion to Schedule Matter tor Hearing*" in the above captioned matter.

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

Respectfully,

A handwritten signature in blue ink, appearing to read "Eric W. White".

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Eric W. White  
Assistant Counsel

cc: Parties of Record  
Mark Chappell, P.E., Chief, Highway Delivery Division (email)  
Gregory J. Vaughn, Grade Crossing Engineer, Central Office, KCB 7th Floor (email)  
Mary Ann Lang, District Utility Manager, District 6-0 (email)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application of the Department of :  
Transportation of the Commonwealth of :  
Pennsylvania for approval to alter the public :  
above grade crossing by the reconstruction of : A-2020-3017848  
the State Route 0001 Expressway over State :  
Route 2037 and the track(s) of CSX :  
Transportation Inc. and Southeastern : Electronically Filed  
Pennsylvania Transportation Authority, DOT :  
Number 589 953 U in Middletown Township, :  
Bucks County. :**

**PETITION FOR LEAVE TO WITHDRAW PENNDOT’S MOTION TO SCHEDULE  
MATTER FOR HEARING**

**AND NOW**, comes the Commonwealth of Pennsylvania, Department of Transportation (PennDOT), by and through its counsel, Eric W. White, Assistant Counsel, and files this Petition for Leave to Withdrawal its “Motion to Schedule Matter for Hearing” pursuant to 52 Pa Code § 5.94 and in support thereof respectfully represents:

1. The name and address of your moving party is:

Commonwealth of Pennsylvania  
Department of Transportation  
Engineering District 6-0  
7000 Geerdes Blvd.  
King of Prussia, Pennsylvania 19406-1525

2. The name and address of counsel for the moving party is:

Eric W. White  
Assistant Counsel  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, Pennsylvania 17105-8212

3. On or about April 26, 2023, PennDOT filed a “Motion to Schedule Matter for Hearing” in the above-captioned matter.
4. As alleged within that motion, PennDOT Engineering District 6-0 (District 6) learned through its subcontractor that CSXT would not provide a commitment to provide flagging for the week beginning April 24, 2023.
5. On May 11, 2023, the Public Utility Commission (Commission) scheduled this matter for an in-person prehearing conference to be held on May 18, 2023.
6. Although flaggers were not provided for a period of time, District 6 has worked with CSXT to resolve the issue.
7. As May 15, 2023, flaggers have been returned to the project and it is believed that District 6 and CSXT have resolved the issue without the need for intervention of the Commission at this time.
8. As such, District 6 respectfully petitions for leave to withdraw its “Motion to Schedule Matter for Hearing”.

**WHEREFORE**, the Department of Transportation respectfully requests leave to withdraw its “Motion to Schedule Matter for Hearing”.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



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Eric W. White, Assistant Counsel  
PA Attorney I.D. Number 317171  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel

DATED: May 16, 2023

P.O. Box 8212  
Harrisburg, PA 17105-8212  
Telephone No. (717) 787-3128  
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ewwhite@pa.gov

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**VERIFICATION**

I, Mary Ann Lang, District Utility Manager, Commonwealth of Pennsylvania, Department of Transportation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand the statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsifications to authorities.

*/s/ Mary Ann Lang*  
Mary Ann Lang  
District Utility Manager

DATED: May 16, 2023

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Bucks County. :**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document, upon the parties listed below, in accordance with the requirements of 52 Pa.Code § 1.54 (relating to service by a party):

**e-Service via Email**

Ryan Hill  
Conrail  
1000 Howard Blvd.  
Mt. Laurel, NJ 08054  
ryan.hill@conrail.com

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Nauman Smith Shissler & Hall  
200 North Third Street 18th Floor  
Po Box 840  
Harrisburg, Pa 17108  
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Kayla Rost  
Public Utility Commission  
400 North Street  
Harrisburg, PA 17120  
karost@pa.gov

James Napoleon  
Bucks County Water And Sewer Authority  
1275 Almshouse Road  
Warrington, PA 18976  
n.jim@bcwsa.net

**USPS Postage Prepaid**

Derek Mihaly  
Project Manager-Public Projects  
CSX Transportation, Inc.  
2000 Cabot Boulevard, Suite 130  
Langhorne, PA 19047

Bill Hensil  
Program Manager  
Peco Energy Company  
1050 West Swedesford Road  
Berwyn, PA 19312

CSX Transportation, Inc.  
CT Corporation System  
600 North Second Street, Suite 401  
Harrisburg, PA 17101

Brian Hessenthaler  
Chief Operating Officer  
Bucks County Commissioners  
55 East Court Street  
Administration Building  
Doylestown, PA 18901

Carl Gross  
Verizon Pennsylvania, LLC  
1050 Virginia Drive Floor 4  
Fort Washington, PA 19034

Southeastern Pennsylvania Transit Authority  
1234 Market Street, 12th Floor  
Philadelphia, PA 19107

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Langhorne, PA 19047

William Cmorey  
Bensalem Township  
2400 Byberry Road  
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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

*1st Kevin A. Belle*

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Kevin A. Belle, Legal Assistant to  
Eric W. White  
Assistant Counsel  
Commonwealth of Pennsylvania  
Department of Transportation  
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