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10/20/2023

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

FILED PUC SECRETARY  
OCT 20 2023 AM 10:58

**Re: David A. Romanoski v. Commonwealth of Pennsylvania Department of  
Transportation et. al.**

**Docket # ~~T-2023-3040729~~ C-2023-3043702**

Dear Secretary Chiavetta:

Enclosed please find Complainant's Answer to Commonwealth of Pennsylvania Department of Transportation Motion for filing in the above mentioned matter.

A copy has been served upon all parties of record.

Sincerely



David A. Romanoski

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**Before The Pennsylvania Public Commission**

DAVID A. ROMANOSKI,  
Pro Se Complainant

T-2023-3040729

v.

COMMONWEALTH OF  
PENNSYLVANIA DEPARTMENT  
OF TRANSPORTATION, et. al.  
Respondents

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**COMPLAINANT'S ANSWER TO COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION MOTION**

AND NOW comes the Complainant, David A. Romanoski, and files this Answer to Commonwealth of Pennsylvania Department of Transportation's (hereinafter referred to as Penn DOT) Motion.

38. Paragraph # 38 is a statement of incorporation which no response is required.

39. Paragraph #39 is a conclusion of law to which no response is required.

40. Paragraph #40 is a conclusion of law to which no response is required.

41. Denied. The Retaining Wall is part of a Highway-Railroad Crossing. As such, the PUC is granted the power to regulate railroad-highway crossings. See Formal Complaint Section 4 Paragraph #20 & 21.

42. Denied. See Answer #41 above.

43. Paragraph #43 is a conclusion of law to which no response is required.

44. Denied. See Answer #41 above.

45. Paragraph #45 is a conclusion of law to which no response is required.

46. Denied. See Answer #41 above.

47. Denied. Complainant is unaware of any May 20, 1990 order.

Exhibit 11 is a May 20, 1919 order that abolished the "at-grade" crossing at Swatara Station. The crossing was converted into a "subway" crossing for which The Retaining Wall was built.

As such, the PUC is granted the power to regulate railroad-highway crossings. See Formal Complaint Section 4 Paragraph #20 & 21.

48. Paragraph #48 is a conclusion of law to which no response is required.

49. Denied. The Swatara Station Highway-Railroad Crossing is still in operation.

As such, the PUC is granted the power to regulate railroad-highway crossings. See Formal Complaint Section 4 Paragraph #20 & 21.

WHEREFORE, Complainant, David A. Romanoski, respectfully request that this honorable court dismiss Penn DOT's Motion with prejudice.

**Certificate of Service**

And now, on the date stated below, I David A. Romanoski hereby certifies that I serve the foregoing documents by mailing such documents by U.S. First Class Mail addressed to the following people:

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Date 10/20/2023

  
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