

2. False Finding of Fact Page #7, Line #10: In its 1919 Order, the PSC directs that the at grade crossing Swatara Station Crossing be replaced with a subway crossing.

The Order states:

The Philadelphia & Reading Railway Company to construct the two subways on the state highway , including all grading within the railroad right of way[.] It shall also construct the two retaining walls along the state highway at the east end of the Swatara [Station Crossing]subway and the three township roads in compliance with the plans and specifications as approved by the Commission .

Plaintiff's exhibit #12 & #13 are copies of those plans. It is clearly evident those plans are for construction of a railroad under pass not a pedestrian walkway.

3. Conclusion of Law Line #10: The Administrative Law Judge's error lies in misinterpreting the location in question as Hockerville Crossing instead of Swatara Station Crossing. The Plaintiff clarifies that the case revolves around the Swatara Station Crossing, which intersects Old West Chocolate Avenue and Norfolk Southern Railways. As both the road and railway are operational, the jurisdiction falls under the PA PUC. The Plaintiff's complaint outlines that a "railroad-highway crossing" encompasses this area, thus asserting PA PUC's jurisdiction.

Remedies for this Exception

1. The Administrative Law Judge should reevaluate the Plaintiff's exceptions to acknowledge the presence of a "railroad-highway crossing" at Old West Chocolate Avenue in Hershey, PA, and Norfolk Southern Railways.

2. Upon recognizing the existence of the "railroad-highway crossing," the Administrative Law Judge should conclude that both the Swatara Station Crossing and the Wall fall under PA PUC jurisdiction.

3. Given the jurisdiction, the Administrative Law Judge should provide an opinion on the responsible party for repairing and maintaining the Wall, drawing from the case facts and precedent from similar cases.

Date: February 29, 2024

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "D.A. Romanoski". The signature is written in a cursive style with a horizontal line at the end.

David A. Romanoski

Pro se

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 § 1.55 to:

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Dated this 29th day of February, 2024.



David A. Romanoski

Verification

I, David A. Romanoski, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorizes.

Dated this 29th day of February, 2024.



David A. Romanoski