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March 13, 2024

Via Electronic Filing

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

Re: *David A. Romanoski v. Commonwealth of Pennsylvania*
Department of Transportation et. al
Docket # C-2023-3043702

Dear Secretary Chiavetta:

Enclosed please find Norfolk Southern Railway Company's Reply to Exceptions of David A. Romanoski to the PUC's Initial Decision, for filing in the above-referenced matter. A copy has been served upon all parties of record. Thank you.

Very truly yours,

Joshua D. Bonn

JDB:ino

cc: All parties of record (w/ attachment)

COHEN, SEGLIAS, PALLAS, GREENHALL & FURMAN, PC

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Counsel for Defendant Norfolk Southern Railway Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DAVID A. ROMANOSKI,	:	
	:	
Complainant	:	C-2023-3043702
	:	Electronically Filed
v.	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA DEPARTMENT	:	
OF TRANSPORTATION, et. al	:	
	:	
Respondents	:	

Norfolk Southern Railway Company’s Reply to Exceptions of David A. Romanoski to the Pennsylvania Public Utility Commission’s Initial Decision

AND NOW comes the Defendant, Norfolk Southern Railway Company (hereinafter “Norfolk Southern”), and files this Reply to Exceptions of David A. Romanoski to the Pennsylvania Public Utility Commission’s (“Commission”) Initial Decision, and avers in support thereof as follows:

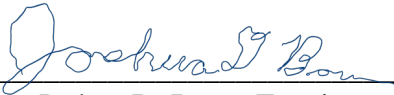
1. It is denied that Administrative Law Judge Alphonso Arnold, III (“ALJ”) made a false finding of fact regarding Hockerville Crossing or Swatara Station Crossing. Regardless, it is uncontested that the 1919 Order abolished both crossings. Thus, the ALJ properly concluded that the Commission lacks subject matter jurisdiction over Mr. Romanoski’s Complaint.

2. It is denied that ALJ Arnold made a false finding of fact regarding the Swatara Station Crossing. Regardless, it is uncontested that the 1919 Order abolished the Swatara Station Crossing. Thus, the ALJ properly concluded that the Commission lacks subject matter jurisdiction over Mr. Romanoski's Complaint.

3. It is denied that ALJ Arnold made an error of law regarding the legal status of Hockerville Crossing or Swatara Station Crossing. The 1919 Order abolished both crossings. Thus, the ALJ properly concluded that the Commission lacks subject matter jurisdiction over Mr. Romanoski's Complaint. Furthermore, it is denied that the retaining wall has any connection to the existing above-grade crossing of the tracks of Norfolk Southern and Old West Chocolate Avenue.

WHEREFORE, Norfolk Southern Railway Company respectfully requests that the Pennsylvania Public Utility Commission dismiss David A. Romanoski's Exceptions from the Recommended Decision of Administrative Law Judge Alphonso Arnold III dated February 28, 2024, in their entirety and enter an Order accordingly.

COHEN, SEGLIAS, PALLAS, GREENHALL & FURMAN, PC

By: 
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Railway Company*

Date: March 13, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DAVID A. ROMANOSKI,	:	
	:	
Complainant	:	C-2023-3043702
	:	Electronically Filed
v.	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA DEPARTMENT	:	
OF TRANSPORTATION, et. al	:	
	:	
Respondents	:	

CERTIFICATE OF SERVICE

AND NOW, on the date stated below, I, Ijeoma N. Okereke, an employee of the firm of Cohen, Seglias, Pall, Greenhall & Furman, PC, hereby certify that I this day served the foregoing “Reply to Exceptions of David A. Romanoski to the Pennsylvania Public Utility Commission’s Initial Decision” by depositing a copy of the same in the United States Mail, first class, postage prepaid, at Harrisburg, Pennsylvania and email addressed to the following as indicated:

VIA EMAIL

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Date: March 13, 2024

By: /s/ Ijeoma N. Okereke
Ijeoma N. Okereke, Legal Assistant