



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 22, 2024

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

A-2024-3048837

RE: Emergency Application of the Department of Transportation of the Commonwealth of Pennsylvania and the City of Pittsburgh for approval to abolish the public above grade crossing and remove the bridge carrying the abandoned cartway of Pittsburgh & West Virginia Railway Company (and the West Side Belt Railroad Company) above S.R. 0051, DOT Number 472 968G in the City of Pittsburgh, Allegheny County and the allocation of costs incident thereto.

Dear Secretary Chiavetta,

Enclosed for filing please find a *Petition for Interim Emergency Order Under 52 Pa. Code § 3.6* 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.

Very truly yours,

A handwritten signature in black ink that reads "Karen L. Cummings".

Karen L. Cummings
Senior Counsel

cc: Parties of Record
Mark Chappell, P.E., Utilities and Right of Way Section Chief
Daniel Leonard, Grade Crossing Engineer, Central Office
Douglas M. Seeley, P.E., Asst. District Executive, District 11-0
Sarah Fenton, Grade Crossing Engineer, Central Office
Michele Acitelli, Manager, District 11-0
John F. Doherty, Associate Solicitor
Kevin T. Freyder, Assistant Solicitor
Honorable Christopher P. Pell
Honorable Mary Long
Chaz Beckett, PUC
Shalea Delvillar, PUC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|--|---|-----------------------------|
| In re. Emergency Application of the Department of | : | |
| Transportation of the Commonwealth of Pennsylvania | : | A-2024-3048837 |
| and the City of Pittsburgh for approval to abolish the | : | Electronically Filed |
| public above grade crossing and remove the bridge | : | |
| carrying the abandoned cartway of Pittsburgh & West | : | |
| Virginia Railway Company (and the West Side Belt | : | |
| Railroad Company) above S.R. 0051, DOT Number | : | |
| 472 968G in the City of Pittsburgh, Allegheny County | : | |
| and the allocation of costs incident thereto. | : | |

PETITION FOR INTERIM EMERGENCY ORDER
UNDER 52 PA. CODE § 3.6

The Department of Transportation and the City of Pittsburgh, collectively “Petitioners,” file this Petition for Interim Emergency Order pursuant to 52 Pa. Code §§ 3.6 and 5.41.

1. This matter concerns a former above-grade rail-highway crossing (Bridge) in the City of Pittsburgh that was established by Order of the Pennsylvania Public Service Commission in 1929.

2. The Bridge crosses over State Route (SR) 51 and serves as an access point for a single private property.

3. The Bridge is severely deteriorated and poses an immediate danger to the safety of traffic on SR 51.

4. Pursuant to 52 Pa. Code § 1.33(a), Applicants’ *Petition for Special Relief Under 66 Pa. C.S.A. § 2702(f)* filed on May 15, 2024 under this docket is incorporated herein by reference as if set forth in its entirety.

5. That Petition requested that the Commission find that there is an immediate danger to the safety and welfare of the public due to the condition of the Bridge pursuant to 66 Pa.C.S. §§ 2702(c) and (f), formally abolish the former crossing, order the Bridge be immediately removed

in accordance with the City and PennDOT's existing plans, and schedule a hearing on any remaining issues at a later date.

6. An ALJ was assigned to the matter and a telephonic pre-hearing conference was held today, May 22, 2024.

7. The ALJ indicated that it could be 30 days or more before a hearing on the matter was scheduled.

8. A hearing, briefs, recommended decision, exceptions, and a final order would not be completed until, at the earliest, well into next winter.

9. Petitioners' primary concern in this matter is to protect the safety of the public.

10. Petitioners are ready, willing, and able to address the safety concerns immediately and have the Bridge removed during this summer's construction season.

11. Based on the verified facts in the *Petition for Special Relief Under 66 Pa. C.S.A. § 2702(f)*, Petitioner's right to relief is clear.

12. The need for relief is immediate and the injury would be irreparable if the relief is not granted because continued deterioration of the Bridge would require the closure of SR 51.

13. The relief requested is not injurious to the public interest and, in fact, only serves to protect the public from a catastrophic bridge failure.

Based on the foregoing, Petitioners respectfully request an interim emergency order addressing the relief requested in its *Petition for Special Relief Under 66 Pa. C.S.A. § 2702(f)* and that a hearing be scheduled within 10 days in accordance with Commission rules at 52 Pa. Code § 3.6a.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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CITY OF PITTSBURGH

/s/ John F. Doherty

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DATED: May 22, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re. Emergency Application of the Department of :
Transportation of the Commonwealth of Pennsylvania : A-2024-3048837
and the City of Pittsburgh for approval to abolish the : **Electronically Filed**
public above grade crossing and remove the bridge :
carrying the abandoned cartway of Pittsburgh & West :
Virginia Railway Company (and the West Side Belt :
Railroad Company) above S.R. 0051, DOT Number :
472 968G in the City of Pittsburgh, Allegheny County :
and the allocation of costs incident thereto. :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below:

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Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

A handwritten signature in cursive script that reads "Karen L. Cummings". The signature is written in black ink and is positioned above a horizontal line.

Karen L. Cummings

Senior Counsel

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Telephone No.: 717/787-3128

Fax No.: 717/772-2741

DATED: May 22, 2024