

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Emergency Application of the Department of Transportation of the Commonwealth of Pennsylvania and City of Pittsburgh for the	:	
Approval to Abolish the Public Above Grade Crossing and Remove the Bridge Carrying the Abandoned Cartway of Pittsburgh and West Virginia Railway Company	:	A-2024-3048837

**INTERIM ORDER
STRIKING PRELIMINARY OBJECTIONS**

This matter was initiated by an Emergency Application by the Department of Transportation and the City of Pittsburgh on May 2, 2024. By letter dated May 3, 2024, the Commission’s Rail Safety Division scheduled a virtual field conference on May 7, 2024. Counsel for Wabash Properties, LLC entered an appearance on May 6, 2024, and apparently participated in the field conference. The matter was referred to the Office of Administrative Law Judge and by notice dated May 9, 2024, a prehearing conference was scheduled before Administrative Law Judge Christopher Pell. Following the prehearing conference the matter was reassigned to me.

Wabash Properties, LLC filed preliminary objections on May 22, 2024.¹ A review of the record does not indicate that Wabash Properties, LLC has made a filing to establish that it is a party in this proceeding. An entry of appearance by counsel is not an appropriate vehicle under the Commission’s Rules of Procedure for a private entity to become a party in Commission proceedings.

¹ The preliminary objections were not served on me by email and were not published to the docket for the case until May 23, 2024.

THEREFORE,

IT IS ORDERED:

1. That the preliminary objection filed by Wabash Properties, LLC is hereby stricken.

2. That if Wabash Properties, LLC wishes to participate in the above-captioned proceedings as a party, it shall make the appropriate filing. It is expected that counsel will review and be familiar with the Commission's Rules of Procedure when participating in Commission proceedings.

Date: May 24, 2024

_____/s/_____
Mary D. Long
Administrative Law Judge

A-2024-3048837 - 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

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