



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

June 27, 2024

Via Electronic Filing

A-2020-3022688

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

RE: Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to replace the existing structure the carries State Route 0068 over four tracks of the Bessemer and Lake Erie Railroad (DOT No. 051 674 J) and ten tracks of the Buffalo and Pittsburgh Railroad, Inc. (DOT No. 149 033 D) in Butler Township and Summit Township, Butler County and the allocation of costs incident thereto.

Dear Secretary Chiavetta,

Enclosed for electronic filing please find the Department's *Petition for Reconsideration* 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 blue ink, appearing to read "Caroline G. Robelen".

Caroline G. Robelen
Assistant Counsel

cc: Parties of Record
Mark J. Chappell, P.E., Chief, Right-of-Way and Utilities & Grade Crossing Section, 7th Floor, CKB
Daniel D. Leonard, P.E., Grade Crossing Engineer, Right-of-Way and Utilities & Grade Crossing Section, 7th Floor, CK
Brian N. Allen, P.E., District Executive, Engineering District 10-0
Jeffrey Matko, P.E. Grade Crossing Engineer, Engineering District 10-0
William Sinick, P.E. C.B.S.I., Rail Safety Engineering Section, PUC, 3rd Floor, CKB

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation	:	
of the Commonwealth of Pennsylvania for approval	:	A-2020-3022688
to replace the existing structure that carries State	:	
Route 0068 over four tracks of the Bessemer and	:	
Lake Erie Railroad (DOT No. 051 674 J) and ten	:	Electronically filed
tracks of the Buffalo and Pittsburgh Railroad, Inc.	:	
(DOT No. 149 033 D) in Butler Township and	:	
Summit Township, Butler County and the allocation	:	
of costs incident thereto.	:	

PETITION FOR RECONSIDERATION OF STAFF ACTION

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (“Department”), by and through its counsel, Caroline G. Robelen, and hereby files the following Petition for Reconsideration from Staff Action in regard to the Commission Order dated June 13, 2024, in the above reference matter, pursuant to the provisions set forth in 52 Pa. Code § 5.44, based upon the following:

1. On November 2, 2020, the Department filed an Application before the Public Utility Commission (“Commission”) seeking approval to alter the public crossings (DOT 051 674 J) and (DOT 149 033 D) by removal and replacement of the existing highway bridge structure.
2. On February 28, 2024, the Department submitted right-of-way plans and the metes and bounds description for any railroad property for approval for Commission appropriation.
3. On March 19, 2024, Canadian National Railway Company objected to the February 28, 2024 right-of-way plans.

4. On May 6, 2024, the Department filed revised right-of-way plans to the Commission for approval and all parties of record for review; these plans consisted of seven sheets and were to amend and replace sheets 1, 10, 11, 12, 14, 31, and 32 of the February 28, 2024 plans.
5. After a Public Meeting was held on June 13, 2024, the Commission issued an Order approving both the February 28, 2024 plans and the May 6, 2024 plans.
6. Ordering paragraphs 2, 3, 4, 5, and 6 all list the record title owner of the CSX Transportation, Inc. parcels of property as “CT Corporation System, 600 North Second Street, Suite 401, Harrisburg, Pennsylvania, 17101.”
7. Shortly after the June 13, 2024 Order was issued, the Department was informed that the record owner of Parcel 15, Tracts 3, 4, and 5, is not in fact CSX Transportation, Inc., as stated in the Department’s filings and Ordering Paragraphs 2, 3, 4, 5, and 6. The Department has confirmed that those parcels are owned by Allegheny and Western Railway Company.
8. As such, the Department respectfully requests that this Honorable Commission reconsider its June 13, 2024 Order and amend ordering paragraphs 2, 3, 4, 5, and 6 to reflect that the record title owner of the CSX Transportation, Inc. parcels of property is:

ALLEGHENY AND WESTERN RAILWAY CO.
500 WATER STREET
JACKSONVILLE, FLORIDA 32202

WHEREFORE, the Department of Transportation respectfully requests that the Pennsylvania Public Utility Commission reconsider and amend its Order dated June 13, 2024, in this proceeding as requested above.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Caroline G. Robelen
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Commonwealth of Pennsylvania
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DATED: June 27, 2024

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(DOT No. 149 033 D) in Butler Township and	:	
Summit Township, Butler County and the allocation	:	
of costs incident thereto.	:	

VERIFICATION

I, Jeffrey Matko, Grade Crossing Engineer, Commonwealth of Pennsylvania, Department of Transportation, in the foregoing document, make the following statement subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authority, and do state that as the Grade Crossing Engineer for the Commonwealth of Pennsylvania, Department of Transportation, I am authorized to make this statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the facts set forth in the foregoing document are true and correct to the best of my information, knowledge, and belief.

DATED: _____

Jeffrey Matko
Grade Crossing Engineer

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(DOT No. 149 033 D) in Butler Township and :
Summit Township, Butler County and the allocation :
of costs incident thereto. :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served one (1) copy of the Petition for
Reconsideration upon the participants listed below, in accordance with the requirements of 52
Pa. Code § 1.54, via electronic mail addressed to:

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Via U.S. Mail

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Caroline G. Robelen, Assistant Counsel
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel

DATED: June 27, 2024