

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In 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.

PUC Docket No. A-2024-3048837

**INTERVENOR/PROTESTANT WABASH
PROPERTIES, LLC's MOTION FOR
STATUS CONFERENCE**

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STATUS CONFERENCE**

Intervenor/Protestant Wabash Properties, LLC ("Wabash") submits the following Motion for Status Conference, stating as follows:

1. The above-captioned matter involves the now-demolished Wabash Bridge ("the Bridge"), which previously spanned State Route 51 in the City of Pittsburgh.
2. The procedural history and controversy surrounding the Bridge have been briefed on multiple occasions by all parties and need not be repeated in full here.
3. On July 1, 2024, the Public Utility Commission ("the Commission") entered an Order concluding that Administrative Law Judge Mary Long properly issued an *Interim Emergency Order* authorizing the City of Pittsburgh ("the City") and the Pennsylvania Department of Transportation ("PennDOT") to remove the Bridge.
4. On August 1, 2024, the Commission denied Wabash's *Motion for Certification of Interlocutory Order Pursuant to 52 Pa. Code § 5.633, Motion for Determination of Finality Pursuant to Pa.R.A.P. 341(c)* and *Motion for Stay*, which sought certification of the *Interim Emergency Order* for appellate review.

5. The demolition of the Bridge is complete. Wabash's contractual, statutory and common law claims against the City and PennDOT remain pending in the Commonwealth Court, where Wabash seeks, *inter alia*, replacement of the Bridge.

6. As set forth in the Commission's August 1, 2024, Order, "the remaining, unadjudicated claims before the Commission are as follows: (1) the ultimate resolution of the abolishment of the crossing; (2) the allocation of costs; (3) the rights and duties of the parties associated with the final resolution." See *Opinion and Order*, pg. 27.

7. Wabash now moves the Commission for an Order setting a status conference for the purpose of scheduling the next proceeding on those issues and any others for which the parties may seek relief.

WHEREFORE, Intervenor/Protestant Wabash Properties, LLC, respectfully requests that the Commission schedule a status conference for the purposes of setting a schedule for the remaining claims in this proceeding.

Respectfully submitted,

By: /s/ Jonathan M. Kamin
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by e-mail, this 12th day of September, 2024, on the following:

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