

**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 : A-2024-3048837  
Crossing and Remove the Bridge Carrying the :  
Abandoned Cartway of Pittsburgh and West :  
Virginia Railway Company (and the West Side Belt :  
Railroad Company) above S.R. 0051 in the :  
City of Pittsburgh, Allegheny County and the :  
Allocation of Costs Incident Thereto :

PREHEARING CONFERENCE ORDER

On July 1, 2024, the Commission entered an order authorizing the City of Pittsburgh and the Pennsylvania Department of Transportation to remove the bridge at the above grade rail crossing above route 51. That order also directed the Office of Administrative Law Judge to address the remaining issues, including the formal abolishment of the crossing and the allocation of costs pursuant to Section 2704 of the Public Utility Code. Thereafter, the Wabash Properties, file a motion requesting the Commission certify the determination for review by the Commonwealth Court, among other things. The Commission denied the request.

On September 12, 2024, Wabash Properties filed a motion for a status conference. The Commission returned the case assignment to me.

THEREFORE,

IT IS ORDERED:

1. That s Prehearing Conference is scheduled in this case for **Monday, September 30, 2024, at 10:00 a.m.** The undersigned administrative law judge will preside telephonically. To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name and then the telephone system will connect you to the hearing.

**Toll-free Bridge Number: 866-566-0649**  
**PIN Number: 83345259**

You must call into the conference on the scheduled day and time. Failure of any party to attend the prehearing conference without good cause shall constitute a waiver of all objections to the agreements reached and matters decided at the prehearing conference. You will not be called by the Administrative Law Judges. **If you intend to attend the prehearing conference, please e-mail the Administrative Law Judge Mary D. Long ([malong@pa.gov](mailto:malong@pa.gov)) and provide the phone number from which you will be calling so that you can be properly identified. Parties represented by multiple attorneys must also designate a lead speaker for the purposes of the prehearing conference.**

2. That Each party must **e-file** and serve by email, on or before **noon on September 27, 2024**, a brief Prehearing Conference Memorandum which sets forth

- a. The issues you intend to present;
- b. A proposed plan and schedule of discovery,
- c. A listing of your proposed witnesses and the subject of their testimony, and
- d. A proposed litigation schedule, agreed to by all parties, if possible.

3. A request for a change of the scheduled Prehearing Conference date must state the agreement or opposition of other parties and must be submitted by email no later than five (5) days prior to the Prehearing Conference. 52 Pa.Code § 1.15(b). Requests for changes of initial

prehearing conferences must be sent by email, with copies to all parties of record. Only the undersigned Administrative Law Judge or Office of Administrative Law Judge Scheduling Unit may grant a request for a change of a prehearing conference. Such changes are granted only in rare situations where sufficient cause exists. Requests for changes of subsequent Prehearing Conferences or hearings, if any, should also be served directly on the presiding Administrative Law Judge.

In accordance with the foregoing, absent a continuance for good cause, all parties must be prepared to participate in the scheduled Prehearing Conference.

4. Parties should review the regulations relating to discovery, specifically 52 Pa.Code § 5.331(b), which provides, *inter alia*, that “a party shall endeavor to initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa.Code § 5.322, which encourages parties to exchange information on an informal basis. All parties are urged to cooperate in discovery and advise us at the Prehearing Conference as to discovery problems which have not been resolved. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.

5. Pursuant to 52 Pa.Code §§ 1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).

6. Failure of a party to attend the Prehearing Conference or notify the Administrative Law Judges of their desire to fully participate without good cause shown, shall constitute a

waiver of all objections to the agreements reached and matters decided at the Prehearing Conference, including, but not limited to, any special discovery rules and the litigation schedule established for this case. 52 Pa.Code §§ 5.222(e) & 5.224.

7. You must serve the presiding Administrative Law Judges directly with a copy of any document that you file in this proceeding by email. If you send the undersigned any correspondence or document, you must send a copy to all other parties

Date: September 23, 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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