

**BEFORE THE
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	:	

CORRECTED
INTERIM ORDER
DIRECTING A STATUS REPORT

On July 1, 2024, the Commission entered an order authorizing the City of Pittsburgh (City) and the Pennsylvania Department of Transportation (PA DOT) 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, filed 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. A prehearing conference was scheduled for Monday, September 30, 2024. By email dated September 27, 2024, the parties reported that they had reached an agreement to file a stipulation of settlement.

The prehearing conference convened as scheduled. Counsel for the City, PA DOT, Wabash Properties and Wheeling and Lake Erie Railroad appeared and participated in the

conference. The parties reported that they had reached an agreement wherein they agreed, among other things, to abolish the crossing and apportion the costs between the City and PA DOT. The parties anticipated that they would file a petition for settlement by October 15, 2024. I issued an order on September 30, 2024, which memorialized this representation but directed the parties to file a status report in the event they were unable to finalize their agreement.

To date, no petition for settlement has been filed, nor have the parties filed a status report.

THEREFORE,

IT IS ORDERED:

1. That the parties shall file a joint status report setting forth the progress of their settlement discussions on or before **November 22, 2024**.

2. In the event that no status report or petition for settlement is filed, this matter shall be set for hearing.

Date: November 5, 2024

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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