



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

December 17, 2024

Via Electronic Filing

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

A-2021-3027407

RE: Application of the Pennsylvania Department of Transportation for approval to alter the public crossing (DOT 501 500 G) by replacement of the existing bridges where State Route 0083 (Interstate 83) crosses, above grade, the tracks of Norfolk Southern Railway Company and State Route 3029 (Loucks Mill Road) located in Spring Garden Township, York County, and the allocation of costs incident thereto.

Dear Secretary Chiavetta,

Enclosed for electronic filing please find the Department's *Motion to Assign Matter to the Office of Administrative Law Judge for Disposition* 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 cursive script that reads "Karen L. Cummings".

Karen L. Cummings
Senior Counsel

cc: Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of the Pennsylvania Department of Transportation for approval to alter the public crossing (DOT 501 500 G) by replacement of the existing bridges where State Route 0083 (Interstate 83) crosses, above grade, the tracks of Norfolk Southern Railway Company and State Route 3029 (Loucks Mill Road) located in Spring Garden Township, York County, and the allocation of costs incident thereto. : **Docket No. A-2021-3027407**
: **Electronically Filed**

**MOTION TO ASSIGN MATTER TO THE
OFFICE OF ADMINISTRATIVE LAW JUDGE FOR DISPOSITION**

The Commonwealth of Pennsylvania, Department of Transportation (PennDOT), by its counsel, Karen L. Cummings, files this Motion to Assign Matter to the Office of Administrative Law Judge for Disposition and represents as follows:

1. On July 7, 2021, PennDOT filed an application for approval to replace three existing above-grade crossings where State Route 0083 crosses the tracks of Norfolk Southern Railway Company (NS) in York County. The application was later amended to only include one bridge replacement at DOT # 501 500 G in Spring Garden Township.

2. After a field conference at which all parties agreed to the proposed bridge replacement, a Secretarial Letter documenting the parties' agreement was issued on February 16, 2023.

3. No party filed a Petition for Reconsideration from Staff Action within 20 days as required by the Secretarial Letter and in accordance with 52 Pa. Code §§ 1.31 and 5.44.

4. Pursuant to ordering paragraph 4 of the Secretarial Letter, PennDOT was ordered to prepare and submit complete detailed right-of-way plans and metes and bounds property

descriptions for the Commission to appropriate to all parties for review and to the Commission for approval.

5. On August 28, 2024, PennDOT filed its complete detailed right-of-way plans and metes and bounds property descriptions with the PUC and provided a copy to Norfolk Southern.

6. Where a railroad has agreed to proposed alterations to a grade crossing that requires a right-of-way appropriation to PennDOT, PennDOT typically obtains the railroad's concurrence with the right-of-way plans and metes and bounds property descriptions.

7. To date, NS has not indicated its agreement with the plans or provided PennDOT with any information indicating that it has any objections to the plans themselves.

8. PennDOT seeks to move this important infrastructure project forward and it appears that this cannot be accomplished without a hearing to obtain PUC appropriation and approval of the right of way plans.

WHEREFORE, PennDOT respectfully requests that this matter be assigned to the Office of Administrative Law Judge for hearing and final disposition.

Respectfully Submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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DATED: December 17, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of the Pennsylvania Department of Transportation for approval to alter the public crossing (DOT 501 500 G) by replacement of the existing bridges where State Route 0083 (Interstate 83) crosses, above grade, the tracks of Norfolk Southern Railway Company and State Route 3029 (Loucks Mill Road) located in Spring Garden Township, York County, and the allocation of costs incident thereto. : **Docket No. A-2021-3027407**
: **Electronically Filed**
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CERTIFICATE OF SERVICE

I hereby certify that I have on this day served a true copy of the foregoing document upon the participants listed below, in accordance with the requirements of 52 Pa. Code §1.54, by:

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Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

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DATED: December 17, 2024