

**BEFORE THE
PENNSYLVANIA 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	:	

**INTERIM ORDER
DIRECTING A STATUS CONFERENCE**

On May 2, 2024, the Pennsylvania Department of Transportation (Department) and the City of Pittsburgh (City) filed an “Emergency Application” for approval to abolish a public above-grade crossing and remove a bridge (Bridge) carrying the abandoned cartway of Pittsburgh & West Virginia Railway Company above State Route (S.R.) 51 (Application). The Application included a location map and final structure plans for the project. The Department and the City represented that due to serious structural concerns the structure was scheduled for demolition. In the course of ongoing legal disputes with Wabash Properties, LLC (Wabash or Wabash Properties), the adjacent property owner, the Allegheny County Court of Common Pleas directed the Department and the City to coordinate with the PUC regarding the status of the crossing. The Commission docketed the Application at A-2024-3048837.

On May 15, 2024, the Department and the City filed a Petition for Special Relief Under 66 Pa.C.S. § 2702(f) (Petition for Special Relief). In the Petition for Special Relief, the Department and the City stated that the crossing had never been formally abolished by application to the Commission. The Department and the City also represented that S.R. 51 is a principle arterial highway, connecting a multitude of very important neighborhoods as well as

the Liberty Bridge and Tunnel and Fort Pitt Bridge and Tunnel. The significantly deteriorated condition of the Bridge raised significant safety issues to the travelling public. Accordingly, the Department and the City requested that the Commission make a finding of immediate danger to the public and order the removal of the Bridge pursuant to 66 Pa.C.S. § 2702(f).

Following a hearing, the Commission approved the removal of the Bridge.

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.

On November 15, 2024, the Parties filed a Joint Stipulation of Settlement. The Parties also filed Stipulated Proposed Findings of Fact, Proposed Conclusions of Law and Proposed Ordering Paragraphs.

By email dated December 11, 2024, I notified the Parties that the proposed settlement did not adequately address the condition of the crossing after the removal of the Bridge. I directed the Parties to confer and attempt to reach a further stipulation.

At this time, it is appropriate to schedule a status conference. I note that although Wabash has taken responsibility for coordinating with the Department and the City, the Department and the City are the Applicants in this matter and should be prepared to advocate a procedure for the disposition of the Application.

THEREFORE,

IT IS ORDERED:

1. That a status conference shall be scheduled.

2. That the Parties shall be prepared to review the status of their settlement discussions and to present a schedule for further proceedings.

Date: January 3, 2025

/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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