

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation : A-2022-3031613
of the Commonwealth of Pennsylvania for :
approval to alter the public above grade crossing :
by the replacement of the existing bridge carrying :
State Route 0011 (West King Street) over track :
of Norfolk Southern Railway Company :
(DOT 592 122 M) in Shippensburg Borough and :
Southampton Township, Franklin County, and :
the allocation of costs incident thereto. :

Application of Pennsylvania Department of : A-2024-3045709
Transportation for approval to alter two (2) :
Public crossings by the rehabilitation of the :
existing bridge where State Route 0018 :
(Seventh Avenue) crosses, above grade, one :
(1) track of Norfolk Southern Railway :
Company (DOT 503 768 L) located in New :
Brighton Borough and two (2) tracks of CSX :
Transportation, Inc. (DOT 584 878 T) located :
in the City of Beaver Falls, all in Beaver County, :
and the allocation of costs incident thereto. :

PREHEARING ORDER NO. 2

On March 24, 2022, the Commonwealth of Pennsylvania, Department of Transportation (PennDOT) filed an application for approval to replace the public above-grade crossing by the construction of new bridge where State Route 0011 (West King Street) crosses over the single track of Norfolk Southern Railroad (DOT No. 592 122 M) in Shippensburg Borough, Franklin County, and the allocation of cost incident thereto, which was docketed at A-2022-3031613.

On January 24, 2024, PennDOT filed an application for approval to alter two (2) Public crossings by the rehabilitation of the existing bridge where State Route 0018 (Seventh Avenue) crosses, above grade, one (1) track of Norfolk Southern Railway Company (DOT 503 768 L) located in New Brighton Borough and two (2) tracks of CSX Transportation, Inc. (DOT 584 878 T) located in the City of Beaver Falls, all in Beaver County, and the allocation of costs incident thereto, which was docketed at A-2024-3045709.

On May 28, 2024, Secretarial Letters were issued by the Pennsylvania Public Utility Commission (Commission) approving both Applications.

On June 17, 2024, Norfolk Southern Railway Company (Norfolk Southern) filed Petitions for Reconsideration from Staff Action to both dockets/applications.

On June 28, 2024, the Commission's Bureau of Investigation and Enforcement (I&E) filed an Answer in Opposition to the Petitions for Reconsideration from Staff Action in both dockets/applications.

On July 8, 2024, PennDOT filed its Answer to the Petition for Reconsideration from Staff Action for Docket No. A-2024-3045709.

On July 10, 2024, PennDOT filed its Amended Answer to the Petition for Reconsideration from Staff Action for Docket No. A-2022- 3031613.

On July 24, 2024, Norfolk Southern filed Motions to Assign Proceeding to Office of Administrative Law Judge for Disposition for both dockets.

On October 4, 2024, an Opinion and Order was issued for Docket No. A-2022-3031613, ordering: 1) that Norfolk Southern's Petition for Reconsideration from Staff Action granted in part, 2) that Norfolk Southern's Motion to Assign Proceeding to the Office of Administrative Law Judge (OALJ) for Disposition granted, and 3) assigning this matter to the OALJ to conduct such proceedings as necessary to resolve the issue surrounding the assignment

of responsibility in providing flagging and watchmen as required to protect the railroad tracks during the time the work is being performed across, above, and adjacent to the tracks.

By Notice dated November 1, 2024, a Telephonic Prehearing Conference was scheduled for December 13, 2024, and the matter at Docket No. A-2022-3031613 was assigned to me.

On November 7, 2024, an Opinion and Order was issued for Docket No. A-2024-3045709, ordering: 1) that Norfolk Southern's Petition for Reconsideration from Staff Action granted in part, 2) that Norfolk Southern's Motion to Assign Proceeding to the OALJ for Disposition granted, and 3) assigning this matter to the OALJ to conduct such proceedings as necessary to resolve the issue surrounding the assignment of responsibility in providing flagging and watchmen as required to protect the railroad tracks during the time the work is being performed across, above, and adjacent to the tracks.

On November 15, 2024, a consolidated Prehearing Conference Order was filed for both dockets, confirming the December 13, 2024 Prehearing Conference and requiring a Memorandum on or before December 11, 2024.

By Notice dated November 19, 2024, a Telephonic Prehearing Conference was formally scheduled for December 13, 2024, and the matter at Docket No. A-2024-3045709 was assigned to me.

On December 11, 2024, Prehearing Memoranda were filed by PennDOT, Norfolk Southern, and the I&E.

A prehearing conference was held as scheduled on December 13, 2024. Counsel for PennDOT, Norfolk Southern, and the I&E participated. This order memorializes certain procedural matters addressed at the prehearing conference.

THEREFORE,

IT IS ORDERED:

1. That the above-captioned cases bearing Docket Nos. A-2022-3031613 and A-2024-3045709 are consolidated for hearing and adjudication pursuant to 52 Pa. Code §5.81(a).

2. That the following schedule is adopted:

<u>Subject</u>	<u>Date</u>
Prehearing Conference	December 13, 2024
Discovery Deadline	January 27, 2025*
Joint Stipulation	January 31, 2025*
Written Direct Testimony	February 7, 2025
Written Rebuttal Testimony	March 7, 2025
Hearing Witness Schedule	March 20, 2025
Hearing (Telephonic)	March 25, 2025
Main Briefs	TBD
Reply Briefs	TBD

* These dates are non-binding.

3. That any motions with respect to, or objections to, written testimony must be presented in writing no later than three days prior to the day that the witness sponsoring that testimony is scheduled to testify. Answers to such motions or objections may be filed within three days or sooner if circumstances warrant. Oral motions, other than for good cause, shall not be accepted.

4. That the parties are to confer amongst themselves to resolve all, or as many as possible, of the issues associated with this proceeding. The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code §5.231(a). The parties are strongly

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