



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

April 4, 2025

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

**RE: Application of the Department of Transportation of the Commonwealth of Pennsylvania for Approval to Replace the Existing Public Above-Grade Crossing by the Construction of a New Bridge Where Seventeenth Street Crosses the Two Tracks of Norfolk Southern Railway Company, (DOT No. 592 188 M) in the City of Harrisburg, Dauphin County, and the Allocation of Costs Incident Thereto.  
A-2024-3051983**

Dear Secretary Chiavetta,

Enclosed for filing please find the Department's *Answer Objecting to Petition for Reconsideration from Staff Action* 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 black ink, appearing to read "LJB", with a long horizontal flourish extending to the right.

Leah Jo Bobula  
Assistant Counsel

Cc: Parties of Record  
Mark Chappell, PennDOT, Chief, Right-of-Way, Utilities, Grade Crossing Division  
Sarah Fenton, PennDOT, Grade Crossing Engineer  
Dustin Palmer, Right of Way Administrator, District 8-0  
Jim Gillespie, Right of Way Administrator, District 8-0  
Richard Reisinger, District Executive – Design, Highway Administration  
John Bachman, Project Manager, Engineering District 8-0  
Ahmed Lasloudji, Senior Grade Crossing Engineer, District 8-0



6. Denied. By way of further explanation, the proposed amendments to the March 7, 2025 Secretarial Letter's Paragraph 14 will not help to ensure an adequate supply of flaggers nor serve the public interest. Norfolk Southern's proposed amendments attempt to shift the burden to the Department and its contractors; yet any flagging vendor chosen would still be required to be approved by Norfolk Southern. As such, Norfolk Southern's current approved list of vendors, which contains a mere three options, will not ensure an increase of the amount of approved flagging vendors if the Secretarial Letter is modified. By shifting the burden to the Department and its contractors but still requiring the flagging vendor to be pre-approved by Norfolk Southern, the requested amendments eliminate Norfolk Southern's direct connection and oversight over the flagging vendor. This elimination of oversight contradicts Norfolk Southern's assertion that the amendments will serve the public interest, and instead, would only diminish public safety by holding PennDOT legally responsible for activities that Norfolk Southern would have exclusive control over via its internal procedures, which can be revised at any time without PennDOT or Commission input. Therefore, the proposed changes will not help to ensure an adequate supply of flaggers nor better serve the public interest. Norfolk Southern should not, at its "sole option" be able to control a process that the Commission has exclusive jurisdiction under, particularly when it relates to safety.

7. Denied in part. By way of further explanation, the Department denies that the subject of flagging was not specifically raised on February 26, 2025, during the field investigation and conference, as the parties discussed and agreed that flagging costs would be incurred by the Department. However, The Department lacks sufficient information regarding whether Norfolk Southern's representative was aware of the ongoing litigation and updated procedure of Norfolk Southern.

8. There are two consolidated dockets, A-2022-3031613 and A-2024-3045709,

currently before Administrative Law Judge F. Joseph Brady considering the same flagging language issue. As such, the Department respectfully requests that a decision regarding Norfolk Southern's Petition for Reconsideration from Staff Action be stayed until those dockets are fully litigated or closed.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



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DATED: April 4, 2025

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Application of the Department of</b>	<b>:</b>	
<b>Transportation of the Commonwealth of</b>	<b>:</b>	
<b>Pennsylvania for approval to alter the</b>	<b>:</b>	<b>Docket No. A-2024-3051983</b>
<b>public crossing (DOT# 592 188 M) by the</b>	<b>:</b>	
<b>removal and replacement of the existing</b>	<b>:</b>	
<b>bridge where Seventeenth Street crosses,</b>	<b>:</b>	
<b>above grade, the tracks of Norfolk Southern</b>	<b>:</b>	<b>Electronically Filed</b>
<b>Railway Company in the City of</b>	<b>:</b>	
<b>Harrisburg, Dauphin County, and the</b>	<b>:</b>	
<b>allocation of costs incident thereto.</b>	<b>:</b>	
	<b>:</b>	

**VERIFICATION**

I, Ahmed Lasloudji, District 8-0 Senior Civil Engineer, Pennsylvania Department of Transportation, do state that I am authorized to make this statement on behalf of the Pennsylvania Department of Transportation's District 8-0 and verify that I have read the attached Answer Objecting to Petition for Reconsideration from Staff Action and that the within information is true and correct to the best of my knowledge, information, and belief. To the extent that the contents of the pleading are that of counsel, Verifier has relied upon counsel in making this verification. This verification is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.



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Ahmed, Lasloudji

Date: April 4, 2025



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Respectfully submitted,  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



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