

Douglas W. Chew  
Vice-Chairman

Sean Kertes  
Chairman

Ted Kopas  
Secretary

OFFICE OF THE COUNTY SOLICITOR  
2 NORTH MAIN STREET, SUITE 103  
GREENSBURG, PA 15601



TELEPHONE: (724) 830-3145  
FAX: (724) 830-3055  
TDD: (724) 830-3802  
1-800-442-6926

April 24, 2025

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utilities Commission  
400 North Street  
Harrisburg, PA 17120

Re: Application of Westmoreland County for approval to replace an above grade public crossing (DOT 507 913 W) by the installation of a single-span steel girder bridge where West Broadway Avenue/Fourth Street crosses the tracks of Norfolk Southern Railway Company located in North Irwin Borough, Westmoreland County

Docket No. A-2024-3052077

Dear Secretary Chiavetta,

Enclosed for filing in the above-captioned matter, please find the Answer Objecting to Petition for Reconsideration. Copies have been served upon all interested parties as indicated on the Certificate of Service. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy C. Andrews', written in a cursive style.

Timothy C. Andrews, Esquire

Enclosures



of Norfolk Southern.

7. Denied. The County lacks sufficient knowledge regarding the internal procedures of Norfolk Southern.

8. Denied. Paragraph 8 [mis-numbered as Paragraph 5 in the Petition] contains a request for relief to which no response is required. To the extent that a response is required, the County is not in agreement with the proposed amendments to paragraph 1 of the March 24, 2025, Secretarial Letter.

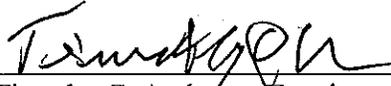
9. [mis-numbered as Paragraph 6 in the Petition] By way of further explanation, the proposed amendments to the March 24, 2025 Secretarial Letter's Paragraphs 1 will not help to ensure an adequate supply of flaggers nor serve the public interest. Norfolk Southern's proposed amendments attempt to shift the burden to the County 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 County 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 the County legally responsible for activities that Norfolk Southern would have exclusive control over via its internal procedures, which can be revised at any time without the County 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.

WHEREFORE, the County respectfully requests that the Petition for Reconsideration be denied. Alternatively, the County has been informed that other dockets before Administrative Law Judge F. Joseph Brady include consideration of the flagging language issue. The County, in the interest of judicial economy, respectfully requests Norfolk Southern's Petition for Reconsideration from Staff Action be stayed until the previous requests are determined.

Respectfully submitted,

Westmoreland County



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Timothy C. Andrews, Esquire

PA I.D. # 41467

Office of County Solicitor

2 North Main Street, Suite 103

Greensburg, PA 15601

Telephone: 724-830-3560

E-mail: [tandrews@westmorelandcountypa.gov](mailto:tandrews@westmorelandcountypa.gov)

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DATED: April 24, 2025

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Application of Westmoreland County for</b>	<b>:</b>	
<b>approval to replace an above grade public</b>	<b>:</b>	
<b>crossing (DOT 507 913W) by the</b>	<b>:</b>	<b>Docket No. A-2024-3052077</b>
<b>installation of a single-span steel girder</b>	<b>:</b>	
<b>where West Broadway Avenue/Fourth</b>	<b>:</b>	
<b>Street crosses the tracks of Norfolk</b>	<b>:</b>	<b>Electronically Filed</b>
<b>Southern Railway Company located in</b>	<b>:</b>	
<b>North Irwin Borough, Westmoreland</b>	<b>:</b>	
<b>County</b>	<b>:</b>	
	<b>:</b>	
	<b>:</b>	
	<b>:</b>	

**VERIFICATION**

I, Vaughn Neill, do state that I am authorized to make this statement on behalf of Westmoreland County 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.

  
\_\_\_\_\_  
Vaughn Neill

Date: April 23, 2025



Tom Ryczek  
District Grade Crossing Engineer  
Pennsylvania Department of Transportation  
Engineering District 12-0  
825 N. Gallatin Ave  
Uniontown, PA 15401  
[tryczek@pa.gov](mailto:tryczek@pa.gov)

John McIntyre  
Mayor of North Irwin  
21 Second Street  
North Irwin, PA 15642-3326  
[niboro1@comcast.net](mailto:niboro1@comcast.net)

Adele Mendlowitz  
North Irwin Borough Municipal Authority  
21 Second Street  
North Irwin, PA 15642-3326  
[nibmunicipal@gmail.com](mailto:nibmunicipal@gmail.com)

Brian Woller  
Comcast Cable  
1241 Business Route 66  
Greensburg, PA 15601  
[brian\\_woller@cable.comcast.com](mailto:brian_woller@cable.comcast.com)  
Arin P. Biondi  
Verizon  
508 Old Frankstown Rd  
Monroeville, PA 15146  
[arin.p.biondi@verizon.com](mailto:arin.p.biondi@verizon.com)

Richard L. Williams  
Lumen (formerly CenturyLink)  
5095 Ritter Rd.  
Mechanicsburg, PA  
[richard.l.williams@lumen.com](mailto:richard.l.williams@lumen.com)

Cristin Covert, P.E.  
Local Project Manager  
Pennsylvania Department of Transportation  
Engineering District 12-0  
825 N. Gallatin Ave  
Uniontown, PA 15401  
[ccovert@pa.gov](mailto:ccovert@pa.gov)

Sarah Fenton  
Grade Crossing Engineer  
Pennsylvania Department of Transportation  
Utilities and Right-of-Way Section Bureau of  
Project Delivery  
P.O. Box 3362  
Harrisburg, PA 17105-3362  
[sfenton@pa.gov](mailto:sfenton@pa.gov)

Vaughn Neill, P.E.  
County Engineer  
Westmoreland County  
194 Donohoe Road  
Greensburg, PA 15601  
[vneill@westmorelandcountypa.gov](mailto:vneill@westmorelandcountypa.gov)

Lisa Gesler  
21 Second Street  
North Irwin, PA 15642-3326  
[niboro1@comcast.net](mailto:niboro1@comcast.net)  
Donald Guerra  
Municipal Authority of Westmoreland  
County  
124 Park & Pool Road  
New Stanton, PA 15672  
[daguerra@mawc.org](mailto:daguerra@mawc.org)  
Will Evans  
West Penn Power  
143 West Penn Drive  
Jeannette, PA 15644  
[wdevans@firstenergycorp.com](mailto:wdevans@firstenergycorp.com)

Leah Jo Bobula, Esq.  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
[lbobula@pa.gov](mailto:lbobula@pa.gov)

Benjamin C. Dunlap, Jr.  
Cohen Seglias  
Pallas Greenhall & Furman PC  
240 North Third Street  
7th Floor  
Harrisburg, PA 17101

[bdunlap@cohenseglias.com](mailto:bdunlap@cohenseglias.com)  
Jayne Marks, P.E.  
Norfolk Southern Corporation  
C/O AECOM

707 Grant Street  
5th Floor, Gulf Tower  
Pittsburgh, PA 15219  
[jayne.marks@aecom.com](mailto:jayne.marks@aecom.com)  
[daniel.fuhrman@aecom.com](mailto:daniel.fuhrman@aecom.com)  
[papuc@aecom.com](mailto:papuc@aecom.com)

Dennis J. Moody, P.E.  
Rail Safety Division, Engineering Section  
Bureau of Technical Utility Services  
[demoody@pa.gov](mailto:demoody@pa.gov)

Jeff Guido  
Verizon  
508 Old Frankstown Rd  
Monroeville, PA 15146  
[jeffery.d.guido@verizon.com](mailto:jeffery.d.guido@verizon.com)

Gary M. Baird  
PNG Contract Engineer  
Lennon, Smith, Souleret Engineering Inc.  
4536 Route 136, Suite 1  
Greensburg, PA 15601  
[gary.baird@peoples-gas.com](mailto:gary.baird@peoples-gas.com)  
[gbaird@lsse.com](mailto:gbaird@lsse.com)

Daniel Leonard, Engineer  
PennDOT  
PO Box 3362  
Harrisburg, PA 17105-3362  
[danleonard@pa.gov](mailto:danleonard@pa.gov)

Westmoreland County



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Timothy C. Andrews, Esquire  
PA I.D. # 41467  
Office of County Solicitor  
2 North Main Street, Suite 103  
Greensburg, PA 15601  
Telephone: 724-830-3560  
E-mail: [tandrews@westmorelandcountypa.gov](mailto:tandrews@westmorelandcountypa.gov)

Dated: April 24, 2025