



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 8, 2025

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
400 North Street 2nd FL
Harrisburg, PA 17120

RE: A-2023-3037711

Dear Secretary Homsher,

Enclosed for filing please find the Department's *Answer to Norfolk Southern's Objections* 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, P.E., Chief, Right-of-Way, Utilities, Grade Crossing Division
Sarah Fenton, Central Office Grade Crossing Engineer
Richard Reisinger, P.E., Assistant District Executive, Design, District 8-0
Pharon Bertsch, P.E., Senior Project Manager, District 8-0
Heidi Mertz, P.E., Design Services Engineer, District 8-0
Dustin Palmer, Right of Way Administrator, District 8-0
Ahmed Lasloudji, Senior Civil Engineer, District 8-0

7. The averments of this paragraph contain a legal conclusion to which no response is required.
8. The averments of this paragraph contain a legal conclusion to which no response is required.
9. The averments of this paragraph contain a legal conclusion to which no response is required.
10. The averments of this paragraph contain a legal conclusion to which no response is required.
11. The averments of this paragraph contain a legal conclusion to which no response is required.
12. The averments of this paragraph contain a legal conclusion to which no response is required.
13. Denied.

WHEREFORE, the Department respectfully requests that this matter be referred to the Office of Administrative Law Judge for hearing.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Leah Jo Bobula, Esq.
Assistant Counsel
Attorney I.D. Number 332184
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128
Fax Number (717) 772-2741
lbobula@pa.gov

DATED: May 8, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of	:	
Transportation of the Commonwealth of	:	
Pennsylvania to alter the public above-	:	Docket No. A-2023-3037711
grade crossing by replacing the existing	:	
bridge where State Route 3022 (Maclay	:	
Street) crosses above grade the tracks of	:	
Norfolk Southern Railroad (DOT 518 088	:	Electronically Filed
K) in the City of Harrisburg, Dauphin	:	
County, and the allocation of costs incident	:	
thereto.	:	
	:	
	:	

VERIFICATION

I, Pharon Bertsch, P.E., Senior Project Manager, 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 to Norfolk Southern's Objections 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.

Pharon Bertsch, P.E.

Date: May 8, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the public above-grade crossing by replacing the existing bridge where State Route 3022 (Maclay Street) crosses above grade the tracks of Norfolk Southern Railroad (DOT 518 088 K) in the City of Harrisburg, Dauphin County, and the allocation of costs incident thereto. : **Docket No. A-2023-3037711**
: **Electronically Filed**

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:

Electronic and/or First-Class Mail

Douglas Starling, P.E.
Senior Engineer Public Improvement
Norfolk Southern Railroad Company
650 West Peachtree Street, NW
Atlanta, GA 30308
douglas.starling@nscorp.com

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Joshua D. Bonn, Esquire
Cohen Seglias
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Harrisburg, PA 17101
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jbonn@cohenseglias.com

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Dauphin County Administrative Building
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rmartz@dauphincounty.org

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Lewis Borthman
BrightSpeed Internet
1765 West Trindle Road
Carlisle, PA 17015

Vestaburg New Hill Joint
Authority
Attn: Dennis Bevans
301 Third Street
Vestaburg, PA 15368

Mike Sweigard
Comcast Cable Communications, Inc.
4601 Smith Street
Harrisburg, PA 17109

Respectfully submitted,
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Leah Jo Bobula
Assistant Counsel
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No.: (717) 787-3128
Fax No.: (717) 772-2741

Dated: May 8, 2025

EXHIBIT A

From: [Stacey Love](#)
To: [Nwaopara, Patty L](#)
Subject: RE: Activity #1324772 Harrisburg, PA - BR0024991 - PT-106.04 - Maclay St OHB Replacement (ECMS 74521) - Task 480
Attachments: [image001.png](#)
[SR 3022-005 Parcel 15 Claim 2200677000 - RW356RO.pdf](#)
[SR 3022-005 Parcel 15 Claim 2200677000 - RW356 \(revised\).pdf](#)
[RW356 P15 NS.pdf](#)
[Revised Plot Plan.pdf](#)

Hi Patty,

Please see the attached revised offer for the above referenced claim.

Please let me know if you need anything else in the meantime.

Thank you,
Stacey

Stacey Love

Right-of-Way Agent

200 Airport Road
New Cumberland, PA 17070
d| 717.216.5643
o| 717.901.7055
m| 717.982.2109



From: Stacey Love
Sent: Tuesday, January 14, 2025 3:34 PM
To: Nwaopara, Patty L <Patty.Nwaopara@nscorp.com>
Subject: RE: Activity #1324772 Harrisburg, PA - BR0024991 - PT-106.04 - Maclay St OHB Replacement (ECMS 74521) - Task 480

Hi Patty,

I was made aware that the metes and bounds description and plot to match the red line revisions were provided to NS.

Please let me know if you need anything additional in the meantime.

Thank you,
Stacey

From: Stacey Love

Sent: Wednesday, November 13, 2024 1:47 PM

To: Nwaopara, Patty L <Patty.Nwaopara@nscorp.com>

Subject: RE: Activity #1324772 Harrisburg, PA - BR0024991 - PT-106.04 - Maclay St OHB Replacement (ECMS 74521) - Task 480

Hi Patty,

Just touching base regarding this claim.

I have attached a draft of settlement documents for review.

If you need anything further in the meantime, please let me know.

Thank you!
Stacey

Stacey Love

Right-of-Way Agent

200 Airport Road

New Cumberland, PA 17070

d| 717.216.5643

o| 717.901.7055

m| 717.982.2109



From: Nwaopara, Patty L <Patty.Nwaopara@nscorp.com>

Sent: Thursday, October 3, 2024 3:53 PM

To: Stacey Love <slove@kleinfelder.com>

Subject: RE: Activity #1324772 Harrisburg, PA - BR0024991 - PT-106.04 - Maclay St OHB Replacement (ECMS 74521) - Task 480

External Email

Thanks Stacey.

Patty

From: Stacey Love <slove@kleinfelder.com>

Sent: Thursday, October 3, 2024 3:51 PM

To: Nwaopara, Patty L <Patty.Nwaopara@nscorp.com>

Subject: [EXTERNAL] RE: Activity #1324772 Harrisburg, PA - BR0024991 - PT-106.04 - Maclay St OHB Replacement (ECMS 74521) - Task 480

Hi Patty,

I forwarded your questions to the Department and will follow up with you when I receive more responses.

Thus far, the letting is scheduled for 12/11/25.

Thank you,
Stacey

Stacey Love

Right-of-Way Agent

200 Airport Road

New Cumberland, PA 17070

d| 717.216.5643

o| 717.901.7055

m| 717.982.2109



From: Nwaopara, Patty L <Patty.Nwaopara@nscorp.com>

Sent: Wednesday, October 2, 2024 3:56 PM

To: Stacey Love <slove@kleinfelder.com>

Subject: RE: Activity #1324772 Harrisburg, PA - BR0024991 - PT-106.04 - Maclay St OHB Replacement (ECMS 74521) - Task 480

External Email

Stacey,

While awaiting the construction agreement status, I have assigned our activity number to refer to going forward in tracking this project. Activity #1324772.

Kindly,

Patty Nwaopara
Sales Optimization Analyst
470-463-7978 o.
470-204-5017 c.



From: Stacey Love <slove@kleinfelder.com>
Sent: Wednesday, September 18, 2024 1:42 PM
To: Nwaopara, Patty L <Patty.Nwaopara@nscorp.com>
Subject: [EXTERNAL] RE: Harrisburg, PA - BR0024991 - PT-106.04 - Maclay St OHB Replacement (ECMS 74521) - Task 480

Hi Patty,

Please see the attached Offer to Purchase and correlating plot plan.

Please let me know if you need anything else in the meantime.

Thank you,

Stacey Love
Right-of-Way Agent

200 Airport Road
New Cumberland, PA 17070
d| 717.216.5643
o| 717.901.7055

m| 717.982.2109



From: Stacey Love

Sent: Monday, September 16, 2024 1:24 PM

To: Nwaopara, Patty L <Patty.Nwaopara@nscorp.com>

Subject: RE: Harrisburg, PA - BR0024991 - PT-106.04 - Maclay St OHB Replacement (ECMS 74521) - Task 480

Hi Patty,

Would you please let me know what you would like included in the offer package?

Thanks!

Stacey Love

Right-of-Way Agent

200 Airport Road

New Cumberland, PA 17070

d| 717.216.5643

o| 717.901.7055

m| 717.982.2109



From: Nwaopara, Patty L <Patty.Nwaopara@nscorp.com>

Sent: Wednesday, June 26, 2024 3:10 PM

To: Stacey Love <slove@kleinfelder.com>

Cc: Anthony DeFreitas <adefreitas@kleinfelder.com>

Subject: RE: Harrisburg, PA - BR0024991 - PT-106.04 - Maclay St OHB Replacement (ECMS 74521) -

Task 480

External Email

Will do, thank you.

Kindly,

Patty Nwaopara
Analyst Sales Optimization
NS-Real Estate Department
470-204-5017 cell
470-463-7978 office
470-602-6849 fax
Patty.Nwaopara@nscorp.com
NORFOLK SOUTHERN
650 West Peachtree St. NW
Box 22
Atlanta, GA 30308
www.nscorp.com



From: Stacey Love <slove@kleinfelder.com>
Sent: Monday, June 24, 2024 10:00 AM
To: Nwaopara, Patty L <Patty.Nwaopara@nscorp.com>
Cc: Anthony DeFreitas <adefreitas@kleinfelder.com>
Subject: [EXTERNAL] RE: Harrisburg, PA - BR0024991 - PT-106.04 - Maclay St OHB Replacement (ECMS 74521) - Task 480

Hi Patty,

PennDOT's design team in preparing a demo concept and will request a meeting in the field once it is submitted.

Please let me know if you need anything additional in the meantime.

Thank you,

Stacey Love

Right-of-Way Agent

200 Airport Road
New Cumberland, PA 17070
d| 717.216.5643
o| 717.901.7055
m| 717.982.2109



From: Nwaopara, Patty L <Patty.Nwaopara@nscorp.com>
Sent: Wednesday, June 19, 2024 2:40 PM
To: Stacey Love <slove@kleinfelder.com>
Cc: Anthony DeFreitas <adefreitas@kleinfelder.com>
Subject: RE: Harrisburg, PA - BR0024991 - PT-106.04 - Maclay St OHB Replacement (ECMS 74521) - Task 480

Some people who received this message don't often get email from patty.nwaopara@nscorp.com. [Learn why this is important](#)

External Email

Thank you Stacey,

Have NS Public Improvement been made aware of the project for a construction agreement?
If so, I look forward to receiving the offer package.

Kindly,

Patty Nwaopara
Analyst Sales Optimization
NS-Real Estate Department
470-204-5017 cell
470-463-7978 office
470-602-6849 fax
Patty.Nwaopara@nscorp.com
NORFOLK SOUTHERN
650 West Peachtree St. NW
Box 22

Atlanta, GA 30308

www.nscorp.com



From: Stacey Love <slove@kleinfelder.com>

Sent: Thursday, June 6, 2024 12:18 PM

To: Nwaopara, Patty L <Patty.Nwaopara@nscorp.com>

Cc: Anthony DeFreitas <adefreitas@kleinfelder.com>

Subject: [EXTERNAL] Harrisburg, PA - BR0024991 - PT-106.04 - Maclay St OHB Replacement (ECMS 74521) - Task 480

Hi Patty,

I was informed that you will be the contact regarding the above subject line PennDOT acquisition.

I have attached the documents pertaining to the project at this time.

Please let me know if you need anything additional at the time or any questions, etc.

Thank you,
Stacey

Stacey Love

Right-of-Way Agent

200 Airport Road

New Cumberland, PA 17070

d| 717.216.5643

o| 717.901.7055

m| 717.982.2109

