



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

July 25, 2025

Via Electronic Filing

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Application of Department of Transportation of the Commonwealth of Pennsylvania 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.

Docket No. A-2024-3045709

Application of the Department of Transportation 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 all the allocation of costs incident thereto.

Docket No. A-2022-3031613

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to replace the existing bridge where West Lackawanna Avenue crosses above the track(s) of Norfolk Southern Railway corporation, DOT Number 265 971 V in the City of Scranton, Lackawanna County and the allocation of costs incident thereto.

Docket No. A-2023-3043493

Application of the Pennsylvania Department of Transportation for approval to alter the public crossing (DOT# 592 188 M) by the removal and replacement of the existing bridge where Seventeenth Street crosses, above grade, the tracks of Norfolk Southern Railway Company in the City of Harrisburg, Dauphin County, and the allocation of costs incident thereto.

Docket No. A-2024-3051983

Application of Westmoreland County for Approval to Replace an Above Grade Crossing By the Installation of a Single-Span Girder Bridge Where West Broadway Avenue/Fourth Street Crosses Norfolk Southern Railroad (NSRC) BR0028787- PT-331.87; U.S. Department Federal Highway Administration (FHWA) Will Fund the Bridge Replacement, But Westmoreland County Will own and Maintain the Bridge Located in the Borough of North Irwin, Westmoreland County, Pennsylvania.

Docket No. A-2024-3052077

I&E's Reply Brief

Matthew L. Homsher, Secretary
July 25, 2025
Page 2

Dear Secretary Homsher:

Enclosed please find the **Reply Brief** of the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement in the above-referenced proceeding.

Copies have been served on the parties of record in accordance with the Certificate of Service. If you have any questions, please contact the undersigned.

Sincerely,



Grant Rosul
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 318204
(717) 783-5243
grosul@pa.gov

GR/ac
Enclosures

cc: As per Certificate of Service
Michael L. Swindler, Deputy Chief Prosecutor, I&E-Enf. (via email – mwindler@pa.gov)
William Sinick, P.E., C.B.S.I. (via email – wilsinick@pa.gov)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Department of Transportation :
of the Commonwealth of Pennsylvania 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. :

Docket No. A-2024-3045709

Application of the Department of :
Transportation 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 all the :
allocation of costs incident thereto. :

Docket No. A-2022-3031613

Application of the Department of :
Transportation of the Commonwealth of :
Pennsylvania for approval to replace the :
existing bridge where West Lackawanna :
Avenue crosses above the track(s) of Norfolk :
Southern Railway corporation, DOT Number :
265 971 V in the City of Scranton, :
Lackawanna County and the allocation of :
costs incident thereto. :

Docket No. A-2023-3043493

Application of the Pennsylvania Department :
of Transportation for approval to alter the :
public crossing (DOT# 592 188 M) by the :
removal and replacement of the existing :
bridge where Seventeenth Street crosses, :
above grade, the tracks of Norfolk Southern :
Railway Company in the City of Harrisburg, :
Dauphin County, and the allocation of costs :
incident thereto. :

Docket No. A-2024-3051983

Application of Westmoreland County for :
Approval to Replace an Above Grade :
Crossing By the Installation of a Single-Span :
Girder Bridge Where West Broadway :
Avenue/Fourth Street Crosses Norfolk :
Southern Railroad (NSRC) BR0028787- PT- : Docket No. A-2024-3052077
331.87; U.S. Department Federal Highway :
Administration (FHWA) Will Fund the :
Bridge Replacement, But Westmoreland :
County Will own and Maintain the Bridge :
Located in the Borough of North Irwin, :
Westmoreland County, Pennsylvania. :

**REPLY BRIEF
OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

Grant Rosul
Prosecutor
PA Attorney ID No. 318204

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 783-5243
grosul@pa.gov

Dated: July 25, 2025

TABLE OF CONTENTS

I. PROCEDURAL HISTORY..... 1

II. STATEMENT OF THE CASE..... 1

III. BURDEN OF PROOF 1

IV. SUMMARY OF ARGUMENT..... 2

V. ARGUMENT..... 3

 A. A CHANGE TO THE PARTIES’ RESPONSIBILITIES DURING RAIL-
HIGHWAY CROSSING ALTERATIONS IS ILL-ADVISED..... 3

 B. NORFOLK SOUTHERN HAS FAILED TO MEET ITS BURDEN OF
PROOF THAT IT IS ENTITLED TO THE RELIEF IT SEEKS AND THE
SECRETARIAL LETTER SHOULD BE UPHELD AS WRITTEN..... 4

VI. CONCLUSION 8

TABLE OF AUTHORITIES

Cases

Arthur Larson v. PECO Energy Company,
Docket No. C-2017-2615206 (Opinion and Order entered Sept. 19, 2019)..... 1

Buffalo & Pittsburgh Railroad, Inc. v. Pa. P.U.C.,
316 A.3d 651 (Table), 2024 WL 880030 at *4, (Pa. Cmwlth. Mar. 1, 2024) 4

Energy Conservation Council of Pennsylvania v. Pa. P.U.C.,
995 A.2d 465, 478 (Pa. Cmwlth. 2010)..... 2

Law v. Reading Co.,
312 F.2d 841, 843 (3d Cir. 1963) 5

Lower Chichester Township v. Pa. P.U.C.,
119 A.2d 674, 678 (Pa. Super. 1956) 5

Municipality of Monroeville v. Pa. P.U.C.,
600 A.2d 655, 656-657 (Pa. Cmwlth. 1991) 4

N. Lebanon Twp. v. Pa. P.U.C.,
962 A.2d 1247 (Pa. Cmwlth. 2008)..... 4

Samuel J. Lansberry, Inc. v. Pa. P.U.C.,
578 A.2d 600, 602 n. 1 (Pa. Cmwlth. 1990)..... 1

Union Twp. Bd. of Supervisors v. Pa. P.U.C.,
Docket No. C-80112248 (entered June 5, 1981)..... 5

Statutes

66 Pa.C.S. § 1501..... 2, 4, 8

66 Pa.C.S. § 1505..... 5

66 Pa.C.S. § 332(a)..... 1

Regulations

52 Pa. Code § 5.501 1

52 Pa. Code § 5.502 1

I. PROCEDURAL HISTORY

The Bureau of Investigation and Enforcement (“I&E”) incorporates the procedural history as set forth in its Main Brief submitted on June 25, 2025, on pages 1 through 3. A Main Brief was also submitted by Norfolk Southern Railway Company (“Norfolk Southern” or “NS”) on June 25, 2025, and by the Pennsylvania Department of Transportation (“PennDOT”) on June 25, 2025. Pursuant to the schedule established in the Second Interim Order dated June 23, 2025, and in accordance with Commission regulations at Sections 5.501 and 5.502, I&E now submits this Reply Brief.¹

II. STATEMENT OF THE CASE

I&E herein references and incorporates the Statement of the Case section as set forth in its Main Brief submitted on June 25, 2025, on Page 4, as well as Appendix A – I&E’s Proposed Findings of Fact.

III. BURDEN OF PROOF

As stated in I&E’s Main Brief, Norfolk Southern, as the public utility responsible for its rail lines, bears the burden of proving, by a preponderance of evidence, that it is entitled to the relief it seeks and that said relief will leave its facilities in a state that is “adequate, efficient, safe, and reasonable” for the public.² Further, “the proponent of a rule or order has the burden of proof.”³ As the posture of the case is Norfolk Southern’s Petition for Reconsideration From Staff Action, it is “the proponent of a rule or order.”

“A preponderance of the evidence means only that one party has presented evidence that is more convincing, by even the smallest amount, than the evidence presented by the other

¹ 52 Pa. Code §§ 5.501-5.502; *see also* Second Interim Order, dated June 23, 2025.

² *Samuel J. Lansberry, Inc. v. Pa. P.U.C.*, 578 A.2d 600, 602 n. 1 (Pa. Cmwlth. 1990); *Arthur Larson v. PECO Energy Company*, Docket No. C-2017-2615206 (Opinion and Order entered Sept. 19, 2019).

³ 66 Pa.C.S. § 332(a).

party.”⁴ As evident in the record of this case and as supported by I&E’s Main Brief and this Reply Brief, Norfolk Southern has failed to carry its burden to prove that its requested relief provides adequate, safe, and efficient service and facilities for the general public.

IV. SUMMARY OF ARGUMENT

Norfolk Southern has failed to carry its burden to show that the relief requested in its Petition for Reconsideration for Staff Action in the above-captioned Dockets will leave its facilities in a state that is “adequate, efficient, safe, and reasonable” for the public. Norfolk Southern has stated that its business model has changed, and that providing flagging imposes a larger operational burden now than in times past. However, the railway is in a better position to control the operation of flaggers than any applicant to alter the rail-highway crossing. Additionally, it is not the Commission’s responsibility to accommodate changing business practices of regulated utilities, but rather to ensure that regulated utilities provide “adequate, efficient, safe, and reasonable service and facilities.”⁵

Further, this litigation does not determine whether third-party vendors can be used for flagging for all time — just under these five Dockets. Determining which party bears what responsibility in relation to flagging would be better suited to resolution prior to the issuance of a Secretarial Letter approving an application to alter a rail-highway crossing, where the Commission’s engineers and subject matter experts can devise a solution that works for all parties.

⁴ *Energy Conservation Council of Pennsylvania v. Pa. P.U.C.*, 995 A.2d 465, 478 (Pa. Cmwlth. 2010).

⁵ 66 Pa.C.S. § 1501.

V. ARGUMENT

A. A CHANGE TO THE PARTIES' RESPONSIBILITIES DURING RAIL-HIGHWAY CROSSING ALTERATIONS IS ILL-ADVISED

In its Main Brief, Norfolk Southern quotes the Commission's Rail Safety witness, William Sinick, as stating that Rail Safety would not have an "issue with trained third-party vendors performing railroad flagging."⁶ Although that statement was in response to an inquiry about whether Rail Safety had any concerns about the *vendors* which provide the services,⁷ it is true that the Commission's Rail Safety Division is not steadfastly against the utilization of third-party flaggers in all cases.

However, Norfolk Southern should not be relieved of responsibility, oversight, and control of flaggers, whether they are the rail road's own forces or a third-party vendor. As Mr. Sinick stated in his testimony, it is "imperative that the operating railroad — in this case Norfolk Southern Railway Company — is not alleviated from its responsibility and adheres to the Commission's oversight for that communication and railroad flagger training."⁸

Devising the terms of a Secretarial Letter that satisfies the Commission's objectives of upholding public safety, public convenience, and accommodation, provides the applicant with the necessary flagging service when needed, and provides the relief that Norfolk Southern seeks in terms of not having to commit its own personnel to the work of flagging, is better accomplished prior to the issuance of the Secretarial Letter. This would allow the concerned parties and the Commission's technical staff — professional engineers and subject-matter experts — to devise a solution rather than engage in litigation.

⁶ Norfolk Southern Main Brief at p. 5 (quoting Direct Written Testimony of William Sinick, p. 2, lines 14-17).

⁷ Direct Written Testimony of William Sinick, p. 2, lines 14-15.

⁸ Direct Written Testimony of William Sinick, p. 3, lines 19-22.

A railroad is in a better position to know its train schedule, the details of its own operations, and control access to the tracks and their right-of-way. To the extent that future Secretarial Letters could allow the use of third-party flaggers, they should account for this and require the railroad to exercise more control and authority over such vendors. For instance, Norfolk Southern could be granted permission to use third-party flaggers but could still be the party responsible to “furnish and maintain” flagging.

Here, Norfolk Southern maintains that it “remains fully accountable for railroad safety on its property,”⁹ but continues to insist that it has no part in, and should have nothing to do with, the scheduling or availability of the third-party flaggers or any other aspect of flagging on its tracks.¹⁰ Given this impasse in how differently Rail Safety and the applicants to alter the rail-highway crossings in these matters view railroad flagging, the Commission should uphold the *status quo ante* of the Secretarial Letters as written.

B. NORFOLK SOUTHERN HAS FAILED TO MEET ITS BURDEN OF PROOF THAT IT IS ENTITLED TO THE RELIEF IT SEEKS AND THE SECRETARIAL LETTER SHOULD BE UPHELD AS WRITTEN

As noted in I&E’s Main Brief, the Commission is vested with the exclusive power to “determine the manner in which a highway-rail crossing may be ... altered.”¹¹ In so deciding, the Commission “is not limited to any fixed rule, but may take into consideration all relevant factors, with the only requirement being that the order is just and reasonable.”¹²

A “public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities.”¹³ The Commission is empowered to “determine and prescribe, by

⁹ Norfolk Southern, Main Brief p. 4.

¹⁰ Norfolk Southern, Main Brief p. 13 (“NS has no ability to control any of the work flows relating to [flagging]. That is — and should remain — a contractual matter between PennDOT and the flagging vendor.”).

¹¹ *Municipality of Monroeville v. Pa. P.U.C.*, 600 A.2d 655, 656-657 (Pa. Cmwlth. 1991).

¹² *Id.*; See also *N. Lebanon Twp.*, 962 A.2d at 1247 (citing *Monroeville*); *Buffalo & Pittsburgh Railroad, Inc. v. Pa. P.U.C.*, 316 A.3d 651 (Table), 2024 WL 880030 at *4, (Pa. Cmwlth. Mar. 1, 2024) (unreported) (most recent case citing *Monroeville* for same proposition).

¹³ 66 Pa.C.S. § 1501.

regulation or order, the reasonable, safe, adequate, sufficient, service or facilities to be observed, furnished, enforced, or employed....”¹⁴ Such service or facilities must be “reasonable, safe, adequate and sufficient” for the accommodation and convenience of the public, which includes not only the utility’s customers but members of the general public who may come into contact with the utility’s facilities.¹⁵

Because Norfolk Southern, as a public utility, bears the burden to demonstrate that its requested relief will render its facilities “adequate, efficient, safe, and reasonable” for the public, a “just and reasonable” outcome is one that will improve the safety, adequacy, and sufficiency of the utility’s facilities for the accommodation and convenience of the public.

Norfolk Southern attempts to shift the burden to PennDOT to show that the Secretarial Letter, as issued, should be adopted by the Commission. For instance, NS states that “PennDOT’s **request for an order** requiring NS to oversee third-party flagging or to provide backup flaggers is unjust, inefficient and unsupported by law.” (emphasis added).¹⁶

Multiple times throughout its brief, Norfolk Southern frames the instant litigation as having arisen out of “PennDOT’s proposal.”¹⁷ That is not the procedural posture of this case. What PennDOT is “proposing” is that Norfolk Southern adhere to the Commission’s Secretarial Letter, as issued. That is what Norfolk Southern was doing until 2018, and what the Commission believed the railroad was doing up to the commencement of the instant litigation.

¹⁴ 66 Pa.C.S. § 1505.

¹⁵ *Union Twp. Bd. of Supervisors v. Pa. P.U.C.*, Docket No. C-80112248 (entered June 5, 1981); *Law v. Reading Co.*, 312 F.2d 841, 843 (3d Cir. 1963) (“The public for whose convenience, accommodation, safety, and protection the Public Utility Law is concerned does not consist solely of persons served by the utility, but also includes persons generally who may come into contact with the utility’s facilities.” (quoting *Lower Chichester Township v. Pa. P.U.C.*, 119 A.2d 674, 678 (Pa. Super. 1956)).

¹⁶ Norfolk Southern Main Brief p. 7.

¹⁷ See e.g. Norfolk Southern Main Brief p. 13.

As stated above, and in I&E’s Main Brief, Norfolk Southern has the burden of proving that the way it prefers to handle railroad flagging improves “the safety, adequacy, and sufficiency of the utility’s facilities for the accommodation and convenience of the public.”¹⁸

Norfolk Southern makes sweeping statements about the difficulties imposed by the Secretarial Letters’ requiring that it furnish and maintain flaggers. For instance, the railroad states that providing flaggers would “force NS to prioritize PennDOT’s projects over those of other states, municipalities and utilities.”¹⁹ This argument is not further developed or analyzed. It is simply a conclusory statement that Norfolk Southern wishes the Commission to adopt.

Norfolk Southern also claims that “PennDOT’s proposal would impose operational and financial burdens without compensation.”²⁰ It is unexplained how providing flaggers, as had been done in the past, would impose “operational and financial burdens” that could not be accounted for and appropriately compensated under the terms of the existing Secretarial Letters, which impose the “sole cost and expense” on PennDOT.²¹

Similarly, Norfolk Southern claims that “PennDOT’s proposal” would “shift flagging responsibility to NS” and create “a perverse disincentive structure by allowing it to bypass procurement due diligence and transfer that burden to NS.”²² However, the responsibility to provide flagging, under the Secretarial Letters in these cases, currently rests with Norfolk Southern itself. The responsibility is already with the railroad — PennDOT and I&E are not requesting a change to the Secretarial Letter, Norfolk Southern is, and it should provide more than amorphous claims of applicants being disincentivized to obtain their own flagging when the

¹⁸ *Supra* n. 11-15.

¹⁹ Norfolk Southern Main Brief p. 13.

²⁰ *Id.*

²¹ In Docket No. A-2024-3052077, the “sole cost and expense” of flagging is to be borne by Westmoreland County.

²² Norfolk Southern Main Brief p. 14.

Secretarial Letter already instructs all parties that the railroad will “furnish and maintain” the flaggers. The applicants are simply following the Secretarial Letter.

Norfolk Southern compares utilizing third-party flagging to performing traffic control on a roadway and using third-party construction contractors in general. Neither situation is closely analogous. First, PennDOT is not a jurisdictional utility — it is an agency of the Commonwealth whose duty is to oversee roads and highways. Outside of its alteration of rail-highway crossings, the Commission has no authority over PennDOT. Thus, the Commission’s authority to direct PennDOT is limited to public crossings.²³

The Commission does exercise that authority over PennDOT regarding the alteration of rail-highway crossings, but it is mostly concerned with the details of the crossing alteration work itself (rather than whether PennDOT or a contractor does the work) as that is more germane to the Commission’s role in preventing accidents and promoting the safety of the public. For instance, in Docket No. A-2022-303613, the Secretarial Letter provides that PennDOT must “prepare and submit final signed and sealed structural plans for the subject crossing to all parties **and to the Commission for approval** prior to construction.” (emphasis added).²⁴ Additionally, PennDOT must still exercise control, oversight, and responsibility over its contractors working on its project.

A bridge reconstruction or alteration project usually requires multiple contractors, extensive planning, and takes place over a relatively long period of time. In contrast, Norfolk Southern *is* a jurisdictional utility and flagging, while important, is but one ancillary piece of completing the work at the rail-highway crossing. As stated above and in I&E’s Main Brief, a

²³ The Commission could also exercise limited jurisdiction over PennDOT to enforce the Underground Utility Line Protection Law, Act of October 29, 2024, P.L. 1106, No. 127, 73 P.S. § 176 *et al.*, also known as the PA One Call Law. However, that statute is not relevant to the instant litigation.

²⁴ Secretarial Letter, May 26, 2024, Para. 4, Docket No. A-2022-3031613.

railroad is in a better position to know its train schedule, the details of its own operations, and control access to the tracks and their right-of-way.

Second, while it may be true that PennDOT uses a contractor to control the flow of vehicular traffic on a roadway where work is being performed, controlling vehicular traffic is different from flagging on a railroad. Vehicular traffic can be directed and can easily come to a stop. The vehicles yield to the construction crew on a road or highway; on a railroad track, the construction crew must work around the schedule of passing trains.

Norfolk Southern's primary contention is that the Commission's "exercise of [its] discretion must be grounded in a practical understanding of how railroads function today."²⁵ However, it is not the Commission's responsibility to accommodate changing business practices of regulated utilities, but rather to ensure that regulated utilities provide "adequate, efficient, safe, and reasonable service and facilities."²⁶

VI. CONCLUSION

I&E respectfully requests that presiding ALJ Brady and the Commission deny the Petition for Reconsideration from Staff Action.

Respectfully submitted,



Grant Rosul
Prosecutor
PA Attorney ID No. 318204

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Dated: July 25, 2025

²⁵ Norfolk Southern Main Brief pp. 4-5.

²⁶ 66 Pa.C.S. § 1501.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Department of Transportation :
of the Commonwealth of Pennsylvania 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 : Docket No. A-2024-3045709
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. :

Application of the Department of :
Transportation 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 : Docket No. A-2022-3031613
(West King Street) over track of Norfolk :
Southern Railway Company (DOT 592 122 M) :
in Shippensburg Borough and Southampton :
Township, Franklin County, and all the :
allocation of costs incident thereto. :

Application of the Department of :
Transportation of the Commonwealth of :
Pennsylvania for approval to replace the :
existing bridge where West Lackawanna :
Avenue crosses above the track(s) of Norfolk : Docket No. A-2023-3043493
Southern Railway corporation, DOT Number :
265 971 V in the City of Scranton, :
Lackawanna County and the allocation of :
costs incident thereto. :

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

Application of Westmoreland County for :
Approval to Replace an Above Grade :
Crossing By the Installation of a Single-Span :
Girder Bridge Where West Broadway :
Avenue/Fourth Street Crosses Norfolk :
Southern Railroad (NSRC) BR0028787- PT- : Docket No. A-2024-3052077
331.87; U.S. Department Federal Highway :
Administration (FHWA) Will Fund the :
Bridge Replacement, But Westmoreland :
County Will own and Maintain the Bridge :
Located in the Borough of North Irwin, :
Westmoreland County, Pennsylvania. :

CERTIFICATE OF SERVICE

I hereby certify that I have this day, July 25, 2025, served a true copy of the foregoing **Reply Brief**, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by Electronic Mail:

Honorable F. Joseph Brady
Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market St., 4th Floor, Suite 4063
Philadelphia, PA 19107
fbrady@pa.gov

Leah J. Bobula, Esq.
Karen Cummings, Esq.
Pennsylvania Dept. of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
lbobula@pa.gov
kcummings@pa.gov

Benjamin C. Dunlap, Jr., Esq.
Cohen Seglias Greenhall & Furman PC
240 N 3rd Street, 7th Floor
Harrisburg, PA 17101
bdunlap@cogenseglias.com
Counsel for Norfolk Southern



Grant Rosul
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 318204
(717) 783-5243
grosul@pa.gov