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August 6, 2025

VIA ELECTRONIC FILING

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

Re: Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the public crossing (DOT 518 047 F) by the replacement of the Viaduct bridge, approach structure to the John Harris Memorial Bridge, where State Route 0083 (Interstate 83) crosses, above grade, Front Street, Ramp C, Ramp B, the tracks of National Railroad Passenger Corporation (AMTRAK) and Norfolk Southern Railway Company located in the City of Harrisburg, Dauphin County PUC Docket No. A-2021-3028010

Dear Secretary Homsher:

Enclosed please find a Petition for Reconsideration on behalf of Norfolk Southern Railway Company for filing in the above-referenced matter. Copies have been served upon all interested parties of record. Thank you.

Sincerely yours,



Benjamin C. Dunlap, Jr.

BCD:klg
Enclosure
cc: All Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of	:	
Transportation of the Commonwealth of	:	A-2021-3028010
Pennsylvania for approval to alter the	:	
public crossing (DOT 518 047 F) by the	:	
replacement of the Viaduct bridge,	:	
approach structure to the John Harris	:	
Memorial Bridge, where State Route 0083	:	
(Interstate 83) crosses, above grade, Front	:	
Street, Ramp C, Ramp B, the tracks of	:	
National Railroad Passenger Corporation	:	
(AMTRAK) and Norfolk Southern	:	
Railway Company located in the City of	:	Filed Electronically
Harrisburg, Dauphin County	:	

PETITION FOR RECONSIDERATION

Norfolk Southern Railway Company (“Norfolk Southern”), by and through its undersigned counsel, hereby files this Petition for Reconsideration in the above-referenced matter, pursuant to 52 Pa. Code § 5.44, based upon the following:

1. Norfolk Southern objects to the final, signed and sealed electric traction/catenary structure plans submitted by the Pennsylvania Department of Transportation (“PennDOT”) and approved by the Commission in the July 17, 2025, Secretarial Letter, because the proposed location of the catenary towers will interfere with Norfolk Southern’s future operations.

2. Specifically, the proposed catenary tower P-1662 1/2 and P-1661 1/2 do not permit Norfolk Southern to install a future second track. The existing structures being replaced by PennDOT allow Norfolk Southern to construct a second track, which was likely present at some point in the history of the existing catenary towers.

3. The proposed catenary towers provide less horizontal clearance and would not permit a second Norfolk Southern track to be constructed for that reason.

4. In addition, the plan approval is preempted by the Interstate Commerce Commission Termination Act of 1995, 49 U.S.C. § 10101, *et seq.* (“ICCTA”) as the proposed location of the catenary towers would impede and unduly burden Norfolk Southern’s future rail operations.

5. Among other things, ICCTA grants the federal Surface Transportation Board the “exclusive” jurisdiction over:

- (1) transportation by rail carriers, and the remedies provided in this part with respect to . . . rules (including car service, interchange, and other operating rules), practices, routes, *services, and facilities* of such carriers; and
- (2) the construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks, or *facilities*, even if the tracks are located, or intended to be located, entirely in one State

49 U.S.C. § 10501(b)(emphasis added). Moreover, ICCTA expressly provides that “the remedies provided under [ICCTA] with respect to regulation of rail transportation are *exclusive and preempt the remedies provided under Federal or State law.*” *Id.* (emphasis added).

6. Consistent with its expansive scope, ICCTA broadly defines “transportation” to include any “property, facility . . . or equipment of any kind related to the movement of passengers or property, or both, by rail” and any “services related to that movement.” *See* 49 U.S.C. § 10102(9)(A)&(B). This definition clearly encompasses Norfolk Southern’s property at issue here.

7. PennDOT’s proposed taking is preempted as “extreme” regulation because it would deprive Norfolk Southern the full use of its railroad property for future rail operations.

8. PennDOT must be required to develop alternate plans that would not interfere with Norfolk Southern’s future rail operations.

WHEREFORE, Norfolk Southern Railway Company respectfully requests that the Commission's approval of the electric traction/catenary structure plans in its July 17, 2025, Secretarial Letter be rescinded and PennDOT should be ordered to develop alternate plans which would not interfere with Norfolk Southern's future operations.

Respectfully submitted,

**COHEN SEGLIAS PALLAS
GREENHALL & FURMAN PC**

By: 
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Counsel for Norfolk Southern Railway Company

Date: August 6, 2025

VERIFICATION

I, Shawn Starling, P.E., Senior Engineer Public Improvements for Norfolk Southern Corporation, do state that I am authorized to make this statement on behalf of Norfolk Southern Railway Company and verify that I have read the attached Petition for Reconsideration and that the within information is true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.



Shawn Starling, P.E.

Date: August 6, 2025

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/s/Karen L. Gagne
Karen L. Gagne Administrative Assistant to
Benjamin C. Dunlap, Jr., Esquire

Date: August 6, 2025