



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

August 15, 2025

**Via Electronic Filing**

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

Re: Petition of the Borough of Royersford for Emergency Order  
P-2025-3056530  
**I&E Prehearing Conference Memorandum**

Dear Secretary Homsher:

Enclosed for electronic filing is the Bureau of Investigation and Enforcement's ("I&E")  
**Prehearing Conference Memorandum** in the above-referenced matter.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Rosul', is written over a light blue horizontal line.

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

GR/ac  
Enclosures

cc: Deputy Chief Administrative Law Judge Christopher P. Pell (via email - [cpell@pa.gov](mailto:cpell@pa.gov))  
Administrative Law Judge F. Joseph Brady (via email - [fbrady@pa.gov](mailto:fbrady@pa.gov))  
Michael L. Swindler, Deputy Chief Prosecutor (via email - [mswindler@pa.gov](mailto:mswindler@pa.gov))  
William Sinick, P.E., Senior Civil Engineer Manager, Rail Safety (via email - [wilsinick@pa.gov](mailto:wilsinick@pa.gov))  
Robert Horensky, Manager, Safety Division (via email - [rhorensky@pa.gov](mailto:rhorensky@pa.gov))  
As per Certificate of Service



## **I. HISTORY OF THE PROCEEDING**

On July 28, 2025, the Borough of Royersford filed a Petition with the Commission seeking *ex parte* emergency relief from the Commission to address dangerous conditions at two railroad crossings in the Borough.

On August 1, 2025, the Commission granted, in part, the Borough of Royerford's Petition, assigning the matter to the Office of the Administrative Law Judge to handle on an expedited basis.

Further, the Bureau of Technical Utility Services ("TUS" or "Rail Safety") was "directed to meet and confer with all interested parties within twenty (20) days of the date of [the] Emergency Order to consider options for immediate remediation of the dangerous conditions at the crossings. Matters to be addressed include interim operational responsibility and interim allocation for any remediation costs."

On August 4, 2025, a Prehearing Conference Notice was issued, scheduling a prehearing conference for August 11, 2025.

On August 8, 2025, a Rescheduled Prehearing Conference Notice was issued, rescheduling the prehearing conference to August 19, 2025.

A meeting between Rail Safety, the Borough of Royersford, Norfolk Southern, PECO, and other interested parties was scheduled to occur on Thursday, August 14, 2025.

A telephonic prehearing conference is set for Tuesday, August 19, 2025, at 10:00 AM.

Prehearing conference memoranda by all interested parties are due to the presiding officers on Friday, August 15, 2025.

Pursuant to the schedule set forth by the presiding officers, I&E now submits this prehearing memorandum.

## II. I&E PREHEARING CONFERENCE MEMORANDUM

All service on and communication to I&E in this proceeding should be addressed to:

By Mail: Grant Rosul, Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

By Telephone: (717) 783-5243

By E-mail: [grosul@pa.gov](mailto:grosul@pa.gov)

### A. Proposed Plan and Schedule of Discovery

I&E does not propose any modifications to the Commission's regulations pertaining to discovery at 52 Pa. Code §§ 5.321, *et seq.*

### B. Statement Regarding Settlement

I&E is open and willing to discuss settlement of this matter.

### C. Issue to be Addressed

The issue for the Court to address is what action should be taken to correct the defective operation of the crossing guard arm at the two relevant crossings in the Borough of Royersford, which is largely a matter between the Borough of Royersford, Norfolk Southern, and PECO. I&E is monitoring this proceeding for purposes of ensuring safety around PECO's transmission lines that run parallel with Norfolk Southern's tracks. I&E will notify the parties and Your Honors if it intends to address additional issues that arise in this proceeding.

### D. Witnesses

At this time, I&E does not intend to call any witnesses. However, I&E reserves the right to modify the identified witness and/or present additional witnesses as it deems

necessary based on the issues identified by the parties.

E. Schedule for Submission of Testimony, Briefs, and Hearings

I&E does not propose a litigation schedule for the submission of testimony, briefs, or hearings at this time but will work with the active parties to reach a mutually agreeable schedule.

F. Other Matters

I&E does not have any other matters to address at the prehearing conference.

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  
Phone: (717) 783-5243  
Email: [grosul@pa.gov](mailto:grosul@pa.gov)

Dated: August 15, 2025

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of the Borough of Royersford for                   :                   Docket No. P-2025-3056530  
Emergency Order    :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Prehearing Conference Memorandum** dated August 15, 2025, 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 Only**

Carl R. Shultz, Esq.  
Renardo L. Hicks, Esq.  
Eckert Seamans Cherin & Mellott LLC  
213 Market Street 8th Floor  
Harrisburg PA 17101  
[cshultz@eckertseamans.com](mailto:cshultz@eckertseamans.com)  
[rhicks@eckertseamans.com](mailto:rhicks@eckertseamans.com)  
*Counsel for the Borough of Royersford*

Benjamin C. Dunlap, Jr., Esq.  
240 North 3<sup>rd</sup> Street, 7<sup>th</sup> Floor  
Harrisburg, PA 17101  
[bdunlap@cohenseglias.com](mailto:bdunlap@cohenseglias.com)  
*Counsel for  
Norfolk Southern Railway Company*

Stephen M. Pemberton Esq.  
Eckert Seamans Cherin & Mellott LLC  
Two Liberty Place, 22nd Floor  
50 South 16th Street  
Philadelphia, PA 19016  
[spemberton@eckertseamans.com](mailto:spemberton@eckertseamans.com)  
*Counsel for the Borough of Royersford*

Mark A. Lazaroff, Esq.  
Morgan Lewis & Bockius LLP  
2222 Market Street  
Philadelphia, PA 19103-2921  
[mark.lazaroff@morganlewis.com](mailto:mark.lazaroff@morganlewis.com)  
*Counsel for PECO*

Jeffrey D. Cohen, Esq.  
Timothy L. Frey, Esq.  
Cohen and Frey P.C.  
The Times Building  
32 Parking Plaza, Suite 402  
Ardmore, PA 19003  
[jcohen@freightlaw.net](mailto:jcohen@freightlaw.net)  
[tfrey@freightlaw.net](mailto:tfrey@freightlaw.net)  
*Counsel for Norfolk Southern Corporation*

Engineering Department  
PECO Energy Company  
2301 Market Street  
P.O. Box 8699  
Philadelphia PA19101  
[peco.edev@exeloncorp.com](mailto:peco.edev@exeloncorp.com)

NazAarah Sabree  
Office of Small Business Advocate  
555 Walnut Street  
Forum Place 1st Floor  
Harrisburg PA 17101  
[Ra-sba@pa.gov](mailto:Ra-sba@pa.gov)



---

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