



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

March 4, 2025

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

**A-2021-3028010**

Dear Secretary Homsher,

Enclosed for filing please find the Department's *Prehearing Memorandum* 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.

Sincerely,

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.  
Sarah Fenton  
Mara Johnson  
Richard Reisinger, P.E.  
Heidi Mertz, P.E.  
Eric Gogola  
Marwa Said  
Dustin Palmer  
Ahmed Lasludji



On October 30, 2025, a prehearing Order was filed and ultimately continued.

On January 5, 2026, Administrative Law Judge Chad L. Allensworth scheduled a prehearing conference for March 10, 2026, with prehearing memorandums due on March 4, 2026.

## **B. Issues**

1) The first issue in this case includes whether the Department can provide additional clearance from the relocated overhead catenary system (OCS) poles to the Norfolk Southern Roylton Branch Track for the addition of a future second track. The Department's position is that the updated horizontal clearance is sufficient for Norfolk Southern to maintain their tracks and also leaves enough clearance for a potential future second track but the Department will continue to analyze whether additional clearance is feasible.

2) The second issue in this case is whether the Interstate Commerce Commission Termination Act of 1995, 49 U.S.C. § 10101, *et seq.* (ICCTA) preempts the Commission's approval of the final structure plan because the location of the catenary towers will impede and unduly burden Norfolk Southern's future rail operations. The Department's position is that ICCTA does not preempt the Commission's approval and the location of the catenary towers will not impede nor unduly burden Norfolk Southern's future rail operations because sufficient horizontal clearance has been provided.

## **C. Proposed Plan and Schedule of Discovery**

The Department suggests that discovery can be completed informally between the parties, by April 10, 2026.

## **D. Proposed Witnesses and Testimony**

a. Eric Gogola (Gogola): Gogola is a Project Manager at HNTB Corporation and is the Department's design consultant for this project. Gogola's testimony will include discussion

about the various engineering and project-specific details.

b. Heidi Mertz (Mertz): Mertz is the District 8 Design Services Engineer. Mertz's testimony will include discussion about timelines and progress of the project.

c. Matthew Schreffler (Schreffler): Schreffler is an Engineering Technical Advisor at HNTB Corporation and is the Department's design consultant for this project. Schreffler's testimony will include discussion about the various engineering and project-specific details.

#### **E. Possibility of Settlement**

Settlement is still a possibility. The parties will continue to work towards full resolution of the issues in the hopes of avoiding lengthy litigation.

#### **F. Estimated Hearing Time**

The Department estimates it will need approximately half a day for its case-in-chief.

#### **G. Proposed Litigation Schedule**

Discovery Complete by: April 10

Joint Stipulation: May 1

Written Testimony: May 8

Written Rebuttal Testimony: June 8

Provide witness schedule 3 business days before the hearing

Hearing: week of June 22

Briefing schedule to be established at the hearing

## H. Additional Matters

Leah Bobula, Esquire, will be the lead attorney representing the Department.

WHEREFORE, the Department respectfully requests that Norfolk Southern's Petition for Reconsideration from Staff Action be denied and the rail plans be affirmed.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



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DATED: March 4, 2026

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**VERIFICATION**

I, Heidi Mertz, P.E., Design Services Engineer, 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 Prehearing Memorandum 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.

  
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Heidi Mertz, P.E.

Date: March 4, 2026

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application of the Department of Transportation of :  
the Commonwealth of Pennsylvania for approval to :  
alter the public crossing (DOT 518 047 F) by the :     Docket No. A-2021-3028010  
replacement of the Viaduct bridge, approach :  
structure to the John Harris Memorial Bridge, :  
where State Route 0083 (Interstate 83) crosses, :     Electronically Filed  
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 :**

**CERTIFICATE OF SERVICE**

I hereby certify that I have 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:

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Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

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DATED: March 4, 2026