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March 6, 2026

**VIA ELECTRONIC FILING**

Matthew Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**RE: Application of PPL Electric Utilities Corporation for approval of the alteration of the crossing where State Route 1005 (Mount Sidney Road) crosses, above grade, tracks of the National Railroad Passenger Service (AMTRAK) (DOT 518 160 Y) for the purpose of replacing an existing utility pole and relocating an aerial utility line in East Lampeter Township, Lancaster County  
Docket No. A-2025-3054947**

Dear Secretary Homsher:

Attached for filing with the Pennsylvania Public Utility Commission is a Pre-Hearing Memorandum on behalf of the National Railroad Passenger Corporation (Amtrak) in the above-referenced matter.

Sincerely,

A handwritten signature in blue ink that reads 'Kenneth R. Stark'.

Kenneth R. Stark  
MCNEES WALLACE & NURICK LLC

c: John M. Coogan, Administrative Law Judge (via email)  
Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of PPL Electric Utilities :  
Corporation for approval of the alteration of :  
the crossing where State Route 1005 (Mount :  
Sidney Road) crosses, above grade, tracks of :  
the National Railroad Passenger Service : Docket No. A-2025-3054947  
(AMTRAK) (DOT 518 160 Y) for the :  
purpose of replacing an existing utility pole :  
and relocating an aerial utility line in East :  
Lampeter Township, Lancaster County :

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**PRE-HEARING MEMORANDUM OF  
THE NATIONAL PASSENGER RAILROAD CORPORATION (AMTRAK)**

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Pursuant to the February 17, 2026, Prehearing Conference Order issued by the Administrative Law Judge, Amtrak hereby submits this Prehearing Memorandum in the above-captioned proceeding.

**I. HISTORY OF THE PROCEEDING**

On May 1, 2025, PPL Electric Utilities Corporation (“PPL”) filed an Application for approval of the alteration of the crossing where State Route 1005 (Mount Sidney Road) crosses, above grade, Amtrak’s tracks and property (DOT 518 160 Y) for the purpose of replacing an existing utility pole and relocating an aerial utility line in East Lampeter Township, Lancaster County (“Application”).

On May 27, 2025, the Pennsylvania Public Utility Commission (“PUC” or “Commission”), through the Transportation Division-Rail Safety Section of the Bureau of Technical Utility Services, posted a letter to the docket asking for objections to the Application to be filed by June 16, 2025.

On June 15, 2025, Amtrak filed a letter with the Commission referring PPL to Amtrak's electronic application for utility installations. This letter was filed in the present docket and was treated as a preliminary objection ("Letter Objection"). Amtrak expressly objected to PPL's Application at that time and emphasized the need for PPL to submit an application directly with Amtrak to enter Amtrak's property, with the application to be submitted at <https://www.amtrak.com/about-amtrak/real-estate/utility-installations.html>. Amtrak further explained that it would be able to complete its review of PPL's Amtrak application, when submitted, as soon as possible.

On June 20, 2025, PPL filed Preliminary Objections to Amtrak's Letter Objection, with a response by Amtrak initially due within ten (10) days of the date of service of said Preliminary Objections.

On July 23, 2025, Amtrak and PPL filed with the Commission a stipulation ("July 23 Stipulation") agreeing that Amtrak's deadline to respond to PPL's Preliminary Objections shall be extended to August 13, 2025.

On August 13, 2025, Amtrak concurrently filed a Protest to the Application and an Answer to the Preliminary Objections of PPL and New Matter.

On September 2, 2025, PPL filed a Reply to Amtrak's New Matter.

On September 17, 2025, Amtrak filed a Motion to Supplement the Record.

On October 5, 2025, PPL filed an Answer to Amtrak's Motion to Supplement the Record.

On February 9, 2026, the Bureau of Investigation and Enforcement filed an Entry of Appearance.

A Prehearing Conference has been scheduled in this proceeding for March 10, 2026, and a Prehearing Order was issued on February 17, 2026.

## **II. RESERVATION OF FEDERAL PREEMPTION ISSUES**

After the passenger railroad industry collapsed in the 1970s, Congress created Amtrak to operate a national, intercity passenger rail system. Recognizing that such a national railroad system could not successfully operate if it were subject to the myriad laws and regulations of the many states and municipalities that it operated in, Congress enacted several statutes to exempt Amtrak from state and local laws. As explained in Amtrak's Protest to PPL's Application and Answer to the Preliminary Objections of PPL and New Matter, PPL's application is preempted, in whole or in part, by these federal statutes. Amtrak raised these issues in its prior submissions solely to inform the Commission of the federal preemption issues.

The Commission should not decide these federal preemption issues. Because they present issues of federal law under the Supremacy Clause of the United States Constitution, the preemption issues should be decided in federal court. By participating in this proceeding, Amtrak does not waive its position that a federal court should decide the federal preemption issues. Amtrak expressly reserves its right to present the federal preemption issues to a federal court at a later date if the present dispute cannot be resolved.

## **III. ANTICIPATED ISSUES AND SUB-ISSUES**

This case involves threshold factual and PUC-jurisdictional issues pertaining to whether PPL's electric poles at issue are located within the public right-of-way of the railroad crossing (or the public highway). Prior to expending party and Commission resources to undergo an evidentiary hearing, Amtrak recommends that Amtrak and PPL jointly engage an independent surveyor to objectively determine the location of PPL's subject pole(s) within the context of the public right-of-way of the railroad crossing (or the public highway) near Mount Sidney Road.

In the event that testimony is still required by the Presiding Administrative Law Judge, Amtrak intends to address the following issues during any hearing that is scheduled in this proceeding:

- a) Whether PPL has failed to demonstrate that its Application is appropriately advanced pursuant to Chapter 27, 66 Pa. C.S. §§ 2702, 2704 as a rail crossing application.
- b) Whether PPL's Application is legally insufficient, as insufficient evidence is offered to support the assertion that the subject pole is within the public right-of-way of the railroad crossing (or the public highway).
- c) Whether PPL's Application is legally insufficient, as insufficient evidence is offered to support the assertion that Commission jurisdiction is appropriate here.
- d) Whether PPL has legal authority, in the form of any existing easements or right-of-way or licenses or other agreements to cross Amtrak's tracks at the location underlying PPL's application in this proceeding.
- e) Whether allowing PPL to proceed without complying with Amtrak's well-established rules, procedures, and practices for utilities and other parties seeking to enter Amtrak's property to conduct any work, would create safety hazards and unfairly impose costs and risks on Amtrak that PPL, as the proponent of the work, should bear.

Amtrak anticipates pursuing these issues during this proceeding and reserves the right to raise further issues and to respond to all issues raised by other parties.

#### **IV. PROPOSED WITNESSES**

If a hearing is scheduled in this proceeding, Amtrak expects to sponsor testimony in this proceeding, presenting multiple witnesses as necessary, regarding the aforementioned issues. Amtrak will inform the parties and the Presiding Judge of its intended witnesses and topics of testimony. Amtrak also intends to participate in this proceeding through the submission of discovery, cross-examination of other parties' witnesses, and the submission of briefs, exceptions, and reply exceptions, if necessary.

**V. PROPOSED SCHEDULE AND DISCOVERY RULES**

Amtrak proposes the following schedule:

Settlement Conference	May 13, 2026
Direct Testimony	June 15, 2026
Rebuttal Testimony	July 10, 2026
Surrebuttal Testimony	July 31, 2026
Hearings	September 2026
Main Briefs	October 21, 2026
Reply Briefs	November 15, 2026

Notwithstanding this proposed schedule, Amtrak will cooperate with the Presiding Judge and the parties at the Prehearing Conference to develop an appropriate procedural schedule, and discovery rules in accordance with the Commission’s regulations and any directives issued by the Presiding Judge. Amtrak does not propose any deviations from the Commission’s standard discovery rules at this time.

**VI. POSSIBILITY OF SETTLEMENT OR USE OF MEDIATION**

Amtrak is willing to participate in discussions with the other parties to amicably resolve the issues in this proceeding, subject to the approval of the Commission. Per Paragraph 10 in the Presiding Judge’s Prehearing Order, Amtrak is agreeable to having the presiding officer participate in settlement discussions. Amtrak is also open to the use of the PUC’s mediation program as a potential means to resolve the underlying dispute.

## VII. CONCLUSION

Amtrak appreciates this opportunity to submit this Prehearing Memorandum.

Respectfully submitted,

McNEES WALLACE & NURICK LLC



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*Counsel for the National Passenger Railroad Corporation*

Dated: March 6, 2026

## **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 Section 1.54 (relating to service by a participant).

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Kenneth R. Stark

*Counsel to Amtrak*

Dated this 6<sup>th</sup> day of March, 2026, in Harrisburg, Pennsylvania.