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June 17, 2026

**VIA ELECTRONIC-FILING**

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

RE: Bridge structure (BRKEY 3298) and roadway closure at the public crossing (DOT 869 358 A) where Clinton Road (T-881) crosses, above grade, a single track of Buffalo & Pittsburgh Railroad, Incorporated, located in South Buffalo Township, Armstrong County  
Docket No. A-2025-3056642  
File No. 2393.274368

Dear Secretary Homsher:

Enclosed for filing please Buffalo & Pittsburgh's Prehearing Conference Memorandum. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

*/s/ Aaron M. Ponzo*

Aaron M. Ponzo

AMP/eie

Enclosure

Cc: As per Certificate of Service

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**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bridge structure (BRKEY 3298) and roadway closure at the public crossing (DOT 869 358 A) where Clinton Road (T-881) crosses, above grade, a single track of Buffalo & Pittsburgh Railroad, Incorporated, located in South Buffalo Township, Armstrong County

Docket No. A-2025-3056642

**PREHEARING CONFERENCE MEMORANDUM**

AND NOW, comes Buffalo & Pittsburgh Railroad, Inc. (“BPRR”), by its undersigned counsel and files this Prehearing Conference Memorandum, stating as follows:

**I. History of the Proceeding**

This matter involves the temporary closure of the public crossing (DOT 869 358 A) where Clinton Road (T-881) crosses, above grade, a single track of BPRR located in South Buffalo Township on or about July 28, 2025. By Secretarial Letter dated August 4, 2025, the Commission affirmed the action taken by South Buffalo Township to close the bridge after the bridge was determined to be in critical structural condition following a safety inspection performed by AECOM on or about July 22, 2025, pursuant to its bridge inspection contract with PennDOT.

The Commission directed South Buffalo Township, at its initial cost and expense, to “furnish all material and perform all work necessary to establish and maintain any detours or traffic controls that may be required to properly and safely accommodate highway and pedestrian traffic during the time the bridge is closed.” *See* Secretarial Letter, August 4, 2025, ¶2. The Commission further directed South Buffalo Township, at its initial cost and expense, to “maintain any barricades, fencing and signage installed to prevent vehicular and pedestrian access to the subject public crossing until such time that the bridge structure can

be repaired or replaced...” *Id.* ¶3. BPRR was directed, at its sole cost and expense, to “prepare and submit complete detailed structural repair plans and/or details to address the Critical Priority (Priority 0) Maintenance items at the subject public crossing to all parties for review and to the Commission for approval and/or affirmation.” *Id.* ¶4. BPRR submitted the plans to the parties of record on August 22, 2025, and to the Commission on September 9, 2025. The plans were approved by the Commission pursuant to a Secretarial Letter dated September 22, 2025, after receiving no objections from the parties. BPRR completed the repairs in accordance with the plans on October 15, 2025.

By Secretarial Letter of January 30, 2026, the Commission noted that an inspection on October 17, 2025, found repairs performed by BPRR were adequate and effectively mitigated the Critical Priority (Priority 0) maintenance items. *See* Secretarial Letter, January 30, 2026, at 1. The Commission affirmed the action taken by South Buffalo Township to reopen the bridge following the completion of the repairs. *Id.*, at ¶ 1.

On November 21, 2025, the Township transmitted to BPRR a request for reimbursement of \$118,818.59. *Id.*, at 1. The Commission encouraged South Buffalo Township and BPRR to continue working toward the resolution of the final costs and advised that if the final costs were not resolved within sixty (60) days of the January 30, 2026, Secretarial Letter, the matter will be reassigned to the Commission’s Office of Administrative Law Judge for adjudication. The Township and BPRR attempted to resolve the final costs but have been unable to do so to date.

## **II. Issues to be Addressed and BPRR’s Position**

The adjudication of final costs and expenses for: 1) furnishing material and performing work necessary to establish and maintain detours or traffic controls required to

properly and safely accommodate highway and pedestrian traffic during the time that the bridge was closed; and 2) maintaining barricades, fencing and signage installed to prevent vehicular and pedestrian access to the subject public crossing during the time that the bridge was closed.

BPRR's position is that it is not responsible for the costs incurred by South Buffalo Township and, further, that the costs and expenses reflected in the supporting documentation and invoices provided by South Buffalo Township are either unrelated to the closure of the Clinton Road Bridge or lack sufficient information to establish that the costs and expenses were incurred as a result of the closure. To the extent that South Buffalo Township relies on the Commission's Order of June 19, 2009, entered at Docket No. C-20030388 to argue that BPRR is responsible for the claimed costs and expenses, that reliance is misplaced. Neither that Order nor the parties' related settlement impose upon BPRR the responsibility to pay for or reimburse the costs and expenses claimed by South Buffalo Township in this matter.

### **III. Proposed Discovery Plan and Schedule**

BPRR proposes an informal exchange of information among the parties to be accomplished within forty-five (45) days following the Prehearing Conference, followed by a ninety (90) day period for fact discovery.

### **IV. Proposed Witnesses**

- A. Shawn Baer  
AVP, Structures  
Genesee & Wyoming, Inc.**

Mr. Baer is expected to testify as to BPRR's ownership and responsibilities for maintenance of the railroad bridge, BPRR's inspection and maintenance of the bridge, the

repairs performed to address the safety issues identified during the inspection in July 2025, and other matters as necessary and appropriate.

**B. Jarrod Hutcheson  
General Manager  
Buffalo & Pittsburgh Railroad, Inc.**

Mr. Hutcheson is expected to testify as to BPRR's ownership and responsibilities for maintenance of the railroad bridge, BPRR's inspection and maintenance of the bridge, the repairs performed to address the safety issues identified during the inspection in July 2025, and other matters as necessary and appropriate.

**C. Brett Canimore, PE, or other representative  
Vice President / Senior Project Manager  
AECOM**

Mr. Canimore is expected to testify as to the results of the inspection of the subject bridge on or about October 17, 2025 finding that the repairs by BPRR were adequate and effectively mitigated the previously identified Critical Priority (Priority 0) maintenance items.

**D. Nicholas Panchick, or other representative  
Operations Supervisor – Bridge Inspection  
Pennsylvania Department of Transportation**

Mr. Panchick is expected to testify as to the results of the inspection of the subject bridge on or about October 17, 2025 finding that the repairs by BPRR were adequate and that the bridge was safe for re-opening to traffic at its posted weight limit of 10 tons.

**E. Representative(s) of South Buffalo Township**

It is expected that the representative(s) of South Buffalo Township will testify as to the materials and work furnished by the Township to comply with its obligations as set forth in the Secretarial Letter dated August 4, 2025, including all work performed and equipment

used, the identities of all Township employees who performed work and records of days and times worked, and the locations and purposes for which all materials were used in connection with the closure of the subject bridge.

**F. Representative(s) of Mecall Services, LLC**

It is expected that the representative(s) of Mecall Services, LLC will testify as to services rendered to South Buffalo Township pursuant to Invoice 2025-3059 dated October 30, 2025, with reference to "Clinton Bridge Emergency".

**G. Representative(s) of Buffalo Limestone, Inc.**

It is expected that the representative(s) of Buffalo Limestone, Inc. will testify as to materials supplied to South Buffalo Township including those listed on Invoice B7882 dated April 22, 2025, and Invoice 5288-B dated July 1, 2025, their purpose and use, delivery locations, and discussions with South Buffalo Township regarding the same.

**H. Representative(s) Chemung Supply Corporation**

It is expected that the representative(s) of Chemun Supply Corporation will testify as to items supplied to South Buffalo Township including those listed on Invoice 039361 dated October 17, 2025, their purpose and use, delivery locations, and discussions with South Buffalo Township regarding the same.

**I. Representative(s) of MinTech**

It is expected that the representative(s) of MinTech will testify as to materials and/or services supplied to South Buffalo Township including those listed on Service Ticket #14974, the purpose and use of the materials, delivery locations, and discussions with South Buffalo Township regarding the same.

**J. Representative(s) of Momar, Inc.**

It is expected that the representative(s) of Momar, Inc. will testify as to the materials and/or services supplied to South Buffalo Township including those listed on Invoice

PSI628978 dated July 30, 2025, and the Statement dated August 31, 2025, their purpose and use, delivery locations, and discussions with South Buffalo Township regarding the same.

**K. Representative(s) of Rae-Lyn Enterprises, Inc.**

It is expected that the representative(s) of Rae-Lyn Enterprises, Inc. will testify as to the items supplied to South Buffalo Township including those listed on Invoice 29919 dated August 8, 2025, and the Sales Quotes dated August 21, 2025 and August 22, 2025, their purpose and use, delivery locations, and discussions with South Buffalo Township regarding the same.

**VI. Possibility of Settlement**

BPRR is willing to continue negotiating a settlement. BPRR has requested that South Buffalo Township provide information and documents to demonstrate that the claimed costs and expense relate to, and were caused by, the subject bridge closure.

**VII. Proposed Litigation Schedule**

- A. Written direct testimony due on November 19, 2026;
- B. Written rebuttal testimony due on December 17, 2026;
- C. Witness schedule due three business days before the hearing;
- D. Hearing to occur the week of January 25, 2027; and
- E. Briefing schedule to be established at the hearing.

**VIII. Other Matters**

None, at this time.

BPRR reserves the right to amend or supplement as needed and to the extent permitted under the Commission's regulations or by the presiding officer. BPRR also reserves the right to respond to other matters raised by any other party.

Respectfully Submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By: /s/Aaron M. Ponzio  
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*Attorney for Buffalo & Pittsburgh Railroad, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing Joint Motion for Extension of Time have been served this 17<sup>th</sup> day of June 2026, upon the parties listed below in accordance with 52 Pa. Code § 1.54 (relating to service by a party):

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*/s/ Aaron M. Ponzio*

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