



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

June 18, 2026

Via Electronic Filing

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

Dear Secretary Homsher,

Enclosed for filing please find the Department's *Prehearing Conference 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 "Elizabeth K. Rall".

Elizabeth K. Rall
Assistant Counsel

cc: Parties of Record

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

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**
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PREHEARING CONFERENCE MEMORANDUM

In accordance with the May 13, 2026, Prehearing Conference Order of Administrative Law Judge Chad L. Allensworth in the above-referenced matter, the Department of Transportation (Department) offers the following:

1. The Department requests that its sole entry on the service list be:

Elizabeth K. Rall
Office of Chief Counsel
Pennsylvania Department of Transportation
PO Box 8212
Harrisburg, PA 17105-8212
717-787-3128 (phone)
717-772-2741 (fax)
erall@pa.gov

Counsel will accept service electronically.

2. History: The proceedings were initiated by a temporary closure of the public crossing, DOT 869 358 A, located in South Buffalo Township, in July of 2025. A Secretarial Letter affirmed South Buffalo Township's closure of the bridge after a determination was made that the bridge was in critical structural condition. This letter directed certain responsibilities to the South Buffalo Township and to Buffalo & Pittsburgh Railroad, Inc. All required repairs have been made and the bridge has been reopened; however, the Township is requesting a reimbursement from BPRR, and the parties have yet to resolve the final costs and have yet to come to an agreement to date.
3. Issues: The Department believes that the issues relate to final costs for the repairs and/or reimbursement costs between the Township and BPRR. The crossing is not

located close enough to any state highway such that the Department has a material interest.

As the location involves a local road, aside from general concerns for the safety of the traveling public, the Department does not have a position or interest in the resolution of this matter.

Pursuant to 52 a. Code § 3.361(a), “[w]henever a complaint is made under section 2702 of the act (relating to construction, relocation, suspension and abolition of crossings) that a crossing is dangerous or inadequate and requires reconstruction, relocation, alteration or abolition, public utilities, owners of the railroad right-of-way and municipal corporations concerned and, **if applicable, the Department of Transportation, will be made [a party] respondent.**” (*emphasis added*). In the instant case, the Department has no jurisdiction over the structures complained of or the underlying roadways. Therefore, the Department requests that its participation is not applicable in this matter and that it be dismissed as a party.

4. Proposed Schedule: The parties have discussed and agreed to the following discovery and litigation schedule:
 - a. Written direct testimony due on November 19, 2026.
 - b. Written rebuttal testimony due on December 17, 2026.
 - c. Witness schedule due 3 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.

5. Witnesses: The Department does not intend to offer witnesses to address the specifics of the crossings at issue, however, general crossing questions may be offered by:

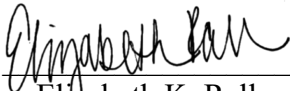
Jeffrey Matko, P.E.
District Grade Crossing Engineer
Pennsylvania Department of Transportation
Engineering District 10-0
2550 Oakland Avenue
Indiana, PA 15701

The Department reserves the right to call any additional witnesses deemed necessary as the case develops.

6. Other Matters:
None, at this time.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

By: 
Elizabeth K. Rall
Assistant Counsel
Supreme Court I.D. No. 328725
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P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No.: (717) 705-1270
erall@pa.gov

Dated: June 18, 2026

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

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CERTIFICATE OF SERVICE

I hereby certify that I have on 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:

Electronic and Regular U.S. Mail

<p>Aaron M. Ponzio, Esquire Four Gateway Center 444 Liberty Avenue Suite 1000 Pittsburgh, PA 15222-1225 aponzo@dmclaw.com cellis@dmclaw.com</p>	<p>Darin Alviano County of Armstrong 402 Market Street Kittanning, PA 16201</p>
<p>James A. Favero James A. Favero, Law Office 216 N. Jefferson, Suite 2 Kittanning, PA 16201 attyfavero@windstream.net</p>	<p>Michele Brestensky Township Secretary South Buffalo Township 384 Ironbridge Road Freeport, PA 16229 sbtwp@comcast.net</p>
<p>Richard Pavetto Director of Operations Buffalo and Pittsburgh Railroad 100 B&P Lane Butler, PA 16001 richard.pavetto@gwrr.com</p>	

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

Maria Bitner

Maria Bitner, Legal Analyst
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Dated: June 18, 2026