



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

August 12, 2013

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: **Docket No. A-2011-2248574**

Dear Secretary Chiavetta:

Enclosed for filing please find the Department's *Motion to Modify Secretarial Letter of October 17, 2011*, 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.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Nick Mertens".

Nicholas D. Mertens
Assistant Counsel

Enclosure

220/NDM:aca

cc: Parties of Record
Mark J. Chappell, P.E., Chief, Utilities and Right-of-Way Section
Donald Harvey, Grade Crossing Engineer, District 11-0

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of	:	
Transportation of the Commonwealth of	:	A-2011-2248574
Pennsylvania for approval to alter the	:	
crossing by lowering the roadway where	:	Electronically Filed
State Route 0051, Section A63 (West	:	
Carson Street Viaduct) crosses beneath the	:	
two tracks of Norfolk Southern Railway	:	
(DOT No. 510 610 R) M.P.2.30 in the City	:	
of Pittsburgh, Allegheny County; and the	:	
allocation of costs incident thereto.	:	

MOTION TO MODIFY SECRETARIAL LETTER OF OCTOBER 17, 2011

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation, (“Department”), by and through its counsel, Nicholas D. Mertens, Assistant Counsel and offers the following in support of its Motion to Modify Secretarial Letter in the above referenced matter:

1. The name and address of the moving party is:

Commonwealth of Pennsylvania
Department of Transportation
Bureau of Project Delivery
P.O. Box 3362
Harrisburg, Pennsylvania 17105-3362

2. The name and address of Counsel for the moving party is:

Nicholas D. Mertens
Assistant Counsel
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, Pennsylvania 17105-8212

3. The Secretarial Letter dated October 17, 2011, approved the Department's application to alter the subject crossing by lowering the roadway where State Route 0051 crosses (DOT 510 610 R), below grade, two tracks of Norfolk Southern Railway Company in the City of Pittsburgh, Allegheny County. It further ordered that all work was to be completed on or before December 31, 2013, and for Allegheny County to report to the Commission the actual date of completion of work. However, after the application was filed the scope of the project was modified. This change in scope of work required additional plan preparation and will require additional time to complete. For these reasons, the Department is requesting an extension of time to complete the work.

4. The Department respectfully requests that the Secretarial Letter be modified as follows (modification is underlined):

9. All work necessary to complete the alteration of the subject crossing, be done in a manner satisfactory to this Commission, on or before October 31, 2015, and that on or before said date, Pennsylvania Department of Transportation report to this Commission the actual date of completion of work.

WHEREFORE, the Department of Transportation respectfully requests that the relief sought herein be granted.

Respectfully submitted,



Nicholas D. Mertens
Assistant Counsel
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128

DATED: August 12, 2013

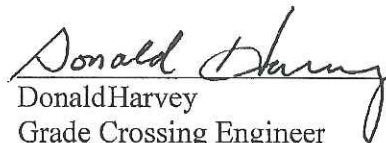
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VERIFICATION

I, Donald Harvey, Grade Crossing Engineer, for the Commonwealth of Pennsylvania, Department of Transportation, in this matter, hereby verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that this statement is made subject to penalties of 18 Pa. C.S. § 4904, relating to the unsworn falsification to authorities.

DATED: 8/8/2013



Donald Harvey
Grade Crossing Engineer
Engineering District 11-0

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(DOT No. 510 610 R) M.P.2.30 in the City :
of Pittsburgh, Allegheny County; and the :
allocation of costs incident thereto. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the *Motion to Modify Secretarial Letter of October 17, 2011* was served upon the parties listed below, in accordance with the requirements of § 1.54, by first-class mail, postage prepaid this 12th Day of August 2013:

Tom Bracey
Senior Engineer Public Improvements
Norfolk Southern Railway Company
1200 Peachtree Street
Pittsburgh, PA 15219

Luke Ravenstahl, Mayor
City of Pittsburgh
City County Building, RM. 514
414 Grant Street
Pittsburgh, PA 15219

Thomas Donatelli, P.E. Director
Allegheny County Department of Public
Works
542 Forbes Avenue, Room 501
Pittsburgh, PA 15219

Bill Macaulay
Qwest Communications
113 Loire Valley Drive
Pittsburgh, PA 15209

Jim Runatz
Duquesne Light Company
2825 New Beaver Avenue, Building 6
Pittsburgh, PA 15233-1003

Dave Borneman
Allegheny County Sanitary Authority
3300 Preble Avenue
Pittsburgh, PA 15233-1092

Matt Hill
Level 3 Communications
200 Technology Drive
Pittsburgh, PA 15219

Ford McLean
AT&T
355 North Tower Road
Fombell, PA 16123-9729

Rick Moslen
Comcast Inc.
200 Industry Drive, 3rd Floor
Pittsburgh, PA 15275

Sean Kozielec
Equitable Gas Company
200 Allegheny Center Mall
Pittsburgh, PA 15212-5352

Debbie Delia
Verizon of PA
Right-of-Way Department
15 East Montgomery Avenue
Pittsburgh, PA 15212

Leslie L. Scherr, Project Manager Public
Projects
CSX Transportation
500 Water Street, J-301
Jacksonville, FL 32202

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Alicia Adair, Legal Assistant to
Nicholas D. Mertens, Esquire
Assistant Counsel
Office of Chief Counsel
Keystone Building – 9th Floor
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128

DATED: August 12, 2013