



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

July 20, 2015

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

RE: **Docket No. A-2015-2472060**

Dear Secretary Chiavetta:

Enclosed for filing please find the Department's *Petition for Leave to Withdraw Application* 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 "N. Mertens".

Nicholas D. Mertens  
Assistant Counsel

Enclosure

220/NDM:aca

cc: Parties of Record  
George M. Steiner, PE, Pennsylvania Public Utility Commission  
Mark J. Chappell, P.E., Chief, Utilities and Right-of-Way Section  
Ahmed Lasloudji, District Grade Crossing Engineer, District 8-0

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|  |   |                             |
|--|---|-----------------------------|
| Application of the Department of             | : |                             |
| Transportation of the Commonwealth of        | : | A-2015-2472060              |
| Pennsylvania for approval to alter the       | : |                             |
| circuitry of the existing automatically      | : | <b>Electronically Filed</b> |
| operated railroad warning devices to allow   | : |                             |
| for temporary advanced preemption where      | : |                             |
| State Route 462 (West Market Street) crosses | : |                             |
| at-grade the single track of York Rail       | : |                             |
| Company (DOT #87247W) in Manchester          | : |                             |
| Township, York County; and the allocation    | : |                             |
| of the costs incident thereto.               | : |                             |

**DEPARTMENT OF TRANSPORTATION'S PETITION FOR  
LEAVE TO WITHDRAW APPLICATION**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (“Department”), by and through its counsel, Nicholas D. Mertens, Assistant Counsel, and hereby files this Petition for Leave to Withdraw Application filed by the Department on February 26, 2015 in the above captioned matter, pursuant to 52 Pa. Code § 1.82, based upon the following:

1. The name and address of your Petitioner 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. On February 26, 2015, Michael S. Gillespie, P.E., acting on behalf of the Department filed an Application with the Pennsylvania Public Utility Commission (“Commission”) seeking approval to alter the circuitry of the existing automatically operated railroad warning devices to allow for temporary advanced preemption where State Route 0462 crosses at-grade a single track of the York Rail Company (DOT # 872 471 W) in West Manchester Township, York County.
4. The Application was docketed at Number A-2015-2472060.
5. The Department sought the Commission’s approval to alter the circuitry as part of an adjacent highway bridge replacement project.
6. The bridge replacement project, in and of itself, is not subject to the Commission’s jurisdiction. 66 Pa.C.S. § 2702.
7. The Department has altered the scope of the aforementioned project from a full bridge replacement to a bridge preservation project; as such, the Department no longer intends to alter the circuitry of the existing automatically operated railroad warning devices nor will any other alteration occur to the subject highway-rail crossing.
8. The Department and the York Rail Company intend on entering into an agreement for the purposes of flagmen and inspection required by the aforementioned project.
9. The Department respectfully requests that the Application herein be deemed withdrawn and the matter closed.

**WHEREFORE**, the Department of Transportation respectfully requests that the Application filed February 26, 2015, be deemed withdrawn and this matter closed consistent with this Petition.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



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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  
Fax Number (717) 772-2741  
Pennsylvania Attorney I.D. Number 313998  
nimertens@pa.gov

DATED: July 20, 2015


**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of :  
Transportation of the Commonwealth of : A-2015-2472060  
Pennsylvania for approval to alter the :  
circuitry of the existing automatically : **Electronically Filed**  
operated railroad warning devices to allow :  
for temporary advanced preemption where :  
State Route 426 (West Market Street) crosses :  
at-grade the single track of York Rail :  
Company (DOT #87247W) in Manchester :  
Township, York County; and the allocation :  
of the costs incident thereto. :

**VERIFICATION**

I, Ahmed Lasloudji, Grade Crossing Administrator, Commonwealth of Pennsylvania, Department of Transportation, in the foregoing document, make the following statement subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authority, and do state that as the Grade Crossing Administrator for the Commonwealth of Pennsylvania, Department of Transportation, I am authorized to make this statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the facts set forth in the foregoing document are true and correct to the best of my information, knowledge and belief.

DATED: 7/20/2014

  
\_\_\_\_\_  
Ahmed Lasloudji  
Grade Crossing Administrator  
Engineering District 8-0

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of :  
Transportation of the Commonwealth of : A-2015-2472060  
Pennsylvania for approval to alter the :  
circuitry of the existing automatically : **Electronically Filed**  
operated railroad warning devices to allow :  
for temporary advanced preemption where :  
State Route 462 (West Market Street) :  
crosses at-grade the single track of York :  
Rail Company (DOT #87247W) in :  
Manchester Township, York County: and :  
the allocation of the costs incident thereto. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Department's *Petition for Leave to Withdraw Application* was served upon the parties listed below, in accordance with the requirements of §1.54, by First-Class mail, postage prepaid, this 20<sup>th</sup> day of July, 2015:

Allison Fergus, General Counsel  
Genesee & Wyoming, Inc.  
66 Field Point Road  
Greenwich, CT 06830

David Newmister  
Verizon North Retain Company  
PAPDAO1  
2246 South Queen Street  
York, PA 17402

David Harr, General Manager  
York Rail Company  
2790 W. Market Street  
York, PA 17404

M. Steven Chronister, Chairman  
York County Commissioners  
380 East Berlin Road  
York, PA 17404

David W. Bupp  
York City Sewer  
17 East Market Street  
York, PA 17401

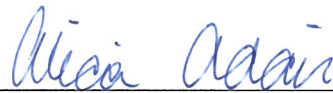
John O'Keefe  
Comcast Cable Communications Inc.  
1050 East King Street  
York, PA 17402

Will Clark  
York County Planning Commission  
28 East Market Street  
York, PA 17401

Dan Henry  
MET ED  
800 Cabin Hill Dr.  
Greensburg, PA 15601

Kent K. Croman, Engineer  
York Water Company  
P.O. Box 15089  
130 East Market Street  
York, PA 17405-7089

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



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Alicia Adair, Legal Assistant to  
Nicholas D. Mertens  
Assistant Counsel in Charge  
Commonwealth of Pennsylvania  
Department of Transportation  
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P.O. Box 8212  
Harrisburg, PA 17105-8212  
Telephone No. (717) 787-3128

DATED: July 20, 2015