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Harrisburg

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MEMBER

March 29, 2019

Ms. Rosemary Chiavetta, Secretary
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
400 North Street, Keystone Building 2nd Floor
Harrisburg, PA 17120

Re: Application of Norfolk Southern Railway Company, Docket No. A-2018-3006432

Dear Secretary Chiavetta:

The undersigned are members of the Pennsylvania House of Representatives whose constituents are directly impacted by the proceedings before the Pennsylvania Public Utility Commission (PUC). As such, we would like to offer our support of the recent Petition for Review, Relief, or Other Reconsideration filed on March 22, 2019 by Rail Pollution Protection Pittsburgh (RP3). We believe that the concerns raised by RP3, and the residents whom they represent, are unique and must be given an opportunity to be heard during these proceedings.

While we understand the PUC's desire to ensure efficiency in its proceedings and thus limit the participation of intervenors whose interests are already represented by a party, we believe that the determination that the City of Pittsburgh (City) will represent the interests of our constituency is misguided. While the City may have concerns with the proposed track renovations, it is inaccurate to assume that those concerns are the same as those of RP3 and local residents.

Pursuant to 52 Pa. Code § 5.72(a)(2), the right to intervene is permitted when there is "[a]n interest...directly affected and which is not adequately represented by existing participants..." In this case, RP3 and its member's walk, bike, run, drive and live where the proposed reconstruction will take place and are therefore directly affected by any action the PUC may take. According to RP3 and its members, the City has been unresponsive to them and their concerns and does not, in fact, have the ability to represent their interests before the PUC.

Again, we would ask the PUC to reconsider its previous ruling on Intervention and permit RP3 and its members to fully participate in the proceedings regarding the Norfolk Southern Railway Company's proposed project.

Sincerely,



Jake Wheatley, Jr.
State Representative
19th Legislative District



Sara Innamorato
State Representative
21st Legislative District



Ed Gainey
State Representative
24th Legislative District



Summer Lee
State Representative
34th Legislative District



Adam Ravenstahl
State Representative
20th Legislative District

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Norfolk Southern Railway
Company for approval to reconstruct the
Crossing of the North Avenue/Brighton Road
bridge crossing above its tracks in the City of
Pittsburgh, Allegheny County (DOT 507 450B)
and for an exemption from the Commissions
overhead clearance regulations

Docket No.: A-2018-3006432

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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