



Text File

Introduced: 2/11/2022

Bill No: 2022-0104, **Version:** 1

Committee: Committee on Public Works

Status: Passed Finally

Resolution authorizing the Mayor and the Director or Acting Director of the Department of Mobility and Infrastructure, on behalf of the City of Pittsburgh and through the City's Department of Law, to adopt certain settlement terms and enter into a settlement agreement with Norfolk Southern Railway, Manchester Citizens Corporation, Northside Leadership Conference, and Rail Pollution Protection Pittsburgh in order to resolve claims arising from the Application of Norfolk Southern Railway Company for approval to reconstruct the crossing of the North Avenue / Brighton Road bridge docketed at Public Utility Commission Docket No. A-2018-3006432; and from Northside Leadership Conference, et. al, v. Pennsylvania Public Utility Commission appeal docketed at No. 611 CD 2019 in the Commonwealth Court.

(Executive Session held 3-1-22)

WHEREAS, the City has participated as an interested party in certain litigation pertaining to Norfolk Southern Railway Company's activities in and around the North Avenue / Brighton Road bridge; and

WHEREAS, the collective parties to the litigation engaged in non-binding mediation in order to reach a full settlement of all outstanding matters; and

WHEREAS, the City believes that adoption of the consensus reached through mediation is in the best interests of the City; and

WHEREAS, the City now wishes to adopt said terms and enter into a settlement agreement reflecting such negotiated terms.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PITTSBURGH AS FOLLOWS:

Section 1: The Mayor and the Director or Acting Director of the Department of Mobility and Infrastructure, on behalf of the City of Pittsburgh and through the City's Department of Law, are authorized to adopt certain settlement terms and enter into a settlement agreement with Norfolk Southern Railway, Manchester Citizens Corporation, Northside Leadership Conference, and Rail Pollution Protection Pittsburgh in order to resolve claims arising from the Application of Norfolk Southern Railway Company for approval to reconstruct the crossing of the North Avenue / Brighton Road bridge docketed at Public Utility Commission Docket No. A-2018-3006432; and from Northside Leadership Conference, et. al, v. Pennsylvania Public Utility Commission docketed at No. 611 CD 2019 in the Commonwealth Court.

Section 2: The Mayor, the Director or Acting Director of the Department of Mobility and Infrastructure, and all other relevant signatories may execute the above-referenced settlement agreement in a form acceptable to

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the City Solicitor and Chief Legal Officer of the City of Pittsburgh.