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| PUC logo | COMMONWEALTH OF PENNSYLVANIA  PENNSYLVANIA PUBLIC UTILITY COMMISSION  P.O. BOX 3265, HARRISBURG, PA 17105-3265 | **IN REPLY PLEASE REFER TO OUR FILE** |

December 2, 2015

A-2014-2451160

TO ALL PARTIES

Application of Pennsylvania Department of Transportation for approval to alter the public at-grade crossing by the installation of new warning devices and widening the crossing surface where Fourth Street crosses the two tracks of CSX Transportation Inc (DOT#507717P) in the City of Pittsburgh, Allegheny County all in accordance with the Federal Grade Crossing Programand the allocation of costs incident thereto.

To Whom It May Concern:

At a location in the City of Pittsburgh, Allegheny County, Fourth Street and the Great Allegheny Passage, cross, at grade, two tracks of CSX Transportation, Inc. (CSX).

By application filed with the Commission on November 3, 2014, Pennsylvania Department of Transportation (Department) is seeking Commission approval to alter the subject crossing by installation of new automatically operated flashing-light warning signals, gates and new circuitry.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held at the site of the crossing on November 13, 2014 and September 21, 2015, with representatives of the following parties in attendance:

Pennsylvania Department of Transportation

City of Pittsburgh

CSX Transportation, Inc.

Allegheny County

Urban Redevelopment Authority of Pittsburgh

Pittsburgh Terminal Properties Corporation

Frank Bryan, Inc.

At the field conference, it was noted that Fourth Street is a two lane bituminous roadway. The crossing currently consists of a timber/asphalt surface for both tracks. Grade Crossing (crossbuck) signs are currently on both approach roadways with a bell attached on the northwest quadrant mast. Grade crossing advance warning signs currently exist on both approach roadways. The Great Allegheny Passage Pedestrian/Bike Trail traverses the crossing at Fourth Street.

It was proposed at the field conferences to install new cantilevered, automatically operated flashing-light signals with gates, bells and associated circuitry. It was also proposed to widen the crossing surface and approaches a minimum of four feet to better accommodate the pedestrian, and bicyclists that utilize the Great Allegheny Passage.

CSX will be directed to maintain the warning devices and the crossing surfaces in a smooth and satisfactory condition. City of Pittsburgh will be directed to maintain the highway and pedestrian/bike trail approaches up to the crossing surface including grade crossing advance warning signs, pavement markings and stop lines. CSX will prepare a situation and circuitry plan for the project. City of Pittsburgh will prepare a construction plan showing the widening of the approaches and any additional protective facilities proposed on the approaches to the subject crossing.

The project will utilize Section 130 Federal funds at a total estimate of $230,000.00.

The Commission hereby establishes its jurisdictional limits at the subject crossing as the area within the confines of the railroad right-of-way and the highway right-of-way.

Upon full consideration of the matters involved and inasmuch as none of the parties offered any objection to the proposed project, we find that a Secretarial Letter can be issued approving the application without a formal hearing.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the alteration of the crossing is necessary and proper for the service, accommodation, convenience and safety of the public.

The application of Pennsylvania Department of Transportation is approved as herein directed:

1. That the following be made parties hereto:

George Specter, Esquire

Urban Redevelopment Authority of Pittsburgh

200 Ross Street

Pittsburgh, PA 15219-2069

James G. McLean

Buchanan Ingersoll & Rooney

c/o Pittsburgh Terminal Properties Corporation

One Oxford Centre

301 Grant Street, 20th Floor

Pittsburgh, PA 15219-1410

2. The crossing where Fourth Street and Great Allegheny Passage Pedestrian/Bike Trail crosses two tracks of the CSX Transportation, Inc. in the City of Pittsburgh, Allegheny County be altered generally in accordance with Pennsylvania Department of Transportation’s application filed November 3, 2014.

3. CSX Transportation, Inc., at Pennsylvania Department of Transportation’s sole cost and expense and prior to construction, prepare and submit a situation and circuitry plan to all parties for review and to the Commission for approval.

3. City of Pittsburgh. at its initial cost and expense and prior to construction, prepare and submit a plan showing the widened approaches to the crossing and any proposed additional protective facilities.

5. CSX Transportation, Inc., at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to alter the subject crossing by the installation of new automatically operated cantilever flashing-light railroad crossing warning signals with gates, bells and associated circuitry; constructed in accordance with the approved plan, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

6. City of Pittsburgh, at its initial cost and expense, furnish all material and do all work necessary to widen the approach roadways and install any additional protective facilities deemed necessary.

7. CSX Transportation, Inc., at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to widen the crossing surface to the full width of the approach roadways and pedestrian/bike trail.

8. Any relocation of, changes in and/or removal of any adjacent structures, equipment or any other facilities of any public utility other than CSX Transportation, Inc. located within the limits of the highway, within the Commission’s jurisdiction, be made by said public utility at its initial cost and expense, and in such a manner as will not interfere with the construction of the improvement, and said relocated or altered facilities thereafter be maintained by said public utility, at its sole cost and expense.

9. CSX Transportation, Inc., at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to establish and maintain any detours or traffic control that may be necessary to properly and safely accommodate vehicular, pedestrian and railroad traffic during the time the crossing is being altered.

10. CSX Transportation, Inc., at its initial cost and expense, furnish all material and perform all work relating to its facilities which may be required as incidental to the performance of the proposed work and furnish any watchmen, flagmen, inspectors and/or engineering services that may be deemed necessary to protect the railroad’s operations or facilities during the time the facilities are being installed.

11. All parties involved herein cooperate fully with each other so that during the time the work is being performed vehicular, pedestrian and railroad traffic will not be endangered or unnecessarily inconvenienced and said requirements of each of the parties will be provided for and accommodated insofar as possible.

12. CSX Transportation, Inc., at least seven (7) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

13. All work necessary to complete the construction of the project be done in a manner satisfactory to this Commission on or before December 31, 2016 and that on or before said date, City of Pittsburgh report in writing to the Commission the date of actual completion of the work.

14. CSX Transportation, Inc. and the City of Pittsburgh pay all compensation for damages, if any, due to owners of property taken, injured or destroyed by reason of the construction of its respective work in accordance with this letter.

15. All costs which are to be reimbursed by the Department of Transportation consistent with this Secretarial Letter, shall be reimbursed pursuant to the provisions of 23 C. F. R. Parts l40 and 646. The aforesaid Federal reimbursement shall not supersede, delay or, in any manner, postpone the effect of any paragraph contained in this or any related Secretarial Letter or Order.

16. Upon completion of the crossing, CSX Transportation, Inc., at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its railroad facilities at the subject crossing, including the warning devices and maintain at all times in a smooth and satisfactory condition, the crossing surfaces within two feet from the outside rail and the area between both tracks all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this letter.

17. Upon completion of the crossing, City of Pittsburgh, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway approaches up to two feet from the outside rail, and in addition, the highway-rail grade crossing advance warning signs, stop lines and pavement markings, and other protective facilities if required, on the approaches thereto all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this letter.

18. Upon completion of the work herein directed, and upon written request from any party of record, this proceeding be scheduled for a hearing at a time and place to be determined by the Commission, for the purpose of taking testimony upon the final allocation of any costs incurred by any of the parties and other matters relevant to this proceeding.

The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to Public Utility Code 66 Pa. C.S. §3301.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action (Petition) with the Commission within twenty (20) days of the date of this letter.  The Petition shall be sent to: Secretary, PA Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, and must be filed within twenty (20) days, or if no timely request is made, the action will be deemed to be a final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request; (2) the case docket number (it is provided for you at the top right hand corner of this letter); (3) the party on whose behalf the petition is made; (4) a Certificate of Service on the other parties of record; and (5) a Verification with original signature in accordance with 52 Pa. Code § 1.36.



Very truly yours,

Rosemary Chiavetta

Secretary