

February 16, 2022

VIA EFILING
Rosemary Chiavetta, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17101

In Re: Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the public at-grade crossing by the installation of the new automatically operated flashing light crossing warning signal where South Third Street (T-559) crosses the single track of Norfolk Southern Railroad Company (DOT No: 535 152 B) in Guilford Township, Franklin County all in accordance with the Federal Grade Crossing Program and the Allocation of costs incident thereto. PUC Docket No. A-2015-2466693

Dear Secretary Chiavetta:

Enclosed please find Guilford Township's Petition for Extension of Time for filing in the above-referenced matter.

If you have any questions or concerns, please feel free to contact me at the address listed above.

Very Truly Yours,

SALZMANN HUGHES, P.C.

/s/ Scott T. Wyland
Scott T. Wyland

STW/mam
Enclosure
cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation :
of the Commonwealth of Pennsylvania :
for approval to alter the public at-grade crossing :
by the installation of the new automatically :
operated flashing light crossing warning signal :
where South Third Street (T-559) crosses the : A-2015-2466693
single track of Norfolk Southern Railroad :
Company (DOT No: 535 152 B) in Guilford :
Township, Franklin County all in accordance with :
the Federal Grade Crossing Program and the :
Allocation of costs incident thereto :

**PETITION OF GUILFORD TOWNSHIP FOR EXTENSION OF TIME UNDER THE
SECRETARIAL LETTER DATED NOVEMBER 5, 2020**

AND NOW, comes Guilford Township (“Guilford”) by and through its legal counsel, Salzmann Hughes, P.C., and files this Petition for extension of time under the Secretarial Letter dated November 5, 2020, and in support thereof states as follows:

I. PROCEDURAL HISTORY

1. This proceeding concerns an at-grade crossing where T-559 (South Third Street) crosses a single track of Norfolk Southern Railroad Company (DOT No: 535 152 B) in Guilford Township, Franklin County, Pennsylvania (the “Township”), referred to herein as the “Crossing.”

2. On or about February 4, 2015, the Pennsylvania Department of Transportation (“PennDOT”) filed an application seeking approval to alter the at-grade Crossing by the installation of new automatically operated flashing-light crossing warning signals and for the allocation of all costs incident thereto.

3. A field conference was held on September 29, 2015, and subsequent conference calls between the parties were held on October 20, 2015, and November 18, 2015.

4. During the field conference, the parties were unable to reach a mutually acceptable resolution of the issues related to the Crossing.

5. The Commission thereafter referred the proceeding to the Commission's Office of Administrative Law Judge for the scheduling of an evidentiary hearing.

6. A Prehearing Conference was held on February 4, 2016, attended by counsel for the Township, Norfolk Southern Railway Company ("Norfolk Southern"), PennDOT, and the Commission's Bureau of Investigation and Enforcement ("BI&E").

7. Following the Prehearing Conference, this matter was referred to the Commission's Mediation Unit upon agreement of the parties.

8. The parties were initially unable to resolve the issues involved through proceedings before the Commission's Mediation Unit.

9. Thereafter, the parties engaged in amicable negotiations to address the concerns raised in this matter and to achieve terms of resolution acceptable to all parties for the benefit of the public.

10. The parties agreed to settlement terms in this proceeding and submitted a Joint Petition for Settlement ("Petition") on or around May 14, 2020.

11. Under the terms of the Petition, the Township agreed to install certain safety enhancements at the Crossing.

12. The Commission issued a Secretarial Letter on November 5, 2020, in accordance with Section 2702 of the Public Utility Code, the terms of which were consistent with the Petition. The Secretarial Letter stated that "the parties further agree to a revised completion date of December 31, 2021."

II. RELIEF REQUESTED

1. Since the Secretarial Letter was issued, new matters and considerations not previously contemplated by the parties have arisen. Specifically, the Township has been reviewing a Land Development Plan that includes the construction of a relief road for South Third Street and a vacation of South Third Street. The relief road would allow the Crossing to be abolished fully and permanently.

2. The Township seeks an extension of the December 31, 2021, deadline for installation of the safety enhancements to continue to review the Land Development Plan for approval. If the plan is approved, and the Township receives financial security that will guarantee the construction of the relief road, the Township will file a Petition to Abolish the Crossing.

3. The Township anticipates that it will make a decision on the Land Development Plan within 30-60 days.

4. If the Land Development Plan is not approved, or the Township does not receive the financial security for the relief road for any other reason, an extension of the deadline would allow the Township to complete the safety enhancements as directed in the Secretarial Letter.

5. The public interest will be served by granting an extension to the deadline. Abolishing the Crossing would further the public interest by reducing the costs associated with the previously approved safety enhancements and obligations of the parties as a relief road would be constructed under the Land Development Plan.

6. Public safety will also be enhanced by granting the relief requested. If the Township receives the financial security, construction of a relief road and abolishing the Crossing will enhance protection of the public's safety beyond simply completing the alterations at the Crossing.

7. The Township additionally believes that a field conference would be beneficial and would allow the parties to discuss the matter in detail.

8. Accordingly, the Township respectfully requests that the Commission extend the deadline for completing the alterations at the Crossing until July 31, 2022, and that a field conference be scheduled in the interim.

WHEREFORE, Guilford Township respectfully requests that the Pennsylvania Public Utility Commission grant and approve the extension of the deadline imposed in the Secretarial Letter issued November 5, 2020, and schedule a field conference for all the parties to discuss the matter in detail.

Respectfully Submitted,

SALZMANN HUGHES, P.C.

Dated: February 16, 2022

By: /s/ Scott T. Wyland
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PENNSYLVANIA PUBLIC UTILITY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Guilford Township’s Petition for extension of time was served upon the parties listed below by First Class Mail.

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Pennsylvania Public Utility Commission
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400 North Street
Harrisburg, PA 17120

Respectfully Submitted,

SALZMANN HUGHES, P.C.

Dated: February 16, 2022

By: /s/ Scott T. Wyland