

December 29, 2023

VIA EFILING

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

In Re: Application of Guilford Township for approval to abolish the public at-grade crossing (DOT 535 152 B) where South Third Street (T-559) crosses the single track of Norfolk Southern Railway Company in Guilford Township, Franklin County. PUC Docket No. A-2015-2466693

Dear Secretary Chiavetta:

Please find enclosed for filing Guilford Township's Petition for Extension of Time. 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/ Isaac P. Wakefield
Isaac P. Wakefield

IPW/mam

Enclosure

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Guilford Township for approval :
to abolish the public at-grade crossing :
(DOT 535 152 B) where South Third Street :
(T-559) crosses the single track of Norfolk : A-2015-2466693
Southern Railway Company in :
Guilford Township, Franklin County :

**PETITION OF GUILFORD TOWNSHIP FOR EXTENSION OF TIME UNDER THE
SECRETARIAL LETTER DATED SEPTEMBER 19, 2022**

AND NOW, comes Guilford Township by and through its legal counsel, Salzman Hughes, P.C., and files this Petition for Extension of Time under the Secretarial Letter dated September 19, 2022, 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 ("Joint Petition") on or around May 14, 2020.

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

12. On November 5, 2020, the Commission issued a Secretarial Letter in accordance with Section 2702 of the Public Utility Code directing the alterations and obligations with respect to the Crossing consistent with the Joint Petition on November 5, 2020. The Secretarial Letter stated that "the parties further agree to a revised completion date of December 31, 2021."

13. The Township subsequently learned that conditions may favor the construction of a relief road for South Third Street as part of a land development plan on property adjacent to the Crossing. The relief road would allow the Crossing to be abolished.

14. The Township believed that it will be beneficial to eliminate the proposed improvements at the Crossing as originally contemplated by the parties as part of the Joint Petition in an effort to mitigate the costs to the parties where the relief road will ultimately be constructed, and the Crossing abolished in the near term.

15. As a result of these changes in circumstances, the Township filed a Petition for Extension of Time to comply with the Secretarial Letter on February 16, 2022, to facilitate the review of a pending land development plan before constructing the safety enhancements at the Crossing and to schedule a field conference for all the parties to discuss the matter in detail.

16. A field conference was held on March 10, 2022, and the Commission thereafter issued a Secretarial Letter on March 16, 2022, holding the Township's Petition for Extension of Time in abeyance until April 12, 2022, and instructing the Township to file a Petition to Abolish the Crossing or provide written notice to all parties that the work directed by the Secretarial Letter of November 5, 2020, will be completed by July 31, 2022.

17. The March 16, 2022, Secretarial Letter also required the Township and Norfolk Southern to install certain temporary safety measures as agreed upon during the March 10, 2022 field conference.

18. Specifically, the Township was required to install STOP signs (R1-1) on the left side of both approach highways to the Crossing and STOP LINES on both approach highways to the Crossing within 30 days from the date of the Secretarial Letter in accordance with the Manual on Uniform Traffic Control Devices at their own expense.

19. The Township and Norfolk Southern completed the temporary safety measures required by the Secretarial Letter of March 16, 2022.

20. In addition, the Township conditionally approved the Land Development Plan that included the developer's construction of a relief road, Archer Drive, for South Third Street at its public meeting on March 17, 2022.

21. On April 11, 2022, the Township filed a Petition for Recission of the Commission's Secretarial Letter dated November 5, 2020, and Application for Abolition of the Crossing (collectively, "April 11, 2022 Petition and Application").

22. In its April 11, 2022 Petition and Application, the Township proposed that the Crossing be abolished to enhance the public safety because the Crossing was no longer necessary with the construction of the relief road.

23. On May 11, 2022, a teleconference was held between the parties to discuss the April 11, 2022 Petition and Application.

24. During the teleconference, the parties agreed that the Township's Application for Abolition should be granted because the Crossing will no longer be necessary with the construction of the relief road. The parties also agreed that the temporary safety measures installed in accordance with the Commission's March 16, 2022, Secretarial Letter would remain in place until the relief road is constructed and opened for public use.

25. By Secretarial Letter dated September 19, 2022, the Commission granted the April 11, 2022 Petition and Application, finding that the abolishment of the Crossing is necessary and proper for the service, accommodation, convenience or safety of the public.

26. The September 19, 2022 Secretarial Letter therefore rescinded the November 5, 2020 Secretarial Letter and set forth the requirements for the work to complete the abolition.

27. The September 19, 2022 Secretarial Letter requires that all work required to abolish the Crossing be completed on or before December 31, 2023.

28. In summary, the main components of the work required to complete the abolition include the following: (1) Guilford Township taking all actions necessary to establish the relief road, known as Archer Drive; (2) upon completion of the relief road and its opening for public use, Guilford Township performing all work necessary to remove a certain portion of the roadway surface of South Third Street; (3) upon completion of the relief road and its opening for public use, Norfolk Southern performing all work necessary to remove the grade crossing (crossbuck) signs and remove the crossing surface to points two (2) feet to the outside of each rail; and (4) upon completion of the abolition of the crossing, Guilford Township prepares and submits to all parties of record for review, right of way abandonment plans for those portions of South Third Street that Guilford Township intends the Commission to vacate.

29. Since the issuance of the September 19, 2022 Secretarial Letter, the Township has worked diligently to abide by the schedule.

30. As of the date of filing this Petition, the Land Development Plan, which includes construction of the relief road Archer Drive and the vacation of certain portions of the South Third Street public right of way, has been finalized, approved, and recorded. The relief road has been constructed by the developer. The developer is offering the relief road to the Township for dedication and the Township is currently engaged in due diligence surrounding acceptance of that offer of dedication. A surveyor has been retained to confirm the metes and bounds of the relief road in order to complete the dedication process. And, finally, Township staff has been coordinating with Norfolk Southern staff regarding removal of the pavement of South Third Street as required.

31. The additional survey work to confirm the metes and bounds of the relief road was not previously anticipated.

32. The surveyor will not be able to finish the work necessary to complete dedication and opening of the relief road until January 2024 at the earliest, which is after the December 31, 2023 deadline.

33. Additional time to complete the work to abolish the Crossing is therefore necessary.

34. Accordingly, the Township respectfully requests that the Commission extend the December 31, 2023 deadline to complete the work to abolish the Crossing to April 30, 2024.

II. RELIEF REQUESTED

35. Since the September 19, 2022 Secretarial Letter was issued, the Township has been working diligently to adhere to the schedule of work necessary to abolish the Crossing as set forth therein, but is unable to complete the work by the December 31, 2023 deadline.

36. The Township seeks a modest extension through April 30, 2024, to complete all work required to abolish the Crossing.

37. The Township has updated all parties on the status of the work and asked whether those parties consent to the Township's requested extension through April 30, 2024.

38. BI&E, Norfolk Southern, and PennDOT responded to the Township's request and indicated they have no objection to the requested time extension.

39. Franklin County has not yet responded to provide its position on the requested time extension (if any).

40. The public interest will be served by granting an extension to the deadline to ensure that all work required to abolish the Crossing is complete and accurate.

41. The scope of the work to abolish the Crossing will remain the same.

42. The parties previously agreed that abolishing the Crossing as proposed by the Township and approved by the Commission is in the public interest. And, as stated in the

September 19, 2022 Secretarial Letter, the Commission has found that such abolition is necessary and proper for the service, accommodation, convenience or safety of the public.

43. Accordingly, the Township respectfully requests that the Commission extend the deadline for completing all work required to abolish the Crossing until April 30, 2024.

WHEREFORE, Guilford Township respectfully requests that the Pennsylvania Public Utility Commission grant and approve an extension of the December 31, 2023 deadline to complete all work required to abolish the Crossing imposed in the Secretarial Letter dated September 19, 2022, and extend the deadline to complete all work required to abolish the Crossing to April 30, 2024.

Respectfully Submitted,

SALZMANN HUGHES, P.C.

Dated: December 29, 2023

By: /s/ Isaac P. Wakefield
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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 :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Guilford Township’s foregoing Petition for Extension of Time was served upon the parties listed below via First Class Mail.

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Harrisburg, PA 17120

Respectfully Submitted,

SALZMANN HUGHES, P.C.

Dated: December 29, 2023

By: /s/ Isaac P. Wakefield