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

November 2, 2011

A-2011-2257800

TO ALL PARTIES

Application of the Commonwealth of Pennsylvania, Department of Transportation for approval of the alteration of the crossing by the installation of automatically operated flashing-light railroad crossing warning signals where Commercial/Oklawaha Streets cross, at grade, (DOT No. 506 201 S) a single track of the Nittany and Bald Eagle Railroad in the Borough of Milesburg, Centre County; All in accordance with the Federal Highway Grade Crossing Safety Program; and the allocation of costs incident thereto.

To Whom It May Concern:

This matter is before us by reason of an application filed August 17, 2011 by Pennsylvania Department of Transportation seeking Commission approval for the alteration of the crossing by the installation of automatically operated flashing-light railroad crossing warning signals where Commercial/Oklawaha Streets cross, at grade, (DOT No. 506 201 S) a single track of the Nittany and Bald Eagle Railroad in the Borough of Milesburg, Centre County.

Upon receipt of the application, a P.U.C. diagnostic field conference was held on September 23, 2011 at the site of the subject crossing. Representatives of the Pennsylvania Department of Transportation, Nittany and Bald Eagle Railroad, Borough of Milesburg, SEDA-COG Joint Rail Authority and West Penn Power were in attendance. Centre County, Comcast, Century Link, Allegheny Power, Columbia Gas, Mid-Centre County Authority and Verizon, Pa. were notified of the time and place of the conference but did not attend.

Presently, the crossing consists of a single track with an asphalt and rail seal railroad crossing surface. The warning facilities at the crossing consist of standard crossbucks each of the approaches.

At the field conference, it was determined that Nittany and Bald Eagle Railroad would install new modernized automatically operated flashing-light railroad crossing warning signals and circuitry, generally in accordance with the construction diagrams, submitted to this Commission and all parties of interest at the field conference and entitled: “OKLAWAHA STREET-DOT #506 201 S, MILESBURG, CENTRE COUNTY, PA.,” consisting of five (5) sheets, and in accordance with Part 8 of the Manual on Uniform Traffic Control Devices.

Pennsylvania Department of Transportation, having agreed to do so, pay Nittany and Bald Eagle Railroad one hundred percent (100%) of the total costs incurred for the planning and construction of the proposed alteration. Funding will be provided through the Federal Highway Grade Crossing Safety Program.

Nittany and Bald Eagle Railroad agrees to maintain its facilities at the crossing including the asphalt and rail seal railroad crossing surface, as well as the automatically operated flashing-light railroad crossing warning signals and all appurtenant equipment installed in accordance with this Secretarial Letter.

Nittany and Bald Eagle Railroad agrees to install the stop lines on the approaches to the subject crossing.

Borough of Milesburg will maintain the grade crossing advance warning signs and stop lines on the approaches to the subject crossing.

It does not appear that existing facilities of any non-carrier public utility will be affected by the construction of the project.

Upon full consideration of the matters involved and inasmuch as no objection has been filed with the Commission, we find that a Secretarial Letter can be issued approving the instant 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 subject crossing is necessary and proper for the service, accommodation, convenience or safety of the public.

The application is approved as herein directed:

1. The caption has been modified as shown herein.

2. The crossing where Commercial/Oklawaha Streets cross, at grade, (DOT No. 506 201 S) a single track of the Nittany and Bald Eagle Railroad in the Borough of Milesburg, Centre County, be altered as herein directed.

3. Nittany and Bald Eagle Railroad, at the sole cost and expense of the Pennsylvania Department of Transportation, furnish all material and do all work necessary to alter the subject crossing by the installation of new modernized automatically operated flashing-light railroad crossing warning signals and circuitry, generally in accordance with Part 8 of the Manual on Uniform Traffic Control Devices, and the plan submitted to this Commission and all parties of interest at the field conference on September 23, 2011, and entitled: “OKLAWAHA STREET-DOT #506 201 S, MILESBURG, CENTRE COUNTY, PA.,” consisting of five (5) sheets, which plan is made part hereof and is hereby approved.

4. Nittany and Bald Eagle Railroad, at the sole cost and expense of the Pennsylvania Department of Transportation, furnish all material and do all work necessary to establish and maintain any detours or traffic controls that may be required to properly and safely accommodate highway and pedestrian traffic during the time the crossing is being altered.

5. Nittany and Bald Eagle Railroad, at the sole cost and expense of the Pennsylvania Department of Transportation, install stop lines on the approaches to the subject crossing in accordance with Part 8 of the Manual on Uniform Traffic Control Devices.

6. Any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any public utility, other than Nittany and Bald Eagle Railroad, which may be

regarded as incidental to the alteration of the crossing be made by said public utility at its initial cost and expense and in such a manner as will not interfere with the alteration of the crossing; and such relocated or altered facilities thereafter be maintained by said public utility at its sole cost and expense.

7. Nittany and Bald Eagle Railroad, notify all parties of record at least ten (10) days prior to performing any work in accordance with this Secretarial Letter.

8. All parties involved herein cooperate fully with each other so that during the time the work is being performed, railroad, vehicular and pedestrian 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.

9. All work necessary to complete the alteration of the subject crossing be done in a manner satisfactory to this Commission on or before June 30, 2012 and that on or before said date, Nittany and Bald Eagle Railroad report to this Commission the date of actual completion of work.

10. Nittany and Bald Eagle Railroad pay all compensation for damages, if any, due to the owners of any property taken, injured or destroyed by reason of the alteration of the subject crossing in accordance with this Secretarial Letter.

11. 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. §§ 140, 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.

12. Upon completion of the alteration of the crossing, Nittany and Bald Eagle Railroad, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its railroad facilities at the crossing, including its automatically operated flashing-light railroad crossing warning signals and all appurtenant equipment and to maintain at all times in a smooth and satisfactory condition, the railroad crossing surface for a distance of twenty-four (24) inches beyond each outside rail.

13. Upon completion of the alteration of the crossing, Borough of Milesburg, at its sole cost and expense, furnish all material and do all work necessary to maintain the highway approaches to the subject crossing to points twenty-four (24) inches beyond each outside rail and in addition, maintain the grade crossing advance warning signs and stop lines on the approaches thereto, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

14. 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 the non-carrier utility companies and other matters relevant to this proceeding.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code 5.44, file a petition with the Commission within twenty (20) days of the date of this Secretarial Letter.



Very truly yours,

Rosemary Chiavetta

Secretary