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

December 16, 2013

A-2013-2384608

TO ALL PARTIES

 Application of Chevron Appalachia LLC for approval to alter the public crossing (DOT# 367 800 C) where East Riverside Road (T-305) crosses, below grade, the tracks of Norfolk Southern Railway Company, by the installation of a water line and improvement of a roadway at the location in Luzerne Township, Fayette County.

To Whom It May Concern:

 By application filed with the Commission on September 18, 2013, Chevron Appalachia LLC seeks Commission approval to alter the public crossing (DOT # 367 800 C) by installation of a 16-inch diameter high density polyethylene water line in a 24-inch diameter steel casing where East Riverside Road (T-503) crosses below the grade of tracks of Norfolk Southern Railway Company in Luzerne Township, Fayette County.

 The new 16-inch diameter high density polyethylene water line will be installed in a 24-inch diameter steel casing. The steel casing will be installed with a minimum vertical cover of 6.5 feet under the unimproved East Riverside Road.

 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.

 In its application, Chevron Appalachia LLC states that the installation of the water line is necessary to provide water to nearby oil and gas well sites. Chevron Appalachia LLC agrees to perform the necessary installation, provide for maintenance and protection of highway and pedestrian traffic during installation and accept future maintenance responsibility for the new water main, at its sole cost and expense. This portion of East Riverside Road is unimproved.

 All work is to be performed in accordance with the plan entitled: “4-H (Young) Waterline”, consisting of one sheet attached to the subject application.

 Chevron Appalachia LLC has served a copy of the application and installation plan on Norfolk Southern Railway Company, Pennsylvania Department of Transportation, AECOM, Luzerne Township and Fayette County Commissioners. All parties in interest were queried by letter dated November 21, 2013 as to any objection to the subject application. None of the parties have responded with any objection to the subject application.

 Upon full consideration of the matters involved, we find that a hearing is not necessary and that a Secretarial Letter may be issued approving the application.

 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 or safety of the public.

 The application of Chevron Appalachia, LLC is approved as herein directed:

 1. The caption of the subject proceeding is hereby revised as shown herein.

 2. The crossing where East Riverside Road crosses, below grade, tracks of Norfolk Southern Railroad Company, located in Luzerne Township, Fayette County be altered generally in accordance with the installation plan entitled: “4-H (Young) Waterline”, consisting of one sheet, filed with the Commission on September 18, 2013; which plan is made part hereof and are hereby approved except insofar as they may relate to the division of work, deletion of work, or the allocation of costs and expenses incident to the installation of the project.

 3. Chevron Appalachia LLC, at its sole cost and expense, furnish all material and perform all work necessary to install a 16-inch water main in a 24-inch diameter steel casing at a public crossing, under the track of Norfolk Southern Railway Company, all in accordance with the approved plans and this Secretarial Letter.

 4. Chevron Appalachia LLC, at its sole cost and expense, furnish all material and perform 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. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility, other than Chevron Appalachia LLC, which may be required as incidental to the alteration of the crossing, be made by said public utility at its initial cost, 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.

 6. Norfolk Southern Railway Company, at the sole cost and expense of Chevron Appalachia LLC, 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.

 7. Chevron Appalachia LLC, at its sole cost and expense, furnish all material and perform all work necessary to complete the remainder of the project, and any other ancillary features of the project, generally in accordance with the approved plan and this Secretarial Letter.

 8. The alteration of the crossing be completed on or before December 31, 2014, and that on or before said date, Chevron Appalachia LLC, report in writing the date of actual completion of the work to this Commission and certify to the parties of record and this Commission that the work has been satisfactorily completed in accordance with the approved plan and this Secretarial Letter.

 9. Chevron Appalachia LLC, at its sole cost and expense, pay all compensation for damages, if any, due to owners of property taken, injured or destroyed by reason of the alteration of the crossing in accordance with this Secretarial Letter.

 10. 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 so that the requirements of each of the parties will be provided for and accommodated insofar as possible.

 11. Chevron Appalachia LLC, cooperate with the non-carrier public utilities involved, so that during the alteration of the involved crossing, the facilities of the non-carrier utilities will not be endangered or unnecessarily interrupted.

 12. Chevron Appalachia LLC, 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. Upon completion of the alteration of the crossing, Chevron Appalachia LLC, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the water main and any ancillary facilities installed in accordance with the approved plan and this Secretarial Letter.

 14. Upon completion of the alteration of the crossing, Norfolk Southern Railway Company, at its sole cost and expense, furnish all material and perform all work necessary to maintain its railroad facilities at the subject crossing.

 15. Upon completion of the alteration of the crossing, Luzerne Township, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its roadway through the crossing area.

 16. 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.

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 66 Pa. C.S. § 3301.

 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 letter.



 Very truly yours,

 Rosemary Chiavetta

 Secretary