



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

October 30, 2014

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RE: **Docket No. M-2013-2364201**

Dear Secretary Chiavetta:

Enclosed for filing please find the Department's *Petition of the Department of Transportation Requesting a Hearing for the Purpose of Allocating Costs Associated with the Secretarial Letter Dated November 8, 2013*, in the above-captioned matter.

I hereby certify that a copy has been sent to all parties of record as indicated by the Certificate of Service.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Nicholas D. Mertens".

Nicholas D. Mertens  
Assistant Counsel

Enclosure

220/NDM:aca

cc: Parties of Record  
Ronald J. Hull, PUC, Supervisor, Rail Safety Engineering  
Mark J. Chappell, P.E., Chief, Utilities and Right-of-Way Section  
Joseph Strok, District Grade Crossing Administrator, District 4-0

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bridge Structure where State Route	:	
1025, crosses over a single track of	:	M-2013-2364201
Delaware and Hudson Railway	:	
Company, Inc. (264 293 K) in	:	<b>Electronically Filed</b>
Nicholson Borough, Wyoming County.	:	

**PETITION OF THE DEPARTMENT OF TRANSPORTATION REQUESTING A  
HEARING FOR THE PURPOSE OF ALLOCATING COSTS ASSOCIATED WITH THE  
SECRETARIAL LETTER DATED NOVEMBER 8, 2013**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (“Department”), by and through its counsel, Nicholas D. Mertens, Assistant Counsel, and pursuant to 66 Pa.C.S. § 2704(a) and 52 Pa. Code § 5.41(a), hereby files this Petition requesting that a hearing be held before an Administrative Law Judge of the Pennsylvania Public Utility Commission (“Commission”) for the purpose of allocating costs incurred by the Department in connection with the above-captioned matter. In support thereof, the Department respectfully represents as follows:

1. The name and address of the Petitioner is:

Engineering District 4-0  
Department of Transportation  
55 Keystone Industrial Park  
Dunmore, PA 18512

2. The name and address of Counsel for the moving party is:

Nicholas D. Mertens, Assistant Counsel  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, Pennsylvania 17105-8212

3. On May 14, 2013, a field investigation and conference was arranged by the Department to discuss the condition of a highway-rail crossing where State Route 1025 crosses over a

single track of the Delaware and Hudson Railway Company (“D&H”) in the Nicholson Borough, Wyoming County.

4. The parties concluded that the subject bridge was in a poor condition and that it was necessary for the Department to take immediate action to close the structure to vehicular and pedestrian traffic.
5. On May 23, 2013, the Commission entered an Order, *inter alia*, directing the Department to, at its initial expense, perform all work necessary to close the subject bridge, provide for traffic control devices and detours, and provide engineering inspections and analysis necessary to determine the condition of, and reopen, the subject bridge.
6. The Department incurred a total cost of \$12,045.73 to comply with the Commission’s Order entered May 23, 2013.
7. On October 4, 2013, the Department submitted the aforementioned engineering analysis to the Commission.
8. On November 1, 2013, the Department filed a Joint Petition for Partial Remand of Matters Pending. A true and accurate copy of the Joint Petition has been attached hereto and marked as Exhibit “A”.
9. In the Joint Petition, D&H agreed to reimburse the Department for all costs incurred with the work pursuant to the May 23, 2013 Order as set forth in Paragraph 6. The Department will invoice D&H forthwith.
10. On November 8, 2013, the Commission issued a Secretarial Letter directing the Department to perform certain work; specifically, the Commission ordered:
  4. Pennsylvania Department of Transportation, at the sole cost and expense of Delaware and Hudson Railway Company, Inc., furnish all material and perform all work necessary to establish and maintain any detours and/or traffic controls that may be required to

properly and safely accommodate highway traffic during the time the project is being constructed.

5. Pennsylvania Department of Transportation, at its initial cost and expense, furnish all material and perform all work necessary to erect and maintain proper signs at the ends of the bridge and approaches thereto posting the subject bridge carrying State Route 1025, above grade, the track of Delaware and Hudson Railway Company, Inc. in Nicholson Borough, Wyoming County, for a maximum load limit of twenty-eight (28) tons for single vehicles and thirty-two (32) tons for combination vehicles.

6. Pennsylvania Department of Transportation, at the initial cost and expense of Delaware and Hudson Railway Company, Inc., furnish all material and perform all work necessary to install all signs and warning devices as shown on the approved plans that may be required to properly and safely accommodate highway traffic for the duration of time in which the roadway and bridge structure are restricted to a single lane of travel.

11. The Secretarial Letter dated November 8, 2013 stated:

22. Upon completion of the work herein directed, and the Commission receiving written notice that there are unresolved issues to be considered, this proceeding be scheduled for hearing at a time and place assigned by this Commission, upon due notice to all parties hereto, to receive evidence relative to the allocation of any remaining costs of construction, responsibility for future maintenance responsibilities and disposition of the structure or any other matters relevant to this proceeding.

12. The Pennsylvania Public Utility Code, 66 Pa.C.S. § 101 *et seq.*, grants the Commission exclusive authority to allocate the costs incurred in connection with work performed to construct, alter, protect, or abolish a highway-rail crossing. Specifically, Section 2704 of the Code states:

The compensation for damages which the owners of adjacent property . . . may sustain . . . as well as the cost of construction, relocation, alteration, protection, or abolition of such crossing, and of facilities at or adjacent to such crossing which are used in any kind of public utility service, shall be borne and paid, as provided in this section, by the public utilities, municipal corporations, municipal authority or nonprofit organization authorized under

section 2702(h) (relating to construction, relocation, suspension and abolition of crossings) concerned, or by the Commonwealth, in such proper proportions as the commission may, after due notice and hearing, determine, unless such proportions are mutually agreed upon and paid by the interested parties.

13. In performing the work required by the Commission's November 8, 2013 Secretarial Letter, the Department incurred costs of approximately \$40,000.00 (in addition to the costs mentioned in Paragraph Six above).
14. The Department intends to invoice D&H forthwith for the costs associated with Ordering Paragraph 4 (¶ 4) of the Secretarial Letter dated November 8, 2013 and requests that the matter remain open until such time as the costs are reimbursed to the Department.
15. Maintenance responsibilities, for the subject bridge (substructure and superstructure), were assigned to D&H's predecessor, the Delaware, Lackawanna and Western Railroad Company, pursuant to the Commission's Order entered June 11, 1951, at Docket A-76276. A true and accurate copy of the 1951 Order has been attached hereto and marked as Exhibit "B". Additionally, D&H was assigned maintenance, at its initial cost and expense, for the subject bridge pursuant to the Secretarial Letter dated November 8, 2013.
16. As such, the Department avers that it both just and reasonable for the Commission to allocate costs, associated with the Secretarial Letter dated November 8, 2013, upon D&H. *See Greene Twp. Bd. of Supervisors v. Pa. P.U.C.*, 668 A.2d 615 (Pa. Cmwlth. 1995).
17. It is just and reasonable for the Commission to allocate maintenance responsibility to D&H, at its sole costs and expense, for the concrete barriers, protective fencing and the remainder of the bridge structure, including the substructure and superstructure of the subject bridge, in its present condition. *Id.*

18. Additionally, it is just and reasonable for D&H to maintain the subject bridge at its present posted maximum load limit of twenty-eight (28) tons for single vehicles and thirty-two (32) tons for combination vehicles. *Id.*

19. For the reasons set forth above, if D&H is not amenable to reimbursing the costs as set forth above and assuming maintenance responsibilities, then the Department respectfully requests that this matter be assigned to the Commission's Office of Administrative Law Judge and that a hearing be scheduled to determine the allocation of costs incurred by the Department as a result of the Secretarial Letter dated November 8, 2014 and maintenance of the subject bridge.

**WHEREFORE**, the Pennsylvania Department of Transportation respectfully requests that the relief sought in this Petition be granted and that a hearing be scheduled for the purpose of allocating the costs incurred by the Department in compliance with the Secretarial Letter dated November 8, 2013 and maintenance responsibilities in the above captioned proceeding.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



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Nicholas D. Mertens  
Assistant Counsel  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
Telephone No. (717) 787-3128  
Fax Number (717) 772-2741  
Pennsylvania Attorney I.D. Number 313998  
nimertens@pa.gov

DATED: October 30, 2014

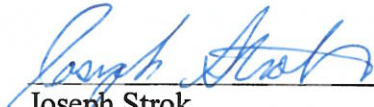
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bridge Structure where State Route	:	
1025, crosses over a single track of	:	M-2013-2364201
Delaware and Hudson Railway	:	
Company, Inc. (264 293 K) in	:	<b>Electronically Filed</b>
Nicholson Borough, Wyoming County.	:	

**VERIFICATION**

I, Joseph Strok, District Grade Crossing Administrator, Commonwealth of Pennsylvania, Department of Transportation, in the foregoing document, make the following statement subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authority, and do state that as Grade Crossing Administrator for the Commonwealth of Pennsylvania, Department of Transportation, I am authorized to make this statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the facts set forth in the foregoing document are true and correct to the best of my information, knowledge and belief.

DATED: Oct 29, 2014

  
\_\_\_\_\_  
Joseph Strok  
District Grade Crossing Administrator



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

November 1, 2013

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RE: **Docket No. M-2013-2364201**

Dear Secretary Chiavetta:

Enclosed for filing please find the Department's *Joint Petition for Partial Remand of Matters Pending*, in the above-captioned matter.

I hereby certify that a copy has been sent to all parties of record as indicated by the Certificate of Service.

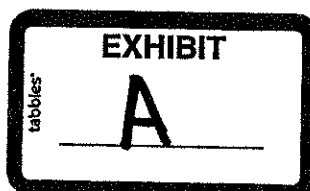
Very truly yours,

Gina M. D'Alfonso  
Assistant Counsel in Charge

Enclosure

220/GMD:gw

cc: David A. Salapa, Administrative Law Judge  
Parties of Record  
Mark J. Chappell, P.E., Chief, Utilities and Right-of-Way Section  
Joseph Strok, District Grade Crossing Engineer, District 4-0



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bridge Structure where State Route 1025, crosses over a single track of Canadian Pacific Railroad (264 293 K) in Nicholson Borough, Wyoming County	:	:	Docket Number M-2013-2364201
	:	:	<b>Filed Electronically</b>

**JOINT PETITION FOR PARTIAL REMAND OF MATTERS PENDING**

**AND NOW**, comes the Commonwealth of Pennsylvania, Department of Transportation (“Department”), by and through its counsel, Gina M. D’Alfonso; Delaware and Hudson Railway Company, Inc. dba Canadian Pacific (D&H), by and through its counsel, Erin A. Brennan; and the Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement (“I&E”), by and through its counsel, Adam D. Young, and petitions the Pennsylvania Public Utility Commission (“Commission”) for a Partial Remand of Matters Pending before Administrative Law Judge David A. Salapa (“ALJ”) and submits the following in support of its Petition:

1. A hearing is currently scheduled on November 20, 2013 before the ALJ to determine whether it is feasible to reopen the structure, under what circumstances the structure can be reopened, which party will bear the costs to do so, the costs incurred to date and future maintenance of the structure.
2. The Commission had directed the Department to prepare an engineering study and analysis to determine the feasibility and any remedial action to reopen the bridge safely to the public.
3. The Department did prepare said report and under cover of the protective order entered by the Commission on August 16, 2013, provided the parties with said engineering analysis on October 4, 2013.

4. The result of the engineering analysis is that the structure can be reopened to a single lane of travel after the installation of barrier and pedestrian fencing. The structure will be posted at 28T/32T combinations. Traffic would be controlled by stops signs at either end of the structure. This scope of work is detailed in the plans attached to this pleading as Attachment 1.
5. D&H will perform the work as described in these plans necessary to reopen the structure at its sole cost and expense.
6. D&H will also reimburse the Department all costs incurred which to date is \$12,045.73.<sup>1</sup>
7. D&H also agrees to reimburse the Department twenty percent (20%) of the costs of inspecting the structure. The Department will inspect the structure as required.
8. In the interest of facilitating the reopening of this structure as soon as possible, the parties hereto concur in this scope of work and the plans as proposed and do not object to the reopening of the bridge in this manner.
9. The parties hereto waive the right to reply to this pleading and request an order as soon as possible.
10. The parties will not object to the matter being referred to the Bureau of Technical Services for the limited purposes referenced above – plan approval, final inspection upon completion of the work and the reopening of the bridge.
11. The parties are still discussing future maintenance responsibilities and disposition of the structure and request additional time to do so. The parties further request that these issues remain pending before Your Honor.

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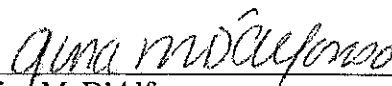
<sup>1</sup> The pedestrian fencing at the bridge has been damaged and needs to be repaired. The Department is performing those repairs and D&H will reimburse the Department for the costs it incurs in making those repairs.

12. The parties also request that the hearing currently scheduled for November 20, 2013, be converted to a telephonic status conference and that the litigation schedule be suspended.
13. Neither Wyoming County nor Nicholson Borough opposes this motion.

REMAINDER OF PAGE LEFT BLANK

**WHEREFORE**, the parties respectfully request that the Commission grant this Petition for Partial Remand granted.

Respectfully submitted,



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Gina M. D'Alfonso  
Assistant Counsel in Charge  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
Telephone No. (717) 787-3128  
Attorney for the Commonwealth of Pennsylvania  
Department of Transportation  
gdalfonso@pa.gov

---

Erin A. Brennan, Esquire  
Oliver Price & Rhodes  
P.O. Box 240  
Clarks Summit, PA 18411  
Telephone: (570) 585-1200  
Attorneys for Delaware and Hudson Railway  
Company, Inc.  
d/b/a Canadian Pacific  
eab@oprlaw.com

---

Adam D. Young, Prosecutor  
P.O. Box 3265  
Pennsylvania Public Utility Commission  
Harrisburg, PA 17105-3265  
Telephone No. (717) 772-8582  
Attorney for Bureau of Investigation and  
Enforcement  
adyoung@pa.gov

DATED: October 31, 2013

**WHEREFORE**, the parties respectfully request that the Commission grant this Petition for Partial Remand granted.

Respectfully submitted,

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Gina M. D'Alfonso  
Assistant Counsel in Charge  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
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Harrisburg, PA 17105-8212  
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Attorney for the Commonwealth of Pennsylvania  
Department of Transportation  
gdalfonso@pa.gov

*Erin A. Brennan*

---

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**WHEREFORE**, the parties respectfully request that the Commission grant this Petition for Partial Remand granted.

Respectfully submitted,

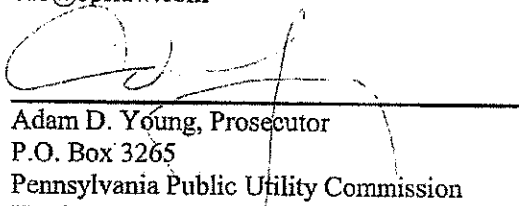
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Department of Transportation  
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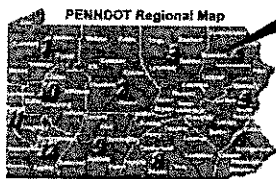
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Telephone No. (717) 772-8582  
Attorney for Bureau of Investigation and  
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DATED: October 29, 2013

**ATTACHMENT 1**



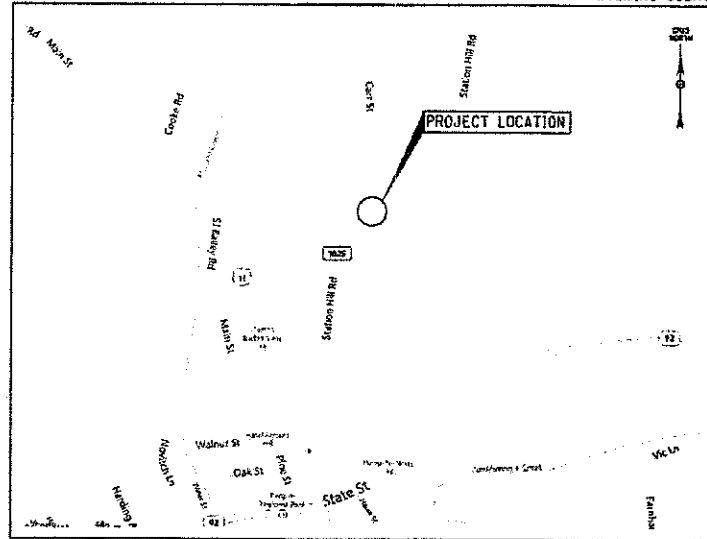
SITE OF WORK

# STATE ROUTE 1025 STATION HILL ROAD OVER DELAWARE AND HUDSON RAILROAD CONCRETE ARCH BRIDGE TRAFFIC CONTROL PLANS

TOWN OF NICHOLSON  
WYOMING COUNTY, PENNSYLVANIA

CONTRACT PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE FEDERAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES MAINTAINED AND THE PENNSYLVANIA BUREAU OF HIGHWAY SAFETY AND TRAFFIC ENGINEERING PUBLICATION 213, WORK ZONE TRAFFIC CONTROL GUIDELINES.

3 SHEETS WYOMING COUNTY



PROJECT LOCATION  
(NOT TO SCALE)

PREPARED AND RECOMMENDED BY:

10/28/13

CHARLES M. TUTUNLIAN, P.E.  
PL. LIC. NO. 080315

CM PROJECT #113-257		
WYOMING COUNTY SR 1025 SEC BRG		
SEGMENT 0020 OFFSET 0000		
SR 1025, SEC BRG STA. 25+15.00		
OVER DELAWARE & HUDSON RAILROAD		
CONCRETE ARCH BRIDGE		
TRAFFIC CONTROL PLANS		
SUBMISSION: FINAL		
OCTOBER 2013		
STATE	SHEET NO.	TOTAL SHEETS
PENNSYLVANIA	1	3

RECOMMENDED \_\_\_\_\_ DATE \_\_\_\_\_

DISTRICT TRAFFIC ENGINEER

DESIGN SUPERVISOR: E. MOORE  
 CHECKED BY: K. DISTRICK  
 DRAFTED BY: G. PIERROCKE  
 CHECKED BY: G. PIERROCKE  
 DESIGNER: C. TUDUNLIAN  
 JOB MANAGER: C. TUDUNLIAN  
 PENNDOT PROJECT NO. 113-257

FILE NAME: C:\PROJECTS\2013\113-257\113-257-001.dwg  
 DATE: 10/28/13  
 TIME: 10:44:44



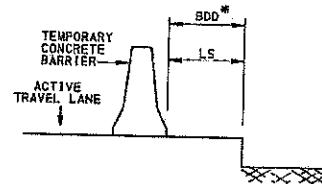


PUBLICATION 213  
LATERAL PLACEMENT OF BARRIER IN A DROPOFF CONDITION

**LEGEND**

- BDD - BARRIER DEFLECTION DISTANCE
- LS - LATERAL SPACE-DISTANCE REQUIRED BEHIND TEMPORARY CONCRETE BARRIER TO ACCOMMODATE BARRIER DEFLECTION.
- \* - FOR DEFLECTION DISTANCE OF VARIOUS APPROVED BARRIERS, SEE PUB. 213, APPENDIX B, "TEMPORARY BARRIER DEFLECTION DISTANCES TABLE".

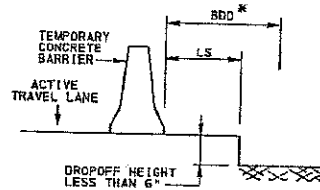
CONDITION - BDD IS LESS THAN OR EQUAL TO LS



REMEDIAL TREATMENT - NONE

**DESIRABLE CONDITION**  
FOR DROPOFF HEIGHT GREATER THAN 2'

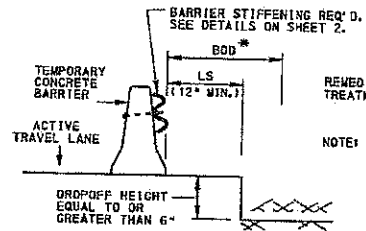
CONDITION - BDD IS GREATER THAN LS AND DROPOFF IS LESS THAN 6"



REMEDIAL TREATMENT - NONE

NOTE: THIS CONDITION IS ONLY PERMISSIBLE WHEN THE DROPOFF IS LESS THAN 6" AND THE WORK ZONE SET-UP HAS BEEN THOROUGHLY REVIEWED TO MAXIMIZE THE LS.

CONDITION - BDD IS GREATER THAN LS AND DROPOFF IS EQUAL TO OR GREATER THAN 6"



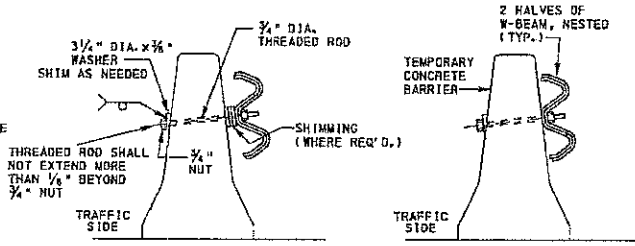
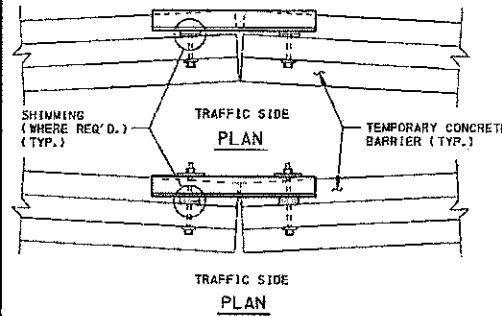
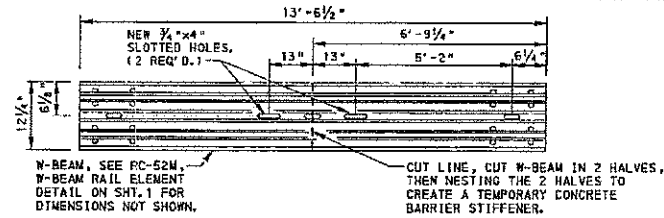
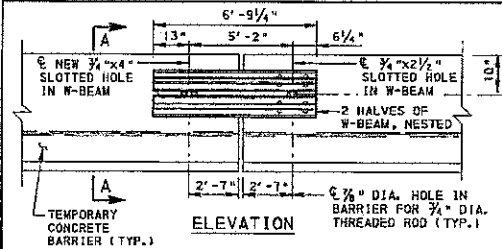
REMEDIAL TREATMENT - STIFFEN TEMPORARY CONCRETE BARRIER WITH W-BEAM CUT IN HALF, THEN NESTING THE 2 HALVES AS SHOWN ON SHEET 2.

NOTE: OTHER METHODS TO LIMIT THE BDD MUST BE APPROVED BY THE BUREAU OF DESIGN.

SHEET 1 OF 2

PATA  
Barrier Stiffening

PUBLICATION 213  
LATERAL PLACEMENT OF BARRIER IN A DROPOFF CONDITION



SECTION A-A  
ALL DIMENSIONS ARE TYPICAL UNLESS NOTED OTHERWISE.

TEMPORARY CONCRETE BARRIER STIFFENING

NOTES:

1. STIFFENED BARRIER WALL IS REQUIRED IN WORK ZONES WHEN BARRIER WALL IS LOCATED WITHIN THE DEFLECTION DISTANCE OF THE BARRIER AS SHOWN IN PUBLICATION 213, APPENDIX B, "TEMPORARY BARRIER DEFLECTION DISTANCES TABLE".
2. STIFFENER SHALL BE INSTALLED WHEN BARRIER IS SET AND BEFORE ROADWAY IS OPEN TO TRAFFIC OR PRIOR TO DROPOFF CONDITION BEING EXPOSED IN WORK ZONE.
3. PROVIDE MATERIALS AND CONSTRUCTION MEETING THE REQUIREMENTS OF PUBLICATION 408, SECTIONS 620 AND 1109.
4. WHEN BARRIERS ARE PLACED ON A RADIUS, THE AREA BETWEEN THE W-BEAM AND BARRIER WALL SHALL BE SHIMMED AS SHOWN ABOVE.
5. ALL MATERIALS AND LABOR INVOLVED WITH THIS BARRIER STIFFENER SYSTEM SHALL BE PAID AS A SEPARATE PAY ITEM.
6. SHIM SHALL CONSIST OF ONE SQUARE PLATE 3/8" THICK WITH AS MANY 3/4" DIA. x 3/8" THICK WASHERS AS NEEDED.
7. ROD PERPENDICULAR TO BARRIER WALL SURFACE (TYP.) ON THE WORK ZONE SIDE OF THE BARRIER.

SHEET 2 OF 2  
PATA  
Barrier Stiffening

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bridge Structure where State Route 1025 :  
crosses over a single track of Canadian : M-2013-2364201  
Pacific Railway (264 293 K) in Nicholson :  
Borough, Wyoming County :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Department's *Joint Petition for Partial Remand of Matters Pending* was served upon the parties below by E-mail and First-Class mail; postage prepaid this 29<sup>th</sup> day of October, 2013:

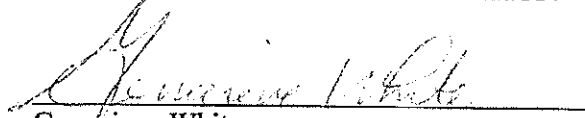
Erin A. Brennan, Esquire  
Oliver Price and Rhodes  
1212 South Abington Road  
P.O. Box 240  
Clarks Summit, PA 18411

James E. Davis, Esquire  
7 Marion Street  
Tunkhannock, PA 18657

Anthony P. Litwin Esquire  
24 East Tioga Street  
Tunkhannock, PA 18657

Adam D. Young, Esquire  
PA Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17120

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



Genevieve White  
Legal Assistant to Gina M. D'Alfonso  
Assistant Counsel in Charge  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
Telephone No. (717) 787-3128

DATED: November 1, 2013

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application Docket No. 76276

In re: Application of DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA - For approval of the alteration of the crossing where State Highway Route 65025 crosses over and above tracks of The Delaware, Lackawanna and Western Railroad Company in Nicholson Borough, Wyoming County, and the allocation of the costs and expenses incident thereto.

ORDER

BY THE COMMISSION, JUNE 11, 1951:

State Highway Route 65025 is a secondary highway extending in a general northerly direction from a junction with State Highway Route 9 in Nicholson Borough, Wyoming County, through the said borough and through Nicholson Township, Wyoming County to a junction with State Highway Route 57034 on the boundary line between Susquehanna County and Wyoming County, a distance of about 1.5 miles. At a point in the Borough of Nicholson, about 830 feet south of the boundary line between Nicholson Borough and Nicholson Township, State Highway Route 65025 crosses above grade two main tracks and one siding track of The Delaware, Lackawanna and Western Railroad Company.

Department of Highways of the Commonwealth of Pennsylvania proposes to reconstruct a portion of State Highway Route 65025 located in Nicholson Borough and in Nicholson Township, Wyoming County, and the highway improvement, as proposed, will involve the alteration of the aforementioned crossing above grade. In the instant application, Department of Highways seeks our approval of the alteration of the crossing and the allocation of the costs and expenses incident thereto.

State Highway Route 65025 in the vicinity of the crossing above grade has a legal width of 50 feet. The highway approaches to the crossing are unimproved and graded to a width of 15 feet.

The bridge carrying State Highway Route 65025 over the tracks of The Delaware, Lackawanna and Western Railroad Company consists of a single span concrete arch structure having a length of 59 feet, a

APPROVAL BOARD JUN 27 1951 ENTRY No.

EXHIBIT B

vertical clearance over the track of 22.75 feet and provides a roadway width of 24 feet. The bridge, which is presently in fair condition, is owned and maintained by The Delaware, Lackawanna and Western Railroad Company.

The daily average of highway traffic sustained by State Highway Route 65025 in the vicinity of the crossing above grade consists of 110 passenger cars, 25 trucks or a total of 133 motor vehicles.

A general plan, showing the location of State Highway Route 65025 and the manner in which it is proposed to relocate and reconstruct the highway, was prepared by Department of Highways and submitted of record at the hearing held October 24, 1950 as Department of Highways' Exhibit No. 1. The plan provides for a change in the alignment and grade of the highway approaches to the crossing, and shows that the southwesterly approach to the crossing above grade will be graded for a width of 30 feet and paved for a width of 20 feet, and that the northeasterly approach to the crossing will be graded for a width of 28 feet and paved for a width of 18 feet. The plan also shows that the elevation of the highway paving on the bridge will be raised approximately one foot and that the roadway over the bridge will be paved for a width of 14 feet 8 inches. No other changes are proposed in the substructure and superstructure of the bridge carrying the highway over the tracks of the railroad company.

The portion of the improvement extending between State Highway Survey stations 17400 and 38400, which points are approximately 820 feet southwest and 1,280 feet northeast of the center line of the bridge at the crossing, constitutes the portion of the highway improvement over which this Commission will assume jurisdiction as a crossing improvement.

An estimate of the construction cost of the portion of the improvement within our jurisdiction prepared by Department of Highways and submitted of record at the hearing held October 24, 1950 as Department of Highways' Exhibit No. 2, totals \$18,370 and consists of the following principal items:

Grading	\$ 6,000
Drainage	1,100
Paving	8,400
Guard fence	1,200
Contingencies	<u>1,670</u>
Total	\$18,370

The record discloses that it will be necessary for us to lay out the portions of the relocated highway within our jurisdiction, to vacate the portions of the existing highway located beyond the right of way of the new highway, and to appropriate property necessary for the construction of the improvement. Descriptions of the property to be appropriated were prepared by Department of Highways and submitted of record at the hearing held October 24, 1950 as Department of Highways' Exhibit No. 3. The record discloses that the Borough of Nicholson will be responsible for the payment of damages for property located within the borough that may be taken, injured or destroyed by reason of the construction of the improvement and that the Commissioners of Wyoming County will assume liability for property damages for property located in Nicholson Township that may be taken, injured or destroyed by reason of the construction of the improvement.

The witness testifying for Department of Highways stated that the department agrees to construct the highway approaches to the crossing in accordance with the general plan and to assume all costs in connection therewith.

A witness, testifying for The Delaware, Lackawanna and Western Railroad Company at the hearing held March 27, 1951, stated that the railroad company agrees to the construction of the improvement as proposed by Department of Highways, and further stated that since there will be no change to the railroad facilities, and since the project is entirely a highway improvement, the railroad company will not assume any costs in connection therewith nor will it maintain any of the proposed improvement. The witness also stated that it will not be necessary to maintain a watchman or flagman to protect train movements of the railroad company during the time the crossing above grade is being altered and that the railroad company

will not release damages for any of its property taken, injured or destroyed by reason of the proposed highway improvement.

We are of the opinion that the general plan, submitted of record by Department of Highways as Department of Highways' Exhibit No. 1, should be revised to provide (1) that the roadway on the bridge structure be paved for the full width of 24 feet between parapets; (2) to provide that the roadway paving on the southwesterly approach to the bridge be tapered from a width of 24 feet at the southwesterly end of the bridge to a width of 20 feet in a distance of about 80 feet measured along the highway from the southwesterly end of the bridge, and (3) that the highway paving on the northeasterly approach be tapered from a width of 24 feet at the northeasterly end of the bridge to a width of 18 feet in a distance of about 100 feet measured along the highway from the northeasterly end of the bridge. We are of the further opinion that Department of Highways should be required to maintain the roadway paving on the bridge.

The matters and things involved having been fully considered, we find and determine that the alteration of the crossing above grade, at a point in the Borough of Nicholson, Wyoming County, about 830 feet south of the boundary line between Nicholson Borough and Nicholson Township, where State Highway Route 65025 crosses over and above the grade of two main tracks and one siding track of The Delaware, Lackawanna and Western Railroad Company, in accordance with the general plan submitted of record at the hearing held October 24, 1950 as Department of Highways' Exhibit No. 1, revised so as to provide (1) that the roadway on the bridge be paved for the full width of 24 feet between parapets; (2) to provide that the roadway paving on the southwesterly approach be tapered from a width of 24 feet to a width of 20 feet in a distance of about 80 feet measured along the highway from the southwesterly end of the bridge, and (3) to provide that the highway paving on the northeasterly approach be tapered from a width of 24 feet to a width of 18 feet in a distance of about 100 feet measured along the highway from the northeasterly end of the bridge, is necessary or proper for the service, accommodation, convenience

IT IS ORDERED:

1. That the instant application be and is hereby approved.
2. That the crossings above grade, at a point in the Borough of Nicholson, Wyoming County, about 830 feet south of the boundary line between Nicholson Borough and Nicholson Township, where State Highway Route 65025 crosses over and above the grade of two main tracks and one siding track of The Delaware, Lackawanna and Western Railroad Company, be altered in accordance with the general plan prepared by Department of Highways and submitted of record at the hearing held in this proceeding on October 24, 1950 as Department of Highways' Exhibit No. 1, revised to provide (1) that the roadway on the bridge be paved for the full width of about 24 feet between parapets; (2) that the roadway paving on the southwesterly approach be tapered from a width of about 24 feet to a width of about 20 feet in a distance of about 80 feet measured along the highway from the southwesterly end of the bridge, and (3) that the highway paving on the northeasterly approach to the bridge be tapered from a width of about 24 feet to a width of about 18 feet in a distance of about 100 feet measured along the highway from the northeasterly end of the bridge, which said plan is attached hereto, made part hereof and, as herein revised, is hereby approved, except in so far as it may relate to the division of work, to the deletion of work and to the allocation of the costs and expenses incident to the construction and maintenance of the improvement herein ordered.

3. That the following highway be and is hereby laid out and established to wit:

A road or highway approximately 2,100 feet in length beginning at a point in existing State Highway Route 65025 in Nicholson Borough about 1,791 feet southwest of the boundary line between Nicholson Borough and Nicholson Township, Wyoming County, extending thence in a general northeasterly direction to a point in State Highway Route 65025 in Nicholson Township about 309 feet northeast of the boundary line between Nicholson Borough and Nicholson Township; alignment, width and grade to be as shown on the approved plan.

4. That, in accord with the provisions of Section 409 of the Public Utility Law, 1937, P. L. 1053, as amended by Act No. 388, approved the 25th day of May, 1945, P. L. 1012, the following described property be and is hereby taken and appropriated for the purpose of the improvement in accordance with the approved plan filed of record at Application Docket No. 76276 with Pennsylvania Public Utility Commission at Harrisburg, Pennsylvania, and that numbered Paragraph 4 of this order shall be recorded in its entirety by the Recorder of Deeds of Wyoming County and shall be indexed under the name or names of the record owners of such property at the sole cost and expense of Department of Highways of the Commonwealth of Pennsylvania, applicant herein.

1. The Delaware, Lackawanna and Western Railroad Company, record owner  
140 Cedar Street  
New York, New York

ALL THOSE CERTAIN tracts of land situated in Nicholson Borough, Wyoming County, bounded and described as follows, to wit:

Tract No. 1

Beginning at a point on the easterly side of State Highway Route 65025, said point being on the required right of way line and distant twenty-five (25) feet easterly from the construction center line at or about Station 18,461 thereof and measured at right angles thereto; thence in a southwesterly direction along the northwesterly legal right of way line of the present State Highway Route 65025 to a point on the construction center line at or about Station 18,414 thereof; thence in a northerly direction to a point on the required right of way line distant forty (40) feet westerly and measured radially from the construction center line at or about Station 21,412 thereof; thence in a north-easterly direction along the required limit of slope line to a point distant forty (40) feet northwesterly and measured radially from the construction center line at or about Station 22,400 thereof; thence in a southeasterly direction along the required limit of slope line to a point distant thirty (30) feet northwesterly and measured radially from the construction center line at or about Station 22,400 thereof; thence in a northeasterly direction along the required limit of slope line to a point distant thirty (30) feet northwesterly and measured radially from the construction center line at or about Station 23,400 thereof; thence in a northwesterly direction along the required limit of slope line to a point distant forty (40) feet northwesterly and measured radially from the construction center line at or about Station 23,400 thereof; thence in a northeasterly direction along the required limit of slope line to a point distant forty (40) feet northerly and measured at right angles from the construction center line at or about Station 24,450 thereof; thence in a southerly direction to a point on the legal right of way line distant twenty-five (25) feet northerly and measured at right angles from the construction center line at

direction along the legal right of way line to a point distant nineteen (19) feet northerly and measured at right angles from the construction center line at or about Station 24,420 thereof; thence in a southwesterly direction along the legal right of way line to a point on the construction center line at or about Station 23,475 thereof; thence in a southwesterly direction along the legal right of way line to a point distant fifteen (15) feet southerly and measured radially from the construction center line at or about Station 23,450 thereof; thence in a southwesterly direction along the legal right of way line to a point on the required limit of slope line distant thirty (30) feet southerly and measured radially from the construction center line at or about Station 23,430 thereof; thence in a southwesterly direction along the required limit of slope line to a point distant thirty (30) feet southeasterly and measured radially from the construction center line at or about Station 23,400 thereof; thence in a northwesterly direction along the required limit of slope line to a point on the required right of way line distant twenty-five (25) feet southeasterly and measured radially from the construction center line at or about Station 23,400 thereof; thence in a southwesterly direction along the required right of way line to a point distant twenty-five (25) feet southeasterly and measured radially from the construction center line at or about Station 22,400 thereof; thence in a southeasterly direction along the required limit of slope line to a point distant thirty (30) feet southeasterly and measured radially from the construction center line at or about Station 22,400 thereof; thence in a southwesterly direction along the required limit of slope line to a point distant thirty (30) feet easterly and measured at right angles from the construction center line at or about Station 19,450 thereof; thence in a westerly direction along the required limit of slope line to a point on the required right of way line distant twenty-five (25) feet easterly and measured at right angles from the construction center line at or about Station 19,450 thereof; thence in a southerly direction along the required right of way line to a point and the place of beginning and containing seven hundred twenty-seven thousandths (0.727) of an acre of land, more or less.

#### Tract No. 2

Beginning at a point on the southeasterly side of State Highway Route No. 65025, said point being on the required right of way line and distant twenty-five (25) feet southeasterly from the construction center line at or about Station 26,427 thereof, and measured radially thereto; thence in a northeasterly direction along the southeasterly legal right of way line of the present State Highway Route 65025 to a point on the required limit of slope line distant thirty (30) feet northwesterly and measured radially from the construction center line at or about Station 27,444 thereof; thence in a southerly direction to a point on the required right of way line distant twenty-five (25) feet southeasterly and measured radially from the construction center line at or about Station 26,495 thereof; thence in a southwesterly direction along the required right of way line to a point and the place of beginning and containing fifty-seven thousandths (0.057) of an acre of land, more or less.

The above two tracts of land are portions of real estate which became legally vested in The Delaware, Lackawanna and Western Railroad Company by deed of Frank E. Brink, et ux, dated August 1, 1912 and recorded August 6, 1912 in Deed Book 65, page 97 and deed of Margaret Coyle, dated December 3, 1912 and recorded December 16, 1912 in Deed Book 65, page 373 in the Wyoming County Courthouse.

5. That, in accord with the provisions of Section 409 of the Public Utility Law, 1937, P. L. 1053, as amended by Act No. 388, approved the 25th day of May, 1945, P. L. 1012, the following described properties, together with all buildings or parts thereof, of any description or use whatsoever, erected or located thereon, be and are hereby severally taken and appropriated for the purpose of the improvement in accordance with the approved plans filed of record at Application Docket No. 76276 with Pennsylvania Public Utility Commission at Harrisburg, Pennsylvania, and that numbered Paragraph 5 of this order shall be recorded in its entirety by the Recorder of Deeds of Wyoming County and shall be indexed under the name or names of the record owners of such properties at the sole cost and expense of Department of Highways of the Commonwealth of Pennsylvania, applicant herein.

1. W. W. Sloat, record owner  
Nicholson, Penna.

ALL THAT CERTAIN tract of land situated in Nicholson Borough, Wyoming County, bounded and described as follows, to wit:

Beginning at a point on the westerly side of State Highway Route No. 65025, said point being on the required right of way line and distant twenty-five (25) feet westerly from the construction center line at or about Station 17<sup>00</sup> thereof and measured at right angles thereto; thence in a northerly direction along the required right of way line to a point distant twenty-five (25) feet westerly and measured at right angles from the construction center line at or about Station 18<sup>00</sup> thereof; thence in a westerly direction along the required limit of slope line to a point distant thirty (30) feet westerly and measured at right angles from the construction center line at or about Station 18<sup>00</sup> thereof; thence in a northerly direction along the required limit of slope line to a point distant thirty (30) feet westerly and measured at right angles from the construction center line at or about Station 19<sup>00</sup> thereof; thence in a westerly direction along the required limit of slope line to a point distant thirty-five (35) feet westerly and measured at right angles from the construction center line at or about Station 19<sup>00</sup> thereof; thence in a northerly direction along the required limit of slope line to a point distant thirty-five (35) feet westerly and measured at right angles from the construction center line at or about Station 20<sup>50</sup> thereof; thence in a westerly direction along the required limit of slope line to a point distant forty (40) feet westerly and measured at right angles from the construction center line at or about Station 20<sup>50</sup> thereof; thence in a northerly direction along the required limit of slope line to a point distant forty (40) feet westerly and measured radially from the construction center line at or about Station 21<sup>00</sup> thereof.

of way line and on the construction center line at or about Station 18/14 thereof; thence in a southwesterly direction along the legal right of way line to a point distant nineteen (19) feet westerly and measured at right angles from the construction center line at or about Station 17/50 thereof; thence in a southwesterly direction along the legal right of way line to a point and the place of beginning and containing one hundred fifty-two thousandths (0.152) of an acre of land, more or less.

The above tract of land is a portion of real estate which became legally vested in Patrick Dugan by deed of Samuel and Hesther Estes, dated March 20, 1858 and recorded August 3, 1858 in Deed Book 8, page 69, in the Wyoming County Courthouse.

Patrick Dugan died November 25, 1906 and left a will which was recorded in Will Book 9, page 334 in Wyoming County Courthouse. The only living heir is Nellie Dugan, who sold said property by land contract, dated July 31, 1947 to W. W. Sloat, who has not recorded any deed for said property.

2. Paul Bolog, et ux, Rhea Bolog, record owners  
63 Middlebrook Avenue  
Bridge 14, Connecticut

ALL THAT CERTAIN tract of land situated in Nicholson Borough, Wyoming County, bounded and described as follows, to wit:

Beginning at a point on the northwesterly side of State Highway Route 65025, said point being on the required right of way line and distant twenty-five (25) feet northwesterly from the construction center line at or about Station 33/64 thereof and measured at right angles thereto; thence in a northeasterly direction along the required right of way line to a point distant twenty-five (25) feet northwesterly and measured at right angles from the construction center line at or about Station 34/50 thereof; thence in a northwesterly direction along the required limit of slope line to a point distant forty (40) feet northwesterly and measured at right angles from the construction center line at or about Station 34/50 thereof; thence in a northeasterly direction along the required limit of slope line to a point distant forty (40) feet northwesterly and measured radially from the construction center line at or about Station 36/00 thereof; thence in a southeasterly direction along the required limit of slope line to a point distant twenty-five (25) feet northwesterly and measured radially from the construction center line at or about Station 36/00 thereof; thence in a northerly direction along the required right of way line to a point distant twenty-five (25) feet westerly and measured at right angles from the construction center line at or about Station 37/25.25 thereof; thence in a southerly direction along the legal right of way line to a point distant ten (10) feet westerly and measured radially from the construction center line at or about Station 36/00 thereof; thence in a southerly direction along the legal right of way line to a point distant four (4) feet westerly and measured radially from the construction center line at or about Station 35/50 thereof; thence in a southwesterly direction along the legal right of way line to a point distant one and five tenths (1.5) feet northwesterly and measured radially from the construction center line at or about Station 35/00 thereof; thence in a southwesterly direction along the legal right of way line to a point distant three (3) feet northwesterly and measured at right angles from the construction center line at or about Station 34/50 thereof; thence in a southwesterly direction along the legal right of way line to a point and the place of beginning and containing one hundred fifty-nine thousandths (0.159) of an acre of land, more or less.

The above tract of land is a portion of real estate which became legally vested in Paul Bolog; at ux, Rhea Bolog by deed of Iris May Brink, dated March 21, 1942 and recorded March 21, 1942 in Deed Book 108, page 145 in the Wyoming County Courthouse.

3. Matthew Pencek, et ux, Laura Pencek, record owners  
Nicholson, Penna.

ALL THAT CERTAIN tracts of land situated in Nicholson Borough and Nicholson Township, Wyoming County, bounded and described as follows, to wit:

Beginning at a point on the southeasterly side of State Highway Route 65025, said point being on the required right of way line and distant twenty-five (25) feet southeasterly from the construction center line at or about Station 26/95 thereof and measured radially thereto; thence in a northeasterly direction to a point on the required limit of slope line distant thirty (30) feet northwesterly and measured radially from the construction center line at or about Station 27/44 thereof; thence in a northeasterly direction along the required limit of slope line to a point distant thirty (30) feet northwesterly and measured radially from the construction center line at or about Station 28/50 thereof; thence in a southeasterly direction along the required limit of slope line to a point on the required right of way line distant twenty-five (25) feet northwesterly and measured radially from the construction center line at or about Station 28/50 thereof; thence in a northeasterly direction along the required right of way line to a point on the southeasterly legal right of way line of the present State Highway Route 65025 distant twenty-five (25) feet northwesterly and measured at right angles from the construction center line at or about Station 30/83 thereof; thence in a northeasterly direction along the legal right of way line to a point on the required right of way line distant twenty-five (25) feet southeasterly and measured at right angles from the construction center line at or about Station 33/60 thereof; thence in a southwesterly direction along the required right of way line to a point distant twenty-five (25) feet southeasterly and measured radially from the construction center line at or about Station 28/50 thereof; thence in a southeasterly direction along the required limit of slope line to a point distant thirty-five (35) feet southeasterly and measured radially from the construction center line at or about Station 28/50 thereof; thence in a southwesterly direction along the required limit of slope line to a point distant thirty-five (35) feet southeasterly and measured radially from the construction center line at or about Station 27/00 thereof; thence in a northwesterly direction along the required limit of slope line to a point on the required right of way line distant twenty-five (25) feet southeasterly and measured radially from the construction center line at or about Station 27/00 thereof; thence in a southwesterly direction along the required right of way line to a point and the place of beginning and containing six hundred fifty-nine thousandths (0.659) of an acre of land, more or less.

The above tract of land is a portion of real estate which became legally vested in Matthew Pencek, et ux, Laura Pencek, by deed of Lenora Bidwell dated February 18, 1943 and recorded February 23, 1943 in Deed Book 109, page 161 in the Wyoming County Courthouse.

6. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain such detours as may be required to accommodate properly highway traffic during the time the improvement herein ordered is being constructed.

7. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Delaware, Lackawanna and Western Railroad Company, located within the limits of any highway, which may be required as incidental to the execution of the improvement herein ordered, be made by said public utility, at its sole cost and expense, and in such a manner as will not interfere with the construction of the improvement.

8. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Delaware, Lackawanna and Western Railroad Company, located beyond the limits of any highway, which may be required as incidental to the execution of the improvement herein ordered, be made by said public utility in such a manner as will not interfere with the construction of the improvement.

9. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to complete the remainder of the improvement in accordance with the approved plan, including the installation or alteration of any facilities necessary to effect proper drainage of the highway at the crossing above grade, herein ordered altered.

10. That all work necessary to complete the improvement herein ordered be done in a manner satisfactory to this Commission and be fully completed on or before December 31, 1952, and that on or before said date Department of Highways, herein required to do work, report to this Commission the date of actual completion of its portion and at the earliest practicable time, subsequent to said date of completion, submit to this Commission a detailed statement of the

actual cost incurred by it in furnishing material and performing work in compliance with this order.

11. That Borough of Nicholson, Wyoming County, pay all compensation for damages due to the owners for property located in the Borough of Nicholson taken, injured or destroyed by reason of the alteration of the crossing above grade, in accordance with this order.

12. That Wyoming County pay all compensation for damages due to the owners for property located in Nicholson Township, Wyoming County, taken, injured or destroyed by reason of the alteration of the crossing above grade, in accordance with this order.

13. That, upon completion of the improvement herein ordered and its opening to public use, The Delaware, Lackawanna and Western Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to maintain the substructure and superstructure of the bridge, exclusive of the roadway paving thereon at the crossing above grade, herein ordered altered.

14. That, upon completion of the improvement herein ordered and its opening to public use, Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to maintain the remainder of the improvement, including any drainage facilities installed in accordance with this order and including the roadway paving located on the bridge at the crossing above grade, herein ordered altered.

15. That, effective upon completion of the improvement herein ordered and its opening to public use, those portions of State Highway Route 65025 located between State Highway Survey stations 17/00 and 38/00 and beyond the limits of the new highway hereinabove laid out, be and are hereby vacated and closed to public use.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Commissioners:

*B. J. Morsel*  
*Harold J. Strang*  
*John C. Lively*

ATTEST:

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bridge Structure where State Route	:	
1025, crosses over a single track of	:	M-2013-2364201
Delaware and Hudson Railway	:	
Company, Inc. (264 293 K) in	:	<b>Electronically Filed</b>
Nicholson Borough, Wyoming County.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the *Department's Petition of the Department of Transportation Requesting a Hearing for the Purpose of Allocating Costs Associated with the Secretarial Letter Dated November 8, 2013* was served upon the parties listed below, in accordance with the requirements of §1.54, by First-Class mail, postage prepaid and by electronic mail as indicated, this 30<sup>th</sup> day of October, 2014:

Elmer Day  
Comcast Cable Communications  
One Comcast Way  
Duryea, PA 18642

James E. Davis  
Wyoming County  
7 Marion Street  
Tunkhannoch, PA 18657

Frances J. Noonan, Jr.  
Pennsylvania State Police  
3<sup>rd</sup> Floor Department Headquarters  
1800 Elmerton Avenue  
Harrisburg, PA 17110

Kirk Durland  
PENELEC  
16586 SR 706  
Montrose, PA 18801

Tori L. Giesler, Esquire  
PENELEC  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, PA 19612-6001

Anthony P. Litwin, Esquire  
Nicholson Borough  
24 East Tioga Street  
Tunkhannock, PA 18657

Joe Stec  
Frontier Communications Solutions  
100 CTE Drive  
Dallas, PA 18612

Adam D. Young, Esquire  
PA PUC Law Bureau, BIE  
P.O. Box 3265  
Harrisburg, PA 17105-3265

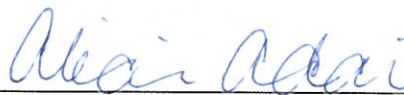
Erin A. Brennan, Esquire  
Oliver, Price & Rhodes  
Canadian Pacific Railway  
1212 South Abington Road  
Clarks Summit, PA 18411

Wesley Carpenter  
Sprint  
Box 113  
484 Williamsport Pike  
Spartansburg, PA 25404

Pennsylvania Office of Consumer Advocate  
555 Walnut Street  
5th Floor Forum Place  
Harrisburg, PA 17101-1923

Office of Small Business Advocate  
300 North Second Street  
Suite 202  
Harrisburg, PA 17101

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



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Alicia Adair  
Legal Assistant to Nicholas D. Mertens  
Assistant Counsel  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
Telephone No. (717) 787-3128

DATED: October 30, 2014