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

May 27, 2015

A-2015-2470570

TO ALL PARTIES

 Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the public at-grade crossing (DOT No.148 901 K) by the installation of new train activated automatic gates and circuitry where Horatio Street crosses, at-grade, the single track of the Buffalo and Pittsburgh Railroad, Inc located in the Borough of Punxsutawney, Jefferson County; all in accordance with the Federal Grade Crossing Program; and the allocation of costs incident thereto.

To Whom It May Concern:

At a location in Punxsutawney Borough, Jefferson County, Horatio Street crosses the single track of the Buffalo and Pittsburgh Railroad, Inc. (B&P).

By application filed with the Commission on March 6, 2015, Pennsylvania Department of Transportation (Department) is seeking Commission approval to alter the subject crossing by the installation of new automatically operated gates and new circuitry.

 Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held at the site of the crossing on April 29, 2015, with representatives of the following parties in attendance:

 Pennsylvania Department of Transportation

 Buffalo and Pittsburgh Railroad

 Punxsutawney Borough

 Although notified by letter dated March 27, 2015, there were no representatives of Jefferson County, Pennsylvania American Water, TW Phillips Gas & Oil Company, Comcast or Pennelec in attendance.

 At the field conference, it was noted that Horatio Street is a two lane bituminous roadway. The crossing currently consists of a rubber flange way/bituminous surface with flashing-light signals on each approach. B&P, at the sole cost and expense of the Department, proposes installing new automatically operated gates and associated circuitry. There currently are no grade crossing advance warning signs or stop lines on the approach roadways.

B&P will be directed to maintain the warning devices and the crossing surface in a smooth and satisfactory condition. The Borough will be directed to maintain the highway approaches to the crossing surface including grade crossing advance warning signs and stop lines. B&P submitted a situation and circuitry plan to the parties at the field conference.

The project will utilize Section 130 Federal funds at a total estimate of $50,000.00.

 The Department avers that a copy of the application has been served on all parties of interest.

 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.

 Upon full consideration of the matters involved and inasmuch as none of the parties offered any objection to the Pennsylvania Department of Transportation’s proposed project, we find that a Secretarial Letter can be issued approving the 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 crossing is necessary and proper for the service, accommodation, convenience and safety of the public.

 The application of Pennsylvania Department of Transportation is approved as herein directed:

 1. The crossing where Horatio Street crosses the single track of the Buffalo and Pittsburgh Railroad, Inc. in Punxsutawney Borough, Jefferson County be altered generally in accordance with Pennsylvania Department of Transportation’s application filed March 6, 2015.

 2. The situation and circuitry plan submitted to the Commission on April 29, 2015 and entitled “BUFFALO & PITTSBURGH RAILROAD, RAILROAD CROSSING WARNING DEVICES, HORATION STREET, DOT #148 901 k – MD 227.40, PUNXSUTANEY, JEFFERSON COUNTY, PA” and consists of eight (8) sheets is hereby approved.

3. Buffalo and Pittsburgh Railroad, Inc., at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to alter the subject crossing by the installation of new automatically operated gates and associated circuitry; constructed in accordance with the approved plan, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

 4. Punxsutawney Borough, at its sole cost and expense, furnish all material and perform all work necessary to install highway-rail grade crossing advance warning signs and stop lines to the approaches to the subject crossing.

5. Any relocation of, changes in and/or removal of any adjacent structures, equipment or any other facilities of any public utility other than Buffalo and Pittsburgh Railroad, Inc. located within the limits of the highway, within the Commission’s jurisdiction, be made by said public utility at its initial cost and expense, and in such a manner as will not interfere with the construction of the improvement, and said relocated or altered facilities thereafter be maintained by said public utility, at its sole cost and expense.

 6. Buffalo and Pittsburgh Railroad, Inc., at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to establish and maintain any detours or traffic control that may be necessary to properly and safely accommodate vehicular, pedestrian and railroad traffic during the time the crossing is being altered.

7. Buffalo and Pittsburgh Railroad, Inc., at its initial cost and expense, 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.

 8. 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 said requirements of each of the parties will be provided for and accommodated insofar as possible.

9. Buffalo and Pittsburgh Railroad, Inc., 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.

10. All work necessary to complete the construction of the project be done in a manner satisfactory to this Commission on or before June 30, 2016 and that on or before said date, Pennsylvania Department of Transportation report in writing to the Commission the date of actual completion of the work.

 11. Buffalo and Pittsburgh Railroad, Inc. pay all compensation for damages, if any, due to owners of property taken, injured or destroyed by reason of the construction of the improvement in accordance with this letter.

12. 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. Parts l40 and 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.

 13. Upon completion of the crossing, Buffalo and Pittsburgh Railroad, Inc., at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its railroad facilities at the subject crossing, including the warning devices and maintain at all times in a smooth and satisfactory condition, the crossing surface located between the rails and for a distance of twenty-four (24) inches beyond the outermost rails all in accordance the Manual on Uniform Traffic Control Devices and this letter.

 14. Upon completion of the crossing, Punxsutawney Borough, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway approaches up to the subject crossing to points twenty-four (24) inches beyond the outside rail, and in addition, the highway-rail grade crossing advance warning signs and stop lines if required, on the approaches thereto all in accordance Part 8 of the Manual on Uniform Traffic Control Devices and this letter.

 15. 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 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 Public Utility Code 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