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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** |

June 4, 2015

A-2015-2471444

TO ALL PARTIES

 Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the public at-grade crossings by the installation of automatically operated flashing-light railroad crossing warning signals and gates where Washington Street (DOT #148 849 H), School Street (DOT #148 848 B), Church Street (DOT #148 847 U), Gompers Avenue (DOT #148 846 M), (T-488) Martin Road (DOT #148 830 R) and (T-489) Martin Road (DOT #148 826 B) cross the single track of the Buffalo & Pittsburgh Railroad, Inc., in the White and Rayne Townships, and the Borough of Indiana, Indiana County; all in accordance with the Federal Grade Crossing Program; and the allocation of costs incident thereto.

To Whom It May Concern:

By application filed with the Commission on March 12, 2015, the Pennsylvania Department of Transportation (Department) is seeking Commission approval to alter the subject crossings by the installation of active traffic control systems where these roads cross a single track of the Buffalo & Pittsburgh Railroad, Inc., in the White and Rayne Townships, and the Borough of Indiana, Indiana County.

 The proposed alterations will affect the following crossings:

 Highway Name Surface Type DOT No. Municpality

1. Washington Street Rail Seal/Asphalt 148 849 H Indiana Borough
2. School Street Rail Seal /Asphalt 148 848 B Indiana Borough
3. Church Street Rail Seal /Asphalt 148 847 U Indiana Borough
4. Gompers Avenue Rail Seal /Asphalt 148 846 M Indiana Borough
5. (T-488) Martin Road Rail Seal /Asphalt 148 830 R White Township
6. (T-489) Martin Road Rail Seal /Asphalt 148 826 B Rayne Township

 Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held at the site of the crossings on April 21, 2015. Representatives of the Department, Buffalo & Pittsburgh Railroad, Inc., Indiana Borough, White Township, and Rayne Township were in attendance. Pennsylvania Electric Company, CSX Transportation, Inc., and Indiana County were notified of the time and place of the conference but did not attend.

At the field conference, it was noted that all these roads are two (2) lane asphalt roadways with asphalt paved shoulders. The crossings currently consist of rail seal and asphalt crossing surfaces with grade crossing (crossbucks) signs (R15-1) on each approach. Sidewalks exist at the Washington Street, School Street and Church Street crossings. There are pavement markings on the approaches of Washington Street, School Street, and Church Street crossings. There are stop lines at (T-488) Martin Street crossing. Advance warning signs were noted at the School Street and (T-488) Martin Street crossings. Advance warning signs are missing on the following crossings: Washington Street, Church Street, Gompers Avenue, and (T-489) Martin Road. Incandescent flashing lights currently exist at (T-488), Martin Street crossing.

 Buffalo & Pittsburgh Railroad, Inc., at its initial cost and expense, furnish all material and do all work necessary to alter the Washington Street, School Street and Church Street crossings by constructing automatically operated gates, pedestrian gates, flashing-light signals with 12-inch LED roundels, bells and associated circuitry.

 Buffalo & Pittsburgh Railroad, Inc., at its initial cost and expense, furnish all material and do all work necessary to alter the Gompers Street crossing by constructing automatically operated flashing-light signals with 12-inch LED roundels, bells and associated circuitry.

 Buffalo & Pittsburgh Railroad, Inc., at its initial cost and expense, furnish all material and do all work necessary to alter (T-488) Martin Street and (T-489) Martin Street crossings by constructing automatically operated gates, flashing-light signals with 12-inch LED roundels, bells and associated circuitry.

 The respective municipality will maintain advance warning signs, stop lines, and pavement markings at the subject crossings.

 Buffalo & Pittsburgh Railroad, Inc., will be directed to maintain all crossing surfaces in a smooth and satisfactory condition. The respective municipality will be directed to maintain the approaches throughout the entire width of the roadway and sidewalks, if present, to provide a smooth and satisfactory transition to the crossing surface and install grade crossing advanced warning signs (W10-1) on both approach roadways in accordance with Part 8 of the Manual on Uniform Traffic Control Devices.

The project will be funded from Federal Highway Grade Crossing Safety Program.

 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 crossings as the area within the confines of the railroad right-of-way and the highway right-of-way.

 Funds for the project will utilize Federal funds at a total estimate of $1,273,080. The Department will reimburse Buffalo & Pittsburgh Railroad, Inc., for all materials and work performed to install the new facilities not to exceed the cost estimate.

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 crossings 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 caption of the subject proceeding is hereby revised as shown herein.
2. The crossings where Washington Street (DOT #148 849 H), School Street (DOT #148 848 B), Church Street (DOT #148 847 U), Gompers Avenue (DOT #148 846 M), (T-488) Martin Road (DOT #148 830 R) and (T-489) Martin Road (DOT #148 826 B) cross, at grade, a single track of the Buffalo & Pittsburgh Railroad, Inc., in the White and Rayne Townships, and the Borough of Indiana, Indiana County be altered as herein directed.
3. Buffalo & Pittsburgh Railroad, Inc., at the sole cost and expense of Pennsylvania Department of Transportation and prior to the start of construction, prepare and submit a situation plan for the subject crossings to all parties for review and to the Commission for approval.
4. Buffalo & Pittsburgh Railroad, Inc., at the sole cost and expense of Pennsylvania Department of Transportation and prior to the start of construction, prepare and submit a circuitry plan for the subject crossings to Pennsylvania Department of Transportation for review and the Commission for approval.
5. Buffalo & Pittsburgh Railroad, Inc., at its initial cost and expense, furnish all material and do all work necessary to alter the Washington Street, School Street and Church Street crossings by constructing automatically operated gates, pedestrian gates, flashing-light signals with 12-inch LED roundels, bells and associated circuitry; constructed in accordance with the approved plans and Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.
6. Buffalo & Pittsburgh Railroad, Inc., at its initial cost and expense, furnish all material and do all work necessary to alter the Gompers Street crossing by constructing automatically operated flashing-light signals with 12-inch LED roundels, bells and associated circuitry; constructed in accordance with the approved plans and Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.
7. Buffalo & Pittsburgh Railroad, Inc., at its initial cost and expense, furnish all material and do all work necessary to alter T488 Martin Street and T489 Martin Street crossings by constructing automatically operated gates, flashing-light signals with 12-inch LED roundels, bells and associated circuitry; constructed in accordance with the approved plans and Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.
8. Buffalo & Pittsburgh Railroad, Inc., at its initial cost and expense, provide highway-rail grade crossing advance warning signs on the following crossings: Washington Street, Church Street, Gompers Avenue, and (T-489) Martin Road. Indiana Borough will install the referenced signs at the Washington Street, Church Street, and Gompers Avenue crossings. Rayne Township will install the referenced signs at (T-489) Martin Road crossing. All work to be done in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.
9. Any relocation of, changes in and/or removal of any adjacent structures, equipment or any other facilities of any public utility other than Buffalo & 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.
10. Buffalo & Pittsburgh Railroad, Inc., at its initial cost and expense, 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 crossings are being altered.
11. Buffalo & 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.
12. 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.
13. Buffalo & 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.

14. All work necessary to complete this construction shall be done in a manner satisfactory to this Commission on or before December 31, 2017 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.

 15. Buffalo & 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.

 16. All costs which are to be reimbursed by Pennsylvania Department of Transportation consistent with this Secretarial Letter, shall be reimbursed pursuant to the provisions of 23 CFR Parts 140 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.

 17. Pennsylvania Department of Transportation reimburses Buffalo & Pittsburgh Railroad, Inc., for the material furnished and work performed in accordance with paragraphs 5, 6, 7, 8, 10 and 11, not to exceed an amount of $1,273,080.

 18. Buffalo & Pittsburgh Railroad, Inc., bear all costs in excess of $1,273,080 for the material furnished and work performed in accordance with paragraphs 5, 6, 7, 8, 10 and 11.

 19. Upon completion of the subject crossings at Washington Street, School Street, Church Street, and Gompers Avenue, the Borough of Indiana, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway approaches and sidewalks (if any present) to the subject crossings, up to a distance of twenty-four (24) inches beyond the outermost rails for subject crossings, and in addition, all highway-rail grade crossing advance warning signs, stop lines and pavement markings on the approaches thereto all in accordance the Manual on Uniform Traffic Control Devices and this letter.

 20. Upon completion of the (T-488) Martin Road crossing, the Township of White, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway approaches to the crossing to a distance of twenty-four (24) inches beyond the outermost rails, and in addition, the highway-rail grade crossing advance warning signs, stop lines and pavement markings on the approaches thereto all in accordance the Manual on Uniform Traffic Control Devices and this letter.

 21. Upon completion of the (T-489) Martin Road crossing, the Township of Rayne, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway approaches to the crossing to a distance of twenty-four (24) inches beyond the outermost rails, and in addition, the highway-rail grade crossing advance warning signs, stop lines and pavement markings on the approaches thereto all in accordance the Manual on Uniform Traffic Control Devices and this letter.

 22. Upon completion of the alteration of the crossings, Buffalo & Pittsburgh Railroad, Inc., at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the subject crossing, including the automatically operated flashing lights, gates and pedestrian gates (where installed), warning devices, and maintain at all times in a smooth and satisfactory condition the crossing surfaces located between the rails and for a distance of twenty-four (24) inches beyond the outermost, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

 23. 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 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