

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the York Railway Company	:	
to determine fair and reasonable maintenance	:	Docket No. A-00123148
responsibilities for the warning devices at the	:	
Broadway Street crossings (DOT 540 847 W	:	
and DOT 832 109 N) where York Railway	:	
Company and CSX Transportation cross said	:	
roadway in the Borough of Hanover, York	:	
County, Pa.	:	
	:	
	:	
Application of CSX Transportation, Inc.	:	
for approval to abolish the public crossing	:	Docket No. A-2016-2581908
(DOT #540847W) where Broadway Street	:	
crossed, at grade, a single track of York	:	
Railway Company in the Borough of Hanover,	:	Filed Electronically
York County	:	

JOINT PETITION FOR SETTLEMENT

I. PROCEDURAL HISTORY

1. This proceeding concerns the adjacent at-grade crossings where a single track of York Railway Company (“YRC”) (DOT #540 847 W) and a single track of CSX Transportation, Inc. (“CSXT”) (DOT #832 109 N) cross Broadway Street in the Borough of Hanover (“Borough”), York County, PA.

2. The matter began when on September 27, 2006, YRC filed an Application with the Pennsylvania Public Utility Commission (“PUC” or “Commission”) requesting that the PUC evaluate and determine railroad signal maintenance responsibilities at the subject adjacent at-grade crossings. YRC’s Application asserted that it was responsible for 100 percent of the grade crossing signal maintenance at both crossings, although CSXT’s trains used the crossing more frequently than YRC’s did. YRC’s Application requested that the PUC order a more equitable allocation of maintenance responsibilities. No action was taken on YRC’s Application.

3. On December 29, 2016, CSXT filed an Application with the PUC, requesting that it abolish YRC's crossing. According to CSXT's Application, YRC had taken its crossing out-of-service by removing a rail on its track and disabling its crossing within the signal box. YRC further informed CSXT in an October 11, 2016, email that it did not plan to continue performing any inspections of the crossing.

4. CSXT informed the Commission that after October 11, 2016, CSXT performed required testing on the CSXT track and instituted stop and flag procedures for the crossings of its trains at the crossing. However, after receiving numerous complaints from residents in the area regarding children playing with fusees after the train stops and flags and concern with the increased danger of injury to its crews, CSXT took control of YRC's signal box at the crossing.

5. CSXT further informed the Commission that as of December 21, 2016, CSXT performed the required full annual operational test to confirm the signalization is functioning properly at the crossing and placed its own locks on the signal box. It agreed to continue to perform all required testing at the crossing on an interim basis until the matter was resolved.

6. In order to affect a permanent resolution, CSXT requested that the Commission order YRC to remove its tracks from the roadway and formally abolish YRC's crossing at this location. CSXT agreed to thereafter position the signal mast on the YRC side of the crossing to comply with Manual on Uniform Traffic Control Device ("MUTCD") standards and assume complete maintenance responsibility for the signalization at the crossing.

7. On July 24, 2017, CSXT filed a Motion to Consolidate the two Applications, pursuant to 52 Pa. Code § 5.81(a). That Motion was granted by Order of Administrative Law Judge David A. Salapa dated September 13, 2017.

8. Thereafter, prehearing conferences were held on March 12, 2018; October 1, 2018; November 29, 2018; and February 19, 2019. Counsel for CSXT, YRC, the Pennsylvania Department of Transportation (“PennDOT”) and the Commission’s Bureau of Investigation and Enforcement (“BI&E”) participated in these conferences.

9. The consolidated proceedings were transferred from ALJ David A. Salapa to ALJ Andrew M. Calvelli upon ALJ Salapa’s retirement.

10. At the prehearing conferences, counsel for CSXT and YRC kept the presiding administrative law judge informed of the status of settlement negotiations between those parties, which were concluded to the satisfaction of all parties by the time of the February 19, 2019 further prehearing conference.

11. ALJ Calvelli thereafter issued an Interim Scheduling Order dated March 6, 2019, which required settlement documents to be submitted to the PUC no later than April 30, 2019. ALJ Calvelli extended that deadline to May 31, 2019, by email to the parties on April 25, 2019. He further extended the deadline to June 30, 2019, by email to the parties on May 29, 2019

II. PROPOSED FINDINGS OF FACT

1. CSXT is currently maintaining the signalization and its track at the subject crossing, performing all required inspections and tests.

2. YRC has determined that its track can be removed at the crossing subject to the ability of YRC to maintain connectivity between its track remaining on either side of the crossing by operating over CSXT’s track, if necessary, to fulfill YRC’s common carrier obligation under federal law.

3. CSXT and YRC have agreed upon the terms for YRC's proposed track reconfiguration, including the removal of its track through Broadway Street, and future trackage rights over CSXT, as noted in the Letter Agreement attached hereto as Exhibit "A".

4. The Federal Surface Transportation Board ("STB") acknowledged that YRC's verified notice of exemption to enter into a joint project with CSXT for the relocation of a segment of YRC's rail line in the area of the crossing required no separate approval or exemption in the Notice printed in the Federal Register on April 11, 2019, at page 14711, which is attached hereto as Exhibit "B".

III. PROPOSED CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the public rail-highway crossings and the parties to this proceeding. 66 Pa.C.S. §§ 2702 and 2704.

2. The Commission has the authority to order the construction, reconstruction, alteration, relocation, repair, maintenance, protection, suspension or abolition of railroad crossings, as well as the authority to determine and order which concerned parties should perform such work, in order to prevent accidents and promote the safety of the public. 66 Pa.C.S. §§ 2702 and 2704.

3. CSXT, YRC and PennDOT are all concerned parties within the meaning at 66 Pa.C.S. §§ 2702 and 2704.

IV. SETTLEMENT AGREEMENT

Pursuant to §§ 507 & 2702, *et seq.* of the Pennsylvania Public Utility Code (“Code”), 66 Pa. C.S. §§ 507 & 2702 *et seq.*, the undersigned parties to this proceeding agree in this Joint Petition for Settlement as follows, subject to Commission approval:

1. YRC agrees to remove its track through the Broadway Street crossing and restore the road surface to a condition satisfactory to applicable state and local standards. This work will be completed by YRC at no expense to CSXT and in coordination with PennDOT.

2. CSXT agrees to install new gates and lights at the crossing, with the signal mast on the YRC side of the crossing repositioned to comply with Manual on Uniform Traffic Control Device standards. This work will be completed at CSXT’s sole cost and expense.

3. CSXT, at its sole cost and expense and prior to the start of construction, shall submit a situation plan for the subject crossing to all parties of record for review and to the Commission for approval, following a 20-day comment period. CSXT, at its sole cost and expense and prior to the start of construction, shall also submit a circuitry plan for the subject crossing to the Commission for approval.

4. CSXT agrees to construct the switch shown on the plan attached to Exhibit “A”, which will permit the removal of YRC’s track through the crossing, by June 30, 2020.

5. CSXT and YRC agree to coordinate and complete the work agreed upon in paragraphs 1 and 2 above by December 31, 2020.

6. Following the installation of new and repositioned warning devices at the crossing, CSXT agrees to assume complete maintenance responsibility for the signalization, its tracks and other facilities at the crossing, at its sole cost and expense.

7. This Joint Petition for Settlement is contingent upon its approval pursuant to §§ 507 and 2702 *et seq.* of the Code and the issuance of a Commission Order accepting and approving the same.

8. The parties agree that any party may petition the Commission for hearing if the Commission Order substantively modifies the terms of this Joint Petition for Settlement. In that event, any party may give notice to the other parties that it is withdrawing from this Joint Petition for Settlement. Such notice must be in writing and must be given within ten (10) business days of the issuance of any Initial or Recommended Decision or any Commission Order which adopts this Stipulation with substantive modifications of its terms. The consequence of any party withdrawing from this Joint Petition for Settlement as set forth above is that all issues associated with the requested relief presented in the proceeding will be fully litigated unless otherwise stipulated between the parties and all obligations of the parties as set forth above to each other are terminated and of no force and effect.

9. The parties, by the signatures of their representatives below, stipulate to the facts as presented in the Proposed Findings of Fact within this Petition.

10 Counterparts: This document may be signed in counterparts and all signatures attached hereto will be considered as original.

The Commission will serve the public interest and safety by approving this Joint Petition for Settlement. The settlement will save the parties the time and expense they would incur further litigating this matter before the Commission. Since all of the parties agree to the terms of the settlement, approving it will eliminate the possibility of any appeal from the Commission Order, thus saving the parties the additional time and expense they might incur in such an appeal. Approving this Joint Petition for Settlement will further the statutory provisions of 66 Pa.C.S. §

2702 *et seq.*, in regard to the public convenience and safety, and further the Commission policy of encouraging settlements. 52 Pa. Code § 5.231(a). The parties hereto therefore request that the Commission issue an Order directing:

1. That the Joint Petition for Settlement in this proceeding is hereby approved and adopted.

2. That York Railway Company shall remove its track through the Broadway Street crossing and restore the road surface to a condition satisfactory to applicable state and local standards at no expense to CSXT and in coordination with PennDOT.

3. That CSX Transportation, Inc., at its sole cost and expense, shall install new gates and lights at the crossing, with the signal mast on the York Railway side of the crossing repositioned to comply with Manual on Uniform Traffic Control Device standards.

4. That CSX Transportation, Inc., at its sole cost and expense and prior to the start of construction, shall submit a situation plan for the subject crossing to all parties of record for review and to the Commission for approval, following a 20-day comment period. CSXT, at its sole cost and expense and prior to the start of construction, shall also submit a circuitry plan for the subject crossing to the Commission for approval.

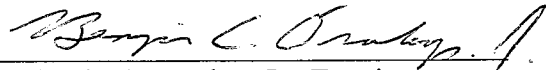
5. That CSX Transportation, Inc., and York Railway Company agree to coordinate and complete the work ordered in Ordering Paragraphs 2 and 3 above by December 31, 2020.

6. Following completion of the work ordered in Ordering Paragraphs 2 and 3 above, CSX Transportation, Inc. shall thereafter maintain the signalization, its track and other facilities at the subject crossing at its sole cost and expense.

7. That this Order is without prejudice to the right of any party to enforce any lawful agreement among the parties to the Order.

8. That upon the completion of the work ordered herein, this proceeding shall be closed.

Date: June 26, 2019



Benjamin C. Dunlap, Jr., Esquire
Attorney for CSX Transportation, Inc.

Date: _____

John E. Young, Esquire
Attorney for York Railway Company

Date: _____

Gina M. D'Alfonso, Esquire
Attorney for the Pennsylvania Department
of Transportation

Date: _____

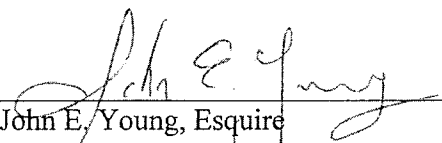
Michael L. Swindler, Esquire
Attorney for the Commonwealth of
Pennsylvania, Public Utility Commission,
Bureau of Investigation and Enforcement

8. That upon the completion of the work ordered herein, this proceeding shall be closed.

Date: _____

Benjamin C. Dunlap, Jr., Esquire
Attorney for CSX Transportation, Inc.

Date: June 24, 2019



John E. Young, Esquire
Attorney for York Railway Company

Date: _____

Gina M. D'Alfonso, Esquire
Attorney for the Pennsylvania Department
of Transportation

Date: _____

Michael L. Swindler, Esquire
Attorney for the Commonwealth of
Pennsylvania, Public Utility Commission,
Bureau of Investigation and Enforcement

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Attorney for CSX Transportation, Inc.

Date: _____

John E. Young, Esquire
Attorney for York Railway Company

Date: June 24, 2019

Gina M. D'Alfonso

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Attorney for the Pennsylvania Department
of Transportation

Date: _____

Michael L. Swindler, Esquire
Attorney for the Commonwealth of
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Date: _____

John E. Young, Esquire
Attorney for York Railway Company

Date: _____

Gina M. D'Alfonso, Esquire
Attorney for the Pennsylvania Department
of Transportation

Date: 25 JUN 19



Michael L. Swindler, Esquire
Attorney for the Commonwealth of
Pennsylvania, Public Utility Commission,
Bureau of Investigation and Enforcement

EXHIBIT “A”



500 Water Street – J801
Jacksonville, Florida 32202
Office (904) 366-4631
Fax (904) 245-2352
Jason_L_Young@csx.com

November 28, 2018

Re: Broadway St. – Hanover, PA

Mr. David Hart
General Manager – York Railway (“YRC”)
Genesee and Wyoming Railroads
2790 West Market St.
York, PA 17404

RE: YRC-Proposed Track Reconfiguration in Hanover, PA and Future Trackage Rights over CSXT

Dear Mr. Hart,

As a result of mutual negotiations with CSX Transportation, Inc. (“CSXT”), YRC has recently proposed a track reconfiguration plan (the “Reconfiguration”) in Hanover, PA to remove its rail crossing with CSXT, its Broadway Street road crossing and to turn over maintenance of the remaining road crossings and highway warning devices at Broadway Street over to CSXT, as shown on the drawing labeled “Exhibit A”, dated June 22, 2017, attached hereto and made a part hereof. YRC acknowledges that the Reconfiguration will sever their connectivity between its tracks north and south of CSXT’s mainline (the “Lines”) as, currently, YRC doesn’t have a need for this connectivity but is required to have the ability to connect in furtherance of YRC’s common carrier obligation. Therefore, the parties hereto agree that the Reconfiguration and the commitments set forth below are contingent on, and subject to the approval of the U.S. Surface Transportation Board (the “STB”). The intent of this letter agreement (“Letter”) is to define the general terms and conditions pursuant to which the Reconfiguration will be executed, as well as matter of future construction and trackage rights to ensure YRC retains connectivity of the Lines.

In consideration of the mutual commitments of the parties as described in this Letter, CSXT and YRC agree as follows:

1. CSXT agrees to grant to YRC the right to connect to and trackage rights (in the form attached hereto) over CSXT’s main line, in order to restore connectivity of YRC’s Lines, (collectively, the “Rights”), which Rights shall be included in YRC’s filing with the STB.
2. YRC shall work with the Pennsylvania District 8 Department of Transportation (“PA DOT”) to remove YRC’s Broadway Street road crossing and restore the road surface to a condition satisfactory to the applicable local, state and/or federal entity that governs such road surface. PA DOT has agreed to fund YRC’s removal and restoration, which shall be at no cost or expense to CSXT.
3. Within a reasonable period following YRC’s removal of its Broadway Street road crossing and restoration of the road surface in accordance with Item 2, above, CSXT, at its sole cost and expense, shall reconfigure and/or renew the highway warning devices to comply with applicable local, state and/or federal requirements. CSXT shall be responsible for the ongoing maintenance and operation of its two Broadway Street road crossings and associated highway warning devices and following removal and restoration by YRC, CSXT shall indemnify and defend YRC in any suit in court or a challenge, complaint or claim related to the Broadway Street road crossing, including all third party claims, unless such claims involve a YRC train or arise from YRC’s gross negligence or intentional misconduct.
4. YRC shall consent to CSXT’s removal of YRC’s rail crossing with CSXT in Hanover, PA and CSXT shall restore its own line after removal of the rail crossing. CSXT shall bear all cost associated with said removal and restoration. YRC shall indemnify CSXT for any costs incurred if a shipper brings a suit in court or a challenge, complaint or similar action at the STB related to removal of said rail crossing.

5. To enable YRC to complete the removal of its Broadway Street road crossing and Hanover, PA rail crossing, CSXT will grant YRC permanent overhead trackage rights over a portion of its mainline in Hanover, PA (the "CSXT Segment") for the purpose of YRC's restoring connectivity of the Lines (the "Trackage Rights"). YRC shall provide to CSXT design plans for the new connection to facilitate the connectivity of the Lines within 45 days following execution of this Letter Agreement, which design plans shall be subject to CSXT's prior review and approval in all respects. Following such approval, which shall not be unreasonably withheld, YRC shall reimburse CSXT for any and all costs associated with the construction of the new connection and any track rehabilitation needed to handle YRC operations pursuant to the Trackage Rights subject to the set amount of \$231,193.00, paid upfront, for all associated work. Following such work, CSXT shall maintain the connection thereafter at CSXT's sole expense.

The Trackage Rights as described in this paragraph, together with compensation and other related terms and conditions, will be embodied in a trackage rights agreement (attached hereto) to be executed and delivered by CSXT and YRC to support YRC's STB filing. If YRC's intended operations over the Lines pursuant to the Trackage Rights (excluding traffic interchanged to CSXT) would trigger an obligation for CSXT to implement a Positive Train Control ("PTC") system that would not otherwise be required under federal law, YRC will - before any such operations are undertaken - implement an alternate operational solution at its sole cost and expense to obviate the need for such PTC system.

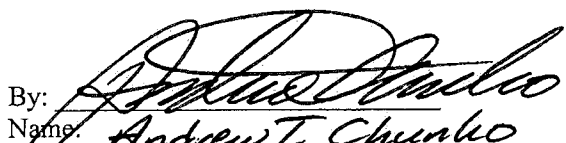
6. YRC shall, at its sole cost and expense, take all actions necessary to secure the STB's approval of the provision of Trackage Rights and Reconfiguration, including the initiation and submission of an appropriate application or petition, in form and substance satisfactory to CSXT, and the satisfaction of any conditions imposed by the STB as a condition to its approval, and the parties hereto expressly agree that the removal of the Broadway Street road crossing and the Hanover, PA rail crossing are contingent on receipt of STB approval that is satisfactory to YRC.

YRC is in agreement with the above terms and conditions regarding the Reconfiguration and Rights in Hanover, PA. Please indicate acceptance of the foregoing terms and conditions by signing this Letter, and returning a signed copy via email.

Sincerely,

AGREED TO AND ACCEPTED
on this 2 day of January, ~~2018~~ 2019

THE YORK RAILWAY

By: 
Name: Andrew T. Chumko
Title: President


Jason Young
Sr. Manager Intercarrier Agreements

EXHIBIT "A"



				YRC - YORK RAILWAY COMPANY	
GENESEE & WYOMING, INC.		DRAWING NO. XXXXX SHEET 1 OF 1		DATE: 10/9/2017	
DESIGNED: BJA CHECKED: HANOVER PA		NOT TO SCALE YRC CONSTRUCTION HANOVER PA LAYOUT 1		DRAWING NO. XXXXX SHEET 1 OF 1	

EXHIBIT “B”

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	4.125
Homeowners without Credit Available Elsewhere	2.063
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	2.750
Non-Profit Organizations without Credit Available Elsewhere	2.750
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 15925 6 and for economic injury is 15926 0.

The State which received an EIDL Declaration # is Michigan.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: April 4, 2019.

Linda E. McMahon,
Administrator.

[FR Doc. 2019-07127 Filed 4-10-19; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15923 and #15924; KENTUCKY Disaster Number KY-00072]

Administrative Declaration of a Disaster for the Commonwealth of Kentucky

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the Commonwealth of Kentucky, dated 04/03/2019.

Incident: Severe Storms and Flooding.
Incident Period: 02/06/2019 through 03/10/2019.

DATES: Issued on 04/03/2019.

Physical Loan Application Deadline Date: 06/03/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 01/03/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration,

409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Johnson, Magoffin.

Contiguous Counties:

Kentucky: Breathitt, Floyd, Knott, Lawrence, Martin, Morgan, Wolfe.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	4.125
Homeowners without Credit Available Elsewhere	2.063
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	2.750
Non-Profit Organizations without Credit Available Elsewhere	2.750
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 15923 B and for economic injury is 15924 0.

The State which received an EIDL Declaration # is Kentucky.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: April 3, 2019.

Linda E. McMahon,
Administrator.

[FR Doc. 2019-07129 Filed 4-10-19; 8:45 am]

BILLING CODE 8025-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36285]

York Railway Company—Joint Relocation Project Exemption—in Hanover, Pa.

On March 26, 2019, York Railway Company (YRC) filed a verified notice of exemption under 49 CFR 1180.2(d)(5) to enter into a joint project with CSX Transportation, Inc. (CSXT), involving the relocation of a segment of YRC's rail line in Hanover, York County, Pa.

The purpose of the joint relocation project is to "simplify rail operations and maintenance by elimination of a crossing diamond and YRC track that will no longer be used, and to allow for the improvement of adjacent CSXT and YRC at-grade crossings by elimination of the YRC crossing." (Verified Notice 4.) The proposed joint relocation project notice covers the following actions:

(1) The installation of a switch and switch lead (connecting track) by CSXT within its right of way, and the realignment of YRC's main line track to connect with the switch lead;

(2) The abandonment by YRC of approximately 0.32 miles of track between milepost 31.35 and milepost 31.67 (including removal of a CSXT-YRC diamond and a YRC at-grade crossing); and

(3) The grant of permanent trackage rights by CSXT to YRC over the CSXT line between the proposed future connection of CSXT and YRC at the west end of the Hanover Storage Track at approximate CSXT milepost BAS 53.98 and the connection of CSXT and YRC track near South Railroad Street at approximate CSXT milepost BAS 54.33.

YRC states that it does not serve any customers on the segment of track to be abandoned and that existing service to shippers and potential shippers at the west end of YRC's line will be preserved by trackage rights. According to YRC, because the trackage rights are overhead only, YRC will not gain access to any additional shippers. Thus, YRC states that no shippers will be affected by the relocation or lose access to any rail service provided by YRC.

The Board will exercise jurisdiction over the abandonment, construction, or sale components of a joint relocation project, and require separate approval or exemption, only where the removal of track affects service to shippers or the construction of new track or transfer of existing track involves expansion into new territory, or a change in existing competitive situations. See *City of Detroit v. Canadian Nat'l Ry.*, 9 I.C.C.2d 1208 (1993), *aff'd sub nom. Detroit/Wayne Cty. Port Auth. v. ICC*, 59 F.3d 1314 (DC Cir. 1995); *Ind. Rail Road—Joint Relocation Project—Terre Haute, Ind.*, FD 36123 (STB served Aug. 4, 2017). Line relocation projects may embrace trackage rights transactions such as the one involved here. See *Detroit, Toledo & Ironton R.R.—Trackage Rights—Between Wash. Court House & Greggs, Ohio—Exemption*, 363 I.C.C. 878 (1981).

Under these standards, the incidental abandonment, trackage rights, and construction components require no separate approval or exemption when

the relocation project, as here, will not disrupt service to shippers and thus qualifies for the class exemption at 49 CFR 1180.2(d)(5).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 360 I.C.C. 653 (1980).

The transaction may be consummated on or after April 25, 2019, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Petitions to stay must be filed by April 18, 2019 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36285, must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on YRC's representative, Eric M. Hocky, Clark Hill PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

Board decisions and notices are available at www.stb.gov.

Decided: April 8, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

Brendetta Jones,
Clearance Clerk.

[FR Doc. 2019-07201 Filed 4-10-19; 8:45 am]

BILLING CODE 4915-01-P

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on May 9, 2019, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the **SUPPLEMENTARY INFORMATION** section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for June 14, 2019, which will be noticed

separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is May 20, 2019.

DATES: The public hearing will convene on May 9, 2019, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is May 20, 2019.

ADDRESSES: The public hearing will be conducted at the Pennsylvania State Capitol, East Wing, Room 8EB, Harrisburg, Pa.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423; fax: (717) 238-2436. Information concerning the applications for these projects is available at the Commission's Water Application and Approval Viewer at <https://mdw.srbcb.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbcb.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Projects Scheduled for Action

1. Project Sponsor and Facility: Project Sponsor and Facility: ARD Operating, LLC (Pine Creek), McHenry Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20150601).

2. Project Sponsor and Facility: BKV Operating, LLC (Meshoppen Creek), Washington Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 2.160 mgd (peak day) (Docket No. 20150602).

3. Project Sponsor and Facility: BKV Operating, LLC (Susquehanna River), Washington Township, Wyoming County, Pa. Application for surface water withdrawal of up to 2.914 mgd (peak day).

4. Project Sponsor and Facility: BKV Operating, LLC (Unnamed Tributary to Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.648 mgd (peak day) (Docket No. 20150603).

5. Project Sponsor and Facility: Town of Chenango, Broome County, N.Y. Application for renewal of groundwater withdrawal of up to 0.600 mgd (30-day

average) from Well 12A (Docket No. 19871103).

6. Project Sponsor and Facility: Epsilon Energy USA, Inc. (East Branch Wyalusing Creek), Rush Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 0.715 mgd (peak day).

7. Project Sponsor and Facility: Hydro Recovery, LP, Blossburg Borough, Tioga County, Pa. Application for renewal of groundwater withdrawal of up to 0.216 mgd (30-day average) from Well HR-1 (Docket No. 20150608).

8. Project Sponsor and Facility: Hydro Recovery, LP, Blossburg Borough, Tioga County, Pa. Application for renewal of consumptive use of up to 0.316 mgd (peak day) (Docket No. 20150608).

9. Project Sponsor: Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 1.250 mgd (peak day) (Docket No. 20150610).

10. Project Sponsor: Ski Roundtop Operating Corporation. Project Facility: Roundtop Mountain Resort (Unnamed Tributary to Beaver Creek), Warrington Township, York County, Pa. Modification to change from peak day to 30-day average for surface water withdrawal and consumptive use limits (Docket No. 20031209).

11. Project Sponsor and Facility: Stewartstown Borough Authority, Hopewell Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.019 mgd (30-day average) from Well 5A4 (Docket No. 19890703).

12. Project Sponsor and Facility: Stewartstown Borough Authority, Hopewell Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.033 mgd (30-day average) from Well 5J2 (Docket No. 19890703).

13. Project Sponsor and Facility: Stewartstown Borough Authority, Hopewell Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.051 mgd (30-day average) from Well 5R2 (Docket No. 19890703).

14. Project Sponsor: SUEZ Water Pennsylvania Inc. Project Facility: Newberry Operation, Newberry Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.072 mgd (30-day average) from the Dupont Well (Docket No. 19880401).

15. Project Sponsor and Facility: Sunset Golf Course, Londonderry Township, Dauphin County, Pa. Application for groundwater

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the York Railway Company	:	
to determine fair and reasonable maintenance	:	Docket No. A-00123148
responsibilities for the warning devices at the	:	
Broadway Street crossings (DOT 540 847 W	:	
and DOT 832 109 N) where York Railway	:	
Company and CSX Transportation cross said	:	
roadway in the Borough of Hanover, York	:	
County, Pa.	:	
	:	
	:	
Application of CSX Transportation, Inc.	:	
for approval to abolish the public crossing	:	Docket No. A-2016-2581908
(DOT #540847W) where Broadway Street	:	
crossed, at grade, a single track of York	:	
Railway Company in the Borough of Hanover,	:	Filed Electronically
York County	:	

CSX TRANSPORTATION INC.'S
STATEMENT IN SUPPORT OF SETTLEMENT

CSX Transportation, Inc. (“CSXT”) submits this Statement in Support of the Joint Petition for Settlement (the “Settlement”) filed in the above-referenced proceeding on June __, 2019, on behalf of CSXT, York Railway Company (“YRC”), the Pennsylvania Department of Transportation (“PennDOT”), and the Commission’s Bureau of Investigation and Enforcement (“BI&E”).

The Settlement is a result of successful negotiations among the active parties and resolves all of the outstanding issues in this proceeding. Specifically, it addresses the removal of YRC’s track from the crossing, the repositioning of signalization at the crossing in conjunction with the track removal and the assignment of future maintenance responsibilities as well as costs.

The Settlement will save the parties the time and expense that would be incurred in further litigation before the Commission and avoid the possibility of appeals from the

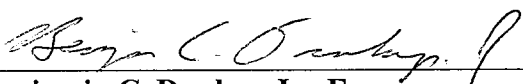
Commission's Order. The Settlement addresses all public safety concerns and cost issues. Further, the Settlement promotes the Commission's policy promoting settlements in contested proceedings as set forth in 52 Pa.Code §5.231(a).

Therefore, CSXT believes that the public interest will be served by the adoption and granting of the Settlement and requests that the terms of the Settlement be approved and that this proceeding thereafter be closed.

Respectfully Submitted,

NAUMAN, SMITH, SHISSLER & HALL, LLP

Date: June 20, 2019

By: 
Benjamin C. Dunlap, Jr., Esquire
Supreme Court I.D. #66283
200 North Third Street, 18th Floor
P.O. Box 840
Harrisburg, PA 17108-0840
Attorneys for CSX Transportation, Inc.

**BEFORE THE PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

Application of the York Railway Company :
to determine fair and reasonable : **Docket No. A-00123148**
maintenance responsibilities for the :
warning devices at the Broadway Street :
crossings (DOT 540 847 W and DOT 832 :
109 N) where York Railway Company and :
CSX Transportation cross said roadway in :
the Borough of Hanover, York County, Pa. :

Application of CSX Transportation, Inc. :
for approval to abolish the public crossing : **Docket No. A-2016-2581908**
(DOT #540847W) where Broadway Street :
crossed, at grade, a single track of York :
Railway Company in the Borough of :
Hanover, York County :

**STATEMENT OF THE BUREAU OF INVESTIGATION AND ENFORCEMENT
IN SUPPORT OF JOINT PETITION FOR SETTLEMENT**

The Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement ("I&E") offers this Statement in Support of the Joint Petition for Settlement in the above-captioned matter.

This settlement is the result of a successful negotiation among all interested parties and resolves concerns raised in the Application of the York Railway Company ("YRC") for the purpose of determining fair and reasonable maintenance responsibilities for the warning devices at the Broadway Street crossings (DOT 540 847 W and DOT 832 109 N) where YRC and CSX Transportation ("CSXT") cross said roadway in the Borough of Hanover ("Borough"), York County, ("County") as well as the Application of CSXT for approval to abolish the public crossing (DOT 540 847 W) where Broadway Street crossed, at grade, a single track of YRC in the Borough of Hanover, York County.

On September 27, 2006, YRC filed an Application with the Pennsylvania Public Utility Commission (“PUC” or “Commission”) requesting that the PUC evaluate and determine railroad signal maintenance responsibilities at the subject adjacent at-grade crossings. YRC’s Application asserted that it was responsible for 100 percent of the grade crossing signal maintenance at both crossings, although CSXT’s trains used the crossing more frequently than YRC’s did. YRC’s Application requested that the PUC order a more equitable allocation of maintenance responsibilities.

On December 29, 2016, CSXT filed an Application with the PUC, requesting that it abolish YRC’s crossing, since YRC had taken its crossing out-of-service by removing a rail on its track and disabling its crossing.

CSXT informed the Commission that after October 11, 2016, CSXT performed required testing on the CSXT track and instituted stop and flag procedures for the crossings of its trains at the crossing. However, after receiving numerous complaints from residents in the area and concern with the increased danger of injury to its crews, CSXT took control of YRC’s signal box at the crossing.

CSXT further informed the Commission that as of December 21, 2016, CSXT performed the required full annual operational test to confirm the signalization is functioning properly at the crossing and placed its own locks on the signal box. It agreed to continue to perform all required testing at the crossing on an interim basis until the matter was resolved.

In order to affect a permanent resolution, CSXT requested that the Commission order YRC to remove its tracks from the roadway and formally abolish YRC’s crossing at

this location. CSXT agreed to thereafter position the signal mast on the YRC side of the crossing to comply with Manual on Uniform Traffic Control Device (“MUTCD”) standards and assume complete maintenance responsibility for the signalization at the crossing.

On July 24, 2017, CSXT filed a Motion to Consolidate the two Applications, pursuant to 52 Pa. Code § 5.81(a). That Motion was granted by Order of Administrative Law Judge David A. Salapa dated September 13, 2017.

Thereafter, multiple prehearing conferences were held in order to update the presiding officer as to the status of settlement negotiations. The consolidated proceedings were transferred to ALJ Andrew M. Calvelli upon ALJ Salapa’s retirement.

ALJ Calvelli thereafter issued an Interim Scheduling Order dated March 6, 2019, which required settlement documents to be submitted to the PUC no later than April 30, 2019 and eventually extending the deadline to June 30, 2019.

The parties agreed to the following terms and conditions in order to amicably resolve this consolidated matter, subject to Commission approval:

1. YRC agrees to remove its track through the Broadway Street crossing and restore the road surface to a condition satisfactory to applicable state and local standards. This work will be completed by YRC at no expense to CSXT and in coordination with PennDOT.
2. CSXT agrees to install new gates and lights at the crossing, with the signal mast on the YRC side of the crossing repositioned to comply with MUTCD standards. This work will be completed at CSXT’s sole cost and expense.
3. CSXT, at its sole cost and expense and prior to the start of construction, shall submit a situation plan for the subject crossing to all parties of record for review and to the Commission for approval, following a 20-day comment period. CSXT, at its sole cost and expense and prior to the start


of construction, shall also submit a circuitry plan for the subject crossing to the Commission for approval.

4. CSXT agrees to construct the switch shown on the plan attached to Exhibit "A", which will permit the removal of YRC's track through the crossing, by June 30, 2020.
5. CSXT and YRC agree to coordinate and complete the work agreed upon in paragraphs 1 and 2 above by December 31, 2020.

The settlement will save the parties the time and expense they would otherwise incur in further litigating this matter before the Commission. Since all parties agree to the terms of the settlement, adopting it will eliminate the possibility of any appeal from a Commission Order. This settlement is the most cost-effective solution for all interested parties and resolves all the parties' outstanding issues.

The features to be implemented pursuant to the terms of this settlement address the safety concerns to the satisfaction of I&E. I&E therefore submits that the Commission will serve the public interest by adopting and granting this Joint Petition for Settlement as its terms provide for continued protection of the public's safety with respect to the crossing.

Respectfully submitted,



Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Dated: June 25, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the York Railway Company	:	
to determine fair and reasonable maintenance	:	Docket No. A-00123148
responsibilities for the warning devices at the	:	
Broadway Street crossings (DOT 540 847 W	:	
and DOT 832 109 N) where York Railway	:	
Company and CSX Transportation cross said	:	
roadway in the Borough of Hanover, York	:	
County, Pa.	:	
	:	
	:	
Application of CSX Transportation, Inc.	:	
for approval to abolish the public crossing	:	Docket No. A-2016-2581908
(DOT #540847W) where Broadway Street	:	
crossed, at grade, a single track of York	:	
Railway Company in the Borough of Hanover,	:	Filed Electronically
York County	:	

**YORK RAILWAY COMPANY'S
STATEMENT IN SUPPORT OF SETTLEMENT**

York Railway Company (“YRC”) submits this Statement in Support of the Joint Petition for Settlement (the “Settlement”) filed in the above-referenced proceeding on June __, 2019, on behalf of CSX Transportation, Inc. (“CSXT”), YRC, the Pennsylvania Department of Transportation (“PennDOT”) and the Commission’s Bureau of Investigation and Enforcement (“BI&E”).

The Settlement is a result of successful negotiations among the active parties and resolves all of the outstanding issues in this proceeding. Specifically, it addresses the removal of YRC’s track from the crossing, the repositioning of signalization at the crossing in conjunction with the track removal and the assignment of future maintenance responsibilities as well as costs.

The Settlement will save the parties the time and expense that would be incurred in further litigation before the Commission and avoid the possibility of appeals from the Commission’s

Order. The Settlement addresses all public safety concerns and cost issues. Further, the Settlement promotes the Commission's policy promoting settlements in contested proceedings as set forth in 52 Pa.Code §5.231(a).

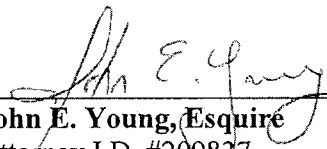
Therefore, YRC believes that the public interest will be served by the adoption and granting of the Settlement and requests that the terms of the Settlement be approved and that this proceeding thereafter be closed.

Respectfully Submitted,

FLYNN WIRKUS YOUNG

Date: June 24, 2019

By: _____


John E. Young, Esquire

Attorney I.D. #209837

400 Crown Colony Drive, Suite 601

Quincy, MA 02169

Attorney for York Railway Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the York Railway Company	:	
to determine fair and reasonable maintenance	:	Docket No. A-00123148
responsibilities for the warning devices at the	:	
Broadway Street crossings (DOT 540 847 W	:	
and DOT 832 109 N) where York Railway	:	
Company and CSX Transportation cross said	:	
roadway in the Borough of Hanover, York	:	
County, Pa.	:	
	:	
	:	
Application of CSX Transportation, Inc.	:	
for approval to abolish the public crossing	:	Docket No. A-2016-2581908
(DOT #540847W) where Broadway Street	:	
crossed, at grade, a single track of York	:	
Railway Company in the Borough of Hanover,	:	Filed Electronically
York County	:	

**COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION'S STATEMENT IN SUPPORT OF THE JOINT PETITION FOR
SETTLEMENT**

The Pennsylvania Public Utility Commission ("Commission") will serve the public interest by adopting the Joint Petition for Settlement in the above captioned matter. The settlement will save the parties the time and expense that would be incurred in litigating this matter before the Commission. Since all of the signatory parties agree to the terms of the settlement, adopting it will eliminate the possibility of an appeal from the Commission Secretarial Letter or Order, thus saving the signatory parties the additional time and expense that might be incurred in such an appeal. Adopting this settlement will further the statutory provisions of 66 Pa. C.S. § 2702 *et seq.*, in regard to the public convenience and safety.

This settlement is in the public interest because it promotes the safety and welfare of the public. The Commission's paramount goals in regulating crossings are to prevent accidents and promote public safety. 66 Pa. C.S. § 2702 (b). The settlement in this matter ensures that the existing at grade crossing will be modified by the removal of York Rail Company's track and necessary signal repositioning as well as the agreed upon maintenance.

For all of the above reasons, the Department of Transportation respectfully requests that the Joint Petition for Settlement in the above matter should be approved and a Recommended Decision adopting the terms outlined in the Joint Petition for Settlement be issued.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Gina M. D'Alfonso
Senior Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
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Fax Number (717) 772-2741
Pennsylvania Attorney I.D. Number 46767
gdalfonso@state.pa.us

DATED: June 24, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN RE: Application of the York Railway Company to determine fair and reasonable maintenance responsibilities for the warning devices at the Broadway Street Crossings (DOT 540 847 W and DOT 832 109 N) where York Railway Company and CSX Transportation cross said Roadway in the Borough of Hanover, York County, PA	:	
	:	Docket No: A-00123148
	:	
	:	Filed Electronically
	:	
	:	
	:	
IN RE: Application of CSX Transportation, Inc. for approval to abolish the public crossing (DOT #540847W) where Broadway Street crosses, at grade, a single track of York Railway Company in the Borough of Hanover, York County	:	
	:	Docket No: A-2016-2581908
	:	
	:	Filed Electronically
	:	
	:	
	:	

CERTIFICATE OF SERVICE

I hereby certify that I served one (1) copy of the Joint Petition for Settlement together with one (1) copy of the Statement in Support of Settlement of CSX Transportation, Inc., The Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement, York Railway Company, and Commonwealth of Pennsylvania, Department of Transportation, respectively, in the above-referenced matters, this day, via electronic mail as noted below and by depositing the same in the United States mail, postage prepaid, in Harrisburg, Pennsylvania, addressed to:

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*Via Email – jyoung@flynnwirkus.com
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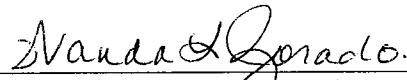
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Leo Hilbert
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York County Commissioners
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Shannon Griest
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Comcast of Southeastern Pennsylvania
c/o USIC Locating Services, Inc.
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Wanda L. Rosado, Legal Assistant to
Benjamin C. Dunlap, Jr., Esquire

Dated: June 27, 2019