



February 28, 2020

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17105-3265

RE: Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the public at-grade crossings by the installation of new active control device where Yatesville Road (State Route 2017), DOT No. 249 682 D, in Yatesville Borough; Miner Street, DOT No. 246 686 F, in Plains Township; and Mill Street, DOT No. 859 631 C, in the City of Wilkes-Barre each cross the tracks of the Norfolk Southern Railway Company in Luzerne County; ***all in accordance with the Federal Grade Crossing Program*** and the allocation of costs incident thereto.

Dear Secretary Chiavetta:

Enclosed for filing, please find the Application of the Department of Transportation.

A copy of this Application and Exhibits has been served upon the parties in the Certificate of Service to the Application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sarah J. Fenton".

Sarah J. Fenton
Grade Crossing Engineer
Engineering District 4-0
Department of Transportation

Attachments

cc: Parties of Record

Daniel D. Leonard, P.E., Acting Chief, Right-of-Way and Utilities Section, 7th Floor, CKB
Gina M. D'Alfonso, Senior Counsel in Charge, Office of Chief Counsel, 9th Floor, CKB
Ronald J. Hull, P.E., Rail Safety Engineering Section PUC, 3rd Floor, CKB

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the public at-grade crossings by the installation of new active control device where Yatesville Road (State Route 2017), DOT No. 249 682 D, in Yatesville Borough; Miner Street, DOT No. 246 686 F, in Plains Township; and Mill Street, DOT No. 859 631 C, in the City of Wilkes-Barre each cross the tracks of the Norfolk Southern Railway Company in Luzerne County; ***all in accordance with the Federal Grade Crossing Program*** and the allocation of costs incident thereto.

Application
Docket No. _____

Electronically Filed

To the Pennsylvania Public Utility Commission:

1. The name and address of Applicant are Commonwealth of Pennsylvania, Department of Transportation, Susan E. Hazelton, P.E., Assistant District Executive-Design, 55 Keystone Industrial Park, Dunmore, PA 18512.
2. The name and address of attorney for the Applicant are Jason D. Sharp, Chief Counsel, Commonwealth of Pennsylvania, Department of Transportation, Office of Chief Counsel, PO Box 8212, Harrisburg, PA 17105-8212.
3. The Applicant is an agency of Commonwealth of Pennsylvania, organized and existing under the Administrative Code of 1929, 71 P.S. § 511, et seq. and generally 36 P.S. § 670 - 401 et seq., filing this Application on its behalf and on behalf of the Township of Plains as is evidenced by the resolution dated December 13, 2018 which is attached hereto and marked as Exhibit "A" and the City of Wilkes-Barre as is evidenced by the resolution dated November 20, 2018 which is attached hereto and marked as Exhibit "B".
4. The names and addresses of the persons, parties and entities concerned in, or affected by the proposed construction, to the best of the Applicant's knowledge, are shown in the certificate of service. In addition to those served, the Applicant requests that the following also receive service of all documents in this matter:

Daniel D. Leonard, P.E., Acting Chief
Utilities and Right of Way Section
Pennsylvania Department of Transportation
PO Box 3362
Harrisburg, Pa 17105-3362

Gina M. D'Alfonso
Senior Counsel in Charge
Office of Chief Counsel
Pennsylvania Department of Transportation
PO Box 8212
Harrisburg, PA 17105-8212

5. It is desirable to alter the crossings where Yatesville Road (State Route 2017) crosses the tracks of the Norfolk Southern Railway Company, at-grade (DOT No. 249 682 D) in Yatesville Borough; where Miner Street crosses the tracks of the Norfolk Southern Railway Company, at-grade (DOT No. 246 686 F) in Plains Township; and where Mill Street crosses the tracks of the Norfolk Southern Railway Company, at-grade (DOT No. 859 631 C) in the City of Wilkes-Barre by the installation of new active traffic control devices. A Location Map is attached hereto and is marked as Exhibit "C".
6. The Average Daily Traffic for State Route 2017 is 6,006 vehicles with 14% trucks. The Average Daily Traffic data for Miner Street and Mill Street is unknown.
7. The Department of Transportation agrees to reimburse the Norfolk Southern Railway Company for 80% of its actual design and construction costs with 100% Federal Funds. Norfolk Southern Railway Company has agreed to pay the remaining 20%. The estimated construction cost of the new active warning devices is \$1,221,881.00.
8. This project is necessary and proper for the safety and convenience of the public.
9. A conference of all parties of interest should be held to discuss the proposed alteration.

Wherefore, Applicant respectfully requests that the Public Utility Commission approve this application:

Respectfully Submitted



Susan E. Hazelton, P.E.
Assistant District Executive-Design
Engineering District 4-0
Department of Transportation
55 Keystone Industrial Park
Dunmore, PA 18512
Phone (570) 963-4045
Fax (570) 963-3325

Dated: 2/28/2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the public at-grade crossings by the installation of new active control device where Yatesville Road (State Route 2017), DOT No. 249 682 D, in Yatesville Borough; Miner Street, DOT No. 246 686 F, in Plains Township; and Mill Street, DOT No. 859 631 C, in the City of Wilkes-Barre each cross the tracks of the Norfolk Southern Railway Company in Luzerne County; ***all in accordance with the Federal Grade Crossing Program*** and the allocation of costs incident thereto.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below, in accordance with the requirements of 52 Pa. Code § 1.54, by first class mail, postage prepaid:

Mr. Kurt Young, Administrator Grade Crossing Program
Norfolk Southern Railway Company
3 Commercial Place
Norfolk, VA 23510

Mr. Timothy J. Bentley, Esq.
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-9241

Mr. C. David Pedri, Esq., County Manager
Luzerne County Council
200 North River Street
Wilkes-Barre, PA 18711

Ms. Lorraine Rodeghiero
Yatesville Borough Secretary
33 Pittston Avenue
Yatesville, PA 18640

Mr. Gerald Yozwiak, Chairman
Plains Township, Board of Commissioners
126 North Main Street
Plains Township, PA 18705

Mr. Richard Gazenski, City Administrator
The City of Wilkes-Barre
40 East Market Street
Wilkes-Barre, PA 18701

Mr. Paul Benderavich, President
Laflin Borough Municipal Building
47 Laflin Road
Laflin, PA 18702-7213

Pennsylvania American Water
Jeremy Nelson
2699 Stafford Avenue
Scranton, PA 18505

PPL Electric Utilities Corporation
Attn: Ms. Charlotte Krupa
2 North Ninth Street
Allentown, PA 18101-1179

UGI Penn Natural Gas, Inc.
Attn: Gregory Wilk (570) 829-8774
1 UGI Center
Wilkes-Barre, PA 18711-0601

Verizon Pennsylvania Inc
Attn: Ron Silinskie
222 South Main Street, 6th Floor
Wilkes-Barre, PA 18701

City of Wilkes-Barre
Attn: Bill Harris
40 East Market Street
Wilkes-Barre, PA 18711

Amerigas Propane
Attn: Candy Bortz
1027 Texas Palmyra Highway, Suite B
Honesdale, PA 18431

A T & T CORP
Attn: Kevin Talecki
c/o Treck Group
536 Baltimore Pike
Springfield, PA 19064

Comcast Cable Communications
Attn: James Hall
1 Comcast Way
Duryea, PA 18642-1114

Frontier Communications Solutions
Commonwealth Telephone Company (COM1)
Attn: Jeff Bolton
100 CTE Drive
P.O. Box 1000
Dallas, PA 18612-9774

Plains Township Sewer Authority
Attn: Mr. Andrew Lazar
50 Second Street
Plains, PA 18705

Dated this 28th Day of February 2020

Sarah Fenton
Name

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the public at-grade crossings by the installation of new active control device where Yatesville Road (State Route 2017), DOT No. 249 682 D, in Yatesville Borough; Miner Street, DOT No. 246 686 F, in Plains Township; and Mill Street, DOT No. 859 631 C, in the City of Wilkes-Barre each cross the tracks of the Norfolk Southern Railway Company in Luzerne County; ***all in accordance with the Federal Grade Crossing Program*** and the allocation of costs incident thereto.

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VERIFICATION

I, Sarah J. Fenton, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Date: 2/28/2020



Sarah J. Fenton
Grade Crossing Engineer
Engineering District 4-0
Department of Transportation

TOWNSHIP OF PLAINS

RESOLUTION NO. 35 2018

**A RESOLUTION OF THE TOWNSHIP OF PLAINS,
COUNTY OF LUZERNE, COMMONWEALTH OF PENNSYLVANIA
AUTHORIZING UPGRADE OF TRAFFIC CONTROL DEVICES AT MINER STREET WHERE
NORFOLK SOUTHERN RAILROAD LINES CROSS**

WHEREAS, the Township of Plains has received a request from the Pennsylvania Department of Transportation to address traffic control devices at Miner Street in the Township of Plains where the railroad lines cross; and

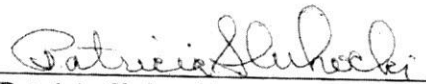
WHEREAS, the Township of Plains Board of Commissioners have agreed to allow the Pennsylvania Department of Transportation to address upgrades to the traffic control devices to ensure the safety of all persons utilizing Miner Street within the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Plains, authorizes Norfolk Southern Railroad, in cooperation with the Pennsylvania Department of Transportation to take all necessary actions related to upgrading the traffic control devices located where the Norfolk Southern railway lines cross Miner Street - DOT No. 246676F in the Township of Plains.

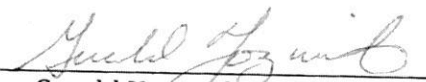
DULY ADOPTED this 13th day of December, 2018 by the Board of Commissioners of the Township of Plains, Luzerne County, Pennsylvania in a lawful session duly assembled.

TOWNSHIP OF PLAINS
BOARD OF COMMISSIONERS

Attest:



Patricia Sluhocki
Plains Township Board Secretary



Gerald Yozwiak
Plains Township Chairman



Resolution No. R0114-18

November 20, 2018
Wilkes-Barre, PA

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wilkes-Barre hereby authorizes Norfolk Southern Railway Company, in cooperation with the Pennsylvania Department of Transportation, to take any and all necessary actions related to upgrading the active traffic control devices where Miller Street crosses the tracks of the Norfolk Southern Railway Company DOT No. 859631C in the City of Wilkes-Barre;

BE IT FURTHER RESOLVED that the proper city officials are hereby authorized to take any and all necessary actions necessary for completion of the project.

Submitted by _____

A handwritten signature in black ink, appearing to read "W. Bassett", is written over a horizontal line.

ROLL CALL
Exhibit B

LUZERNE COUNTY

NS Corridor Project Location Map

