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October 6, 2020

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

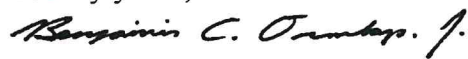
In re: Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the public at-grade crossings by the installation of new active control device where Pittston Avenue (SR 2017) (DOT 249 682 D), in Yatesville Borough, First Street (DOT 249 686 F), in Plains Township and Miller Street, (DOT 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 a *Petition for Reconsideration* 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,

Sincerely yours,



Benjamin C. Dunlap, Jr., Esquire

BCDjr/io
Enclosure

cc: All Parties of Record (w/enc.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In 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 Pittston Avenue (SR 2017) (DOT 249 682 D), in Yatesville Borough, First Street (DOT 249 686 F), in Plains Township and Miller Street, (DOT 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. : **DOCKET NO. A-2020-3018936**
: **FILED ELECTRONICALLY**

PETITION FOR RECONSIDERATION

Norfolk Southern Railway Company (“Norfolk Southern”), by and through its undersigned counsel, files this Petition for Reconsideration from Staff Action (“Petition”) for clarifications and revisions to the Secretarial Letter dated September 16, 2020, in the above matter, pursuant to 52 Pa. Code §§ 5.41 and 1.31, based upon the following:

1. In regard to ordering paragraphs 5 and 7 on page 4, cantilevered flashing lights over the roadway are not presently used at the Miller or Pittston crossings and Norfolk Southern will not include cantilevers in its signal design for either crossing, unless the Pennsylvania Department of Transportation (“PennDOT”) specifically requires them. Unless instructed otherwise by PennDOT, Norfolk Southern will design as if to replace “in kind” the equipment that presently exists at these two crossings.

2. Norfolk Southern objects to it being required to potentially construct a flashing advance warning light at the Miller St. crossing in ordering paragraph 5 on page 4. Advance warnings are historically installed and maintained by the roadway authority as a highway feature. Norfolk Southern will agree to include a normally closed contact for the roadway authority’s use (an interconnect circuit) should PennDOT or the Commission deem that is necessary. Norfolk Southern did not agree to construct advance flashing lights at the field meeting in this matter held on August 27, 2020.

3. Norfolk Southern objects to it being required to provide flagmen and watchmen at its initial cost and expense in ordering paragraph 13 on page 5. It is a given that signal construction forces always protect themselves when working near live tracks, whether it be via flagman, watchman, dispatcher, etc. That protection is a basic premise for doing the job safely and that labor has routinely been included in the Commission's Secretarial Letters at the project sponsor's sole cost and expense. Norfolk Southern did not agree to pay those costs at its initial cost and expense at the field meeting in this matter.

4. Norfolk Southern did not agree at the field meeting to provide 20 days of advance notice to various roadway authorities prior to conducting any work, per ordering paragraphs 24-26 on page 6. Ten days advance notice is typically provided, unless detours are required, which is not the case here. Ten days advance notice works better with Norfolk Southern's many times tight scheduling windows.

WHEREFORE, Norfolk Southern Railway Company respectfully requests that the Commission grant the above amendments and clarifications to the Secretarial Letter dated September 16, 2020, in this matter.

Respectfully submitted,

NAUMAN, SMITH, SHISSLER & HALL, LLP

Benjamin C. Dunlap, Jr.

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Counsel for Norfolk Southern Railway Company

Dated: October 6, 2020

VERIFICATION

I, Benjamin C. Dunlap, Jr., Esquire, a member of the firm of Nauman, Smith, Shissler & Hall, attorneys for Norfolk Southern Railway Company in the above-captioned proceedings, make this verification on behalf of Norfolk Southern Railway Company, and do state that as an attorney for Norfolk Southern Railway Company, I am authorized to make this Verification on behalf of Norfolk Southern Railway Company, and further state that, based on information provided to me by Norfolk Southern Railway Company, the facts set forth in the foregoing **Petition for Reconsideration** are true and correct to the best of my knowledge, information and belief. I understand that my statements are made subject to 18 Pa. C.S. §4904 providing for criminal penalties for unsworn falsification to authorities.

Date: October 6, 2020

Benjamin C. Dunlap, Jr.

Benjamin C. Dunlap, Jr., Esquire

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In 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 Pittston Avenue (SR 2017) (DOT 249 682 D), in Yatesville Borough, First Street (DOT 249 686 F), in Plains Township and Miller Street, (DOT 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. : **DOCKET NO. A-2020-3018936**
: **FILED ELECTRONICALLY**

CERTIFICATE OF SERVICE

I hereby certify that I served one (1) copy of the foregoing document in the above-referenced matter, 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:

Gina M. D’Alfonso, Sr. Counsel in Charge
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Harrisburg, PA 17105-8212
Via Email: GDALFONSO@PA.GOV

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Attn: Andrew Lazar
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VIA US MAIL

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PPL Electric Utilities Corporation
Attn: Charlotte Krupa
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UGI Penn Natural Gas, Inc.
Attn: Gregory Wilk
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Wilkes-Barre, PA 18711

Amerigas Propane
Attn: Candy Bortz
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AT & T Corp
Attn: Kevin Talecki
c/o Treck Group
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Springfield, PA 19064

Comcast Cable Communications
Attn: James Hall
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Frontier Communications Solutions
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Lorraine Rodeghiero
Yatesville Borough Secretary
33 Pittston Avenue
Yatesville, PA 18640

/s/ Ijeoma Okereke
Ijeoma Okereke, Legal Assistant to
Benjamin C. Dunlap, Jr., Esquire

Dated: October 6, 2020