



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

C-20031000

November 25, 2003

TO ALL PARTIES

**DOCKETED**  
DEC 15 2003

City of Latrobe  
v.  
Norfolk Southern Railway Company

**DOCUMENT**

To Whom It May Concern:

At a location within the City limits of Latrobe (City) there exist three grade separated crossings where Jefferson Street, Alexandria Street and Ligonier Street cross below the tracks of Norfolk Southern Railway Company (NS).

Each of the crossings, among other things, have pedestrian walkways located on each side of the roadway. Located above the walkway are lighting fixtures that appear to be part of the original bridge construction.

On July 21, 2003, the City filed a complaint with the Commission. In the complaint the City states that the pedestrian walkway lighting has not functioned for two years. It had contacted NS in the past in an attempt to have the lighting repaired. The City states that its correspondence was not responded to and the lighting remains in a state of disrepair.

A field conference and investigation was held at the site of the crossing on September 19, 2003, with the following parties in interest represented thereat:

Norfolk Southern Railway Company  
City of Latrobe  
Pennsylvania Department of Transportation

At the time of the field conference the developed understanding between NS and the City would require NS to rehabilitate the lightning system at all three crossing locations and it would make the necessary arrangements to have each of the lighting systems energized by commercial electrical power supply. Currently the electrical power supply appears to be provided by NS electrical facilities.

Prior to NS's proposed construction, the City agrees to provide NS and the parties of record with plans and or specification that would show the repairs recommended by the City and the type of construction material that they recommend be used. Said plans and specifications must meet with the approval of the parties involved in this proceeding.

Following completion of the proposed lighting rehabilitation, the City agreed to future maintenance responsibility for all the lighting components that are not maintained by the commercial power company and bear the cost to energize the system.

Upon full consideration of the matters involved it appears that a resolution to the lighting conditions at the three crossing locations has been developed to the satisfaction of the parties present at the time of the field conference. Accordingly we will issue a Secretarial letter that is representative of the agreed upon responsibilities.

By Commission order dated February 5, 1951 at docket no. A-00075922, the Pennsylvania Railroad Company was directed to reconstruct the three bridges involved in this proceeding. Paragraph no. 15 of this order assigned future maintenance responsibility to The Pennsylvania Railroad Company for the three bridges superstructure and substructure. In order for the Commissions assigned responsibilities to be more representative of current conditions we will include reassignment of the bridge maintenance to NS.

Additionally, in order to avoid future problems that may develop between the City and NS's structures, we will direct the City to provide notification to the Commission and NS of any planned modification to the lighting system. This would include any attachments to the bridge or any modifications to the superstructure or substructure.

The Commission issues this Secretarial letter in accordance with Section 2702 of the Public Utility Code and finds that the repair and modification to the existing lighting system is necessary and proper for the service, accommodation, convenience and safety of the traveling public.

1. The City of Latrobe, at its sole cost and expense, within three months from the date of this Secretarial letter, prepare and submit to this Commission for approval and to all parties of record for examination, construction plans and or construction specifications needed to repair the pedestrian lighting located at the Alexandria Street, Ligonier Street and Jefferson Street grade separated rail/highway crossings.

2. Norfolk Southern Railway Company, at its sole cost and expense, within six months following Commission approval of construction plans and specifications, furnish all material and perform all work necessary to rehabilitate the lighting systems in accordance with the approved plans and or specifications.

3. Norfolk Southern Railway Company, at its sole cost and expense, within six months following Commission approval of construction plans and specifications, furnish all material and perform all work necessary including, but not limited to meters and poles, to attach the rehabilitated lighting system to the commercial power supply.

4. Paragraph no. 15, of the Commission order dated February 5, 1951, at docket no. A-00075922, be modified by substituting Norfolk Southern Railway Company for The Pennsylvania Railroad Company.

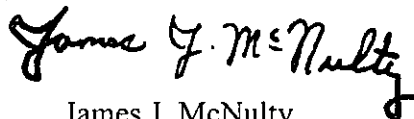
5. Following completion of the work directed to be performed herein, City of Latrobe, at its sole cost and expense, furnish all material and perform all work necessary to maintain the lighting system attached to the underside of the bridges including the wire and conduit that connects with the commercial electric power supply.

6. Prior to the start of any work, City of Latrobe notify the Commission and Norfolk Southern Railway Company, of any proposed construction that involves the bridges and any attachments between the lighting facilities and the bridges.

7. The City of Latrobe bear the cost of energizing the pedestrian lighting systems attached to the underside of the bridges involved herein.

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 ten (10) days of the date of this letter.

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in dark ink and is positioned above the typed name and title.

James J. McNulty  
Secretary

NORFOLK SOUTHERN RAILWAY COMPANY  
110 FRANKLIN ROAD, S.E.  
ROANOKE VA 24042-0028

CITY OF LATROBE  
901 JEFFERSON STREET  
LATROBE PA 15650

ANDREW S GORDON GINA M DALFONSO ESQUIRE:  
OFFICE OF CHIEF COUNSEL  
PO BOX 8212  
HARRISBURG PA 17105-8212

R MARK GESALMAN DEBRA M NICHOLSO  
2 NORTH MAIN STREET  
COURTHOUSE SQUARE SUITE 103  
GREENSBURG PA 15601

GARY C FAWVER PE CHIEF  
ROW & UTILITY DIVISION  
PO BOX 3362  
HARRISBURG PA 17105-3362

GLENN FULLEM  
PO BOX 459  
NORTH GALLATIN AVENUE EXTENSION  
UNIONTOWN PA 15401

JONATHAN HOCKER ENGINEER PUBLIC IMPROVMT:  
99 SPING STREERT SW  
ATLANTA GA 30303

ANN POWELL CODE ENFORCEMENT OFFI  
901 JEFFERSON STREET  
PO BOX 829  
LABROBE PA 15650

JENNIFER KEMERER CHIEF CLERK  
2 NORTH MAIN STREET  
COURTHOUSE SQUARE SUITE 101  
GREENSBURG PA 15601

WILLIAM J DONOVAN JOHN G WALL ES  
BURNS WHITE & HICKTON  
120 FIFTH AVENUE SUITE 2400  
PITTSBURGH PA 15222-