



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 17, 2021

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street 2nd FL
Harrisburg, PA 17120

RE: C-2020-3016906

Dear Secretary Chiavetta,

Enclosed for filing please find the Department's *Petition for Reconsideration Of Staff Action* 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.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jennifer B. Sweeney".

Jennifer Brown-Sweeney
Assistant Counsel

Cc: Parties of Record
Mark Chappell, P.E., Highway Delivery Division Chief
Gregory J. Vaughn, Grade Crossing Engineer, Central Office, KCB 7th Floor
Sarah Fenton, District Grade Crossing Engineer, District 4-0
Rick Cooper, District Grade Crossing Engineer, District 4-0

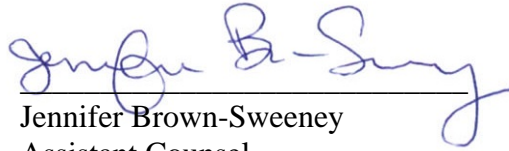
4. At the March 31, 2021 field conference the Department agreed to the terms described in ordering paragraphs 2, 3, 10, 12, 14, 15, 16, 18, and 20 of the April 30, 2021 Secretarial Letter.
5. However, the terms of paragraph 6 of the April 30, 2021 Secretarial Letter, which is in relation to paving, were misstated. The Department's records do not show 7 inches of base in this area. The Department's records indicate a total thickness of 5.25 inches.

Therefore, the Department requested that RBMN provide a minimum of 5 inches of 25 mm base course or match the existing, whichever is greater, to within 2 inches of adjacent sawcut/milled top of roadway in order for the Department to agree to paving.
6. If the base course is provided as above, the Department will then place 2 inches of 9.5 mm wearing course, as correctly indicated in paragraph 7 of the April 30, 2021 Secretarial Letter.
7. Further, RBMN agreed to provide flagging at its sole cost and expense while the Department is paving. It is unclear if paragraph 4 of the April 30, 2021 Secretarial Letter covers this and the Department would like it stated more plainly.
8. As such, the Department respectfully requests that this Honorable Commission reconsider the April 30, 2021 Secretarial Letter and amend ordering paragraph 6 to reflect the updated pavement courses and depths discussed in paragraph 5 above, as well as amend ordering paragraph 4 to more clearly state RBMN's flagging responsibility during paving.

WHEREFORE, the Department of Transportation respectfully requests that the Pennsylvania Public Utility Commission reconsider and amend the Secretarial Letter dated April 30, 2021, in this proceeding as requested above.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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DATED: May 17, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Complaint filed by Reading Blue Mountain	:	
& Northern Railroad Company involving	:	C-2020-3016906
the deteriorated condition of the railroad	:	
crossing surface and roadway approaches at	:	Electronically Filed
the public crossing (DOT 361 425 J) where	:	
SR 2019 (Oak Street) crosses, at grade, the	:	
tracks of Reading Blue Mountain &	:	
Northern Railroad Company, located in the	:	
Pittston Township, Luzerne County.	:	

CERTIFICATE OF SERVICE

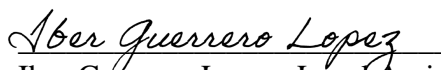
I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below by electronic mail pursuant to the Emergency Order at Docket Number M-2020-3019262:

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Respectfully submitted,
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION


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DATED: May 17, 2021