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November 5, 2021

Via Electronic Filing

Public Utility Commission
400 North Street
Harrisburg, PA 17120

In Re: Application of Reading Blue Mountain and Northern Railroad
Case No. A-2021-3026537

Dear Sir/Madam:

Enclosed for filing please find the Petition of Reading Area Water Authority for Reconsideration of Staff Action.

Very truly yours,

RICK STOCK LAW

Edwin L. Stock

ELS/ktk

cc: Commissioners Office (w/enc.), via regular mail
Daniel Leonard, PennDOT (w/enc.), via email – danleonard@pa.gov
Gina D'Alfonso, PennDOT (w/enc.), via email – gdalfonso@pa.gov
Jason Sharp, PennDOT (w/enc.), via email – jsharp@pa.gov
Rodney Rehnert, PennDOT (w/enc.), via email – rrehnert@pa.gov
Township Manager, Muhlenberg Township (w/enc.), via regular mail
Matthew A. Johnson, RBMN (w/enc.), via email – mjohnson@readingnorthern.com
William P. Murray, Executive Director, RAWA (w/enc.), via email - bill.murray@readingareawater.com
Thomas Roethermel, Esquire (w/enc.), via email – tarothermel@bingamanhess.com

RICK STOCK LAW

By: Edwin L. Stock, Esquire

Attorney I.D. No. 43787

By: Alex V. Alfieri

Attorney I.D. No. 329477

50 North 5th Street, 4th Floor

Reading, PA 19601

Telephone: (610) 372-5588

Fax (267) 284-4190

IN RE: APPLICATION OF READING	:	COMMONWEALTH OF PENNSYLVANIA
BLUE MOUNTAIN AND NORTHERN	:	PENNSYLVANIA PUBLIC UTILITY
RAILROAD FOR APPROVAL OF THE	:	COMMISSION
ALTERATION OF THE CROSSING	:	
WHERE STATE ROUTE 0061 CROSSES,	:	
AT GRADE, THE SINGLE TRACK OF	:	
READING BLUE MOUNTAIN AND	:	CASE NO.: A-2021-3026537
NORTHERN RAILROAD	:	
(DOT 592 477 N) LOCATED IN	:	
MUHLENBERG TOWNSHIP, BERKS	:	
COUNTY	:	

**PETITION OF READING AREA WATER AUTHORITY
FOR RECONSIDERATION OF STAFF ACTION**

1. Petitioner, Reading Area Water Authority, is a Pennsylvania municipal authority with an address of 1801 Kutztown Road, Reading, PA 19604, which provides water service to over 28,000 customers in the City of Reading and surrounding areas.

2. Reading Blue Mountain and Northern Railroad (“RBMN”) filed an Application on June 11, 2021 seeking Commission approval to alter the public at grade crossing. This crossing had previously been suspended by Secretarial Letter issued January 15, 1998 at M-00981034. Petitioner, Reading Area Water Authority, was not notified of the submission of this Application by RBMN.

3. On September 27, 2021, there was a meeting at the location of the public at grade crossing. Petitioner, Reading Area Water Authority, was not notified of said meeting and thus, did not attend said meeting.

4. By Secretarial Letter dated October 20, 2021, and subject to the terms of the letter, the Application of RBMN was approved. A copy of the Secretarial Letter dated October 20, 2021 is attached hereto as Exhibit A.

5. Petitioner, Reading Area Water Authority, owns two watermains, specifically a 36" main and 24" main, which traverse under the public at grade crossing for which the Application of RBMN was submitted. Exhibit B attached hereto shows the locations of the aforesaid mains and the location of the prior main breaks. Exhibit C attached hereto shows the locations of the mains marked in blue paint.

6. The aforesaid 36" and 24" mains owned by Petitioner, Reading Area Water Authority, provide water to essentially the entire City of Reading and substantial portions of the surrounding areas.

7. The 36" and 24" mains owned by Petitioner, Reading Area Water Authority, have previously suffered significant breaks due to construction activities performed by third parties, thereby imperiling the water service to the City of Reading and substantial portions of the surrounding areas and causing Petitioner, Reading Area Water Authority, to expend significant sums of money to repair said breaks on an emergency basis.

8. Since Petitioner, Reading Area Water Authority, was not notified of the Application of RBMN and did not have the opportunity to participate in the September 27, 2021 meeting, Petitioner, Reading Area Water Authority, believes and therefore avers that its interests in the proper protection of the aforesaid watermains has not been properly protected and/or even considered as part of review of the Application of RBMN.

9. Petitioner, Reading Area Water Authority, hereby requests reconsideration of the staff action by Secretarial Letter dated October 20, 2021 and requests that the October 20, 2021 Secretarial letter be rescinded and that Petitioner, Reading Area Water Authority, be permitted to participate in consideration of the issues created by the Application of RBMN.

Respectfully submitted,

RICK STOCK LAW

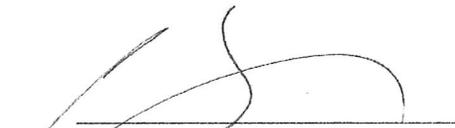
Dated: 11/5/21

BY: 
Edwin L. Stock, Esquire
Attorney for Plaintiff

VERIFICATION

I, William Murray am authorized to make this verification. I hereby verify that the facts set forth therein are true and correct to the best of my knowledge, information and belief and that this verification is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: 11-4-2021



William Murray
Reading Area Water Authority

EXHIBIT A



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET, HARRISBURG, PA 17120
<http://www.puc.pa.gov>

IN REPLY PLEASE
REFER TO OUR FILE

E-filing and E-service only per Emergency Order M-2020-3019262

October 20, 2021

A-2021-3026537

TO ALL PARTIES

Application of Reading Blue Mountain and Northern Railroad for approval of the alteration of the crossing where State Route 0061 crosses, at grade, the single track of Reading Blue Mountain and Northern Railroad (DOT 592 477 N) located in Muhlenberg Township, Berks County.

RECEIVED
OCT 23 2021
PUBLIC UTILITY COMMISSION

To Whom It May Concern:

At a location in Muhlenberg Township, Berks County, State Route 0061 (Pottsville Pike) crosses, at grade, the track of Reading, Blue Mountain and Northern Railroad (RBMN).

By application filed June 11, 2021, by RBMN seeking Commission approval to alter the public at-grade crossing by: 1) replacing the existing warning devices and 2) installing a new railroad crossing surface required to re-establish rail service on the subject crossing. The crossing was suspended by Secretarial Letter issued January 15, 1998 at M-00981034.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held at the site of the crossing on September 27, 2021. Representatives of Reading Blue Mountain and Northern Railroad, Muhlenberg Township, Pennsylvania Department of Transportation and Blue Knight Energy Partners were in attendance. Although notified by letter dated September 9, 2021, Berks County was not in attendance.

At the field conference it was noted that SR 0061 (Centre Avenue/Pottsville Pike), at the crossing (DOT 592 477 N), is a three (3) lane (one lane in each direction, with a center left-turn lane) bituminous paved state highway with no sidewalks. The existing rails, if still intact, appear to be paved over. The existing warning facilities at the crossing consist of cantilever-mounted flashing warning lights (hooded, to indicate they are not in operation) and grade crossing advance warning signs on each approach. Currently this section of rail is not in service.

RBMN, at its sole cost and expense, has agreed to: 1) install new grade crossing (crossbuck) signs; 2) replace the existing warning signals with new railroad crossing warning

devices including new cantilever-mounted 12-inch LED automatic flashing-light railroad crossing warning signals with gates and bells, and all associated circuitry; 3) remove a sufficient area of existing bituminous roadway surface in order to install a new crossing surface; 4) install a new rubber flangeway/bituminous crossing surface with all new materials (including rails, ties, ballast) for the full width of the new roadway pavement and shoulders; and 5) remove tracks out of service signs (R8-9) prior to re-activating rail service. The installation of all new equipment shall be in accordance with the approved plan and Part 8 of the Manual on Uniform Traffic Control Devices.

RBMN, at its sole cost and expense, agrees to maintain the railroad facilities at the crossing including the new crossing surface, as well as the cantilevers, new flashing-light railroad crossing warning signals with gates, bells and associated circuitry.

Pennsylvania Department of Transportation, at its sole cost and expense, agrees to install new grade crossing advance warning signs, pavement markings and stop lines as required, on the approaches thereto of the subject crossing, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

It does not appear that any facilities of any non-carrier public utility will be affected by the alteration of the crossing. If required, the non-carrier public utilities will be directed to alter or relocate their facilities as necessary to construct the project at their initial cost and expense.

The costs for construction of this project, including installation of the new railroad warning signals and crossing surface will be funded by RBMN.

It will not be necessary for the Commission to appropriate railroad property to accommodate the improvement.

The Commission tentatively establishes its jurisdictional limits at the subject crossing as the area within the confines of the railroad right-of-way and the highway right-of-way.

The applicant has certified that a copy of the application has been served on each party in interest and none have advised that it objects to the issuance of a Secretarial Letter, prior to hearing, approving the application.

Upon full consideration of the matters involved and inasmuch as none of the parties offered any objection to Reading Blue Mountain and Northern Railroad's proposed project, we find that a Secretarial Letter can be issued approving the application without a formal hearing.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the alteration of the subject crossing is necessary and proper for the service, accommodation, convenience or safety of the public; THEREFORE,

The application of Reading Blue Mountain and Northern Railroad is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The crossing where State Route 0061 crosses, at grade, the single track of Reading Blue Mountain and Northern Railroad (DOT 592 477 N) in Muhlenburg Township, Berks County be altered as herein directed.
3. Reading Blue Mountain and Northern Railroad, at its sole cost and expense, and prior to the start of construction, submit a situation plan to all parties of record for review and to the Commission for approval.
4. Reading Blue Mountain and Northern Railroad, at its sole cost and expense, and prior to the start of construction, submit a detailed circuit plan to Pennsylvania Department of Transportation for review and to the Commission for approval.
5. Reading Blue Mountain and Northern Railroad, at its sole cost and expense, furnish all material and perform all work necessary to alter the subject at-grade crossing by: 1) removing the existing asphalt crossing surface, rails, ties and associated railroad materials from the crossing; 2) installing a new rubber flangeway/bituminous crossing surface, ties and continuous welded rail through the full width of the roadway and shoulder areas; 3) installing new grade crossing (crossbuck) signs; 4) installing new cantilever-mounted, flashing-light railroad crossing warning signals with gates and bells, including 12-inch LED roundels and associated circuitry; and 5) removing tracks out of service signs (R8-9) prior to re-activating rail service. The installation of all new equipment shall be in accordance with the approved plan, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.
6. Reading Blue Mountain and Northern Railroad, at its sole cost and expense, and in cooperation with Pennsylvania Department of Transportation, furnish all material and do all work necessary to establish and maintain any detours or traffic controls that may be required to properly and safely accommodate highway and pedestrian traffic during the time the project is being constructed.
7. Reading Blue Mountain and Northern Railroad, at its sole cost and expense, furnish all material and perform all work relating to the railroad's facilities which may be required as incidental to the performance of the proposed work; furnish construction engineering and inspection service, if required, as a result of the proposed work; and furnish and maintain flagmen and watchmen, as required, to protect its operations during the time the work is being performed across, above and adjacent to its tracks.
8. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to install, on the approaches thereto of the subject crossing, new grade crossing advance warning signs (W10-1), as required, at the proper location; all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

9. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to provide pavement markings and stop lines, as required, on the approaches thereto of the subject crossing, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

10. Any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority located within the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the crossing project, be made by said public utility company or municipal authority at its initial cost and expense, and in such manner as will not interfere with the construction of the project.

11. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority located beyond the limits of the highway, within the Commission's jurisdiction, which may be required as incidental to the execution of the crossing project, be made by said public utility company or municipal authority, and in such a manner as will not interfere with the construction of the project.

12. All parties involved herein cooperate fully with each other so that during the time the work is being performed, vehicular, pedestrian and rail traffic will not be endangered or unnecessarily inconvenienced, and so that the requirements of each of the parties will be provided for and accommodated insofar as possible.

13. All work necessary to complete the alteration of the subject crossing be done in a manner satisfactory to this Commission on or before December 31, 2022, and that on or before said date, Reading Blue Mountain and Northern Railroad report to this Commission in writing the date of actual completion of the work.

14. Reading Blue Mountain and Northern Railroad, at least fourteen (14) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

15. Reading Blue Mountain and Northern Railroad pay all compensation for damages, if any, due to owners of property taken, injured, or destroyed by reason of the construction of the crossing in accordance with this Secretarial Letter.

16. Upon completion of the construction of the proposed project, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to maintain the highway approaches to the subject crossing to points twenty-four (24) inches beyond each outside rail, and in addition, maintain the grade crossing advance warning signs, stop lines and pavement markings, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter and provide ten (10) days of advance notice to Reading, Blue Mountain and Northern Railroad, prior to doing any work in accordance with this paragraph.

17. Upon completion of the alteration of the crossing, Reading Blue Mountain and Northern Railroad, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the subject at-grade crossing, including the cantilevers, automatically operated flashing-light railroad crossing warning signals with gates, bells, associated circuitry and all appurtenant equipment and to maintain at all times in a smooth and satisfactory condition, the crossing surface located between the rails and for a distance of twenty-four (24) inches beyond the outside the rails, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter and provide ten (10) days of advance notice to Pennsylvania Department of Transportation prior to doing any work in accordance with this paragraph which would require roadway closure.

18. Upon completion of the construction of the proposed project, each non-carrier public utility company and municipal authority, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its respective facilities, existing or altered, located within the limits of the improvement.

19. Upon completion of the work herein directed, and upon a written request by any party hereto, this proceeding be scheduled for a hearing at a time and a place assigned by this Commission, upon due notice to all parties, to receive evidence relative to the allocation of initial costs incurred, if any, by the non-carrier public utility companies and municipal authorities, and any other matters relevant to this proceeding.

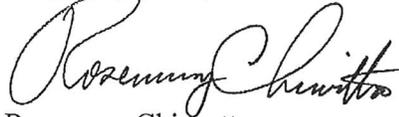
The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

All parties are being served via email due to the COVID-19 Emergency Closure. Please note that during this period of Disaster Emergency, the Commission shall only accept e-filings in lieu of paper filings, for all documents. Thus, all parties are to open and use e-filing accounts to file documents and accept service during the pandemic emergency in accordance with the Commission's Emergency Order at M-2020-3019262.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action (Petition) with the Commission within twenty (20) days of the date of this letter. The Petition shall be submitted by e-filing said petition within twenty (20) days, or if no timely request is made, the action will be deemed to be a final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request; (2) the case docket number (it is provided for you at the top right hand corner of this letter); (3) the party on whose behalf the petition is made; (4) a Certificate of Service on the other parties of record; and (5) a Verification with original signature in accordance with 52 Pa. Code § 1.36.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive style with a large initial "R".

Rosemary Chiavetta
Secretary

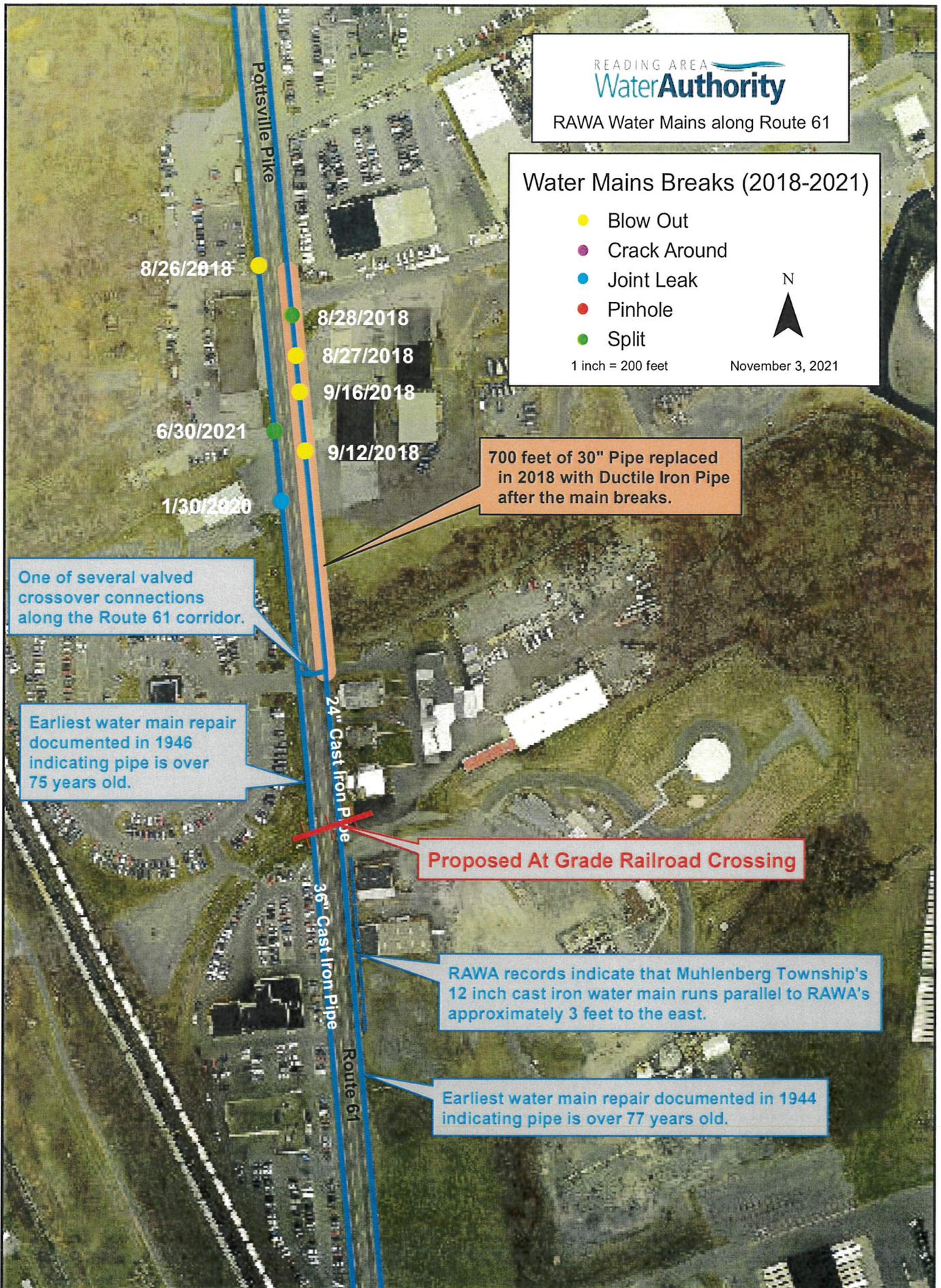
EXHIBIT B

Water Mains Breaks (2018-2021)

- Blow Out
- Crack Around
- Joint Leak
- Pinhole
- Split

1 inch = 200 feet

November 3, 2021



8/26/2018

8/28/2018

8/27/2018

9/16/2018

6/30/2021

9/12/2018

1/30/2020

700 feet of 30" Pipe replaced in 2018 with Ductile Iron Pipe after the main breaks.

One of several valved crossover connections along the Route 61 corridor.

Earliest water main repair documented in 1946 indicating pipe is over 75 years old.

Proposed At Grade Railroad Crossing

RAWA records indicate that Muhlenberg Township's 12 inch cast iron water main runs parallel to RAWA's approximately 3 feet to the east.

Earliest water main repair documented in 1944 indicating pipe is over 77 years old.

Pottsville Pike

24" Cast Iron Pipe

36" Cast Iron Pipe

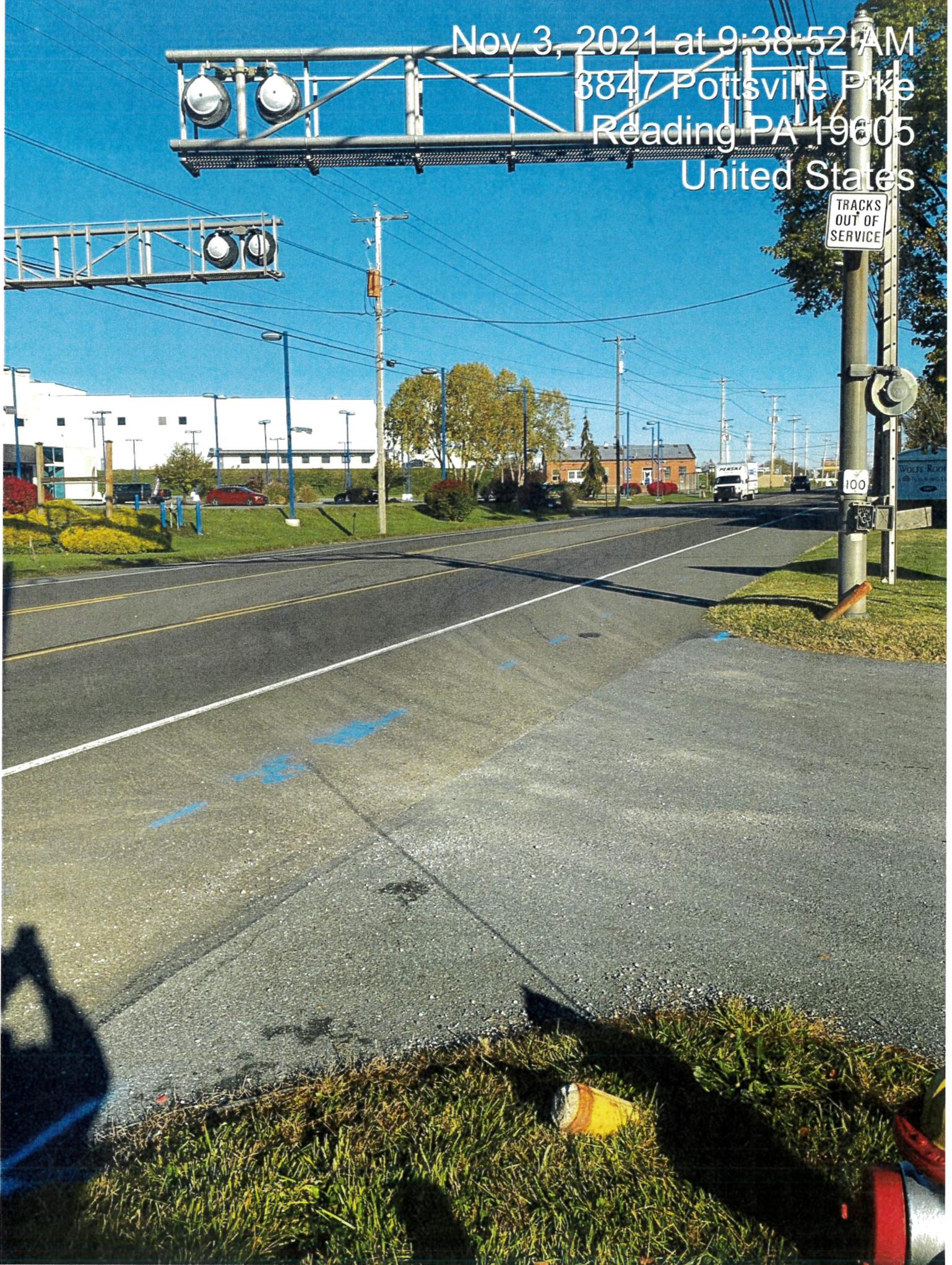
Route 61

EXHIBIT C

Nov 3, 2021 at 9:38:52 AM
3847 Pottsville Pike
Reading PA 19605
United States

TRACKS
OUT OF
SERVICE

100



Nov 3, 2021 at 9:37:43 AM
3930 Pottsville Pike
Reading PA 19605
United States



RICK STOCK LAW

By: Edwin L. Stock, Esquire
Attorney I.D. No. 43787

By: Alex V. Alfieri
Attorney I.D. No. 329477
50 North 5th Street, 4th Floor
Reading, PA 19601

Telephone: (610) 372-5588
Fax (267) 284-4190

IN RE: APPLICATION OF READING	:	COMMONWEALTH OF PENNSYLVANIA
BLUE MOUNTAIN AND NORTHERN	:	PENNSYLVANIA PUBLIC UTILITY
RAILROAD FOR APPROVAL OF THE	:	COMMISSION
ALTERATION OF THE CROSSING	:	
WHERE STATE ROUTE 0061 CROSSES,	:	
AT GRADE, THE SINGLE TRACK OF	:	
READING BLUE MOUNTAIN AND	:	CASE NO.: A-2021-3026537
NORTHERN RAILROAD	:	
(DOT 592 477 N) LOCATED IN	:	
MUHLENBERG TOWNSHIP, BERKS	:	
COUNTY	:	

CERTIFICATE OF SERVICE

I, Edwin L. Stock, Esquire, certify that on the 5th day of November 2021, I served a true and correct copy of Petition of Reading Area Water Authority for Reconsideration of Staff Action on the parties as follows:

Via Regular Mail

Commissioners Office
Berks County Services Center
633 Court Street, 13th Floor
Reading, PA 19601

Via Email – danleonard@pa.gov

Daniel Leonard
PENNDOT
P.O. Box 3362
Harrisburg, PA 17105-3362

Via Email – gdalfonso@pa.gov

Gina D’Alfonso
PENNDOT
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

Via Email – jsharp@pa.gov

Jason Sharp
PENNDOT
1002 Hamilton Street
Allentown, PA 18101

Via Email – rrehnert@pa.gov

Rodney Rehnert
PENNDOT
1002 Hamilton Street
Allentown, PA 18101

Via Regular Mail

Township Manager
MUHLENBERG TOWNSHIP
210 George Street
Reading, PA 19605

Via Email - mjohnson@readingnorthern.com

Matthew A. Johnson
READING BLUE MOUNTAIN AND
NORTHERN RAILROAD
P.O. Box 218
Port Clinton, PA 19549



Edwin L. Stock, Esquire