



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

December 7, 2021

Via E-File

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

RE: **A-2017-2603833**

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Department's *Petition to Modify Secretarial Letter Entered August 25, 2017* 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,

Jillian G. Fellows

Jillian G. Fellows
Assistant Counsel

Cc: Parties of Record
Mark Chappell, P.E., Chief, Highway Delivery Division (email)
Gregory J. Vaughn, Grade Crossing Engineer, Central Office, KCB 7th Floor (email)
Philip Mutunga, District Grade Crossing Engineer, District 11-0 (email)

**BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application of Pennsylvania Department of Transportation for approval to alter the at-grade crossing by the installation of new active traffic control devices and the replacement of the crossing surface where Center Street crosses the two tracks of CSX Transportation Inc. (DOT 145 498 B) in Versailles Borough, Allegheny County : Docket No. A-2017-2603833
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PETITION TO MODIFY SECRETARIAL LETTER ENTERED AUGUST 25, 2017

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (“PennDOT”), by and through its counsel, Jillian G. Fellows, Assistant Counsel, in its Petition to Modify the Secretarial Letter dated April 25, 2017 respectfully represents:

1. The name and address of your Petitioner is:

Commonwealth of Pennsylvania
Department of Transportation
Engineering District 11-0
45 Thoms Run Rd.
Bridgeville, Pennsylvania 15017

2. The name and address of Counsel for the Petitioner is:

Jillian G. Fellows
Assistant Counsel
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, Pennsylvania 17105-8212

3. On or about May 12, 2017, PennDOT filed an Application for approval to alter the at-grade crossing by the installation of new active traffic control devices where Center Street (borough street) crosses two tracks of CSX Transportation, Inc. (“CSX”) (DOT 145 498 B) located in Versailles Borough, Allegheny County.

4. The Secretarial Letter issued on August 25, 2017 approved the application and directed CSX to complete the following:

6. CSX Transportation, Inc., at its initial cost and expense, furnish all material and do all work necessary to alter the subject crossing by 1) removing the existing crossing surface, including the ties, rails and ballast, as necessary; 2) installing a crossing surface for the full width of the roadway and shoulders; 3) restoring the approach pavement throughout the entire width of the roadway, including the shoulder areas, with bituminous material to provide a smooth and satisfactory transition; in accordance with municipal roadway specifications, the approved plan and this Secretarial Letter.

5. However, during final inspection on June 16, 2021, the parties agreed to delete the crossing surface repair and/or replacement work, which is in good repair, and include the northern roadway approach pavement within the limits of the CSX right-of-way. Therefore, PennDOT respectfully requests that paragraph 6 of said Secretarial Letter be modified as follows: (Deletions are ~~struck~~; Additions are *italicized*.)

6. CSX Transportation, Inc., at its initial cost and expense, furnish all material and do all work necessary to alter the subject crossing by ~~1) removing the existing crossing surface, including the ties, rails and ballast, as necessary; 2) installing a crossing surface for the full width of the roadway and shoulders; 3) restoring the approach pavement throughout the entire width of the roadway, including the shoulder areas,~~ *up to the edge of its right-of-way North of the crossing* with bituminous material to provide a smooth and satisfactory transition; in accordance with municipal roadway specifications, the approved plan and this Secretarial Letter.

WHEREFORE, the Department of Transportation respectfully requests that the relief sought in this Petition be granted.

Respectfully Submitted,



Jillian G. Fellows
Assistant Counsel

Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128

Dated: December 6, 2021

**BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Pennsylvania Department of Transportation for approval to alter the at-grade crossing by the installation of new active traffic control devices and the replacement of the crossing surface where Center Street crosses the two tracks of CSX Transportation Inc. (DOT 145 498 B) in Versailles Borough, Allegheny County : **Docket No. A-2017-2603833**
: **Electronically Filed**

VERIFICATION

I, Philip M. Mutunga, 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 un-sworn falsification to authorities).

Date: December 7, 2021



Philip M. Mutunga
District Grade Crossing Administrator

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application of Pennsylvania Department of Transportation for approval to alter the at-grade crossing by the installation of new active traffic control devices and the replacement of the crossing surface where Center Street crosses the two tracks of CSX Transportation Inc. (DOT 145 498 B) in Versailles Borough, Allegheny County : Docket No. A-2017-2603833
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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 parties listed below, in accordance with the requirements of 52 Pa.Code § 1.54 (relating to service by a party):

Via Email and First-Class Mail

Mr. Derek Mihaly
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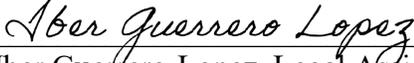
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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION


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DATED: December 7, 2021