



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

December 14, 2021

Via E-File

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

RE: C-2020-3016906

Dear Secretary Chiavetta,

Enclosed for electronic filing please find the Department's ***Motion to Schedule Matter for Hearing*** 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 cursive script that reads "Jillian G. Fellows".

Jillian G. Fellows
Assistant Counsel

Cc: Parties of Record
Mark Chappell, P.E., Highway Delivery Division Chief (via email)
Daniel D. Leonard, Grade Crossing Engineer, Central Office, KCB 7th Floor (via email)
Sarah Fenton, District Grade Crossing Engineer, District 4-0 (via email)
Rick Cooper, District Grade Crossing Engineer, District 4-0 (via email)

**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.	:	

MOTION TO SCHEDULE MATTER FOR HEARING

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (PennDOT), by and through its counsel, Jillian G. Fellows, Assistant Counsel, in its Motion to Schedule Matter for hearing respectfully represents:

1. The name and address of your moving party is:

Commonwealth of Pennsylvania
Department of Transportation
Engineering District 4-0
55 Keystone Industrial Park
Dunmore, Pennsylvania 18512

2. The name and address of counsel for the moving party 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. Reading Blue Mountain & Northern Railroad (“RBMN”) c/o Joiene Busher filed a Complaint in this matter on or about January 13, 2020, averring that the deteriorated condition of

the high-type concrete panel railroad crossing surface maintained by RBMN was as a direct result of the deteriorated condition of the SR 2019 (Oak Street) roadway approaches maintained by the Pennsylvania Department of Transportation.

4. On February 14, 2020, PennDOT filed an answer and new matter, averring that RBMN failed to maintain or replace its railroad crossing surface which has led to the premature breakdown of the PennDOT's SR 2019 (Oak Street) roadway approaches.

5. A formal field investigation and conference was arranged by a Commission staff engineer and held at the site of the crossing on September 30, 2020 and March 31, 2021.

6. It was noted by the Commission staff engineer at the March 31, 2021 field meeting that both the roadway approaches and the railroad crossing surfaces were in poor condition through the public crossing and at the concrete panel/roadway interface.

7. RBMN and PennDOT came to an amicable agreement to reconstruct and repair the public crossing (DOT 361 425 J). This agreement was laid out in a Secretarial Order dated April 30, 2021 and June 28, 2021. The Secretarial Order's are attached hereto for reference.

8. Specifically, pursuant to paragraph 5 of the order, RBMN agreed to replace the high-type concrete panel crossing surfaces with rubber flangeway and asphalt crossing surface and perform all necessary base repair.

9. When performing the replacement work in August 2021, RBMN replaced the tracks but greatly raised the two tracks higher than they existed before, resulting in a dangerous transition situation on SR 2019.

10. As a result of RBMN raising the two tracks, the underbody of vehicles are bottoming out on the roadway surface.

11. PennDOT also has concerns regarding how its plow trucks will maneuver the raised tracks without damaging or destroying the trucks and the tracks.


12. RBMN has been unresponsive to PennDOT's requests for repair.

13. Due to the obvious and apparent safety concerns, PennDOT seeks expedited review of this matter.

WHEREFORE, the Department of Transportation respectfully requests that this matter be scheduled for a hearing as soon as possible.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Jillian G. Fellows
Assistant Counsel
Pennsylvania Attorney I.D. Number 324156
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128
Fax Number (717) 772-2741
jfellows@pa.gov

DATED: December 13, 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.	:	

VERIFICATION

I, Sarah J. Fenton, District Grade Crossing Manager, Commonwealth of Pennsylvania, Department of Transportation, 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 the statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsifications to authorities.



Sarah J. Fenton
District Grade Crossing Manager

DATED: December 13, 2021



COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA PUBLIC UTILITY COMMISSION

COMMONWEALTH KEYSTONE BUILDING

400 NORTH STREET

HARRISBURG, PENNSYLVANIA 17120

<http://www.puc.pa.gov>

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

IN REPLY PLEASE
REFER TO OUR FILE

April 30, 2021

C-2020-3016906

TO ALL PARTIES

Complaint filed by Reading Blue Mountain & Northern Railroad Company involving the deteriorated condition of the railroad crossing surface and roadway approaches at 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.

To Whom It May Concern:

At a location in Pittston Township, Luzerne County, SR 2019 (Oak Street) crosses, at grade, the two (2) tracks of Reading Blue Mountain & Northern Railroad Company.

By complaint filed with the Commission on January 13, 2020, Reading Blue Mountain & Northern Railroad Company (RBMN) avers that the deteriorated condition of the high-type concrete panel railroad crossing surface maintained by RBMN was as a direct result of the deteriorated condition of the SR 2019 (Oak Street) roadway approaches maintained by the Pennsylvania Department of Transportation.

On February 14, 2020, in response to the RBMN complaint, the Pennsylvania Department of Transportation (Department), filed within answer and new matter. The Department within the new matter avers that RBMN failed to maintain or replace its railroad crossing surface which has led to the premature breakdown of the Departments SR 2019 (Oak Street) roadway approaches.

Upon receipt of the complaint, a formal field investigation and conference was arranged by a Commission staff engineer and held at the site of the crossing on September 30, 2020 and most recently March 31, 2021. At the March 31, 2021 meeting, representatives of Reading Blue Mountain & Northern Railroad Company and the Pennsylvania Department of Transportation were in attendance. Although notified by letter dated October 30, 2020, Luzerne County and Pittston Township were not in attendance.

At the field conference, it was noted that SR 2019 (Oak Street) at the public crossing (DOT 361 425 J) is two-lane, two-way bituminous roadway with stop lines, railroad pavement markings and W10-1 advanced railroad warning signs on each roadway approach to the railroad crossing surface. The railroad crossing surface is a high-type concrete panel surface and

extends the entire width of the roadway and shoulders across both sets of tracks. There is 3-to-4-foot bituminous area between both sets of tracks and the high-type concrete panel surface. The railroad warning devices at the public crossing consist of two (2) sets of railroad flashing-light warning signals, bell, gates and (R15-1) crossbucks signs with (R-15-2P) two (2) tracks placard sign underneath, all mounted on single mast poles and directed at each roadway approach to the crossing.

There are currently no sidewalks along SR 2019 (Oak Street) approaching or through the public crossing.

It was noted by the Commission staff engineer at the March 31, 2021 field meeting that both the roadway approaches and the railroad crossing surfaces were in poor condition through the public crossing and at the concrete panel/roadway interface.

Both the Department and RBMN recognized their joint maintenance responsibilities and the need for substantial repair and reconstruction through the public crossing beginning with base repair to the roadway approaches and under the railroad tracks and ties beneath the concrete panels.

RBMN and the Department came to an amicable agreement to reconstruct and repair the public crossing (DOT 361 425 J) in the following manner.

Reading Blue Mountain & Northern Railroad Company, at its sole cost and expense, agrees to replace the high-type concrete panel crossing surfaces with rubber flangeway and asphalt crossing surfaces and perform all necessary base repair and subgrade repair underneath the railroad ties and tracks to extend two (2) feet from each outside rail on each set of tracks and all area in between and to finish the hot mix bituminous asphalt base course to within two (2) inches of top of finished grade on the railroad crossing surfaces to extend in width at a minimum the average width of the paved roadway and shoulder approaches.

Reading Blue Mountain & Northern Railroad Company, at its sole cost and expense, agrees to sawcut and or mill and remove the approach roadway bituminous asphalt wearing and base courses measured from two (2) feet from each outside rail on each set of tracks to extend at a minimum five (5) feet back on each roadway approach for a total minimum distance from outside rail of seven (7) feet, removing bituminous asphalt material and preparing subgrade area and to furnish, place and compact a seven (7) inch layer of hot mix bituminous asphalt base course material to within two (2) inches of adjacent sawcut/milled top of roadway on each roadway approach for the full width of the approach and paved shoulder area.

Pennsylvania Department of Transportation, at its sole cost and expense, agrees to furnish, place and compact two (2) inches of hot mix bituminous asphalt wearing course material to finished grade of sawcut/milled roadway approaches and extend through the public crossing and up to each rubber flangeway on each set of tracks and the area in between for the full width and length of each crossing surface, roadway approach and paved shoulder area.

Pennsylvania Department of Transportation, at its sole cost and expense, agrees to 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 reconstruction of the roadway approaches and railroad crossing surfaces.

Reading Blue Mountain and Northern Railroad Company, at its sole cost and expense, agrees to furnish all material and perform all work relating to its facilities which may be incidental to the reconstruction work; furnish construction engineering and inspection service if required as a result of the 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.

Both Reading Blue Mountain and Northern Railroad Company and the Pennsylvania Department of Transportation amicably agree to complete the above stated work at the public crossing by July 31, 2021.

The Commission hereby tentatively establishes its jurisdictional limits at the subject public crossing as the area within the confines of the railroad right-of-way and the highway right-of-way and the approach roadways measured 100 feet from the outside of tracks back along the centerline of each respective roadway approach to the public crossing.

Upon full consideration of the matters involved and inasmuch as the parties amicably agree to resolve the complaint filed with the Commission, we find that a Secretarial Letter can be issued affirming the agreed upon work without a formal hearing.

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

1. The caption of the subject proceeding is hereby revised as shown herein.
2. Pennsylvania Department of Transportation, at its sole cost and expense, agrees to 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 reconstruction of the roadway approaches and railroad crossing surfaces.
3. Pennsylvania Department of Transportation, at its sole cost and expense, agrees to provide a seven-day roadway closure of SR 2019 (Oak Street) at the public crossing (DOT 361 425 J) beginning on a Monday, while reconstruction of the crossing takes place, all in accordance with the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

4. Reading Blue Mountain and Northern Railroad Company, at its sole cost and expense, agrees to furnish all material and perform all work relating to its facilities which may be incidental to the reconstruction work; furnish construction engineering and inspection service if required as a result of the 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.

5. Reading Blue Mountain & Northern Railroad Company, at its sole cost and expense, agrees to replace the high-type concrete panel crossing surfaces with rubber flangeway and asphalt crossing surfaces and perform all necessary base repair and subgrade repair underneath the railroad ties and tracks to extend two (2) feet from each outside rail on each set of tracks and all area in between and to finish the hot mix bituminous asphalt base course to within two (2) inches of top of finished grade on the railroad crossing surfaces to extend in width at a minimum the average width of the paved roadway and shoulder approaches.

6. Reading Blue Mountain & Northern Railroad Company, at its sole cost and expense, agrees to sawcut/mill and remove the approach roadway bituminous asphalt wearing and base courses measured from two (2) feet from each outside rail on each set of tracks to extend at a minimum five (5) feet back on each roadway approach for a total minimum distance from outside rail of seven (7) feet, removing bituminous asphalt material and preparing subgrade area and to furnish, place and compact a seven (7) inch layer of hot mix bituminous asphalt base course material to within two (2) inches of adjacent sawcut/milled top of roadway on each roadway approach for the full width of the approach and paved shoulder area.

7. Pennsylvania Department of Transportation, at its sole cost and expense, agrees to furnish, place and compact two (2) inches of hot mix bituminous asphalt wearing course material to finished grade of sawcut/milled roadway approaches and extend hot mix bituminous asphalt wearing course through the public crossing and up to each rubber flangeway on each set of tracks and the area in between for the full width and length of each crossing surface, roadway approach and paved shoulder area sealing all sawcut/milled edges.

8. 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 within the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the public crossing and intersection 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.

9. 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 public crossing and intersection 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.

10. Pennsylvania Department of Transportation, at its sole cost and expense, pay all compensation for damages, if any, due to the owners of any property taken, injured or destroyed by reason of the construction work described herein, in accordance with this Secretarial Letter.

11. Reading Blue Mountain & Northern Railroad Company, at its sole cost and expense, pay all compensation for damages, if any, due to the owners of any property taken, injured or destroyed by reason of the construction work described herein, in accordance with this Secretarial Letter.

12. Pennsylvania Department of Transportation cooperate with the Reading Blue Mountain & Northern Railroad Company so that during the time the work is being constructed, the operations and facilities of the railroad company will not be endangered or unnecessarily impeded.

13. Reading Blue Mountain & Northern Railroad Company cooperate with the Pennsylvania Department of Transportation and conduct your operations in the vicinity of the public crossing, in a safe manner and under control during the time the work is being constructed.

14. All parties involved herein cooperate fully with each other so that during the time the work is being performed, vehicular, pedestrian and railroad 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.

15. Pennsylvania Department of Transportation at least fourteen (14) days prior to the start of work, notify local emergency management services and all parties in interest of the actual date on which work will begin.

16. All work necessary to complete the work at the subject public crossing be done in a manner satisfactory to this Commission on or before July 31, 2021, and that on or before said date, Pennsylvania Department of Transportation and Reading Blue Mountain & Northern Railroad Company notify this Commission in writing the date of actual completed work.

17. Upon completion of the work described herein, Reading Blue Mountain & Northern Railroad Company, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the public crossing (DOT 361 425 J) including the railroad flashing-light warning signals, gates, bell, crossbucks, circuitry, tracks and all appurtenant equipment and to maintain at all times in a safe, smooth and satisfactory condition the crossing surface for the full width of the roadway and paved shoulders located between the rails and area between each set of tracks and for a distance of twenty-four (24) inches beyond the outermost rails, all in accordance with the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

18. Upon completion of work described herein, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway approach roadways and paved shoulders to the public crossing (DOT 361 425 J) to points twenty-four (24) inches beyond each outside rail in a safe, smooth and satisfactory condition, and in addition to maintain the railroad advance warning signs, stop lines and railroad pavement markings on the SR 2019 (Oak Street) approaches thereto, all in accordance with the Manual on Uniform Traffic Control Devices, approved plans and this Secretarial Letter.

19. Upon completion of the construction of the work described herein, 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.

20. 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 public utility companies and municipal authorities, and any other matters relevant to this proceeding.

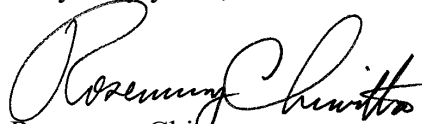
All parties are being served via email due to the COVID-19 Emergency Closure. Please note that during this period of Disaster Emergency, the Commission shall only accept e-filings in lieu of paper filings, for all documents. Thus, all parties are to open and use e-filing accounts to file documents and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

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.

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,



Rosemary Chiavetta
Secretary



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

June 28, 2021

C-2020-3016906

TO ALL PARTIES

Complaint filed by Reading Blue Mountain & Northern Railroad Company involving the deteriorated condition of the railroad crossing surface and roadway approaches at 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.

To Whom It May Concern:

At a location in Pittston Township, Luzerne County, SR 2019 (Oak Street) crosses, at grade, the two (2) tracks of Reading Blue Mountain & Northern Railroad Company.

By complaint filed with the Commission on January 13, 2020, Reading Blue Mountain & Northern Railroad Company (RBMN) avers that the deteriorated condition of the high-type concrete panel railroad crossing surface maintained by RBMN was as a direct result of the deteriorated condition of the SR 2019 (Oak Street) roadway approaches maintained by the Pennsylvania Department of Transportation.

On February 14, 2020, in response to the RBMN complaint, the Pennsylvania Department of Transportation (Department), filed within answer and new matter. The Department within the new matter avers that RBMN failed to maintain or replace its railroad crossing surface which has led to the premature breakdown of the Departments SR 2019 (Oak Street) roadway approaches.

Upon receipt of the complaint, a formal field investigation and conference was arranged by a Commission staff engineer and held at the site of the crossing on September 30, 2020, and most recently March 31, 2021.

At the March 31, 2021 field conference, RBMN and the Department agreed to terms to resolve the complaint and requested that the Commission staff engineer draft and memorialize the terms of the agreement by Secretarial Letter.

On April 30, 2021, the Commission issued a Secretarial Letter approving and memorializing the terms of the agreement, allocation of costs and assignment of the future maintenance responsibilities.

By Petition for Reconsideration of Staff Action filed by the Department and received by the Commission on May 17, 2021. The Department through their counsel, petitioned in part against their own terms agreed to at the field conference and memorialized by the April 30, 2021, Secretarial Letter.

The Department through their Petition requests that Paragraph 6 of the April 30, 2021, Secretarial Letter be amended to reflect the placement of five (5) inches minimum of twenty-five (25) mm of hot mix bituminous asphalt base course material or match existing.

However, RBMN and the Department did not amicably agree to more than seven (7) inches of hot mix bituminous asphalt base course material. Therefore, paragraph 6 will be modified to reflect a 5-inch minimum or match existing to the mutually agreed upon 7-inch maximum limit of twenty-five (25) mm hot mix bituminous asphalt base course material.

The Department through their Petition further requests that Paragraph 4 of the April 30, 2021, Secretarial Letter state more plainly that RBMN provide railroad flagging at their sole cost and expense while the Department is paving.

Paragraph 4 of the Commission's Secretarial Letter dated April 30, 2021, in fact, does state plainly that RBMN at their sole cost and expense will 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.

This is the standard paragraph for railroad flagging that the Commission uses for all work conducted across, above and adjacent to railroad tracks and is used for all Commission Secretarial Letters and Orders pertaining to railroad flagging. Paragraph 4 is not just meant for work that the Department may be doing across, above, and adjacent to railroad tracks. It is intended for and with respect to all work being performed across, above and adjacent to the railroad tracks as authorized in the Commission's Secretarial Letter dated April 30, 2021.

The Department avers that all parties in this proceeding were served with a copy of the petition. None of the parties have responded with any objection to the petition.

We have carefully reviewed the record in this proceeding and will grant the Department in part a modification to paragraph 6 of our Secretarial Letter issued April 30, 2021.

Accordingly, the petition of the Pennsylvania Department of Transportation received May 17, 2021, requesting a modification to paragraph 6 of our Secretarial Letter dated April 30, 2021, be and is hereby granted in part to the extent herein directed:

1. Paragraph 6 of our Secretarial Letter dated April 30, 2021, which reads as follows, to wit:

“6. Reading Blue Mountain & Northern Railroad Company, at its sole cost and expense, agrees to sawcut/mill and remove the approach roadway bituminous asphalt wearing and base courses measured from two (2) feet from each outside rail on each set of tracks to extend at a minimum five (5) feet back on each roadway approach for a total minimum distance from outside rail of seven (7) feet, removing bituminous asphalt material and preparing subgrade area and to furnish, place and compact a seven (7) inch layer of hot mix bituminous asphalt base course material to within two (2) inches of adjacent sawcut/milled top of roadway on each roadway approach for the full width of the approach and paved shoulder area.”

be and is hereby modified to read:

6. Reading Blue Mountain & Northern Railroad Company, at its sole cost and expense, agrees to sawcut/mill and remove the approach roadway bituminous asphalt wearing and base courses measured from two (2) feet from each outside rail on each set of tracks to extend at a minimum five (5) feet back on each roadway approach for a total minimum distance from outside rail of seven (7) feet, removing bituminous asphalt material and preparing subgrade area and to furnish, place and compact at a minimum five (5) inch hot mix, twenty-five (25) mm bituminous asphalt base course material or match existing to the mutually agreed upon 7-inch maximum limit of hot mix, twenty-five (25) mm bituminous asphalt base course material to within two (2) inches of adjacent sawcut/milled top of roadway on each roadway approach for the full width of the approach and paved shoulder area.

2. In all other respects, our Secretarial Letter dated April 30, 2021, remains in full force and effect.

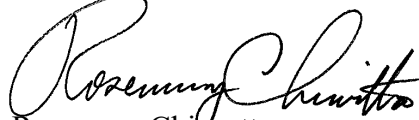
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The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

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, flowing style.

Rosemary Chiavetta
Secretary

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Complaint filed by Reading Blue Mountain & Northern Railroad Company involving the deteriorated condition of the railroad crossing surface and roadway approaches at 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. : **Docket No. C-2020-3016906**
: **Electronically Filed**

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):

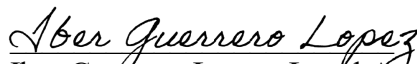
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Romilda.crocamo@luzernecounty.org

Respectfully Submitted,
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION


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Harrisburg, PA 17105-8212
Telephone No.: 717-787-3128
Fax No.: 717-772-2741

DATED: December 14, 2021