February 11, 2022

**IN REPLY PLEASE**

**REFER TO OUR FILE**

M-2013-2364201

I-2015-2472242

**Via Eservice and Email Only**

**TO ALL PARTIES OF RECORD**

Bridge Structure where State Route 1025 crosses over a single track of Delaware and Hudson Railway Company, Inc. (264 293 K) in Nicholson Borough, Wyoming County.

Investigation upon the Commission’s own motion to determine the condition and disposition of six (6) existing structures carrying various highways above the grade of the tracks of the Canadian Pacific Railroad in Great Bend Township, New Milford Township, Brooklyn Township, Hop Bottom Borough, Lathrop Township, Susquehanna County and Benton Township, Lackawanna County.

To Whom It May Concern:

By Opinion and Order issued February 28, 2019, Norfolk Southern Railway Company was directed to do all work necessary to repair the SR 1025 bridge at crossing DOT# 264 293 K, within twelve (12) months from the date that the Commission approved the submitted repair plans.

Norfolk Southern Railway Company submitted repair plans on March 17, 2020, and by Secretarial Letter dated July 14, 2020, they were approved by the Commission. At a subsequent site meeting on November 18, 2020, it was verbally agreed that Norfolk Southern Railway Company would complete the rehabilitation by July 31, 2021.

By letter-petition received by the Commission on July 21, 2021, Norfolk Southern Railway Company requested that the Commission grant an extension of time until December 31, 2021, due to delays in the project construction.

By Secretarial Letter dated September 1, 2021, the Commission granted an extension time until December 31, 2021, to complete the subject bridge construction.

By letter-petition received by the Commission on December 23, 2021, Norfolk Southern Railway Company requests that the Commission grant a second extension of time until June 30, 2022, due to further delays in the project construction.

We have carefully reviewed the record in this proceeding and will modify our Opinion and Order issued February 28, 2019, modified by Secretarial Letter dated September 1, 2021, and grant Norfolk Southern Railway Company a further extension of time to June 30, 2022, to complete the subject bridge project.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the Opinion and Order entered February 28, 2019, and modified on September 1, 2021, in this proceeding be further modified. The extension of time filed by the Norfolk Southern Railway Company on December 23, 2021, be granted to the extent herein directed.

1. Paragraph number 8 of the Opinion and Order entered February 28, 2019, and modified on September 1, 2021, which reads as follows, to wit:

“8. That Norfolk Southern Railway Company, at its sole cost and expense, shall furnish all materials and do all work necessary to repair the SR 1025 bridge in accordance with the approved plans. The alteration of the crossing shall be completed on or before December 31, 2021, and that on or before said date, Norfolk Southern Railway Company will report in writing the date of actual completion of the work to this Commission and all parties of interest.”

be and is hereby modified to read as follows:

8. That Norfolk Southern Railway Company, at its sole cost and expense, shall furnish all materials and do all work necessary to repair the SR 1025 bridge in accordance with the approved plans. The alteration of the crossing shall be completed on or before June 30, 2022, and that on or before said date, Norfolk Southern Railway Company will report in writing the date of actual completion of the work to this Commission and all parties of interest.

2. In all respects not inconsistent with this Secretarial Letter, our Opinion and Order entered February 28, 2019, in this proceeding remain in full force and effect.

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.

The Commission has waived certain regulatory service provisions as directed by the Commission’s Order at M-2021-3028321. Currently, while the Commission’s physical facilities are open for business, some of the operational restraints occasioned by the pandemic remain. It is evident that the pandemic and its changing nature require certain procedural flexibility for the public, the regulated community, and the Commission. Toward this end, the Commission will continue to permit electronic service by the Commission on all parties, regardless of whether a particular party has agreed to electronic service. An exception to this general waiver is where the Public Utility Code requires service by specified means, e.g., Section 702. Additionally, service on Commission staff in proceedings pending before it, whether staff is a party or otherwise, shall be exclusively electronic unless the parties agree otherwise. Filings must be submitted by efiling with the Secretary of the Commission by opening an efiling account through the Commission’s website and accepting eservice at <https://www.puc.pa.gov/filing-resources/efiling/>. If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission.

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 for Reconsideration 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.

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Description automatically generated Very truly yours,

Rosemary Chiavetta

Secretary