



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120

August 3, 2022

IN REPLY PLEASE
REFER TO OUR FILE

A-2019-3011890

Via Eservice and Email Only
TO ALL PARTIES OF RECORD

Application of the Commonwealth of Pennsylvania, Department of Transportation for approval to alter two (2) public at-grade crossings by the installation of new warning devices where State Route 1041 (DOT 145 463 A) in Lower Tyrone Township, and where State Route 0819 (DOT 145 459 K) in Dawson Borough, cross, at grade, two (2) tracks of CSX Transportation Inc., in Fayette County all in accordance with the Federal Grade Crossing Program and the allocation of costs incident thereto.

To Whom It May Concern:

This matter is before us by reason of an application filed July 31, 2019, by the Pennsylvania Department of Transportation (Department) seeking Commission approval for the alteration of two (2) public at-grade crossings by the installation of new warning devices where State Route 1041 (145 463 A) in Lower Tyrone Township, and where State Route 0819 (DOT 145 459 K) in Dawson Borough, cross, at grade, two (2) tracks of CSX Transportation Inc. (CSX), in Fayette County.

Upon receipt of the application, field investigations and conferences were arranged by a Commission staff engineer and held at the site of the crossings on September 19, 2019, October 5, 2021, and April 20, 2022. Representatives of the CSX, the Department, Columbia Gas, North Fayette Water Authority, Verizon, Yough Sanitary Authority and Dawson Borough were in attendance at the first two meetings. Comcast Cable Communications Inc., Pennsylvania Electric Company, United Telephone Co. (also known as Century Link) and Fayette County were notified of the time and place but did not attend the later meeting.

Presently, the State Route (S.R.) 1041 crossing consists of two (2) tracks of CSX with rubber flangeway and asphalt crossing surfaces aligned east and west. The approach roadway, S.R. 1041 (River Road), is a two-lane asphalt roadway with asphalt shoulders that crosses the tracks on a skew and is aligned northwest and southeast. On the northwest side of the crossing, there are guiderails along both sides of the roadway. On the southeast side of the crossing, there is one guiderail along the south side of the roadway. The warning facilities on the northwest-bound approach to the crossing consist of a cantilevered automatically operated flashing-light signals with a gate and the southeast-bound approach to the crossing has post-

mounted automatically operated flashing-light signals with a gate. Both approach roadways have grade crossing advance warning signs (W10-1), grade crossing pavement markings and stop lines.

Presently, the S.R. 0819 crossing consists of two (2) tracks of CSX with rubber flangeway and asphalt crossing surfaces aligned east and west. The approach roadway, S.R. 0819 (Laughlin Street), is a two-lane asphalt roadway with sidewalks and curbs on both sides, aligned north and south. On the northern side of the crossing there is a four-way intersection of Railroad Street and S.R. 0819 (Laughlin Street). On the north side of the intersection, Laughlin Street consists of a single one-way south-bound lane with sidewalks and curbing on both sides and a stop sign on the approach to the intersection with Railroad Street. West of the intersection, Railroad Street is aligned east to west and is parallel with the tracks and has a stop sign on the approach to the intersection with Laughlin Street. East of the intersection, S.R. 0819 (Railroad Street) is a two-lane roadway aligned east to west and is parallel with the two (2) tracks of CSX. There is a sidewalk and curb along the northern side of Railroad Street on both sides of the intersection and a curb along the southern side of Railroad Street that has mostly deteriorated. S.R. 0819 north makes a ninety-degree turn from Laughlin Street to Railroad Street. S.R. 0819 south makes a ninety-degree turn from Railroad Street to Laughlin Street.

The warning facilities on the north-bound approach of S.R. 0819 (Laughlin Street) to the crossing consist of a post-mounted automatically operated flashing-light signal, a two-track sign (R15-2P), a grade crossing advance warning sign (W10-1), grade crossing pavement markings and a stop line. The warning facilities on the south-bound approach of S.R. 0819 (Laughlin Street) to the crossing consist of a single post-mounted automatically operated flashing-light signal with four (4) pairs of roundels with a pair facing north and south on Laughlin Street and east and west on Railroad Street and a two-track sign (R15-2P). The west-bound approach of S.R. 0819 (Railroad Street) has a Grade Crossing Advance Warning (W10-1) sign, two (2) Low Ground Clearance (W10-5 and W10-5P) signs and grade crossing pavement markings. The east-bound intersection approach of Railroad Street and the south-bound intersection approach of Laughlin Street are stop controlled.

At the field conferences, the Department described the proposed work. The project will be done at the Department's sole cost and expense. The overall project will upgrade the crossings of S.R.1041 and S.R. 0819 with new railroad warning devices, gates, bells and new stop lines.

North-bound vehicles following S.R. 0819 North need a large turning radius to complete the ninety-degree turn required to go from north-bound on S.R. 0819, across the highway-rail grade crossing, to east-bound on S.R. 0819. Trucks completing this turn were observed using both the east and west-bound lanes of Railroad Street. The large turning radius is due to a combination of factors including the elevation of the highway-rail grade crossing being higher than the elevation of the approach roadways, a depressed inlet along the southern side of Railroad Street, the close proximity of the railroad tracks and a skewed transition ramp from the grade crossing to the approach roadway. To allow space for north-bound vehicles to complete this large turn, west-bound vehicles on S.R. 0819 need to be stopped outside of the turning radius and before the intersection with Laughlin Street.

The diagnostic team considered several alternatives. The team agreed that physical constraints along the northern side of Railroad Street including a nearby parking area, a driveway, an alley, the sidewalk, a business and two homes, restrict suitable locations for a third set of warning lights and gate on the west-bound approach of S.R. 0819. The Commission recommended installing a stop line on west-bound S.R.0819 (Railroad Street) at least fifty-feet (50') before the intersection with Laughlin Street. This was agreed to by the diagnostic team.

The Commission also recommended installation of an activated No-Left Turn Across Tracks (R3-2a) blank out sign on the west-bound approach of S.R. 0819 to the highway-rail grade crossing, that would illuminate in coordination with the flashing-light signals. Blank-out signs appear as black signs until activated by circuitry and then illuminate text saying, "NO LEFT TURN ACROSS TRACKS" or a symbol of a no-left turn arrow and the word "TRAIN". The blank-out sign prohibits turning movements toward the highway-rail grade crossing when trains are approaching. The Commission also mentioned the west-bound approach of S.R. 0819 (Railroad Street) would be a suitable site for installation of a pre-signal, which is a highway traffic light with simultaneous pre-emption with the railroad signals.

The Department and Dawson Borough could not reach an agreement as to which party would be responsible for maintenance of the highway blank-out sign or a highway traffic pre-signal along the state route. The Department offered an alternative to install and maintain a Stop Here When Flashing (R8-10A) sign beside the stop line on the west-bound approach of S.R. 0819 to the highway-rail grade crossing. The diagnostic team discussed the Department's alternative and agreed this would be incorporated into this project. In addition, the diagnostic team agreed that CSX should install a railroad preemption interconnect and junction box for any future highway traffic signalization requiring railroad preemption.

At the S.R. 1041 crossing, CSX, at the sole cost and expense of the Department, will remove the existing flashing-light warning signals, install a new post-mounted automatically operated flashing-light signal with a gate on the on the southeast-bound approach to the crossing and install a new cantilever mounted flashing-light warning signal with a gate and bell on the northwest-bound approach to the crossing; all in accordance with the roadway construction specifications of the Pennsylvania Department of Transportation, the approved plan, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

At the S.R. 0819 crossing, CSX, at the sole cost and expense of the Department, will remove the existing flashing-light warning signals, install new post-mounted automatically operated flashing-light signals with gates and bells on the on the north-bound and south-bound approaches of S.R. 0819, provide railroad preemption interconnect for any future highway traffic signals and provide a junction box for future railroad preemption. The signal on the south-bound approach of S.R 0819 will include two additional pairs of roundels facing the eastern and western approaches of Railroad Street. CSX, at the sole cost and expense of the Department, and prior to the start of construction, shall submit a situation plan to all parties of record for review and to the Commission for approval, and submit a detailed circuit plan for the subject crossing alteration to the Department for review and to the Commission for approval. All work shall be in accordance with the approved plans and this Secretarial Letter.

The Department, at its sole cost and expense, will install a stop line and a Stop Here When Flashing (R8-10A) sign with a minimum dimension of 36" x 42" on the west-bound approach of S.R. 0819 (Railroad Street) approximately 85 feet east of the intersection with Laughlin Street, and provide a Grade Crossing Advance Warning (W10-2) sign to Dawson Borough. All work shall be in accordance with the approved plans, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

Dawson Borough will install the Grade Crossing Advance Warning (W10-2), provided by the Department, on the east-bound approach of Railroad Street to the intersection with Laughlin Street. In order to avoid creating a horizontal obstruction for the railroad, the sign shall not be installed along the railroad tracks and shall be installed across the street from the railroad tracks.

The Department will be providing funding through the Federal Highway Grade Crossing Safety Program. The estimated cost of this project is \$230,000.00.

The Department agreed to maintain the Grade Crossing Advance Warning (W10-1) sign, Stop Here When Flashing (R8-10A) sign, the two (2) Low Ground Clearance (W10-5 and W10-5P) signs, approach roadways, stop lines and pavement markings on the highway approaches of S.R. 1041 and S.R. 0819 to the subject crossings in accordance with the Manual on Uniform Traffic Control Devices.

Dawson Borough agreed to maintain the Grade Crossing Advance Warning (W10-1) sign on the south-bound approach of Laughlin Street and maintain the Grade Crossing Advance Warning (W10-2) sign on the east-bound approach of Railroad Street to the intersection with Laughlin Street, in accordance with the Manual on Uniform Traffic Control Devices.

CSX agreed to maintain its facilities at the crossings including the rubber rail seal and asphalt crossing surfaces, the new automatically operated flashing-light signals with gates and bells and all appurtenant equipment installed in accordance with this Secretarial Letter.

It does not appear that any facilities of any non-carrier public utility will be affected by the alteration of this crossing.

Upon full consideration of the matters involved and inasmuch as no objection has been filed with the Commission, 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.

The application of Pennsylvania Department of Transportation is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown.
2. The crossings where State Route (S.R.) 0819 (DOT 145 459 K) and State Route (S.R.) 1041 (DOT 145 463 A) cross, at grade, two (2) tracks of CSX Transportation Inc., in Dawson Borough and Lower Tyrone Township, Fayette County, be altered as herein directed.
3. CSX Transportation Inc., at sole cost and expense of Pennsylvania Department of Transportation and prior to the start of construction, submit situation plans for the alteration of both subject crossings to all parties of record for review and to the Commission for approval, and submit detailed circuitry plans for the alteration of both subject crossings to the Pennsylvania Department of Transportation for review and to the Commission for approval.
4. CSX Transportation Inc., at sole cost and expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to alter the S.R. 1041 crossing by 1) removing the existing standard flashing-light warning signals; 2) installing a new post-mounted automatically operated flashing-light signals with a gate on the on the southeast-bound approach to the crossing; 3) installing new cantilever mounted flashing-light warning signals with a gate and bell on the northwest-bound approach to the crossing; all in accordance with the approved plans, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.
5. CSX Transportation Inc., at sole cost and expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to alter the S.R. 0819 crossing by 1) removing the existing standard flashing-light warning signals; 2) installing a new automatically operated post-mounted flashing-light signals with gate and a bell on the north-bound crossing approach of S.R. 0819 (Laughlin Street); 3) installing new automatically operated post-mounted flashing-light signals with gate and a bell on the south-bound crossing approach of S.R. 0819 (Laughlin Street) with two additional pairs of roundels facing the east and west approaches of Railroad Street; 4) install railroad preemption interconnect and junction box for future railroad preemption; all in accordance the approved plans, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.
6. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to install a stop line and a Stop Here When Flashing (R8-10A) sign with a minimum dimension of 36" x 42" on the west-bound approach of S.R. 0819 (Railroad Street) approximately 85 feet east of the intersection with Laughlin Street, and provide a Grade Crossing Advance Warning (W10-2) sign to Dawson Borough; all in accordance with the approved plans, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.
7. Dawson Borough, at its sole cost and expense, perform all work necessary to install a Grade Crossing Advance Warning (W10-2) sign on the east-bound approach of Railroad Street to the intersection with Laughlin Street, and to install the sign on the north side of roadway across the street from the railroad tracks; all in accordance with the approved plans, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

8. CSX Transportation Inc., at sole cost and expense of Pennsylvania Department of Transportation, furnish all material and perform all work necessary to establish and maintain any detours or traffic controls at the subject crossings that may be required to properly and safely accommodate highway and pedestrian traffic during the time the crossings are being altered.

9. CSX Transportation Inc., at sole cost and expense of Pennsylvania Department of Transportation, furnish and maintain any flagmen, watchmen, etc. which may be necessary to protect and safeguard its railroad operations during the time the project is being constructed.

10. CSX Transportation Inc., pay all compensation for damages due to the owners of any property taken, injured or destroyed by reason of the alteration of the subject crossings in accordance with this Secretarial Letter.

11. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company, which may be required as incidental to the alteration of the subject crossings, be made by said public utility at its initial cost and expense and in such manner as will not interfere with the alteration of the crossings; and such relocated or altered facilities thereafter be maintained by said public utility at its sole cost and expense.

12. CSX Transportation Inc., notify all parties of record at least fourteen (14) days prior to performing any work in accordance with this Secretarial Letter.

13. 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.

14. All work necessary to complete the alteration of the subject crossings be done in a manner satisfactory to this Commission on or before October 31, 2023, and that on or before said date, CSX Transportation Inc., report the date of actual completion of the work.

15. All costs, which are to be reimbursed by the Department of Transportation consistent with this Secretarial Letter, shall be reimbursed pursuant to the provisions of 23 C.F.R. §§ 140, 646. The aforesaid Federal reimbursement shall not supersede, delay or, in any manner, postpone the effect of any paragraph contained in this or any related Secretarial Letter or Order.

16. Upon completion of the alteration of the S.R. 1041 public crossing, CSX Transportation Inc., at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the subject crossings, including the cantilevered and post mounted automatically operated flashing-light warning signals with gates and bells and all appurtenant equipment, and to maintain at all times in a smooth and satisfactory condition the railroad crossing surfaces located between the rails and for a distance of twenty-four (24) inches beyond the outermost rails and the area in between the tracks; and provide Lower Tyrone Township and the Pennsylvania Department of Transportation ten (10) business days advance notice when performing any work as directed by this paragraph.

17. Upon completion of the alteration of the S.R. 0819 public crossing, CSX Transportation Inc., at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the subject crossings, including the post mounted automatically operated flashing-light warning signals with gates and bells and all appurtenant equipment including the railroad preemption interconnect and junction box; and to maintain at all times in a smooth and satisfactory condition the railroad crossing surfaces located between the rails and for a distance of twenty-four (24) inches beyond the outermost rails and the area in between the tracks; and provide Dawson Borough and the Pennsylvania Department of Transportation at least ten (10) business days advance notice when performing any work as directed by this paragraph.

18. Upon completion of the alteration of the subject crossing on S.R. 1041, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do 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 (W10-1) signs, stop lines, pavement markings, guiderails, and approach roadways to the subject crossing; all in accordance with the Manual on Uniform Traffic Control Devices and this Secretarial Letter and provide Lower Tyrone Township and CSX Transportation Inc., at least ten (10) business days advance notice when performing any work as directed by this paragraph.

19. Upon completion of the alteration of the subject crossing on S.R. 0819, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to maintain the highway approaches to the subject crossings to points twenty-four (24) inches beyond each outside rail and, in addition, maintain the Grade Crossing Advance Warning (W10-1) signs, stop lines, pavement markings, and approach roadways to the subject crossing, and maintain the Stop Here When Flashing (R8-10A) sign, the two (2) Low Ground Clearance (W10-5 and W10-5P) signs on the west-bound approach of S.R. 0819 (Railroad Street) to the S.R. 0819 crossing; all in accordance with the Manual on Uniform Traffic Control Devices and this Secretarial Letter and provide Dawson Borough and CSX Transportation Inc., at least ten (10) business days advance notice when performing any work as directed by this paragraph.

20. Upon completion of the alteration of the subject crossings, Dawson Borough, at its sole cost and expense, furnish all material and do all work necessary maintain the Grade Crossing Advance Warning (W10-2) sign on the east-bound approach of Railroad Street to the intersection with Laughlin Street and the Grade Crossing Advance Warning (W10-1) sign on the south-bound approach of Laughlin Street, in accordance with the Manual on Uniform Traffic Control Devices and this Secretarial Letter and provide CSX Transportation, Inc. ten (10) business days advance notice when performing any work as directed by this paragraph.

21. This Secretarial Letter is without prejudice to the right of any party to recover part or all of any costs incurred by said party in compliance with the provisions of this Secretarial Letter, in accordance with any lawful agreement between it and any other party.

22. The terms of any agreement established in accordance with this Secretarial Letter shall not preclude the Pennsylvania Public Utility Commission from taking any action necessary to protect the public interest, including but not limited to the reassignment or enforcement of any costs or responsibilities assigned or transferred as a result of this Secretarial Letter.

23. Upon completion of the work herein directed, and upon written request from any party of record, this proceeding be scheduled for a hearing at a time and place to be determined by the Commission, for the purpose of taking testimony upon the final allocation of any costs incurred by the non-carrier utility companies and other matters relevant to this proceeding.

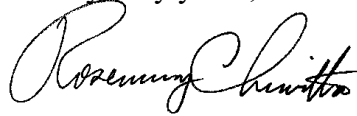
The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

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 e-filing with the Secretary of the Commission by opening an e-filing 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 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 cursive script, reading "Rosemary Chiavetta". The signature is written in black ink and is positioned above the printed name and title.

Rosemary Chiavetta
Secretary