



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

IN REPLY PLEASE  
REFER TO OUR FILE  
A-2022-3031048

August 15, 2022

**Via Eservice and Email Only**  
**TO ALL PARTIES OF RECORD**

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the public crossing (DOT 501 487 V) by the installation of an additional mast equipped with new automatically operated flashing-light crossing warning signals and the installation of new LED flashing-light roundels where State Route 0921 (Maple Street) crosses, at grade, two (2) tracks of Norfolk Southern Railway Company located in Mount Wolf Borough, York 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 with the Commission on February 22, 2022, by the Pennsylvania Department of Transportation (Department) seeking Commission approval to alter the public crossing (DOT 501 487 V) where State Route 0921 (Maple Street) crosses, at grade, two (2) tracks of Norfolk Southern Railway Company (Norfolk Southern) located in Mount Wolf Borough, York County.

In its application, the Department states it is desirable to alter the crossing by installation of an additional mast equipped with automatically operated LED flashing-light crossing warning signals and upgrade the existing incandescent flashing-light roundels with new LED flashing-light roundels; all in accordance with the approved plans and this Secretarial Letter.

A field investigation and conference was arranged by a Commission staff engineer and held on April 21, 2022 at the site of the subject crossing. Representatives of the Department, Norfolk Southern, Mount Wolf Borough and Northeastern York County Sewer Authority attended the field conference. Although notified by letter dated March 24, 2022, sent via electronic mail, there were no representatives of York County, Metropolitan Edison Company, AT&T, Verizon or York Water Company in attendance.

At the field conference, it was noted that State Route 0921 (Maple Street) is a bi-directional bituminous paved roadway oriented generally east-west that crosses, at grade, two (2) tracks of Norfolk Southern (DOT 501 487 V). The tracks are oriented generally north-south with a slight skew to the roadway and are situated near the beginning of a horizontal curvature in the roadway that transitions from a tangent section (east to west). Poor sight distance was noted on the eastbound approach due to the horizontal curve and brush growth. Private driveways make connection to State Route 0921 (Maple Street) in the northwest and southeast quadrants and a one-way borough roadway (Front Street) intersects with State Route 0921 (Maple Street) in the northeast quadrant. A bridge spanning a creek is located approximately 45-feet west from the western-most track. Concrete pedestrian sidewalk approaches are present on the north and south side of the roadway that transition to asphalt at the crossing; the northern sidewalk has a striped crosswalk through the crossing. The crossing surface consists of two (2) concrete high-type crossing surfaces. The existing warning facilities at the crossing consists of cantilevered automatically operated incandescent flashing-light signals on the east approach (southeast quadrant) and mast-mounted automatically operated incandescent flashing-light signals on the west approach (southwest quadrant). Crossbucks (R15-1), "2 TRACKS" Track Count (R15-2P) plaques, Emergency Notification (I-13) signs, stop lines, Grade Crossing Advance Warning (W10-1) signs and railroad pavement markings are present on both approaches.

The Department and Norfolk Southern described the details of the project, the alteration will provide: 1) the installation of an additional mast equipped with automatically operated LED flashing-light signals in the northwest quadrant to provide better sight distance when traveling in the eastbound direction and 2) upgrade the existing incandescent flashing-light roundels with new LED flashing-light roundels; all in accordance with the approved plans and this Secretarial Letter.

At the time of the field conference the Department was undecided if it will be necessary for the Commission to appropriate any property for construction of the project. The Department was advised that if it becomes necessary for the Commission to appropriate any property, they may submit detailed right-of-way plans and property descriptions (metes and bounds) for any property for the Commission to appropriate.

Norfolk Southern agrees to furnish all materials and perform all work necessary to install the additional mast equipped with automatically operated LED flashing-light signals in the northwest quadrant, upgrade the existing incandescent flashing-light roundels with new LED flashing-light roundels, including the necessary circuitry and any ancillary features thereof, at the Department's sole cost and expense. Norfolk Southern agrees to maintain its new and existing facilities at their sole cost and expense.

Norfolk Southern agrees to prepare and submit complete detailed situation and circuitry plans for the subject crossing alteration to each party in interest for review and to this Commission for approval, at the Department's sole cost and expense.

The Department agrees to maintain its highway approach roadways to the crossing, grade crossing advance warning signs, stop lines and pavement markings at their sole cost and expense.

The project will be funded through the Federal Highway Grade Crossing Safety Program disbursed through the Department with an estimated project cost of \$150,000.00.

It could not be determined if any facilities of any non-carrier public utility will be affected by the alteration of the crossing. Non-carrier public utilities will relocate their facilities at their initial cost and expense, if required.

The Commission hereby 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 and inclusive of any warning devices associated with the crossing that may be outside this limit.

Upon full consideration of the matters involved and inasmuch as no objection has been filed with the Commission and no party in attendance at the field conference objected to the proposed improvements as discussed, 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 crossing is necessary and proper for the service, accommodation, convenience or safety of the public.

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

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The crossing where State Route 0921 (Maple Street) crosses, at grade, two (2) tracks of Norfolk Southern Railway Company (DOT 501 487 V) located in the Mount Wolf Borough, York County be altered as herein directed.
3. Pennsylvania Department of Transportation, at its sole cost and expense, and prior to the start of construction, prepare and submit complete detailed right-of-way plans and property descriptions (metes and bounds) for any property for the Commission to appropriate to all parties for review and to the Commission for approval, if necessary.
4. Norfolk Southern Railway Company, at the sole cost and expense of the Pennsylvania Department of Transportation, and prior to the start of construction, prepare and submit a situation and circuitry plan for the subject crossing to all parties for review and to the Commission for approval.
5. Norfolk Southern Railway Company, at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to alter the State Route 0921 (Maple Street) crossing (DOT 501 487 V) by 1) the installation of an additional mast equipped with automatically operated LED flashing-light signals in the northwest quadrant and 2) upgrade the existing incandescent flashing-light roundels with new LED flashing-light roundels, including the necessary circuitry and any ancillary features thereof all constructed in accordance with the approved plan and this Secretarial Letter.
6. Norfolk Southern Railway Company, at the sole cost and expense of Pennsylvania Department of Transportation, furnish and maintain watchmen, flagmen and/or inspectors that may be deemed necessary to protect and safeguard its railroad operations or facilities during the time the facilities are being constructed.

7. Norfolk Southern Railway Company, at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to establish and maintain any detours or traffic control that may be necessary to properly and safely accommodate vehicular, pedestrian and railroad traffic during the time the crossing is being altered.

8. Pennsylvania Department of Transportation, pay all compensation for damages, if any, due to the owners of property taken, injured or destroyed by reason of the alteration of the crossing in accordance with this Secretarial Letter.

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

10. Norfolk Southern Railway Company provide at least ten (10) days advance notice of the start of work to alter the crossing to each party involved in this proceeding.

11. 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 said requirements of each of the parties will be provided for and accommodated insofar as possible.

12. Norfolk Southern Railway Company, at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and perform all work necessary to complete the remainder of the project, and any other ancillary features of the project, generally in accordance with the approved plans and this Secretarial Letter.

13. All work necessary to alter the crossing be completed in a manner satisfactory to this Commission on or before August 31, 2023, and that on or before said date, Pennsylvania Department of Transportation report in writing to this Commission the date of actual completion of the work.

14. All costs which are to be reimbursed by the Department of Transportation consistent with this letter shall be reimbursed pursuant to the provisions of 23 C.F.R. Parts 140 and 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.

15. This Secretarial Letter is without prejudice to the right of any party to recover all or part 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.

16. Upon completion of the alteration of the crossing, Norfolk Southern Railway Company, at its sole cost and expense, furnish all material and perform all work necessary to maintain its railroad facilities at the subject crossing, including the active warning devices and all appurtenant equipment; and maintain at all times in a smooth and satisfactory condition the concrete high-type crossing surfaces and the pavement between the tracks, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide Pennsylvania Department of Transportation and Mount Wolf Borough at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

17. Upon completion of the alteration of the subject crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its highway approach roadways up to the concrete high-type crossing surfaces and in addition, maintain the grade crossing advance warning signs, stop lines and pavement markings, if required, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide Norfolk Southern Railway Company and Mount Wolf Borough at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

18. Upon completion of the alteration of the subject crossing, 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 alteration.

19. 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 remaining 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 efilings with the Secretary of the Commission by opening an efilings 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 black ink, appearing to read "Rosemary Chiavetta". The signature is fluid and cursive, with the first letter of each name being significantly larger and more stylized.

Rosemary Chiavetta  
Secretary