



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

October 11, 2022

IN REPLY PLEASE  
REFER TO OUR FILE  
A-2022-3031928

**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 two public at grade crossings (Crossing DOT Nos. 535 203 J and 872 472 D) by the installation of new automatically operated flashing light warning signals and warning signs where Hokes Mill Road (SR 0182) crosses the tracks of the York Railway Company, in West Manchester Township, York County, all in accordance with the Federal Grade Crossing Program and the allocation of costs incident thereto.

To Whom It May Concern:

By application filed with the Commission on April 14, 2022, the Pennsylvania Department of Transportation (PennDOT) is seeking Commission approval to alter the subject crossing by the installation of new active warning devices and warning signs where Hokes Mill Road (SR 0183) crosses, at grade, the tracks of York Railway Company in West Manchester Township, York County.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held at the site of the crossings on August 31, 2022, with representatives of PennDOT, York Railway Company, and West Manchester Township in attendance.

At the field conference, it was noted that Hokes Mill Road (SR 0182) is a two (2) lane asphalt roadway with asphalt paved shoulders. The crossing surfaces currently consists of high type surfaces. There are flashing-light warning signals and advance grade crossing warning signs existing on each crossing approach. Stop lines and other paint markings on the roadway surface on the approaches to each of the crossings are worn off or missing. At the field conference, it was noted that a blind curve exists on the approach highway east of crossing DOT # 535 203 J. In addition, a representative of West Manchester Township has witnessed vehicular traffic queued to the point that the stopped traffic is just beyond the existing blind curve on Hokes Mill Road during a train crossing. This poses a potential hazard to approaching traffic.

Addressing the safety aspects of this blind curve will be implemented by PennDOT as part of this proceeding. Installation of warning signs will include the following signs (to be installed in the blind curve area): (W16-102P) "Conspicuity Plaque", the (W10-12) "Railroad Crossing at a Skew" plaque, the (W16-103P) "750 +/- Feet Ahead" plaque - these signs will be installed together on a single signpost; installation of the (W14-7) "Watch for Stopped Vehicles Sign" will be installed on a separate post.

It is not clear where the transition to 35 mph is on Hokes Mill Road (the speed limit through these grade crossings according to PennDot's records (in GCDEMS and PennDot's Video log) is 35 mph, however, the nearest speed limit sign when approaching these crossings from the east of DOT # 535 203 J does not indicate the speed limit is 35 mph. PennDOT has offered to investigate whether speed limit signs are needed or missing on the subject highway and if so, will correct this situation on their own accord.

York Railway Company, at the sole cost and expense of the PennDOT, will be directed to install new signal cabinets; upgrade the existing lights from 8" to 12"; replace any existing cantilevers with new taller cantilevers that meet the current design criteria; install posts/bollards to protect railroad facilities from trucks movements, install additional circuitry in the new signal boxes for gate mechanisms (to facilitate if at some point in the future, it is decided that gates should be installed). No detours are anticipated to conduct this work. PennDOT will be directed to install and maintain stop lines, maintain the approaches to the crossings throughout the entire width of the roadway to provide a smooth and satisfactory transition to the crossing surface, maintain pavement markings; and install and maintain safety warning signs. York Railway Company will be directed to maintain its facilities and the crossing surfaces in a smooth and satisfactory condition.

The parties in attendance at the field conference have agreed that the alteration of the grade crossing could be carried out as proposed and no objections were raised. PennDOT has served a copy of the current application to all parties in interest. None of the parties in interest have responded with any objection to the subject application.

The Commission has exclusive jurisdiction in crossing alterations and is the final arbiter of any fees associated with a crossing application. Any conditions, including fees associated with a crossing application, must be approved by the Commission.

The Commission hereby establishes its jurisdictional limits at the subject crossings as the area within the confines of the railroad right-of-way and the highway right-of-way.

The project will be 100% funded from Federal Highway Grade Crossing Safety Program disbursed through the Pennsylvania Department of Transportation. The estimated total cost for this alteration is \$878,105.

York Railway Company will prepare a situation plan and circuitry plan for the project. PennDOT and the Commission will receive a copy of the circuitry for review and approval. All parties of record will receive a copy of the situation plan for review and for the Commission to review and approve.

Any non-carrier public utility companies affected by this improvement project will be directed to initially bear the cost for any alteration or relocation of their facilities. Our Secretarial Letter will provide the non-carrier public utility companies with the opportunity to determine at a later date whether they will seek reimbursement for their project costs and if a hearing is needed to resolve any remaining issues.

Upon full consideration of the matters involved and inasmuch as none of the parties offered any objection to the Pennsylvania Department of Transportation proposed project, 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 crossings is necessary and proper for the service, accommodation, convenience and 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 herein.
2. The public crossings where Hokes Mill Road (SR 0182) (Crossing DOT Nos. 535 203 J and 872 472 D) cross, at grade, the tracks of York Railway Company, in West Manchester Township, York County be altered by the installation of new active warning devices and advance warning signs.
3. York Railway Company, at Pennsylvania Department of Transportation's sole cost and expense and prior to the start of construction, submit to all parties of record for review and to this Commission for review and approval, the situation plans for both subject crossings.
4. York Railway Company, at Pennsylvania Department of Transportation's sole cost and expense and prior to the start of construction, submit to this Commission for review and approval, the circuitry plans for both subject crossings.

5. York Railway Company, at Pennsylvania Department of Transportation's sole cost and expense, furnish all material and do all work necessary to alter the subject crossing by the installation of the following: new signal cabinets; upgrade the existing lights from 8" to 12"; replace any existing cantilevers with new taller cantilevers that meet the current design criteria; install posts/bollards to protect railroad facilities from trucks movements, install additional circuitry in the new signal boxes for gate mechanisms to facilitate a future installation of gates in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

6. York Railway Company, at Pennsylvania Department of Transportation's sole cost and expense, furnish all material and do all work necessary to establish and maintain any traffic control that may be necessary to properly and safely accommodate vehicular, pedestrian and railroad traffic during the time the crossings are being altered.

7. York Railway Company, at Pennsylvania Department of Transportation's sole cost and expense, furnish and maintain watchman, flagmen and/or inspectors that may be deemed necessary to protect and safeguard its railroad operations during the time the facilities are being constructed.

8. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to install and maintain the following warning signs: (W16-102P) "Conspicuity Plaque", the (W10-12) "Railroad Crossing at a Skew", the (W16-103P) "750 +/- Feet Ahead" plaque and the (W14-7) "Watch for Stopped Vehicles" sign installed on the east approach to DOT# 535 203 J, Hokes Mill Road (SR 0182).

9. Any relocation of, changes in and/or removal of any adjacent structures, equipment or any other facilities of any public utility other than York Railway Company, located within the limits of the highway, within the Commission's jurisdiction, be made by said public utility at its initial cost and expense, and in such a manner as will not interfere with the construction of the improvement, and said relocated or altered facilities thereafter be maintained by said public utility, at its sole cost and expense.

10. 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.

11. York Railway Company, at least fourteen (14) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

12. All work necessary to complete this construction shall be done in a manner satisfactory to this Commission on or before February 29, 2024, and that on or before said date, Pennsylvania Department of Transportation report in writing to the Commission the date of actual completion of the work.

13. York Railway Company, pay all compensation for damages, if any, due to owners of property taken, injured or destroyed by reason of the construction of the improvement in accordance with this letter.

14. 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 CFR 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. 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.

16. Upon completion of construction, York Railway Company, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its railroad facilities at the subject crossing, including the warning devices and all appurtenant equipment and to maintain at all times in a smooth and satisfactory condition, the railroad crossing surface to the edge of high type concrete surfaces for both subject crossings, and the surface between the tracks at crossing DOT #872 472 D, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide Pennsylvania Department of Transportation 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 crossings, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway approaches to the subject crossing, up to the high-type concrete surface, maintain all highway-rail grade crossing advance warning signs, and in addition, install and maintain stop lines, advance warning signs and pavement markings, as required, on the approaches thereto all in accordance with Part 8 the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide York Railway Company, ten (10) days advance notice when performing any work as directed by this paragraph.

18. 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.

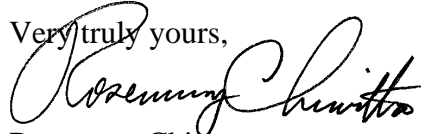
The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

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 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,



Rosemary Chiavetta  
Secretary