



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

January 3, 2023

IN REPLY PLEASE
REFER TO OUR FILE
A-2022-3035532

Via Eservice and Email Only
TO ALL PARTIES OF RECORD

Application of Lansdale Borough to construct improvements where West Main Street (SR 0063) (DOT # 592 788 P) crosses, at grade, the tracks of Southeastern Pennsylvania Transportation Authority (SEPTA) in Lansdale Borough, Montgomery County.

To Whom It May Concern:

By application filed with the Commission on September 22, 2022, Lansdale Borough is seeking Commission approval to construct improvements where West Main Street (SR 0063) (DOT # 592 788 P) crosses, at grade, the tracks of Southeastern Pennsylvania Transportation Authority (SEPTA) in Lansdale Borough, Montgomery County.

These improvements are in the vicinity of the Lansdale Train Station and will improve pedestrian access on both the north and south side of Main Street and will include new curbs, concrete sidewalks, stamped asphalt, pavement markings, and detectable warning surfaces (DWS). A new crosswalk will also be constructed between the Bus Transit Center and the Train Station that will also serve as an extension of the Liberty Bell Trail. In addition, paint markings known as a “dynamic envelop” are proposed to better delineate the railroad zone to motor vehicles. Lansdale Borough has worked closely with SEPTA and PennDOT on the development and final scope of the proposed improvements.

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 November 21, 2022, with representatives of Lansdale, SEPTA, and PP&L in attendance.

At the field conference, it was noted that Main Street (SR 0063) is a two (2) lane asphalt roadway with asphalt paved shoulders. The crossing surface 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 railroad paint markings on the roadway surface are on the approaches. Sidewalks currently exist on both sides of Main Street.

All work is to be performed in accordance with the plans entitled: “Drawings for Construction of East Main Streetscape/ SEPTA At-Grade Crossing on State Route 0063 in Montgomery County from STA 2+76 to STA 6+ 90 Length 314 ft 0.59 MI from Seg 0282 Offset 1327 to Seg 0282 Offset 0190” (14 Sheets) as submitted to the Commission on September 19, 2022, by Lansdale Borough for all parties to review and the Commission to approve.

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. Lansdale Borough has served a copy of the current application and plans to all parties in interest. None of the parties in interest have responded with any objection to the subject application or plans.

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 estimated cost for construction of the improvements is \$400,000.00. Construction funding for this project is supported by an Act 89 Transit Funding grant from PennDOT. Per agreement, PennDOT has approved SEPTA to administer the construction funding. 70% of the final construction cost will be covered by the Act 89 grant, and the remaining 30% of the final construction cost will be covered by Lansdale Borough as the required the local match.

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 Lansdale Borough 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 Lansdale Borough is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The public crossings where West Main Street (SR 0063) (DOT # 592 788 P) crosses, at grade, the tracks of Southeastern Pennsylvania Transportation Authority (SEPTA) in Lansdale Borough, Montgomery County be altered by the installation of new pedestrian safety improvements such as a new curb, new concrete sidewalk, stamped asphalt, pavement markings, and detectable warning surfaces (DWS), new crosswalk between the Bus Transit Center and the Train Station, and paint markings known as a “dynamic envelop”; all in accordance with the approved plans and this Secretarial Letter.

3. The work will be generally in accordance with the plans entitled: “Drawings for Construction of East Main Streetscape/ SEPTA At-Grade Crossing on State Route 0063 in Montgomery County from STA 2+76 to STA 6+ 90 Length 314 ft 0.59 MI from Seg 0282 Offset 1327 to Seg 0282 Offset 0190” consisting of fourteen (14 sheets) as these were filed with Commission on September 19, 2022; which plan is made part hereof and is hereby approved except insofar as they may relate to the division of work, deletion of work, or the allocation of costs and expenses incident to the installation of the project.

4. Lansdale Borough, at its sole cost and expense, install new curbs, new concrete sidewalks, stamped asphalt, pavement markings, and detectable warning surfaces (DWS), a dynamic envelope, and a new crosswalk between the Bus Transit Center and the Train Station, all in accordance with the approved plans and this Secretarial Letter.

5. Lansdale Borough, at its 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.

6. Southeastern Pennsylvania Transportation Authority (SEPTA), at Lansdale Borough’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.

7. 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 crossing, 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 crossing; and such relocated or altered facilities thereafter be maintained by said public utility at its sole cost and expense.

8. Lansdale Borough, 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.

9. All work necessary to complete this construction shall be done in a manner satisfactory to this Commission on or before December 31, 2024, and that on or before said date, Lansdale Borough report in writing to the Commission the date of actual completion of the work.

10. Lansdale Borough, 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.

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 so that the requirements of each of the parties will be provided for and accommodated insofar as possible.

12. Upon completion of construction, Southeastern Pennsylvania Transportation Authority (SEPTA), 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, the paint of the dynamic envelope, all appurtenant equipment and to maintain at all times in a smooth and satisfactory condition the high type concrete crossing surfaces, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide Pennsylvania Department of Transportation at least ten (10) business days advance notice when performing any work that may affect their facilities as directed by this paragraph.

13. 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 each high-type concrete surface, maintain all highway-rail grade crossing advance warning signs, and in addition, 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 Southeastern Pennsylvania Transportation Authority (SEPTA, at least ten (10) business days advance notice when performing any work as directed by this paragraph.

14. Upon completion of the alteration of the subject crossing, Lansdale Borough, at its sole cost and expense, maintain the concrete curbs, concrete sidewalks, stamped asphalt, pavement markings, crosswalks and detectable warning surfaces; all in accordance with this Secretarial Letter.

15. Upon completion of the alteration of the subject crossing, Lansdale Borough, at its sole cost and expense, furnish all material and do all work necessary to remove snow, ice and debris from the sidewalks through the crossing area; all in accordance with this Secretarial Letter.

16. 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.

17. In all other respects, pertaining to the public crossing (DOT # 592 788 P), the previous Commission Orders and Secretarial Letters remain in full force and effect.

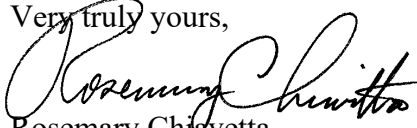
The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

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 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 Chivetta
Secretary