



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

IN REPLY PLEASE
REFER TO OUR FILE

January 31, 2023

A-2020-3018936

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 at-grade crossings by the installation of new active control device where Pittston Avenue (SR 2017) (DOT 249 682 D), in Yatesville Borough, First Street (DOT 249 686 F), in Plains Township and Miller Street, (DOT 859 631 C), in the City of Wilkes-Barre each cross the tracks of the Norfolk Southern Railway Company in Luzerne County; all in accordance with the Federal Grade Crossing Program and the allocation of costs incident thereto.

To Whom It May Concern:

By Secretarial Letter dated September 16, 2020, and amended May 7, 2021, we directed the alteration of the crossings where Pittston Avenue (SR 2017) (DOT 249 682 D), located in Yatesville Borough; First Street (DOT 249 686 F), located in Plains Township and Miller Street, (DOT 859 631 C), located in the City of Wilkes-Barre, all cross tracks of Norfolk Southern Railway Company in Luzerne County. All work at the subject crossing is to be completed on or before December 31, 2023.

In accordance with numbered Paragraphs 3 and 4 of the Commission's Secretarial Letter dated September 16, 2020, in the above-captioned proceeding, Norfolk Southern Railway Company has submitted situation and circuitry plans for the proposed project for this Commission's approval.

The plans, received November 3, 2022, are entitled "YATESVILLE, PA FLGS AT PITTSTON AVE / YATESVILLE RD", consisting of twenty-three (23) sheets, "WILKES-BARRE, PA FLGS AT MILL / MILLER ST", consisting of twenty-four (24) sheets, and "PLAINS, PA FLGS AT MINER / FIRST ST", consisting of twenty-two (22) sheets, for a total of sixty-nine (69) sheets.

All parties in interest were queried by letter dated January 5, 2023, sent via electronic mail, as to any objection to the submitted plans and none of the parties have responded with any objections.

Please be advised that the above plans have been certified as the correct plans and are hereby approved. The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code.

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