



BOROUGH OF NORTH EAST

31 West Main Street
North East, PA 16428
(814) 725-8611 • Fax (814) 725-4996

January 30, 2023

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Dear Ms. Chiavetta:

I am writing to you today to formally request the ability to study the at-grade crossing (524029W) on Loomis Street in North East Pennsylvania. The Borough of North East requests that the Commission consider our request to conduct a professional analysis of the intersection to that we can learn about the challenges facing the crossing, identify strategies to reduce injury and accidents at the intersection and begin to determine the highest and best strategy for the future of the intersection. The Loomis Street at-grade rail crossing is located within the Borough of North East's jurisdiction in conjunction with North East Township and the surrounding industrial business partners affected by the crossing.

Please note that copies of this application have been sent to the following groups affected by this appeal before the Commission:

- Derek Mihaly, P.E., Project Manager II
CSX Transportation, Inc.
4 Neshaminy Interplex, Suite 205
Trevose, PA 19053
derek_mihaly@csx.com
- D. Shawn Starling, Senior Project Engineer
Norfolk Southern Corporation
1200 Peachtree Street, NE
Atlanta, GA 30309
douglas.starling@nscorp.com
- Jeanette C. Uhl, Highway Design Manager
PennDOT Engineering District 1-0
255 Elm Street
Oil City, PA 16301
juhl@pa.gov

- Mark Chappell, P.E. Chief- Right of Way & Utility Division
PennDOT
400 North St, 7th Floor
Harrisburg, PA 17120-0094

Please consider this application on behalf of the Borough of North East, PA; North East Township; Ridg-U-Rak; Silgan Plastics; Treehouse Foods; Erie Powder Coating and countless residential and commercial customers of this crossing. Collectively, we believe that this proposed traffic and corrective analysis study will successfully address the causes of unsafe travel through this at-grade crossing and help to prevent future incidents.

Thank you for your time and consideration in this matter.

Sincerely,



Patrick J. Gehrlein
Borough Manager

CC: Fritzer Shunk – Supervisor; North East Township
August Neff- Supervisor; North East Township
Russ LaFuria - Supervisor; North East Township
Derek Mihaly – Project Manager II; CSX Transportation
D. Shawn Starling – Senior Project Engineer; Norfolk Southern Corp.
Mark Chappell- P.E. Chief; PennDOT
Jeanette Uhl- Highway Design Manager; PennDOT
Silgan Plastics
Treehouse Foods
Ridg-U-Rak
EPC Powder Manufacturing Inc.

G.

**BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of North East Borough for approval of the alteration of the crossing 524029W where Loomis Street crosses at grade the tracks of CSX and Norfolk Southern, located in North East Borough in Erie County.
To Pennsylvania Public Utility Commission:

Application
Docket No.

1. The name and address of applicant are North East Borough; 31 West Main Street ; North East, PA 16428
North East Township; 10300 West Main Road; North East, PA 16428

2. The name and address of applicant's attorney are Daniel Miller Esq.- McDonald Illig Jones Britton LLP
100 State Street; Suite 700; Erie, PA 16507

3. (This paragraph to contain a general statement of the nature and character of service rendered by the applicant and the corporate right to alter said crossing.)
See attached addendum

4. (This paragraph to contain a brief, concise statement of the nature and character of the construction or alteration, approval of which is sought, reference being made to plans filed as exhibits.) See attached addendum

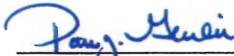
5. (This paragraph to contain the names of public utilities, municipalities, corporations, or property owners concerned in or affected by the proposed alteration of the crossing. If consent to the proposed construction, abolition, etc., has been obtained from any municipality or department of the government of the Commonwealth of Pennsylvania, verified copies of such consent should be filed as exhibits.) See attached addendum

6. (This paragraph to contain a statement of the number of persons and vehicles of all kinds using the highway at the crossing for three days, preferably a Friday, Saturday and Sunday, the count to be taken 24 hours each day, and a classified statement verified by affidavit of the persons making the count must be attached as an exhibit.)
See attached addendum

7. (This paragraph to contain a statement of the expenses connected with the proposed construction, alteration, abolition, or suspension and from what sources it is proposed to provide such funds.) See attached addendum

8. The (construction, alteration, relocation, abolition or suspension) is necessary or proper for the following reasons The Borough and Township are requesting a formal traffic (vehicular and rail) study to determine the best solution to the continued pattern of accidents at this intersection.

Wherefore, applicant prays your Honorable Commission to approve the application:



(Signature of Applicant)

G.

§ 1.36. Verification.

(a) Applications, petitions, formal complaints, motions and answers thereto containing an averment of fact not appearing of record in the action or containing a denial of fact shall be personally verified by a party thereto or by an authorized officer of the party if a corporation or association. Verification means a signed written statement of fact supported by oath or affirmation or made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities). If verification is required, notarization is not necessary.

(b) The Verification form should comply substantially with the following:

VERIFICATION

I, Patrick J. Gehrlein, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: January 31, 2023



(Signature)

APPLICATION TO PENNSYLVANIA UTILITIES COMMISSION

SUPPLEMENTAL MATERIAL

- 3) The Borough of North East in coordination and conjunction with North East Township intend to take corrective action at the Loomis Street at-grade crossing to help remedy and reduce the instances of accidents that have occurred between railcars and commercial vehicular traffic at the crossing in the past thirty-six (36) months. The at-grade crossings are both located within the municipal boundaries of the Borough of North East and is located within twenty feet of the North East Township line. The crossing affects both the Borough and Township and therefore we feel as though we should be the responsible party along with CSX, Norfolk and Southern and the adjacent industrial businesses to address the issues at the crossing.
- 4) The proposed project would entail soliciting proposals from traffic (vehicular and rail) engineers/ consultants that could study the at-grade crossing and make recommendations as to solutions for safer travel across the intersection. North East Borough and North East Township have already worked with the Erie County Metropolitan Planning Organization (MPO) to secure a planning grant in the amount of \$47,500 to apply toward s the traffic study for this intersection. The Borough and Township have also cut down all of the visual sightline impediment vegetation along both sides of the intersection for seventy-five (75) feet on both the North and South sides of the tracks. The Borough and Township have already repaired and replaced approximated seventy-five (75) of bituminous material located between the CSX tracks on the North side of the crossing and the Norfolk & Southern tracks at the South side of the crossing. The work decreased the amount of fall between the two sets of tracks and increase the drivability of commercial and passenger vehicles utilizing this at grade crossing. This solution performed in 2021 did not prevent an October 17, 2022 crash involving a tractor-trailer and a CSX Train. It is estimated that there more than one hundred (100) commercial crossings through this intersection weekly and our intent would be to make this section of roadway as gradual as possible. In addition to the grade being raised between the two (2) sets of tracks, the neighboring industrial corporations will be removing all trees and debris that could obstruct a driver's line of sight at the intersection on both side of the two (2) sets of tracks
- 5) The Borough of North East, Pennsylvania will be notifying the following businesses: utilities; corporations and municipalities in relation to this application to the Pennsylvania Utilities Commission:
- North East Township: 10300 West Main Road; North East PA 16428
 - CSX Transportation, Inc.; 4 Neshaminy Interplex, Suite 205; Trevoese, PA 19053
 - Norfolk Southern Corporation: 1200 Peachtree Street, NE; Atlanta, GA 30309

- PennDOT Engineering District 1-0; 255 Elm Street; Oil City, PA 16301
- PennDOT; Right of Way & Utility Division; 400 North Street, 7th Floor; Harrisburg, PA 17120
- Silgan Plastics; 80 Loomis Street; North East, PA 16428
- Rid-U-Rak; 120 South Lake Street; North East, PA 16428
- Treehouse Foods/ Bay Valley Foods LLC; 11160 Parkway Drive; North East, PA 16428
- EPC Powder Manufacturing Inc.; 101 Loomis Street; North East, PA 16428

6) The number of affected vehicles across the at-grade crossing is unknown currently. The Borough and Township are seeking a traffic consultant to perform a complete analysis of the intersection with traffic counts and possible recommendations to increase the overall safety to the crossing. The Borough of North East and North East Township officials will work with partners at PennDOT, CSX, Norfolk & Southern, the Federal Railway Administration and others to establish an accurate count of vehicular traffic through the intersection on Loomis Street

7) The expenses associated with the proposed remedy at the discussed at-grade crossing will be as follows:

- The cost to remove trees and other debris on either side of the crossing that would otherwise obstruct a driver's view prior to crossing intersection is estimated at \$18,000- **Completed at Borough and Township's expense**
- The contracting with a traffic consulting firm or engineering firm to study the at-grade crossing in conjunction with the Erie County Metropolitan Planning Organization (MPO)- \$47,500 -**Secured**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54

- Derek Mihaly, P.E., Project Manager II
CSX Transportation, Inc.
4 Neshaminy Interplex, Suite 205
Trevose, PA 19053
derek_mihaly@csx.com
- D. Shawn Starling, Senior Project Engineer
Norfolk Southern Corporation
1200 Peachtree Street, NE
Atlanta, GA 30309
douglas.starling@nscorp.com
- Jeanette C. Uhl, Highway Design Manager
PennDOT Engineering District 1-0
255 Elm Street
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- Mark Chappell, P.E. Chief- Right of Way & Utility Division
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400 North St, 7th Floor
Harrisburg, PA 17120-0094
- Fritzer Shunk- Supervisor
North East Township
103000West Main Road
North East, PA 16428
- August Neff- Supervisor
North East Township
103000West Main Road
North East, PA 16428
- Russ LaFuria- Supervisor
North East Township
103000West Main Road
North East, PA 16428

Dated this January day of 31st, 2023.

Pamela Heuler
(Signature)