



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

IN REPLY PLEASE  
REFER TO OUR FILE

March 7, 2023

A-2023-3037717

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

Application of PPL Electric Utilities Corporation for approval of the alteration of the public crossing (DOT 361 437 D) by the replacement of a utility pole where Phoenix Street (State Route 2027) crosses, at grade, a track of Reading Blue Mountain and Northern Railroad, located in Duryea Borough in Luzerne County.

To Whom It May Concern:

By application filed with the Commission on January 19, 2023 and revised on January 20, 2023, PPL Electric Utilities Corporation (PPL) seeks Commission approval to alter the public crossing (DOT 361 437 D) by the replacement of a utility pole where Phoenix Street (State Route 2027) crosses, at grade, a track of Reading Blue Mountain and Northern Railroad, located in Duryea Borough in Luzerne County.

PPL will replace the utility pole on the southern side of the crossing. The new pole will support existing and future loading conditions and maintain current clearance requirements. The existing wires will be reattached to the new pole. The installation will provide a minimum vertical clearance of the aerial wires twenty-seven feet seven-inches (27'-7") above the top of rail.

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.

In its application, PPL, states that the proposed installation is necessary to provide adequate, efficient, and reasonable communication facilities and power to its customers in Luzerne County. PPL will be directed to perform the necessary installation, provide for maintenance and protection of highway and pedestrian traffic during installation and accept future maintenance responsibility for its facilities, at its sole cost and expense. The cost of the project is anticipated to be approximately \$10,000.

All work is to be performed in accordance with the plans entitled: "EXHIBIT A," consisting of one (1) sheet submitted to the Commission with the revised application on January 20, 2023.

PPL has served a copy of the application and plans on Pennsylvania Department of Transportation, Verizon, RCN Telecom Services of Pennsylvania, Comcast, Reading Blue Mountain and Northern Railroad, Duryea Borough and Luzerne County. All parties in interest were queried by letter sent by electronic mail on January 25, 2023, as to any objection to the subject application and plans. None of the parties 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.

Upon full consideration of the matters involved, we find that a hearing is not necessary and that a Secretarial Letter may be issued approving the application.

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 PPL Electric Utilities Corporation is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The crossing (DOT 361 437 D) where Phoenix Street (State Route 2027) crosses, at grade, the tracks of Reading Blue Mountain and Northern Railroad, located in Duryea Borough, Luzerne County, be altered generally in accordance with the installation plan entitled: "EXHIBIT A," consisting of one (1) sheet provided to the Commission on January 20, 2023; which plan is made part hereof and is hereby approved except insofar as it may relate to the division of work, deletion of work, or the allocation of costs and expenses incident to the installation of the project.
3. PPL Electric Utilities Corporation, at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by the replacement of the utility pole on the southern side of the subject crossing, all in accordance with the approved plan and this Secretarial Letter.
4. PPL Electric Utilities Corporation, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain any detours or traffic controls that may be required to properly and safely accommodate highway and pedestrian traffic during the time the crossing is being altered.

5. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility, other than PPL Electric Utilities Corporation, which may be required as incidental to the alteration of the crossing, be made by said public utility 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.

6. Reading Blue Mountain and Northern Railroad, at the sole cost and expense of PPL Electric Utilities Corporation, furnish all material and perform all work relating to its facilities which may be required as incidental to the performance of the proposed work and furnish any watchmen, flagmen, inspectors and/or engineering services that may be deemed necessary to protect the railroad's operations or facilities during the time the facilities are being installed.

7. PPL Electric Utilities Corporation, at its sole cost and expense, 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.

8. The alteration of the crossing be completed on or before March 1, 2024, and that on or before said date PPL Electric Utilities Corporation, report in writing the date of actual completion of the work to this Commission and certify to the parties of record and this Commission that the work has been satisfactorily completed in accordance with the approved plans and this Secretarial Letter.

9. PPL Electric Utilities Corporation, at its sole cost and expense, pay all compensation for damages, if any, due to owners of property taken, injured or destroyed by reason of the alteration of the crossing in accordance with this Secretarial Letter.

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

11. PPL Electric Utilities Corporation cooperate with the non-carrier utilities involved, so that during the alteration of the involved crossing, the facilities of the non-carrier utilities will not be endangered or unnecessarily interrupted.

12. PPL Electric Utilities Corporation, at least seven (7) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

13. Upon completion of the alteration of the crossing, PPL Electric Utilities Corporation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain their utility pole and any ancillary facilities installed in accordance with the approved plans and this Secretarial Letter.

14. Upon completion of the alteration of the crossing, Reading Blue Mountain and Northern Railroad, at its sole cost and expense furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the crossing, including the flashing-light warning signals, gates, bells, crossbucks, circuitry, tracks, wire lines and all appurtenant equipment and to maintain at all times in a safe, smooth and satisfactory condition the crossing surface for the full width of the roadway located between the rails and for a distance of twenty-four (24) inches beyond the outermost rails, for the full width of the roadway, shoulders and sidewalk approaches; all in accordance with the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide the Pennsylvania Department of Transportation at least ten (10) business days advance notice when performing any work as directed by this paragraph.

15. Upon completion of the alteration of the crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway approach roadways and shoulders to the subject crossing to points twenty-four (24) inches beyond each outside rail in a safe, smooth and satisfactory condition and in addition to maintain the railroad pavement markings, stop lines and (W10-1) railroad advanced warning signs on the approaches thereto, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide Reading Blue Mountain and Northern Railroad, at least ten (10) business days advance notice when performing any work as directed by this paragraph.

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.

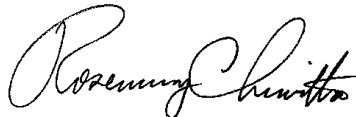
The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

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 cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta  
Secretary