



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

IN REPLY PLEASE
 REFER TO OUR FILE

May 25, 2023

A-2023-3039131

TO ALL PARTIES OF RECORD

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter three (3) public at-grade crossings by the installation of new railroad warning devices where State Route 2006 (Chestnut Street) (DOT 592 142 Y), State Route 2008 (Franklin Street) (DOT 592 143 F), and Cherry Street (DOT 592 144 M) all cross, at grade, a single track of Norfolk Southern Railway Company in the City of Reading, Berks County all in accordance with the Federal Grade Crossing Program and the allocation of costs thereto.

To Whom It May Concern:

This matter is before us by reason of an application filed with the Commission on March 21, 2023, by the Department of Transportation of the Commonwealth of Pennsylvania (Department) seeking Commission approval to alter three (3) public at-grade crossings where the following public highways cross, at grade, a single track of Norfolk Southern Railway Company:

<u>No.</u>	<u>HIGHWAY</u>	<u>DOT #</u>	<u>Municipality</u>
1.	Chestnut Street (State Route 2006)	592 142 Y	City of Reading
2.	Franklin Street (State Route 2008)	592 143 F	City of Reading
3.	Cherry Street (city road)	592 144 M	City of Reading

A field investigation and conference was arranged by a Commission staff engineer and held on May 3, 2023 at the site of the subject crossings. Representatives of the Department, Berks County Planning Commission, Norfolk Southern Railway Company, Reading Area Water Authority, City of Reading, and UGI Utilities, Inc. were in attendance. Although notified by letter dated April 17, 2023, there were no representatives of Comcast Cable Communications Inc, Verizon Pennsylvania, LLC, Lumen Pennsylvania Division or MetEd/First Energy, in attendance at the field conference.

The parties discussed the details of the crossing alteration projects at the field conference, as outlined below:

Crossing No. 1 – Chestnut Street (State Route 2006)

At the field conference, it was noted that Chestnut Street (State Route (SR) 2006) is a curbed, two (2) lane, one-way travelling westbound, bituminous paved state highway, with sidewalks, which crosses, at grade, a single track of Norfolk Southern Railway Company (DOT 592 142 Y) with an asphalt and rail seal crossing surface. The crossing is equipped with a post mounted flashing light signal with two (2) sets of roundels, crossbuck and emergency notification signage, gate and bell. The approach roadway is equipped with two (2) advance warning signs (W10-1), pavement markings and stop lines on both travel lanes.

The Department described the details of the proposed alterations which include the installation of a new bell, and new post mounted LED flashing light signals and gates located on both sides of the roadway. The posts will be located so that the gates will block both the sidewalks and travel lanes on both sides of the roadway.

Crossing No.2 – Franklin Street (State Route 2008)

At the field conference, it was noted that Franklin Street (SR 2008) is a curbed, three (3) lane, one-way travelling eastbound, bituminous paved state highway, with sidewalks, which crosses, at grade, a single track of Norfolk Southern Railway Company (DOT 592 143 F) with an asphalt and rail seal crossing surface. The crossing is equipped with a post mounted flashing light signal with two (2) sets of flashing lights, crossbuck and emergency notification signage, gate and bell. The approach roadway is equipped with an advance warning sign (W10-1), pavement markings and stop lines on all travel lanes.

The Department described the details of the proposed alterations which include the installation of a new bell, and a new post-mounted LED flashing light signal and gate on the northern side of the crossing, and a cantilevered structure with LED flashing lights and a gate on the southern side of the crossing. The gates will be positioned so that they block pedestrian traffic on the sidewalks in addition to the roadway travel lanes. An additional set of roundels will be installed pointing toward a parking area located adjacent to the crossing on the northern side.

Crossing No.3 – Cherry Street

At the field conference, it was noted that Cherry Street is a curbed, two (2) lane, one-way travelling westbound, bituminous paved City roadway, with sidewalks, which crosses, at grade, a single track of Norfolk Southern Railway Company (DOT 592 144 M) with an asphalt and rail seal crossing surface. The crossing is equipped with a post mounted flashing light signal with two (2) sets of flashing lights, crossbuck and emergency notification signage, gate and bell. There were no observed advance warning signs (W10-1), pavement markings or stop lines on the approach roadways.

The Department described the details of the proposed alterations which include the installation of a new bell, and new post-mounted LED flashing light signals and gates. The gates will be positioned so that they block pedestrian traffic on the sidewalks in addition to the travel lanes of the roadway. The City of Reading agreed to install and maintain advance warning signs (W10-1), pavement markings and stop lines on both travel lanes of the approach roadway.

No party in attendance at the field conference objected to the proposed improvements as discussed. Norfolk Southern Railway Company agrees to do all of the work to install the active warning devices and any ancillary facilities including, but not limited to, associated circuitry, installation of all signage at the crossing, and all service bungalows, all at the Department's sole cost and expense. The project will be funded through the Federal Highway Grade Crossing Safety Program disbursed through the Department of Transportation of the Commonwealth of Pennsylvania with an estimated project cost of \$1,185,828.00.

Norfolk Southern Railway Company agrees to maintain all the new warning devices and associated upgrades including updated circuitry, as well as the asphalt crossing surfaces at all three (3) locations for a distance of twenty-four (24) inches beyond the outermost rail, in a smooth and satisfactory condition.

It could not be determined if any facilities of any non-carrier public utility will be affected by the alteration of the crossing. If necessary, non-carrier public utilities will relocate their facilities at their initial cost and expense.

The Commission hereby establishes its jurisdictional limit at the three subject public crossings as the areas within the confines of the railroad right-of-way and the highway right-of-way.

Upon full consideration of the matters involved and inasmuch as no objection has been filed with the Commission, 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, or safety of the public.

The application of Department of Transportation of the Commonwealth of Pennsylvania is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The application of the Pennsylvania Department of Transportation for approval to alter three (3) public, at-grade, crossings by the upgrade and replacement of the railroad warning devices at the crossings where State Route 2006 (Chestnut Street) (DOT 592 142 Y), State Route 2008 (Franklin Street) (DOT 592 143 F), and Cherry Street (DOT 592 144 M) all cross a single track of Norfolk Southern Railway Company, located in the City of Reading, Berks County, be and is hereby is approved to the extent provided herein.
3. Norfolk Southern Railway Company, at the sole cost and expense of the Pennsylvania Department of Transportation, furnish all material and perform all work necessary to alter the State Route 2006 (Chestnut Street) (DOT 592 142 Y), State Route 2008 (Franklin Street) (DOT 592 143 F), and Cherry Street (DOT 592 144 M) crossings by removing the existing railroad warning devices and installing multiple new automatically operated post mounted flashing-light warning signals and a minimum of one cantilever, all with (LED) roundels, gates, and bells in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

4. Norfolk Southern Railway Company, at the sole cost and expense of the Pennsylvania Department of Transportation and prior to the start of construction, prepare and submit a final situation plan for the subject crossings to all parties for review and to the Commission for approval.
5. Norfolk Southern Railway Company, at the sole cost and expense of the Pennsylvania Department of Transportation and prior to the start of construction, prepare and submit a final circuitry plan to Pennsylvania Department of Transportation for review and the Commission for approval.
6. The City of Reading, at its sole cost and expense perform all work necessary to install advance warning signs (W10-1), pavement markings and stoplines, on all travel lanes, to its roadway approaches of Cherry Street at public crossing (DOT 592 144 M), all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.
7. Norfolk Southern Railway Company, at the sole cost and expense of the Department of Transportation of the Commonwealth of Pennsylvania, furnish all material and perform all work necessary to establish and maintain any detours or traffic controls at the subject crossings, if needed, that may be required to properly and safely accommodate highway and pedestrian traffic during the time the crossings are being altered.
8. Norfolk Southern Railway Company, at the sole cost and expense of the Department of Transportation of the Commonwealth of Pennsylvania furnish and maintain watchmen, flagmen and/or inspectors that may be deemed necessary to protect and safeguard its railroad operations or facilities during the time the facilities are being constructed.
9. Norfolk Southern Railway Company pay all compensation for damages, if any, due to the owners of property taken, injured or destroyed by reason of the alteration of the crossings in accordance with this Secretarial Letter.
10. Any relocation of, changes in and/or removal of any adjacent structures, equipment or facilities of any non-carrier public utility or municipal authority, which may be required as incidental to the alteration of the crossing be made by said public utility or municipal authority at its initial cost, and in such a manner as will not interfere with the alteration of the crossings; and such relocated or altered facilities thereafter be maintained by said public utility at its sole cost and expense.
11. Norfolk Southern Railway Company provide at least ten (10) days advance notice of the start of work to each party involved in this proceeding for the alteration of the crossings involved.
12. 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.

13. All work necessary to alter the subject crossings be completed in a manner satisfactory to this Commission on or before December 31, 2024, and that on or before said date, Department of Transportation of the Commonwealth of Pennsylvania report in writing to this Commission the date of actual completion of the work.

14. All costs which are to be reimbursed by the Department of Transportation consistent with this letter shall be reimbursed pursuant to the provisions of 23 C.F.R. 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. Upon completion of the alteration of the subject crossings, Norfolk Southern Railway Company, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its railroad facilities at all three (3) subject crossings, including but not limited to all cantilevers, post mounted flashing light signals, gates, bungalows, and all appurtenant equipment, and maintain at all times in a smooth and satisfactory condition the asphalt crossing surfaces located at all crossings between the rails and for a distance of twenty-four (24) inches beyond the outermost rails all in accordance this Secretarial Letter; and provide the City of Reading and the Department of Transportation of the Commonwealth of Pennsylvania at least (10) business days advance notice when performing any work as directed by this paragraph.

16. Upon completion of the alteration of the subject crossings, the Department of Transportation of the Commonwealth of Pennsylvania, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its highway approach roadways to Crossing No. 1, State Route 2006 (Chestnut Street) and Crossing No. 2, State Route 2008 (Franklin Street) to points 24.0-inches beyond the outermost rail, and, in addition, maintain the grade crossing advance warning signs, pavement markings and stop lines, as required, on the approaches thereto, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter; and provide Norfolk Southern Railway Company at least ten (10) business days advance notice when performing any work as directed by this paragraph.

17. Upon completion of the alteration of the subject crossings, the City of Reading, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its highway approach roadways to Crossing No. 3, Cherry Street, to points 24.0-inches beyond the outermost rail, and, in addition, maintain the grade crossing advance warning signs, pavement markings and stop lines, as required, on the approaches thereto, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter; and provide Norfolk Southern Railway Company at least ten (10) business days advance notice when performing any work as directed by this paragraph.

18. The City of Reading, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its sidewalks at all three (3) crossings in a safe and satisfactory condition.

19. Upon completion of the construction of the proposed project, each non-carrier public utility company and municipal authority, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its respective facilities, existing or altered, located within the limits of the improvement.

20. 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 costs incurred by any of the public utility companies and other matters relevant to this.

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.

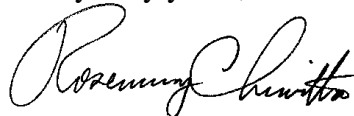
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax or by e-mail. Parties are encouraged to file formal documents by eFiling with the Secretary of the Commission by opening an Efiling account through the Commission's website (the account is free of charge) 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. There are certain filings that cannot be eFiled, such as filings containing confidential or proprietary material. These must be submitted to the Secretary by overnight delivery, priority, or certified mail to allow tracking of your filing.

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 eFiled with the Secretary of the Commission or sent to: Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120, and must be filed 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