



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

IN REPLY PLEASE
REFER TO OUR FILE
A-2020-3020537

June 15, 2023

TO ALL PARTIES OF RECORD

Application of CSX Transportation, Inc. for approval of the abolition of two (2) crossings where Strickler Street (DOT # 145 461 L) and Griscom Street (DOT # 145 455 H) cross, at grade, two (2) tracks of CSX Transportation, Inc. located in Dawson Borough, Fayette County.

To Whom It May Concern:

By application filed with the Commission on June 26, 2020, CSX Transportation, Inc. (CSXT), applied for approval to abolish the two (2) crossings where Strickler Street (DOT # 145 461 L) and Griscom Street (DOT # 145 455 H) cross, at grade, two (2) tracks of CSXT located in the Borough of Dawson (Dawson), Fayette County.

Presently, the Strickler Street (DOT # 145 461 L) crossing consists of two (2) tracks of CSXT with rubber flangeway and asphalt crossing surfaces aligned east and west. Strickler Street, is a two-lane asphalt roadway with sidewalks on the south side of the crossing, aligned north and south. On the northern side of the crossing there is a four-way intersection of Strickler Street and Railroad Street. Railroad Street is aligned east to west and is parallel with the tracks and has a Stop sign on both approaches to the intersection with Strickler Street. The warning facilities on the north-bound approach to the crossing consist of crossbucks, a "Two-Tracks" sign, a "Yield" sign and a "Stop" sign. The warning facilities on the south-bound approach to the crossing consist of crossbucks, a "Two-Tracks" sign and a "Yield" sign.

Presently, the Griscom Street (DOT # 145 455 H) crossing consists of two (2) tracks of CSXT with rubber flangeway and asphalt crossing surfaces aligned east and west. Griscom Street is a two-lane asphalt roadway aligned north and south with sidewalks on the south side of the crossing. On the northern side of the crossing there is a four-way intersection with Railroad Street (S.R. 0819). Railroad Street is aligned east to west and is parallel with the tracks. The warning facilities on the north-bound approach to the crossing consist of crossbucks, a "Two-Tracks" sign, a "Yield" sign and a "Stop" sign. The warning facilities on the south-bound approach to the crossing consist of crossbucks and a "Two-Tracks" sign.

An initial field conference was held on June 2, 2021. The field conference was attended by representatives from the Pennsylvania Department of Transportation (“PennDOT”), CSXT, Bergman Associates (on behalf of CSXT), Dawson, Columbia Gas, North Fayette Water Authority, Verizon, Yough Sanitary Authority, and residents Scott Wyland, Rick Goodwin, Gary Huffine, and Jack Bibby.

On November 12, 2021, the Commission received a protest to the application from Dawson. The proceeding was reassigned to the Office of Administrative Law Judge to be scheduled for a hearing.

On January 4, 2022, a Telephonic Call-In Prehearing Conference was held before Administrative Law Judge Elizabeth Barnes, in which CSXT, Dawson, PennDOT and the Commission’s Bureau of Investigation and Enforcement (I&E) participated. A litigation schedule was established at the prehearing conference and was memorialized in a Procedural Order dated January 5, 2022. The parties thereafter requested that the matter be submitted to mediation, which was held via videoconference on March 3, 2022.

Several mediation sessions were held thereafter via videoconference, culminating in an agreement among the four active parties on the terms of a settlement. CSXT, Dawson, PennDOT and I&E agreed to the items listed on the settlement term sheet that was signed by Dawson on March 8, 2023, by CSXT and I&E on April 14, 2023, and by the Department on April 18, 2023.

The Commission hereby establishes its jurisdictional limits at the subject crossings as the area within the confines of the railroad right-of-ways and the highway rights-of-way, for the subject crossings.

The project will be funded by CSXT, PennDOT and Dawson as stipulated in this Secretarial Letter.

Upon full consideration of the matters involved and inasmuch as no objections have been filed with the Commission, we find that a Secretarial Letter can 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 abolition of the two (2) subject crossings are necessary and proper for the service, accommodation, convenience or safety of the public.

The crossings shall be abolished as herein directed:

1. The Borough of Dawson agrees to withdraw its protest dated November 12, 2021, to CSX Transportation, Inc.’s, application to abolish the Strickler and Griscom Street crossings.
2. CSX Transportation, Inc., at its sole cost and expense, upon the abolition of the Strickler and Griscom Street crossings, will pay the Borough of Dawson the sum of Twenty Thousand Dollars and 00/100 Cents (\$20,000.00) for the closure of each crossing, for a total of Forty Thousand and 00/100 Dollars (\$40,000.00).

3. Pennsylvania Department of Transportation, at its sole cost and expense, agrees to match the amounts of CSX Transportation, Inc.'s payments to the Borough of Dawson for the abolishment of each of the two crossings, in the total amount of Forty Thousand and 00/100 Dollars (\$40,000.00) for the two crossings.

4. CSX Transportation, Inc., at its sole cost and expense, at the Griscom Street crossing will remove the crossing surface between the tracks and the roadway paving for two feet outside of its southern most track on the south approach to the crossings and to the edge of SR 0819 (Railroad Street) on the north approach to the crossing.

5. CSX Transportation, Inc., at its sole cost and expense, at the Strickler Street crossing will remove the crossing surface between the tracks and the roadway paving for two feet outside of its southern most track on the south approach to the crossings and to the edge of Railroad Street on the north approach to the crossing.

6. CSX Transportation, Inc., at its sole cost and expense, shall remove the crossbucks, "Two-Tracks" signs, "Yield" signs and "Stop" signs, if any, on both approaches to the subject crossings.

7. CSX Transportation, Inc., at its sole cost and expense, at the Griscom Street crossing shall restore the curbing in kind along the edge of SR 0819.

8. CSX Transportation, Inc., at its sole cost and expense, shall install roadway guide rails and permanent, type 3 reflective barricades on the southern approaches to the Strickler and Griscom Street crossings at a location to be determined by the Borough of Dawson and approved by the Commission's Bureau of Technical Utility Services.

9. The Borough of Dawson, at its sole cost and expense, shall install roadway signage, such as a "Dead End" (W14-1) or "No Outlet" (W14-2) signs, on the southern approaches to the crossings on Strickler Street and Griscom Street or at the road's intersection with River Road.

10. The Pennsylvania Department of Transportation, at its sole cost and expense, shall paint solid lines on the edges of SR 0819 and will complete any other highway paint on SR 0819 required to notify the traversing public that they cannot cross the railroad tracks.

11. All work necessary to complete the work at the subject public crossings shall be done in a manner satisfactory to this Commission within six (6) months from the date of a Commission Order or Secretarial Letter, and that on or before said date, CSX Transportation, Inc. and the Borough of Dawson shall notify the Commission, in writing, the date the work is completed.

12. Upon the Commission receiving written notice from CSX Transportation, Inc., and the Borough of Dawson of the completion of the work ordered herein and after a final inspection of the work has been completed and deemed satisfactory by the Commission's Bureau of Technical Utility Services, Rail Safety Section, and that there are no outstanding issues, the public crossings at Strickler Street (DOT # 145 461 L) and Griscom Street (DOT # 145 455 H) be and hereby are abolished.

13. CSX Transportation Inc., at its sole cost and expense, furnish any watchmen, flagmen, inspectors and/or engineering services deemed necessary to protect its railroad facilities or operations during the time the project is being constructed.

14. CSX Transportation Inc., 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 their work described herein for the abolition of the subject crossings in accordance with this Secretarial Letter.

15. All parties involved herein cooperate fully and coordinate work with each other so that during the time the work is being performed, vehicular and pedestrian 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.

16. CSX Transportation Inc., 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.

17. Pennsylvania Department of Transportation agrees with the need for installation of Active Warning Devices at the Stauffer Street (DOT # # 145 462 T), Galley Street (DOT # # 145 457 W), and Main Street (DOT # # 145 454 B) public highway crossings in the Borough of Dawson and will begin the process of programing and seeking funding to upgrade those crossings immediately upon the date of issuance of this Secretarial Letter.

18. Pennsylvania Department of Transportation agrees to submit an application to the Commission within two (2) months of securing the funding for the upgrades to Stauffer Street (DOT # 145 462 T), Galley Street (DOT # 145 457 W), and Main Street (DOT # 145 454 B) and agrees to construct the crossing upgrades within eighteen (18) months of a Commission Order or Secretarial Letter approving the application.

19. The Borough of Dawson will execute a resolution and authorization to allow the Pennsylvania Department of Transportation to submit a PUC application on its behalf.

20. The Pennsylvania Department of Transportation agrees to keep the other parties and the Commission apprised of the progress of its application to secure funding in writing every six months from the date of issuance of this Secretarial Letter.

21. Upon completion of the abolition of the crossings, the Borough of Dawson, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the guide rail, type 3 permanent reflective barricades, and the "Dead End" (W14-1) or "No Outlet" (W14-2) signs on the southern approaches to the subject crossings and in a safe and satisfactory condition, all in accordance with this Secretarial Letter, and provide CSX Transportation Inc., ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities.

22. Upon completion of the abolition of the crossings, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain their facilities in a safe and satisfactory condition, all in accordance with this Secretarial Letter, and provide the Borough of Dawson and CSX Transportation Inc., ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities.

23. Upon completion of the abolition of the crossings, CSX Transportation Inc., at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain their facilities in a safe and satisfactory condition, all in accordance with this Secretarial Letter, and provide the Borough of Dawson and the Pennsylvania Department of Transportation ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities.

24. 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.

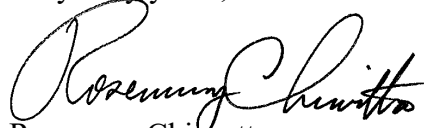
If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action (Petition) with the Commission within twenty (20) days of the date of this letter. All formal documents must be filed with the Secretary 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.

The Petition shall be eFiled, mailed, or hand delivered 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 that reads "Rosemary Chiavetta". The signature is written in black ink and is positioned above the printed name and title.

Rosemary Chiavetta
Secretary