



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

**IN REPLY PLEASE
REFER TO OUR FILE**

October 18, 2023

A-2023-3042164

TO ALL PARTIES OF RECORD

Application of the Pennsylvania Department of Transportation for approval to alter two (2) public at grade crossings (DOT 145 306 G and DOT 145 314 Y) by upgrading warning devices and replacing the crossing surfaces where Shady Grove Road (State Route 1020) and Gallatin Road (State Route 1020) cross respectively, at grade, a track of Southwest Pennsylvania Railroad Company, in North Union Township, Fayette County, and the allocation of costs incident thereto.

To Whom It May Concern:

This matter is before us by reason of an application filed August 10, 2023, by the Pennsylvania Department of Transportation (Department) seeking Commission approval for the alteration of two (2) public at grade crossings (DOT 145 306 G and DOT 145 314 Y) by upgrading warning devices and replacing crossing surfaces where Shady Grove Road (State Route 1020) and Gallatin Road (State Route 1020) cross respectively, at grade, a track of Southwest Pennsylvania Railroad Company (SPR), in North Union Township, Fayette County, and the allocation of costs incident thereto.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held on September 6, 2023. Attending the field conference were representatives from the Department, North Union Township and SPR. Although invited to the field conference by electronic mail sent August 25, 2023 and notified of the time and place, no representatives participated in the meeting from North Fayette County Municipal Authority, Verizon Pennsylvania LLC, Columbia Gas of PA, or Breezeline.

Shady Grove Road (State Route 1020) consists of a two-lane asphalt roadway which crosses, at grade, a track of SPR. The crossing has an asphalt crossing surface. There are no sidewalks. The warning facilities at the crossing consist of post-mounted flashing lights with no gates. There are grade crossing pavement markings and Grade Crossing Advance Warning (W10-1) signs but no stop lines on both approaches to the crossing.

Gallatin Road (State Route 1020) consists of a two-lane asphalt roadway which crosses, at grade, a track of SPR. The crossing has a concrete surface. There are no sidewalks. The warning facilities at the crossing consist of post-mounted flashing lights with gates. There are grade crossing pavement markings, stop lines, and Grade Crossing Advance Warning (W10-1) signs on both approaches to the crossing. There are trees and weeds along the edge of the roadway that interfere with visibility of the existing warning signals.

At the field conference, the Department explained the project which consists of making safety upgrades at the two (2) railroad crossings. At the Shady Grove Road (State Route 1020) crossing SPR, at the sole cost and expense of the Department, will replace the existing warning signals with new post-mounted flashing-light LED warning signals with gates and a bell, remove the existing crossing surface and install a new asphalt and rail seal crossing surface for the full width of the roadway and shoulders. The Department will install stop lines on both crossing approaches.

At the Shady Grove Road (State Route 1020) crossing SPR, at the sole cost and expense of the Department, will furnish all material and do all work necessary to replace the existing warning signals with new post-mounted flashing-light LED warning signals with gates and a bell, remove the existing crossing surface and install a new asphalt and rail seal crossing surface for the full width of the roadway and shoulders. The Department will trim trees and remove trees and brush along the crossing approaches of Gallatin Road.

SPR, at the sole cost and expense of Pennsylvania Department of Transportation, will furnish all material and perform all work necessary to establish and maintain any detours or traffic controls at the subject crossings that may be required to properly and safely accommodate highway and pedestrian traffic during the time the crossings are being altered. SPR will need to close the roadways at the subject crossings during the crossing surface replacements. In coordination with the crossing surface replacement at the Gallatin Road crossing, the Department may elect to perform maintenance of the expansion dams on the bridge over Cove Run on the northeast side of the subject crossing.

All parties of the diagnostic team discussed the proposed safety improvements at the subject crossings. SPR agreed to maintain its facilities at the crossings including the crossing surfaces, the automatically operated flashing-light warning signals, bells and all appurtenant equipment installed or existing in accordance with this Secretarial Letter. The Department agreed to maintain the Grade Crossing Advance Warning (W10-1) signs, stop lines, pavement markings and approach roadways at the subject crossings, all in accordance with this Secretarial Letter.

The Commission hereby establishes its jurisdiction limits at the subject crossings as the area within the confines of the railroad right-of-way and the highway right-of-way.

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.

The Department will provide 100% federal funding through betterment funds. The estimated total cost for the project is \$650,000.00.

It does not appear that any facilities of any non-carrier public utility will be affected by the alteration of these crossings.

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 subject crossings are necessary and proper for the service, accommodation, convenience or safety of the public.

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

1. The caption of the subject proceeding is hereby revised as shown.
2. The public crossings (DOT 145 306 G and DOT 145 314 Y) where Shady Grove Road (State Route 1020) and Gallatin Road (State Route 1020) cross respectively, at grade, a track of Southwest Pennsylvania Railroad Company, in North Union Township, Fayette County, be altered as herein directed.
3. Southwest Pennsylvania Railroad Company, at the sole cost and expense of Pennsylvania Department of Transportation, prior to the start of construction, submit final situation plans for both subject crossings to all parties of record for review and to the Commission for approval.
4. Southwest Pennsylvania Railroad Company, at the sole cost and expense of Pennsylvania Department of Transportation, prior to the start of construction, submit detailed circuit plans for both subject crossings to the Pennsylvania Department of Transportation for review and to the Commission for approval.
5. Southwest Pennsylvania Railroad Company, at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to alter the Shady Grove Road (State Route 1020) crossing by removing the existing warning devices, installing new post-mounted flashing-light LED warning signals with gates and a bell on each approach to the crossing, removing the existing crossing surface, installing a new asphalt and rail seal crossing surface for the full width of the roadway and shoulders; all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices, the approved plans and this Secretarial Letter.
6. Southwest Pennsylvania Railroad Company, at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to alter the Gallatin Road (State Route 1020) crossing by removing the existing warning devices, installing new post-mounted gate-ready flashing-light LED warning signals with gates and a bell on each approach to the crossing, removing the existing crossing surface, and installing a new asphalt and rail seal crossing surface for the full width of the roadway and shoulders, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices, the approved plans and this Secretarial Letter.

7. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to install stop lines on both approaches to the Shady Grove Road crossing and will trim and remove trees and brush along both approaches to the Gallatin Road crossing.

8. Southwest Pennsylvania Railroad Company, at their initial cost and expense, furnish and maintain any flagmen, watchmen, inspectors and/or engineering services, which may be necessary to protect and safeguard its railroad operations or facilities during the time the project is being constructed.

9. Southwest Pennsylvania Railroad Company, at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and perform all work necessary to establish and maintain any detours or traffic controls at the subject crossings that may be required to properly and safely accommodate highway and pedestrian traffic during the time the crossings are being altered.

10. Southwest Pennsylvania Railroad Company, pay all compensation for damages due to the owners of any property taken, injured or destroyed by reason of the alteration of the subject crossings in accordance with this Secretarial Letter.

11. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company, which may be required as incidental to the alteration of the crossings, be made by said public utility at its initial cost and expense and in such 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.

12. Southwest Pennsylvania Railroad Company, notify all parties of record and local emergency management services at least ten (10) days prior to performing any work in accordance with this Secretarial Letter.

14. 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.

15. All work necessary to complete the alteration of the subject crossings be done in a manner satisfactory to this Commission on or before December 31, 2025, and that on or before said date, Southwest Pennsylvania Railroad Company, report the date of actual completion of the work.

16. All costs, which are to be reimbursed by the Department of Transportation consistent with this Secretarial 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.

17. Upon completion of the alteration of the subject crossings, Southwest Pennsylvania Railroad Company, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the subject crossings, including the post-mounted flashing-light LED warning signals, bells, gates and all appurtenant equipment, and to maintain at all times in a smooth and satisfactory condition the railroad crossing surfaces located between the rails and for a distance of twenty-four (24) inches beyond the outermost rails; and provide at least ten (10) business days of advance notice to Pennsylvania Department of Transportation and to North Union Township, when performing any work that may affect their facilities, as directed by this paragraph.

18. Upon completion of the alteration of the subject crossings, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to maintain the highway approaches to the subject crossings to points twenty-four (24) inches beyond each outside rail and, in addition, maintain the pavement markings, Grade Crossing Advance Warning (W10-1) signs and stop lines on the approaches thereto, in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter; and provide at least ten (10) business days of advance notice to Southwest Pennsylvania Railroad Company, when performing any work that may affect their facilities, as directed by this paragraph.

19. 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 the public 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.

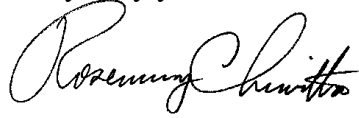
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax 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,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive style with a large initial "R".

Rosemary Chiavetta
Secretary