



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

IN REPLY PLEASE
REFER TO OUR FILE

December 4, 2023

A-2023-3042021

TO ALL PARTIES OF RECORD

Application of Gettysburg and Northern Railroad for approval to alter the public crossing (DOT 593 409 R) by the installation of upgraded railroad warning devices where State Route 0394 (East Hanover Street) crosses, at grade, two (2) tracks of Gettysburg and Northern Railroad located in Biglerville Borough, Adams County.

To Whom It May Concern:

This matter is before us by reason of an application received by the Commission on August 1, 2023, by Gettysburg and Northern Railroad (GET) seeking Commission approval to alter the public crossing (DOT 593 409 R) by the installation of upgraded railroad warning devices where State Route (S.R.) 0394 (East Hanover Street) crosses, at grade, two (2) tracks of GET located in Biglerville Borough, Adams County.

Upon receipt of the application a field investigation and conference was arranged by a Commission staff engineer and held on September 20, 2023, at the site of the subject crossing. Representatives of Biglerville Borough, GET, CSR Engineering (consultant for GET), CDL Electric (consultant for GET), KPI Technology (borough engineer), the Pennsylvania Department of Transportation, and the Federal Railroad Administration were in attendance. Although notified by letter sent via electronic mail dated August 17, 2023, there were no representatives from Adams County or Adams Electric Cooperative, Inc. in attendance. Biglerville Borough will be made a party to the subject proceeding since they were not served a copy of the application by GET.

At the field conference, it was noted that S.R. 0394 (East Hanover Street) is a two (2) lane, bi-directional asphalt paved roadway with shoulders that crosses (DOT 593 409 R), at grade, two (2) tracks of GET. The existing railroad crossing consists of an asphalt crossing surface and is equipped with existing railroad warning devices consisting of eight (8) sets of cantilever mounted automatically operated incandescent flashing-light warning signals, mechanical bell, Crossbuck (R15-1) signs, "2 Tracks" (R15-2P) signs, and emergency notification (I-13) signs. Each roadway approach has grade crossing advanced warning (W10-1) signs, grade crossing pavement markings, and stop lines.

According to the Federal Railroad Administration's grade crossing database the crossing is located at mile post 23.67 on GET's line which experiences 2 daytime train movements per day at maximum timetable speed of 10 miles per hour. S.R. 0394 (East Hanover Street) was reported as having an average daily traffic volume of 2,385 vehicles with 5% truck traffic and has a posted speed limit of 30 miles per hour.

In its application, GET averred that the alteration of the subject public crossing was necessary to promote safer traffic flow along with enhancing railroad operations and safety.

GET described the project in detail and provided preliminary plans attached to the subject application. GET proposes to install new 2-way assemblies, new mounting arms, new backgrounds, a new electronic bell, new LED flashers with hoods, and new emergency notification (I-13) signs, at its sole cost and expense.

GET agrees to perform the necessary alterations, provide for maintenance and protection of highway and pedestrian traffic during the time the work is being performed and agrees to the future maintenance of all railroad facilities at the subject crossing including the active railroad warning devices and the crossing surface, at its sole cost and expense.

The Pennsylvania Department of Transportation agrees to maintain its highway facilities in advance of and at the subject public crossing including the roadway surface, advanced grade crossing warning signs, pavement markings, and stop lines, at its sole cost and expense.

It does not appear that any facilities of any non-carrier public utility will be affected by the alteration of the crossing. It will not be necessary for the Commission to appropriate railroad property to accommodate the improvement.

GET averred in its application that they would be providing 100% of the funding for the project. The proposed alteration of the subject crossing is part of the Gettysburg State and Private Investments Driving Economic Recovery (SPIDER) Project, which is publicly funded under the Consolidated Rail Infrastructure and Safety Improvement (CRISI) grant program. GET did not provide a cost estimate for the project.

The proposed alteration was discussed in detail at the field conference with all attending parties of record and none have advised that it objects to the issuance of a Secretarial Letter, prior to hearing, approving the alteration of the crossing.

The Commission hereby establishes its jurisdictional limits at the subject public crossing as the area within the confines of the railroad and 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.

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 crossing is necessary and proper for the service, accommodation, convenience, or safety of the public; THEREFORE:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. Biglerville Borough be made a party hereto.
3. The public crossing (DOT 593 409 R) where State Route 0394 (East Hanover Street) crosses, at grade, two (2) tracks of Gettysburg and Northern Railroad in Biglerville Borough, Adams County be altered as herein directed.
4. Gettysburg and Northern Railroad, at its sole cost and expense, furnish all material and perform all work necessary to alter the subject crossing by the installation of new active warning devices (2-way assemblies, mounting arms, backgrounds, electronic bell, LED flashers with hoods), and emergency notification (I-13) signs, within the right-of-way of the highway where State Route 0394 (East Hanover Street) crosses, at grade, two (2) tracks of Gettysburg and Northern Railroad in Biglerville Borough, Adams County; all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.
5. Gettysburg and Northern Railroad, 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 vehicular and pedestrian traffic during the time the crossing is being altered.
6. Gettysburg and Northern Railroad, at its sole cost and expense, furnish all material and perform all work necessary to 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 altered.
7. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority, which may be required as incidental to the alteration of the crossing be made by said public utility company or municipal authority at its initial cost and expense, 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 or municipal authority at its sole cost and expense.
8. 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.
9. Gettysburg & Northern Railroad, 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.
10. Gettysburg and Northern Railroad, at least seven (7) days prior to the start of work, notify local emergency management services and all parties of record of the actual date on which work will begin.

11. The alteration of the crossing be completed on or before December 31, 2024, and that on or before said date Gettysburg and Northern Railroad, 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 this Secretarial Letter.

12. Gettysburg and Northern Railroad, at its sole cost and expense, pay all compensation for damages, if any, due to the owners of property taken, injured, or destroyed by reason of the alteration of the crossing in accordance with this Secretarial Letter.

13. Upon completion of the alteration of the crossing, Gettysburg 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 subject crossing, including the warning devices and all appurtenant equipment, and maintain at all times in a smooth and satisfactory condition the crossing surface located between the rails and for a distance of twenty-four (24) inches beyond the outermost rails; all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide the Pennsylvania Department of Transportation and Biglerville Borough at least ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities.

14. Upon completion of the alteration of the crossing, the Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the highway approach roadway of the subject crossing to points twenty-four (24) inches beyond each outside rail, and in addition, maintain the grade crossing advance warning signs, pavement markings, and stop lines, if required; all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide Gettysburg and Northern Railroad and Biglerville Borough at least ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities.

15. Upon completion of the alteration of the crossing, 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.

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 costs incurred by the non-carrier utility companies and municipal authorities 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,



Rosemary Chiavetta
Secretary