



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

IN REPLY PLEASE
REFER TO OUR FILE

January 2, 2024

A-2023-3043463

TO ALL PARTIES OF RECORD

Application of the Southwest Pennsylvania Railroad Company for approval to alter the public crossing (DOT 145 337 F) by installing a new crossing surface and new active `railroad warning devices where Oliphant Road crosses, at grade, a track of Southwest Pennsylvania Railroad Company, located in Georges Township, Fayette County.

To Whom It May Concern:

This matter is before us by reason of an application filed September 25, 2023, by the Southwest Pennsylvania Railroad Company (SWP) seeking Commission approval to alter the public crossing (DOT 145 337 F) by installing a new crossing surface and new active railroad warning devices and where Oliphant Road crosses, at grade, a track of Southwest Pennsylvania Railroad Company, located in Georges Township, Fayette County.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held on November 15, 2023. Attending the field conference were representatives from the Pennsylvania Department of Transportation, SWP and Fayette County. Although invited to the field conference by letter sent by electronic mail on November 6, 2023, no representatives participated in the meeting from Georges Township or West Penn Power.

According to the Federal Railroad Administration's grade crossing database the public crossing has 2 train movements per day at a maximum timetable speed of 10 miles per hour. Oliphant Road was reported as having an average daily traffic volume of 223 vehicles and has a posted speed limit of 35 miles per hour.

Oliphant Road consists of a two-lane asphalt roadway with no sidewalks, which crosses, at grade, a track of SWP. The crossing previously had an asphalt crossing surface with crossbucks (R15-1) for warning facilities. Prior to the field conference, the SWP replaced the crossing surface, removed the crossbucks and installed the post-mounted flashing-lights warning signals.

At the field conference, the SWP described the details of the project and provided a situation plan attached to the subject application. SWP, at its sole cost and expense, will replace the existing crossing surface with a new asphalt and rail seal crossing surface for the full width of the roadway and shoulders, remove the crossbuck signs, and install new post-mounted flashing-light LED warning signals with gates and a bell.

At the field conference, it was determined that some of the alterations described in the application have already been performed at the crossing by the SWP. The new rail seal crossing surface was installed for the full width of the roadway and shoulders. The new flashing-light warning signals were installed but are not active. The signals need connected to power to become operational and then need tested. The warning signals and gates were installed according to the situation plan, entitled "EXHIBIT A" consisting of one sheet, attached to the subject application. SWP was directed to submit detailed circuitry plans to the Commission for approval.

The Commission will affirm and memorialize the crossing alterations previously completed by SWP.

Georges Township will be directed to install stop lines on both crossing approaches and to install a Grade Crossing Advance Warning (W10-1) sign on the north-bound approach to the crossing.

SWP agrees to the future maintenance of all railroad facilities at the subject crossing including the active railroad warning devices and the crossing surface. Georges Township will be directed to maintain the stop lines and both of the advance warning signs.

No party in attendance at the field conference objected to the alterations completed by the SWP.

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.

SWP will provide 100% of the funding. The total project cost is \$50,000.00.

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 Southwest Pennsylvania Railroad Company is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown.
2. The public crossing (DOT 145 337 F) where Oliphant Road crosses, at grade, a track of Southwest Pennsylvania Railroad Company, located in Georges Township, Fayette County, be affirmed for the completion of work performed by the Southwest Pennsylvania Railroad Company to install a new asphalt and rail seal crossing surface; and be altered in accordance with the situation plan submitted on September 25, 2023, entitled, "EXHIBIT A," consisting of one (1) sheet, which plan is made part hereof and is hereby approved except insofar as they 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. Southwest Pennsylvania Railroad Company, at its sole cost and expense, submit a detailed circuitry plan for the subject crossing to this Commission for approval.
4. Southwest Pennsylvania Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to alter the subject crossing by activating the new post-mounted flashing-light LED warning signals and by installing gates and bell to each post mount on each approach to the crossing, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices, the approved plans and this Secretarial Letter.
5. Georges Township, at its sole cost and expense, furnish all material and perform all work necessary to install stop lines on both approaches to the subject crossing and install a Grade Crossing Advance Warning (W10-1) sign on the north-bound approach to the crossing.
6. Southwest Pennsylvania Railroad Company, at its sole 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.
7. Southwest Pennsylvania Railroad Company, at its sole cost and expense, 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.
8. 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.
9. 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.

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. All work necessary to complete the alteration of the subject crossings be done in a manner satisfactory to this Commission on or before May 31, 2024, and that on or before said date, Southwest Pennsylvania Railroad Company, report the date of actual completion of the work.

12. Upon completion of the alteration of the subject crossings, Georges Township, 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 stop lines and the Grade Crossing Advance Warning (W10-1) signs 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.

13. Southwest Pennsylvania Railroad Company, at its sole cost and expense, furnish all material and perform all work necessary 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 Georges Township at least ten (10) business days advance notice when performing any work as directed under this paragraph.

14. 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.

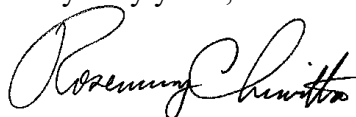
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax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

Rosemary Chiavetta
Secretary