



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

IN REPLY PLEASE  
REFER TO OUR FILE

February 9, 2024

A-2023-3040997

**TO ALL PARTIES OF RECORD**

Application of the Pennsylvania Department of Transportation for approval of the suspension of the public crossing (DOT 148 682 Y) where State Route 4017 (Shaffer Road) crosses, at grade, the former track of Buffalo & Pittsburgh Railroad, Incorporated located in Sandy Township, Clearfield County.

To Whom It May Concern:

This matter is before us by reason of an application received by the Commission on May 31, 2023, by the Pennsylvania Department of Transportation (Department) seeking Commission approval to abolish the at grade public crossing (DOT 148 682 Y), where State Route (S.R.) 4017 (Shaffer Road) crosses, the former track of Buffalo & Pittsburgh Railroad, Incorporated (Railroad) located in Sandy Township (Township), Clearfield County.

In its application, the Department averred that the Railroad had already removed its tracks from the subject crossing and has no current plan to reinstate the crossing.

Upon receipt of the application two (2) field investigation and conferences were arranged by a Commission staff engineer and held on July 11, 2023 and November 20, 2023, at the site of the subject crossing. Representatives of the Township, the City of Dubois, the Railroad, the Department, and Penelec were in attendance. Although notified by letters sent via electronic mail dated June 8, 2023 and October 24, 2023, there were no representatives from Clearfield County, Comcast Cable Communications, National Fuel Gas Distribution Corp., Verizon, or Zito Media Communications, LLC in attendance at either meeting.

At the initial field conference, it was noted that S.R. 4017 (Shaffer Road) is a two (2) lane, bi-directional asphalt paved roadway with a center turning lane and shoulders that crosses (DOT 148 682 Y), at grade, the former track of the Railroad. It was discovered at the field conference that the active railroad warning devices, railroad warning signs, crossing surface, tracks, ties, and ballast had already been removed and the crossing had been repaved. In addition to the railroad facilities having already been removed, the grade crossing advanced warning (W10-1) signs and stop lines on each approach roadway had been removed all without Commission approval.

In its application, the Department requested the subject crossing be abolished however during the two (2) field conferences and various conference calls with the parties it was determined that the Railroad wished to maintain its right-of-way through the subject crossing reserving the right to apply to the Commission in the future to reactivate the line if desired. Therefore, it was agreed to by the parties that the crossing should be suspended rather than abolished.

At the field conferences the Department expressed that it was not satisfied with the condition of the repaved crossing surface in relation to its smooth transition to the existing paving on both approach roadways and would be unwilling to accept future maintenance responsibility for the crossing surface until milled and repaved to their satisfaction. The Township offered to mill, repave and widen the crossing at their sole cost and expense as part of a concurrent project at the subject crossing docketed at A-2023-3041994, in which the Township proposes to construction a shared use pathway along the southwest shoulder of S.R. 4017 (Shaffer Road) and continuing onto the Railroad's property to the west of the crossing.

The Department averred in its application that the Average Daily Traffic volume for S.R. 4017 (Shaffer Road) is 12,422 vehicles with 3% truck traffic, and the roadway has a posted speed limit of 35 miles per hour.

According to the Federal Railroad Administration's grade crossing database the crossing is located at mile post 44.12 on the Railroad's Wharton Industrial line which experiences 1 daytime train movement and 1 nighttime train movement per day at a maximum timetable speed of 10 miles per hour.

The Township agrees to provide for maintenance and protection of highway and pedestrian traffic during the time the work is being performed, at its sole cost and expense.

The Township agrees to mill, repave, and widen the subject public crossing surface providing a safe, smooth and satisfactory transition to the approach roadway and shoulders, at its sole cost and expense.

The Railroad agrees to furnish and maintain watchmen, flagmen, inspectors, and/or engineering services that may be deemed necessary to protect and safeguard its railroad operations or facilities, at the Township's sole cost and expense.

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 work associated with the proposed suspension of the crossing 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 will affirm the alterations made by the Department and the Railroad and approve the application to suspend the crossing with this Secretarial Letter. The parties are reminded that changes in use, railroad structure changes, bridge load posting/closures, alterations and changes in maintenance are matters to be memorialized, affirmed, and approved under Section 2702 of the Pennsylvania Public Utility Code for all Commission jurisdictional bridges and public crossings.

It does not appear that any facilities of any non-carrier utility will be affected by the associated work to suspend the crossing. Non-carrier public utilities will alter or relocate their facilities at their initial cost and expense, if required.

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 with modifications as herein described without a formal hearing.

Upon review of the circumstances regarding the suspension of the crossing and in the interest of the service, accommodation, convenience, or safety of the public, we will affirm the actions taken to alter the crossing, and approve the application to suspend the crossing; THEREFORE:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The action taken by the Pennsylvania Department of Transportation to remove the grade crossing advance warning (W10-1) signs and stop lines, and by Buffalo & Pittsburgh Railroad, Incorporated to remove the active railroad warning devices, railroad warning signs, crossing surface, rails, ties, and ballast at public crossing (DOT 148 682 Y) where State Route 4017 (Shaffer Road) crosses, at grade, the former track of Buffalo & Pittsburgh Railroad, Incorporated located in Sandy Township, Clearfield County be and is hereby affirmed.
3. The public crossing (DOT 148 682 Y) where State Route 4017 (Shaffer Road) crosses, at grade, the former track of Buffalo & Pittsburgh Railroad, Incorporated located in Sandy Township, Clearfield County, be and is hereby suspended upon satisfactory completion of the work directed herein.
4. Sandy Township, 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 work is being performed to suspend the crossing.
5. Buffalo & Pittsburgh Railroad, Incorporated, at the sole cost and expense of Sandy Township, 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 work is being performed to suspend the crossing.
6. Sandy Township, at its sole cost and expense, furnish all material and perform all work necessary to mill, repave and widen the subject public crossing surface providing a safe, smooth and satisfactory transition to the approach roadway and shoulders of State Route 4017 (Shaffer Road), all in accordance with the paving specifications of the Pennsylvania Department of Transportation and this Secretarial Letter.

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. Sandy Township, pay all compensation for damages, if any, due to the owners of property taken, injured, or destroyed by reason of the work associated with the suspension of the subject crossing in accordance with this Secretarial Letter.

9. 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.

10. Sandy Township, 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 January 31, 2026, and that on or before said date Sandy Township, 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. Upon completion of the alteration of the subject crossing, Buffalo & Pittsburgh Railroad, Incorporated, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain any remaining railroad facilities located at the site of the subject suspended public crossing (DOT 148 682 Y), all in accordance with this Secretarial Letter, and provide the Pennsylvania Department of Transportation and Sandy Township at least ten (10) business days advanced notice when performing any work as directed by this paragraph that may affect their facilities.

13. Upon completion of the alteration of the subject crossing, the Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the State Route 4017 (Shaffer Road) roadway and shoulders on the approaches to and through the site of the subject suspended public crossing (DOT 148 682 Y), in a safe, smooth and satisfactory condition, all in accordance with this Secretarial Letter, and provide Buffalo & Pittsburgh Railroad, Incorporated and Sandy Township 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 subject 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 subject suspended public crossing (DOT 148 682 Y).

15. This Secretarial Letter is without prejudice to Buffalo & Pittsburgh Railroad, Incorporated's right to reactivate the subject line at the State Route 4017 (Shaffer Road) crossing (DOT 148 682 Y) upon due notice to all parties of record and the Commission by application.

16. Any interested party or entity seeking to alter the suspended crossing shall make a formal application to this Commission for approval prior to any alteration of the crossing. Alterations include, but is not limited to, any installation, removal or modification of any fixed utility facilities or trail related facilities at the site of the subject suspended public crossing (DOT 148 682 Y).

17. 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.

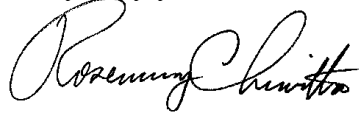
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax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

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