



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

IN REPLY PLEASE
REFER TO OUR FILE

May 21, 2024

A-2024-3047206

TO ALL PARTIES OF RECORD

Application of Southwest Pennsylvania Railroad Company for approval of substitution of warning devices at the public crossing (DOT 145 329 N) where Township Road crosses, at grade, one (1) track of Southwest Pennsylvania Railroad Company (SWP), located in South Union Township, Fayette County.

To Whom It May Concern:

This matter is before us by reason of an application received by the Commission on February 5, 2024, wherein the Southwest Pennsylvania Railroad Company (SWP) seeks Commission approval to alter the public crossing where Township Road (township road) crosses, at grade, one (1) track of SWP (DOT 145 329 N) located in South Union Township, Fayette County.

In its application, SWP states it is desirable to alter the crossing by upgrading the active highway crossing protection to include new automatically operated flashing-lights (LED), audible bell and gates.

A field investigation and conference was arranged by a Commission staff engineer and held on April 8, 2024 at the site of the subject crossing. Representatives of the Pennsylvania Department of Transportation and SWP were in attendance. Although notified by letter dated March 26, 2024, sent via electronic mail, there were no representatives of Fayette County, South Union Township, North Fayette County Municipal Authority or West Penn Power (First Energy Pennsylvania)

At the field conference, it was noted that Township Road is a two (2) lane, two-way, bituminous paved roadway that crosses one (1) track of SWP (DOT 145 329 N), with an asphalt and rubber rail seal crossing surface in good condition. The crossing is equipped with mast mounted active flashing incandescent warning lights, bell, gates, a Grade Crossing (Crossbuck) (R15-1) for each highway approach and Emergency Notification (I-13) sign. Additionally, the approach roadways of Township Road have faded stop lines but do not have Grade Crossing Advance Warning (W10-1) signs or other pavement markings.

SWP described the details of the project and provided a preliminary track and cable plan attached to the subject application. SWP 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 proposed active railroad warning devices and the crossing surface.

South Union Township was not in attendance at the field conference but will be directed to install Grade Crossing Advance Warning Signs (W10-1) on each approach roadway of Township Road.

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

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

SWP estimates the project cost to be \$50,000 and to be funded by the railroad.

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. The crossing where Township Road (township road) crosses, at grade, one (1) track of Southwest Pennsylvania Railroad Company (DOT 145 329 N) located in South Union Township, Fayette County, be altered by the replacement of incandescent flashing lights with new LED flashing lights, new circuitry, audible bell and gates.
3. Southwest Pennsylvania Railroad Company, at its sole cost and expense, furnish all material and perform all work necessary to alter the subject crossing, within the right-of-way of the highway where Township Road crosses, at grade, one (1) track of Southwest Pennsylvania Railroad Company, all in accordance with the Manual on Uniform Traffic Control Devices and this Secretarial Letter.
4. Southwest Pennsylvania Railroad Company, at its sole cost and expense and prior to the start of construction, prepare and submit a situation plan for the subject crossing to all parties for review and to the Commission for approval.
5. Southwest Pennsylvania Railroad Company, at its sole cost and expense and prior to the start of construction, prepare and submit a circuitry plan for the subject crossing to all parties for review and to the Commission for approval, if appropriate.

6. 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 that may be required to properly and safely accommodate highway and pedestrian traffic during the time the crossing is 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 or municipal authority, other than Southwest Pennsylvania Railroad Company, which may be required as incidental to the alteration of the crossing, be made by said public utility or municipal authority at its initial cost, 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. Southwest Pennsylvania Railroad Company, at its sole cost and expense, furnish all material and perform all work relating to its facilities which may be required as incidental to the performance of the proposed work and 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 installed.

9. South Union Township, at its sole cost and expense, furnish all material and perform all work necessary to install Grade Crossing Advance Warning (W10-1) signs on both highway approaches to the crossing, all in accordance with the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

10. The alteration of the crossing be completed on or before December 31, 2026, and that on or before said date Southwest Pennsylvania Railroad Company, 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.

11. Southwest Pennsylvania Railroad Company, 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 respective work at the crossing in accordance with this Secretarial Letter.

12. South Union Township, 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 respective work at the crossing in accordance with this Secretarial Letter.

13. 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.

14. Southwest Pennsylvania Railroad Company, 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.

15. Southwest Pennsylvania Railroad Company, at least seven (7) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

16. Upon completion of the alteration of the crossing, 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 new automatically operated flashing lights, gates 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 South Union Township at least ten (10) business days advance notice when performing any work as directed by this paragraph.

17. Upon completion of the alteration of the crossing, South Union Township, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its highway approach roadways to the subject crossing to points twenty-four (24) inches beyond each outside rail and in addition, maintain the grade crossing advance warning signs and stop lines, all in accordance with the Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter; and provide Southwest Pennsylvania Railroad Company at least ten (10) business days advance notice when performing any work as directed by this paragraph.

18. 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.

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