



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

IN REPLY PLEASE
REFER TO OUR FILE

May 28, 2024

A-2024-3048651

TO ALL PARTIES OF RECORD

Application of PPL Electric Utilities Corporation for approval of the alteration of the crossing where State Route 2037 (Fifth Street) crosses, at grade, tracks of East Penn Railroad (DOT 589 534 W) by the installation of a utility pole and raising aerial wires in Emmaus Borough, Lehigh County.

To Whom It May Concern:

By application received by the Commission on April 23, 2024, PPL Electric Utilities Corporation (PPL) seeks Commission approval to alter the at-grade crossing where State Route (SR) 2037 (Fifth Street) crosses the track of East Penn Railroad (DOT 589 534 W) by the replacement of a utility pole and re-wiring of aerial lines in Emmaus Borough, Lehigh County.

An existing pole will be replaced adjacent to the crossing, outside of the joint right of way. The aerial utility lines, attached to the pole, will be rehung on the new pole, at an elevation higher than the existing, providing a new, minimum vertical clearance of 27 feet 1 inch from the top of rail to the wire.

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.

In its application, PPL states that the proposed pole replacement and aerial line re-hanging is necessary to provide adequate, efficient, and reasonable communication facilities and power to the public of Lehigh County and surrounding areas. PPL will be directed to perform the necessary installation, provide for maintenance and protection of highway and pedestrian traffic during installation and accept future maintenance responsibility for its facilities, at its sole cost and expense. The cost of the project is anticipated to be approximately \$10,000.

All work is to be performed in accordance with the plans entitled: "EXHIBIT A" consisting of a single sheet submitted to the Commission with the application.

PPL has served a copy of the application and plan on Lehigh County, Emmaus Borough, East Penn Railroad, Comcast, Service Electric Cable TV, RCN, Verizon North, and the Pennsylvania Department of Transportation. All parties in interest were queried by letter dated May 2, 2024, sent via email as to any objection to the subject application and plans. None of the parties have responded with any objection to the subject application or plans.

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, we find that a hearing is not necessary and that a Secretarial Letter may be issued approving the application.

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.

The application of PPL Electric Utilities, is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The crossing where State Route 2037 (Fifth Street) crosses, at grade, a single track of East Penn Railroad (DOT 589 534 W) in the Borough of Emmaus, Lehigh County be altered generally in accordance with the plans entitled: "EXHIBIT A" consisting of a single sheet submitted to the Commission on April 23, 2024; which plans are 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. PPL Electric Utilities, at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by re-wiring aerial lines, within the right-of-way, due to a pole replacement, where State Route 2037 (Fifth Street) crosses, at grade, a single track of East Penn Railroad, all in accordance with the approved plan and this Secretarial Letter.
4. PPL Electric Utilities, 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.

5. Any relocation of, changes to the crossing, removal of any adjacent structures, equipment or other facilities of any non-carrier public utility, other than PPL Electric Utilities which may be required as incidental to the alteration of the crossing, be made by said public utility 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, at its sole cost and expense.

6. East Penn Railroad, at the sole cost and expense of PPL Electric Utilities, 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.

7. PPL Electric Utilities, at its sole cost and expense, furnish all material and perform all work necessary to complete the remainder of the project, and any other ancillary features of the project, generally in accordance with the approved plan and this Secretarial Letter.

8. The alteration of the crossing be completed on or before June 30, 2025, and that on or before said date PPL Electric Utilities 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 the approved plan and this Secretarial Letter.

9. PPL Electric Utilities, 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 the alteration of the crossing in accordance with this Secretarial Letter.

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. PPL Electric Utilities cooperate with the non-carrier utilities involved, so that during the alteration of the subject crossing, the facilities of the non-carrier utilities will not be endangered or unnecessarily interrupted.

12. PPL Electric Utilities, 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.

13. Upon completion of the alteration of the crossing, PPL Electric Utilities, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the utility pole, attached lines and any ancillary facilities installed in accordance with the approved plan and this Secretarial Letter.

14. Upon completion of the alteration of the crossing, East Penn Railroad, 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 the asphalt crossing surface, to points twenty-four (24) inches beyond the outermost rail, in a smooth and satisfactory condition in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter; and provide the Borough of Emmaus, and the Pennsylvania Department of Transportation at least ten (10) business days advance notice when performing any work as directed under this paragraph.

15. Upon completion of the alteration of the crossing, the Pennsylvania Department of Transportation, 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 outermost rail and in addition, maintain the grade crossing advance warning signs, stop lines and pavement markings, if required, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter; and provide East Penn Railroad, and the Borough of Emmaus at least ten (10) business days advance notice when performing any work as directed by this paragraph.

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 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", written in a cursive style.

Rosemary Chiavetta
Secretary