



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

IN REPLY PLEASE
REFER TO OUR FILE

August 9, 2024

A-2024-3048085

TO ALL PARTIES OF RECORD

Application of the Delaware-Lackawanna Railroad Company, Inc., for approval to alter the public crossing (DOT 264 061 V) where State Route 0507 (Main Street) crosses, at grade, the tracks of Pennsylvania Northeast Regional Railroad Authority operated thereon by Delaware-Lackawanna Railroad Company, Inc., located in Lehigh Township, Wayne County.

At a location in Lehigh Township, Wayne County, the track of Pennsylvania Northeast Regional Railroad Authority, operated on by Delaware-Lackawanna Railroad Company, Inc. (DL) crosses, at grade, State Route 0507 (Main Street).

By application filed April 2, 2024, DL seeks Commission approval to remove the existing deteriorated high-type concrete railroad crossing surface and replace it with a rail seal and asphalt crossing surface.

A field investigation and conference, arranged by a Commission staff engineer, was held at the site of the crossing on May 8, 2024, with the following parties in attendance:

Pennsylvania Department of Transportation (Department)
Pennsylvania Northeast Regional Railroad Authority
Delaware-Lackawanna Railroad Company, Inc.
Wayne County
Lehigh Township

Although notified by letter sent by electronic mail on April 17, 2024, no representatives from the Pennsylvania American Water, PPL Electric Utilities Corporation, Verizon Pennsylvania, UGI Corporation, Frontier Communications were in attendance.

At the field conference it was noted that State Route 0507 (Main Street) is a two-lane, bi-directional bituminous roadway in good condition, generally oriented in an east to west direction at the highway/railroad crossing. The roadway approaches each have advanced railroad warning signs (W10-1) posted prior to the crossing. Stop lines were present although largely deteriorated. There are presently no sidewalk approaches to or through the crossing.

Railroad warning devices were in place and consist of crossbuck (R15-1) signs, two sets of flashing light warning signals, gates and bell mounted on a single mast pole located on each roadway approach to the crossing.

No one at the field conference objected to DL plans to replace the railroad crossing surface.

The non-carrier public utilities, if necessary, will be directed to alter or relocate their facilities to construct the project, at their initial cost and expense.

Delaware-Lackawanna Railroad Company, at their sole cost and expense, agrees to furnish all material and perform all work necessary to replace the existing railroad crossing surface.

Delaware-Lackawanna Railroad Company, at its sole cost and expense, agrees to furnish all material and do all work necessary to establish and maintain any detours or traffic controls that may be required to accommodate highway vehicle and pedestrian traffic properly and safely during the time the project is being constructed.

Delaware-Lackawanna Railroad Company, at its sole cost and expense, agrees to furnish and maintain watchmen, flagmen and/or inspectors to protect and safeguard its railroad operations or facilities during project construction operations.

The Commission has tentatively established 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.

The railroad/highway crossing surface replacement project will be funded with 100 percent private funds. The estimated total cost for the construction project is \$65,000.

Delaware-Lackawanna Railroad Company avers that a copy of the application has been served on all parties of interest. None of the parties has advised that it objects to the issuance of a Secretarial Letter approving the subject application.

Upon full consideration of the matters involved and inasmuch as no objection has been filed with the Commission and no party in attendance at the field and investigation conference objected to the proposed improvements as discussed, 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 crossing is necessary and proper for the service, accommodation, convenience and safety of the public.

The application of Delaware-Lackawanna Railroad Company, Inc. is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.

2. The public crossing (DOT 264 061 V) where State Route 0507 (Main Street) crosses, at grade, a single track of Pennsylvania Northeast Regional Railroad Authority, operated thereon by Delaware-Lackawanna Railroad Company, Inc. in Lehigh Township, Wayne County, be altered as herein directed.

3. Delaware-Lackawanna Railroad Company, Inc., having agreed to do so, at its sole cost and expense, furnish all material and perform all work necessary to alter SR 0507 (Main Street) public crossing (DOT 264 061 V) by removing the existing high-type concrete crossing surface and installing a rail seal and asphalt crossing surface to extend in width to accommodate the roadway and shoulders on each side of the crossing surface and in addition restoring the roadway pavement with in-kind material to provide a safe, smooth and satisfactory condition in accordance with the roadway construction specifications of the Pennsylvania Department of Transportation and this Secretarial Letter.

4. Delaware-Lackawanna Railroad Company, Inc., 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 project work; furnish construction engineering and inspection service if required as a result of the proposed work; and furnish and maintain flagmen and watchmen, as required, to protect its operations during the time the work is being performed across, above and adjacent to its tracks.

5. Delaware-Lackawanna Railroad Company, Inc., 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.

6. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility, 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.

7. 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.

8. Delaware-Lackawanna Railroad Company, Inc. at least fourteen (14) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

9. All work necessary to complete the construction of the project be done in a manner satisfactory to this Commission on or before December 31, 2025, and that on or before said date, Delaware-Lackawanna Railroad Company, Inc. notify this Commission in writing the date of actual completed work.

10. Delaware-Lackawanna Railroad, Company, Inc. pay all compensation for damages, if any, due to owners of property taken, injured or destroyed by reason of the construction of the project in accordance with this Secretarial Letter.

11. Each non-carrier public utility company, at its sole cost and expense, furnish all material and perform all work required hereafter to maintain their respective facilities through the area of the former crossing.

12. Upon completion of the alteration of the subject highway/rail crossing, Delaware-Lackawanna Railroad Company, Inc., at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities including the flashing-light warning signals, gates, bell, single mast pole supports, crossbuck signs (R15-1), circuitry, relay houses (bungalows) and all appurtenant equipment, and to maintain at all times in a safe, smooth and satisfactory condition the crossing surface for the full width of the roadway and shoulders located between the rails and for a distance of twenty-four (24) inches beyond the outermost rails at the subject crossing, and to provide the Pennsylvania Department of Transportation and Lehigh Township ten (10) days advance notice when performing any work as directed by this paragraph that may affect the facilities of the other parties, all in accordance with the Manual on Uniform Traffic Control Devices, approved plans and this Secretarial Letter.

13. Upon completion of the alteration of the subject highway/rail crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway approach roadways, up to points twenty-four (24) inches beyond each outside rail in a safe, smooth and satisfactory condition and in addition to maintain the advanced railroad warning signs (W10-1), stop lines and railroad pavement markings on the approaches thereto, and to provide Delaware-Lackawanna Railroad Company, Inc., and Lehigh Township ten (10) days advance notice when performing any work as directed by this paragraph that may affect their facilities, all in accordance with the Manual on Uniform Traffic Control Devices, approved plans and this Secretarial Letter.

14. Upon completion of the construction of the proposed project, 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 improvements.

15. Upon completion of the work herein directed, and upon a written request by any party hereto, this proceeding be scheduled for a hearing at a time and a place assigned by this Commission, upon due notice to all parties, to receive evidence relative to the allocation of initial costs incurred, if any, by the public utility companies and municipal authorities, and any 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.

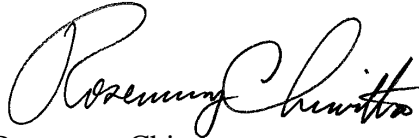
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax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

Rosemary Chiavetta
Secretary