



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

September 23, 2024

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street 2nd FL
Harrisburg, PA 17120

RE: A-2012-2330212

Dear Secretary Chiavetta,

Enclosed for filing please find the Department's *Petition to Re-Open Docket and Amend Secretarial Letters* in the above-captioned matter.

I hereby certify that a copy has been sent to all parties of record as indicated by the Certificate of Service.

Very truly yours,

A handwritten signature in black ink, appearing to read 'LJ Bobula', with a long horizontal flourish extending to the right.

Leah Jo Bobula
Assistant Counsel

Cc: Parties of Record
Sarah Fenton, PennDOT, Grade Crossing Engineer (Email)
John Pfeiffer, District 4-0, Asset Manager (Email)
Richard Poplawski, District 4-0, Engineer (Email)
Jennifer Borino, District 4-0, Engineer (Email)
Ben Martz, P.E., CDR Maguire, Engineer (Email)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Commonwealth of Pennsylvania,
Department of Transportation for approval of the
alteration of the crossing where SR 6011 (Harrison
Avenue) crosses, above grade, the tracks of
Pennsylvania Northeast Regional Railroad
Authority, operated thereon by Delaware-
Lackawanna Railroad Company, Inc. in the City of
Scranton in Lackawanna County.

A-2012-2330212

Electronically Filed

PETITION TO RE-OPEN DOCKET AND AMEND SECRETARIAL LETTERS

The Commonwealth of Pennsylvania, Department of Transportation (Department), by its
counsel, Leah Jo Bobula, files this Petition to Amend Secretarial Letters, pursuant to 52 Pa. Code
§ 5.41, in the above referenced matter and states as follows:

1. The name and address of Petitioner is:

Commonwealth of Pennsylvania
Department of Transportation
Susan Hazelton, P.E.
Assistant District Executive
Engineering District 4-0
55 Keystone Industrial Park, Dunmore, PA18512

2. The name and address of Counsel for Petitioner is:

Leah Jo Bobula, Esquire
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
lbobula@pa.gov

3. On or about October 19, 2012, the Department filed an Application seeking approval to alter the crossing where SR 6011 crosses, above grade, the tracks of the Pennsylvania Northeast Regional Railroad Authority, operated by Delaware-Lackawanna Railroad Company Inc. (Railroad), in the city of Scranton, Lackawanna County.

4. On or about May 6, 2014, the Department filed the final structure plans.

5. By Secretarial Letter dated July 10, 2014 (Secretarial Letter), the Public Utility Commission (Commission) approved the Application and directed that the Department complete all work by December 31, 2017, based on the final structure plans.

6. By Secretarial letter dated April 6, 2017 (Second Secretarial Letter), the Commission noted the Department had some issues during construction, so a retaining wall needed to be built.

7. On or about April 26, 2017, the Department filed a Petition for Reconsideration from Staff Action (Petition). In that Petition, the Department sought to amend the Second Secretarial Letter and to speak with the Railroad companies to discuss future maintenance and costs. Additionally, the Department sought to amend the Second Secretarial Letter to clarify the burdens the Department was willing to undertake.

8. By Secretarial Letter dated June 22, 2022 (Third Secretarial Letter), the Commission stated all matters were satisfied and closed the record for this proceeding.

9. Currently, Petitioner is seeking approval to re-open and amend the Secretarial Letter and Second Secretarial Letter because the retaining wall was built using stone instead of concrete and some maintenance responsibilities were swapped.

10. Petitioner seeks to amend paragraph 14 of the Secretarial Letter to read as follows, with the requested modifications being indicated with deletions as bold strikethrough and insertions in bold italics.

14. Upon completion of the construction of the improvement and its opening to public use, Delaware-Lackawanna Railroad Company, Inc., at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its tracks, wire lines catenaries, *the stone retaining wall and the attached chain link fence under the north side of the bridge,* and other facilities, existing or altered, located within the limits of the improvement.

11. Petitioner seeks to amend paragraph 16 of the Secretarial Letter to read as follows, with the requested modifications being indicated with deletions as bold strikethrough and insertions in bold italics.

16. Upon completion of the construction of the railroad-highway crossing project and its opening to public use, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to maintain the remainder of the improvement, including the highway approaches to the reconstructed crossing; the substructure, superstructure, roadway pavement, sidewalks (exclusive of snow, ice and debris removal) and railings of the bridge structures; ~~the north abutment of the existing bridge and the attached chain link fence;~~ and any highway drainage facilities installed or altered in accordance with this Secretarial Letter.

12. Petitioner seeks to amend paragraph 1 of the Second Secretarial Letter to read as follows, with the requested modifications being indicated with deletions as bold strikethrough and insertions in bold italics.

1. Pennsylvania Department of Transportation, at its sole cost and expense, provide plans for the ~~concrete~~*stone* retaining wall and fall protection fence ~~on~~ *below* the north side of the bridge along the railroad's Pocono Line to all parties for review and to the Commission for approval, an upon approval, construct the aforesaid facilities, at its sole cost and expense.

13. Petitioner seeks to amend paragraph 3 of the Second Secretarial Letter To read as follows, with the requested modifications being indicated with deletions as strikethrough and insertions in italics.

3. Upon completion of the construction of the railroad-highway crossing project and its opening to public use, ~~Pennsylvania Department of Transportation~~ *the Railroad*, at its sole cost and expense, furnish all material and do all work necessary to maintain the ~~concrete~~*stone* retaining wall and fall protection fence installed ~~on~~ *under* the north side of the bridge, *along the Railroad's Pocono Line*, installed in accordance with this Secretarial Letter.

Wherefore, Applicant respectfully requests that the Public Utility Commission approve this Petition to Re-Open and Amend Secretarial Letters.

Respectfully Submitted:



Leah Jo Bobula
Attorney I.D. 332184
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA. 17105
Phone (717) 787-3128
lbobula@pa.gov

Dated: September 23, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Commonwealth of Pennsylvania, Department of Transportation for approval of the alteration of the crossing where SR 6011 (Harrison Avenue) crosses, above grade, the tracks of Pennsylvania Northeast Regional Railroad Authority, operated thereon by Delaware-Lackawanna Railroad Company, Inc. in the City of Scranton in Lackawanna County.

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VERIFICATION

I, Susan Hazelton, P.E., hereby state that the facts above set forth in this petition are true and correct (or are true and correct to the best of my knowledge, information, and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



Susan E Hazelton
2024.09.23 15:52:30 -04'00'

Susan Hazelton, P.E.
Assistant District Executive
Engineering District 4-0
Department of Transportation
55 Keystone Industrial Park
Dunmore, PA. 18512
Phone (570) 963-4061
shazelton@pa.gov

Dated: September 23, 2024

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served one (1) copy of the Petition to Amend
Secretarial Letter upon the participants listed below, in accordance with the requirements of 52
Pa. Code § 1.54, addressed to:

VIA FIRST CLASS MAIL

Lori Ransom Delaware and Lackawanna Railroad 280 Cliff Street Scranton, PA 18503	Terry Baumgardner PPL 600 Larch Street Scranton, PA 18509
Gary Cavill Greenman Peterson 50 Glenmaura National Blvd. Moosic, PA 18507	Kevin Schlosser Verizon Pennsylvania INC 121 Adams Avenue Scranton, PA 18503
Charlene Doyle PNERRA 280 Cliff Street Scranton, PA 18509	Ed Dunlap UGI Penn Natural Gas One UGI Center Wilkes-Barre, PA 18711
Elmer Day Comcast Cable One Comcast Way Duryea, PA 18642	

VIA ELECTRONIC MAIL

<p>Bill Gaughan Lackawanna County Commissioners Lackawanna County Government Center 123 Wyoming Avenue, 6th Floor Scranton, PA 18503 GaughanW@lackawannacounty.org</p>	<p>The Honorable Paige Cognetti City of Scranton Mayor 340 N. Washington Street Scranton, PA 18503 scranton311@scrantonpa.gov</p>
<p>Jacob Weinberg Scranton DPW 101 W Poplar Ave Scranton, PA 18508 jweinberg@scrantonpa.gov</p>	<p>Stephen Daiute GPI INC. 52 Glenmaura National Blvd. Suite 302 Scranton, PA 18505 sdaiute@gpinet.com</p>
<p>Frontier Communications Corporation Attn. Al Zuba 300 E Laird St Wilkes Barre, PA 18702 Albert.zuba@ftr.com</p>	<p>Charlotte Krupa PPL Electric Utilities Corporation 827 Hausman Rd., LEHSC-2 Allentown, PA 18101-1179 cakrupa@pplweb.com</p>
<p>Tom Reilly, Jr. Reilly Associates 49 S. Main Street, Suite 200 Pittston, PA 18640 treilly@reillyengineering.com</p>	<p>Verizon Pennsylvania Inc. (VER1) Attn: John Bayzick 105 Monahan Avenue Dunmore, PA 18512 john.j.bayzick@verizon.com</p>
<p>PA. American Water Scranton Sewer Division Attn. Jeremy Hull 2500 Sanitary Drive Scranton, PA 18505 jeremy.hull@amwater.com</p>	<p>Pennsylvania American Water (PAWC03) Attn. Jeremy Nelson 2699 Stafford Avenue Scranton, PA 18507 jeremy.nelson@amwater.com</p>
<p>AT&T Corp. (ATT1) Attn. Mike Huddleston C/O Michael Baker Corp. 100 Airside Drive Airside Business Park Moon Township, PA 15009 mhuddleston@mbakerintl.com</p>	<p>Sprint Attn. Wesley Carpenter 484 Williamsport Pike Box 113 Martinsburg, WV 25404 Wesley.carpenter@ericsson.com</p>

Comcast Cable Communications
Management, LLC.
Attn. Ronald Pawlowski
1 Comcast Way
Duryea, PA 18642-1114
Ronald.Pawlowski@cable.comcast.com

Respectfully,



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