



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

IN REPLY PLEASE
REFER TO OUR FILE

October 31, 2024

C-2024-3046989

TO ALL PARTIES OF RECORD

Formal Complaint of Reading Blue Mountain & Northern Railroad Company regarding the surface condition of the public crossing (DOT 591 833 D) where State Route 0054 crosses, at grade, the track of Reading Blue Mountain & Northern Railroad Company located in Conyngham Township, Columbia County.

To Whom It May Concern:

This matter is before us by reason of a formal complaint filed with the Commission by Reading Blue Mountain & Northern Railroad Company (RBMN) on February 28, 2024, regarding the public crossing (DOT 591 833 D) where State Route (S.R.) 0054 crosses, at grade, a single track of RBMN located in Conyngham Township, Columbia County.

The complaint alleges that the Pennsylvania Department of Transportation (Department) has failed to maintain its roadway approaches to the crossing on S.R. 0054 causing damage to RBMN's crossing surface. RBMN requested the Department make repairs to the approach roadway at its sole cost and expense as well as reimburse RBMN for the damage caused to the crossing surface and is seeking relief from the Commission.

Following receipt of the complaint, a formal field investigation and conference was arranged by a Commission staff engineer and held on April 10, 2024, at the subject public crossing. Representatives of RBMN and the Department were in attendance. Although notified by letter dated March 25, 2024, there were no representatives from Columbia County or Conyngham Township in attendance. Columbia County and Conyngham Township will be made a party to the subject proceeding.

At the field conference, it was noted that the subject crossing is located on S.R. 0054 approximately 2,000-feet west of the intersection with S.R. 4027 (Lavelle Road) in Butler Township, Schuylkill County. S.R. 0054 is a two (2) lane, bi-directional asphalt paved roadway with shoulders that crosses (DOT 591 833 D), at grade, a single track of RBMN. The existing railroad crossing consists of a concrete panel high-type crossing surface and is equipped with existing railroad warning devices comprised of four sets of individual mast-mounted automatically operated flashing-light warning signals, crossbuck (R15-1) signs, and emergency notification (I-13) signs. Each roadway approach has grade crossing advanced warning (W10-1) signs, grade crossing pavement markings, and stop lines.

The Average Daily Traffic volume for S.R. 0054 is 2,534 vehicles with 13% truck traffic based on publicly available records. According to the Federal Railroad Administration's grade crossing database the crossing is located at milepost 125.9 on RBMN's Mahanoy and Shamokin line, and the line experiences 2 daytime train movements per day at a maximum timetable speed of 10 miles per hour.

At the field conference a Commission staff engineer noted that numerous concrete panels were unsecured/ moving and exhibited loosened lag bolts with bolt heads extending above the top of the crossing surface. On the southeast side of the crossing within the eastbound traffic lane deteriorated panels with large/ deep spalls and exposed reinforcing bars were present, additionally the panels were shifted away from the track into the approach roadway several inches. Existing deteriorated asphalt patches were present adjacent to the displaced concrete panels on the southeast side of the crossing within the eastbound traffic lane. The approach roadway away from the crossing was in fair overall condition.

On May 8, 2024, via emails received by a Commission staff engineer, RBMN and the Department agreed to make repairs to the crossing and approach roadway, at each respective party's sole cost and expense.

On or about May 17, 2024, RBMN made repairs to the crossing by rearranging concrete panels and tightening lag bolts, and the Department made repairs to the approach roadway by placing a hot mix asphalt patch adjacent to the repaired crossing surface. The Department later inspected the crossing surface where it was discovered that the repairs had already failed, and the work was found to be unsatisfactory.

On August 15, 2024, via email received by a Commission staff engineer, RBMN averred that it had removed six (6) concrete panels from the crossing surface and replaced the panels with hot mix asphalt.

On August 28, 2024, a Commission staff engineer conducted a field inspection where it was determined that the repairs were satisfactorily completed.

On September 3, 2024, via emails received by a Commission staff engineer, RBMN and the Department averred that they were satisfied with the repairs, and found the matters brought before the Commission by the formal complaint to be resolved. Neither party has indicated they were seeking any reimbursement for costs it incurred in performing work at the subject crossing.

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.

Since the matters regarding the formal complaint have been resolved the Commission will affirm the alterations made to the subject public crossing by RBMN and close the record of this proceeding.

Upon review of the circumstances regarding the subject public crossing (DOT 591 833 D) and in the interest of safety to the public, we will affirm the alterations made to the crossing; THEREFORE:

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

2. Columbia County and Conyngham Township be made a party hereto.

3. The action taken by Reading Blue Mountain & Northern Railroad Company to remove six (6) concrete panels from the concrete panel high-type crossing surface and place hot mix asphalt at the public crossing (DOT 591 833 D) where State Route 0054 crosses, at grade, a single track of Reading Blue Mountain & Northern Railroad Company in Conyngham Township, Columbia County, be and is hereby affirmed.

4. Reading Blue Mountain & Northern Railroad Company and the Pennsylvania Department of Transportation bear their respective costs for furnishing all material and performing all work to repair the subject crossing as described above.

5. Reading Blue Mountain & Northern Railroad Company, at its sole cost and expense, furnish all material and perform all work necessary hereafter to maintain its railroad facilities at the subject crossing, including the warning devices and all appurtenant equipment, and maintain at all times in a safe, smooth and satisfactory condition the concrete panel high-type crossing surface in addition to the asphalt surface repairs; all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide the Pennsylvania Department of Transportation and Conyngham Township at least ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities.

6. The Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary hereafter to maintain the highway approach roadway of the subject crossing up to the concrete panel high-type crossing surface, and in addition, maintain the grade crossing advance warning signs, pavement markings, and stop lines, if required; all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide Reading Blue Mountain & Northern Railroad Company and Conyngham Township at least ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities.

7. Each non-carrier public utility company and municipal authority, at its sole cost and expense, furnish all material and perform all work necessary hereafter to maintain its respective facilities, existing or altered, located within the limits of the improvement.

8. The case be “CLOSED.”

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.

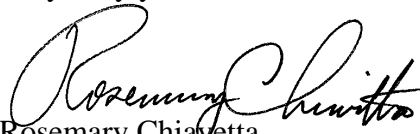
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax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