



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

December 23, 2024

IN REPLY PLEASE
REFER TO OUR FILE
A-2024-3050690

TO ALL PARTIES OF RECORD

Application of Reading Blue Mountain and Northern Railroad for approval of the installation of active warning devices where Allen Street crosses, at grade, the tracks of Reading Blue Mountain and Northern Railroad (DOT# 361 487 G), in Nesquehoning Borough, Carbon County.

To whom it may concern:

By application filed with the Commission on August 12, 2024, Reading Blue Mountain and Northern Railroad is seeking Commission approval to alter the subject crossing by the installation of active warning devices where Allen Street crosses, at grade, the tracks of Reading Blue Mountain and Northern Railroad (DOT# 361 487 G), in Nesquehoning Borough, Carbon County.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held at the site of the crossing on October 24, 2024, with representatives of PennDOT, Reading Blue Mountain and Northern Railroad, and Nesquehoning Borough in attendance. The parties in attendance at the field conference have agreed that the alteration of the grade crossing could be carried out as proposed and no objections were raised. Reading Blue Mountain and Northern Railroad has served a copy of the current application to all parties in interest. None of the parties in interest have responded with any objection to the subject application.

It was noted that Allen Street is a two (2) lane asphalt roadway with asphalt paved shoulders. The crossing surface currently consists of asphalt and rail seal. Timber posts with crossbucks are currently on each approach. There are advance warning signs on the approaches to the crossing. Nesquehoning Borough agreed to install and maintain stop lines at the crossing.

Reading Blue Mountain and Northern Railroad, at its sole cost and expense, proposes to install active warning devices including flashing lights and gates and associated circuitry. Reading Blue Mountain and Northern Railroad will be directed to maintain its facilities at the subject crossing and maintain the crossing surface in a smooth and satisfactory condition.

Nesquehoning Borough will be directed to maintain highway approaches at the subject crossing and maintain stop lines, any pavement markings and advance warning signs.

Reading Blue Mountain and Northern Railroad avers that a copy of the application has been served on all parties of interest and no party has filed any objection to the project.

Reading Blue Mountain and Northern Railroad has not yet completed and submitted situation and circuitry plans showing the details of the subject crossing alteration. It will be necessary for the Reading Blue Mountain and Northern Railroad to submit such plans to all parties of record for review and to this Commission for approval before the start of construction.

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.

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.

Any non-carrier public utility companies affected by this improvement project will be directed to initially bear the cost for any alteration or relocation of their facilities. Our Secretarial Letter will provide the non-carrier public utility companies with the opportunity to determine at a later date whether they will seek reimbursement for their project costs and if a hearing is needed to resolve any remaining issues.

Upon full consideration of the matters involved and inasmuch as none of the parties offered any objection to the Reading Blue Mountain and Northern Railroad proposed project, 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 and safety of the public.

The application of Reading Blue Mountain and Northern Railroad is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The crossing where Allen Street crosses, at grade, the tracks of Reading Blue Mountain and Northern Railroad (DOT# 361 487 G), in Nesquehoning Borough, Carbon County, be altered by the installation of new active warning devices all in accordance with the approved plans and this Secretarial Letter.
3. Reading Blue Mountain and Northern Railroad, at its sole cost and expense and prior to construction, prepare and submit situation and circuitry plans to all parties for review and to the Commission for approval.

4. Reading Blue Mountain and Northern Railroad, at its sole cost and expense, furnish all material and do all work necessary to alter the subject crossing by the installation of new flashing-light warning devices, gates, and associated circuitry in accordance with the approved plans, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

5. Reading Blue Mountain and Northern Railroad, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic control that may be necessary to properly and safely accommodate vehicular, pedestrian and railroad traffic during the time the crossing is being altered.

6. Reading Blue Mountain and Northern Railroad, at its sole cost and expense, furnish and maintain watchman, flagmen and/or inspectors that may be deemed necessary to protect and safeguard its railroad operations during the time the facilities are being constructed.

7. Any relocation of, changes in and/or removal of any adjacent structures, equipment or any other facilities of any public utility other than Reading Blue Mountain and Northern Railroad located within the limits of the highway, within the Commission's jurisdiction, be made by said public utility at its initial cost and expense, and in such a manner as will not interfere with the construction of the improvement, and said relocated or altered facilities thereafter be maintained by said public utility, at its sole cost and expense.

8. 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 said requirements of each of the parties will be provided for and accommodated insofar as possible.

9. Reading Blue Mountain and Northern Railroad, 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.

10. All work necessary to complete this construction shall be done in a manner satisfactory to this Commission on or before June 30, 2026, and that on or before said date, Reading Blue Mountain and Northern Railroad report in writing to the Commission the date of actual completion of the work.

11. Reading Blue Mountain and Northern Railroad pay all compensation for damages, if any, due to owners of property taken, injured or destroyed by reason of the construction of the improvement in accordance with this letter.

12. Upon completion of the alteration of the crossing, Reading Blue Mountain and Northern Railroad, at their sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the subject crossing, including warning devices 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 the Nesquehoning Borough at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

13. Upon completion of the alteration of the crossing, Nesquehoning Borough, at its sole cost and expense, furnish all material and do all work necessary thereafter to install and maintain stop lines at the crossing, maintain the highway approach roadway surface of the subject crossing, to points twenty-four (24) inches beyond each outside rail and in addition, maintain the grade crossing advance warning signs, all in accordance with Part 8 the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide Reading Blue Mountain and Northern Railroad at least ten (10) business days advance notice when performing any work that may affect their facilities as directed by this paragraph.

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 improvement.

15. 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 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.

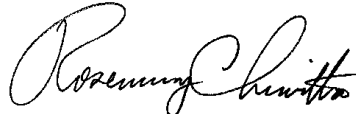
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax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

Sincerely,

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