



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120
January 9, 2025

IN REPLY PLEASE
REFER TO OUR FILE

A-2024-3051778

TO ALL PARTIES OF RECORD

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the public crossing (DOT 262 836 S) by removing the existing railroad warning signals and installing new automatically operated LED flashing light railroad warning signals with gates and bell where State Route 0322 (13th Street) crosses, at grade, a track of Western New York and Pennsylvania Railroad in the City of Franklin, Venango County all in accordance with the Federal Grade Crossing Program and the allocation of costs incident thereto.

To Whom It May Concern:

This matter is before us, by reason of an application filed on October 24, 2024, and revised application filed on November 13, 2024, by the Pennsylvania Department of Transportation (Department) seeking Commission approval to alter the public crossing (DOT 262 836 S) where State Route (SR) 0322 (13th Street) crosses, at grade, a track of Western New York and Pennsylvania Railroad (WNYPR) in the City of Franklin, Venango County all in accordance with the Federal Grade Crossing Program and the allocation of costs incident thereto.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held on November 6, 2024, at the site of the crossing. Representatives of the Department, WNYPR, Pennsylvania Electric Company, Verizon, Spectrum (Charter Communications) and the City of Franklin were in attendance. Everstream Solutions LLC, National Fuel Gas Distribution, Norfolk Southern Railway Company, Comcast and Venango County were notified of the time and place of the meeting but did not attend.

At the field conference, it was noted that SR 0322 (13th Street) is a four-lane asphalt roadway posted with a 35-mile per hour speed limit with sidewalks and curbs on each side of the roadway. SR 0322 (13th Street) is intersected by Atlantic Avenue approximately 130-feet north of the crossing. SR 0322 (13th Street) is intersected by Udsi Drive approximately 50-feet south of the crossing. There is an existing highway traffic signal with railroad preemption with traffic signals located at both the intersections of SR 0322 (13th Street) with Atlantic Avenue and Udsi Drive. At the Atlantic Avenue intersection, the traffic signal has four (4) masts with signal heads and a no-right turn blank-out sign facing east-bound Atlantic Avenue. At the Udsi Drive intersection, there are two (2) masts with signal heads and a no-right turn blank-out sign facing west-bound Udsi Drive.

The existing warning facilities on both approaches to the subject crossing consist of cantilevered flashing-light warning signals with a pair of flashing-lights over the left travel lane, a pair of flashing-lights on the post facing the right travel lane, gates, and a bell. The approach roadways to the crossing have advance grade crossing warning signs (W10-1), pavement markings and stop lines. The existing crossing consists of a timber and asphalt crossing surface in good condition.

At the field conference, the Department described the proposed work. WNYPR, at the Department's sole cost and expense, will (1) remove the two existing cantilevered flashing-light warning signals, gates, bells, signal cabinet and equipment at the subject crossing, (2) install new automatically operated cantilevered LED flashing-light warning signals with gates, bells, signal cabinet and equipment at the subject crossing; at the subject crossing, and (3) provide a new interconnect cable from the railroad signal cabinet to a junction box for railroad preemption for the highway traffic signals.

WNYPR agreed to maintain its warning facilities at the subject crossing including the cantilevered automatically operated flashing-light warning signals, gates and bells, and all appurtenant equipment, and to maintain at all times in a smooth and satisfactory condition the timber and asphalt crossing surface.

The Department agreed to maintain the highway approaches to the subject crossing to points twenty-four (24) inches beyond each outside rail and, in addition, maintain the grade crossing advance warning signs (W10-1), pavement markings and stop lines on the approaches thereto.

The City of Franklin agreed to maintain the highway traffic signals and pre-emption timing at both of the intersections of SR 0322 (13th Street) with Atlantic Avenue and Udsi Drive, and to remove snow, ice, and debris from the sidewalks and maintain their physical condition along both sides of SR 0322 (13th Street).

WNYPR, prior to the start of construction, shall submit a situation plan to all parties of record for review and to the Commission for approval and submit a detailed circuitry plan to the Department for review and to the Commission for approval.

The Commission hereby establishes its jurisdiction limits at the subject crossing as the area within the confines of the railroad right-of-way and the highway right-of-way along SR 0322 (13th Street) and extending along the highway right-of-way to include the intersections of SR 0322 (13th Street) with Atlantic Avenue and Udsi Drive.

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 Department will provide funding through the Federal Highway Grade Crossing Safety Program with an estimated project cost of \$470,541.00.

Upon full consideration of the matters involved and inasmuch as no objection has been filed with the Commission, we find that a Secretarial Letter can be issued approving the application without 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 or safety of the public.

The application of the Pennsylvania Department of Transportation is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The public crossing (DOT 262 836 S) where State Route 0322 (13th Street) crosses, at grade, a track of Western New York and Pennsylvania Railroad in the City of Franklin, Venango County, be altered as herein directed.
3. Western New York and Pennsylvania Railroad, at sole cost and expense of Pennsylvania Department of Transportation, prior to the start of construction, submit a situation plan to all parties of record for review and to the Commission for approval.
4. Western New York and Pennsylvania Railroad, at sole cost and expense of Pennsylvania Department of Transportation, prior to the start of construction submit a detailed circuitry plan for the subject crossing alteration to the Pennsylvania Department of Transportation for review and to the Commission for approval.
5. Western New York and Pennsylvania Railroad, at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to alter the subject crossing by (1) removing the existing cantilevers and flashing railroad warning signals, gates, bells and signal cabinet at the subject crossing; (2) installing new automatically operated cantilevered LED flashing-light warning signals with gates, bells, signal cabinet and equipment at the subject crossing; and (3) providing an interconnect cable from the signal cabinet to a junction box for railroad preemption; all in accordance with the approved plans, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.
6. Western New York and Pennsylvania Railroad, at the sole cost and expense of the Pennsylvania Department of Transportation, furnish all material and do all work necessary to establish and maintain any detours or traffic controls at the subject crossing that may be required to properly and safely accommodate highway and pedestrian traffic during the time the crossing is being altered.
7. Western New York and Pennsylvania Railroad, at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and perform all work necessary to 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.

8. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority located within the limits of the Commission's jurisdiction, which may be required as incidental to the execution of the proposed project, be made by said public utility or municipal authority, at its initial cost and expense and in such manner as will not interfere with construction of the project.

9. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority located in private right-of-way within the limits of the Commission's jurisdiction, which may be required as incidental to the execution of the crossing project, be made by said public utility or municipal authority and in such manner as will not interfere with the project.

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. Pennsylvania Department of Transportation notify all parties of record at least ten (10) days prior to performing any work in accordance with this Secretarial Letter.

12. All work necessary to complete the alteration of the subject crossing be done in a manner satisfactory to this Commission on or before August 31, 2027, and that on or before said date, Pennsylvania Department of Transportation report the date of actual completion of the work.

13. All costs, which are to be reimbursed by the Department of Transportation consistent with this Secretarial Letter, shall be reimbursed pursuant to the provisions of 23 C.F.R. Parts 140 and 646. The aforesaid Federal reimbursement shall not supersede, delay or, in any manner, postpone the effect of any paragraph contained in this or any related Secretarial Letter or Order.

14. Western New York and Pennsylvania Railroad, pay all compensation for damages due to the owners of any property taken, injured or destroyed by reason of the alteration of the subject crossing for any work they perform in accordance with this Secretarial Letter.

15. This Secretarial Letter is without prejudice to the right of any party to recover all or part of any costs incurred by said party in compliance with the provisions of this Secretarial Letter, in accordance with any lawful agreement between it and any other party.

16. Upon completion of construction of the project, Western New York and Pennsylvania Railroad, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the crossing, including the automatically operated cantilevered LED flashing-light warning signals with gates, bells, signal cabinet and equipment, and to maintain at all times in a smooth and satisfactory condition the railroad crossing surface located between the rails and for a distance of twenty-four (24) inches beyond the rails; and provide the City of Franklin and the Pennsylvania Department of Transportation at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph; all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices, the approved plans and this Secretarial Letter.

17. Upon completion of construction of the project, the Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to maintain the highway approaches to the subject crossing to points twenty-four (24) inches beyond each outside rail and, in addition, maintain the grade crossing advance warning signs (W10-1), pavement markings and stop lines on the approaches thereto, and provide the City of Franklin and the Western New York and Pennsylvania Railroad at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

18. Upon completion of construction of the project, the City of Franklin, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway traffic signals and traffic signal control box at the intersections of SR 0322 (13th Street) with Atlantic Avenue and Udsi Drive, the cable from the junction box to the traffic signal control box, the physical condition of the sidewalks and to remove snow, ice, and debris from the sidewalks along both sides of State Route 0322 (13th Street) and provide the Pennsylvania Department of Transportation and the Western New York and Pennsylvania Railroad at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph; all in accordance with this Secretarial Letter.

19. Upon completion of the work herein directed, the City of Franklin at its sole cost and expense, shall maintain and shall annually inspect the traffic signals, the traffic signal control box and the cable from the junction box to the traffic signal control box to ensure that the timing and preemption operation of the signal systems are functioning as designed. The City of Franklin shall contact Western New York and Pennsylvania Railroad and arrange for railroad personnel to activate the railroad crossing warning system to accommodate the required inspection. The City of Franklin shall report any operational problems that cannot be corrected during the annual inspection to both the Pennsylvania Department of Transportation and the Pennsylvania Public Utility Commission.

20. 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.

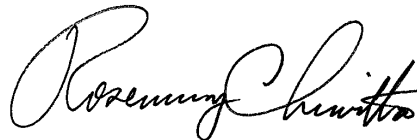
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax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

Rosemary Chiavetta
Secretary