



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

IN REPLY PLEASE
REFER TO OUR FILE

January 14, 2025

A-2024-3052272

TO ALL PARTIES OF RECORD

Application of UGI Utilities, Inc. for approval to alter the public crossing (DOT 589 533 P) by the in place retirement of a 4-inch cast iron gas main where S. Fourth Street crosses, at grade, a single track of East Penn Railroad, LLC located in Emmaus Borough, Lehigh County.

To Whom It May Concern:

By application filed with the Commission on November 22, 2024, UGI Utilities, Inc. (UGI) seeks Commission approval to alter the public crossing (DOT 589 533 P) by the in place retirement of a 4-inch cast iron gas main where S. Fourth Street (borough street) crosses, at grade, a single track of East Penn Railroad, LLC (ESPN) located in Emmaus Borough, Lehigh County.

UGI proposes to cut the 4-inch cast iron gas main to introduce air into the line, vent any remaining trapped gas, and ultimately retire 100-feet of the gas main in place. No surface excavation will be required within ESPN's right-of-way.

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.

In its application, UGI Utilities, Inc. states that the proposed alteration is necessary as part of UGI's efforts to replace aging infrastructure. UGI will be directed to perform the necessary alteration and provide for maintenance and protection of highway and pedestrian traffic during the time work is being performed, at its sole cost and expense. The cost of the project is anticipated to be approximately \$423,000.

All work is to be performed in accordance with the plans hereby entitled: "EXHIBIT A" consisting of one (1) sheet submitted to the Commission with the application.

UGI served a copy of the application and plans on Lehigh County, Emmaus Borough, Norfolk Southern Railway Company, the Pennsylvania Department of Transportation, Service Electric Cable TV, PPL Electric Utilities Corporation, Lumen, and Emmaus Borough Water and Sewer. All parties of record were queried by letter dated December 4, 2024, and ESPN and ReLTEK, LLC were queried by letter dated December 20, 2024, sent via email as to any objection to the subject application and plans. None of the parties have responded with any objection to the subject application or plans. ESPN and ReLTEK, LLC will be made parties of record to the subject proceeding since they were not served a copy of the application by UGI.

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.

Upon full consideration of the matters involved, we find that a hearing is not necessary and that a Secretarial Letter may be issued approving the application.

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, or safety of the public.

The application of UGI Utilities, Inc. is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. East Penn Railroad, LLC and ReLTEK, LLC be made parties hereto.
3. The public crossing (DOT 589 533 P) where S. Fourth Street crosses, at grade, a single track of East Penn Railroad, LLC in Emmaus Borough, Lehigh County be altered generally in accordance with the plans hereby entitled: "EXHIBIT A" consisting of one (1) sheet provided to the Commission on November 22, 2024; which plans are made part hereof and are hereby approved except insofar as they may relate to the division of work, deletion of work, or the allocation of costs and expenses incident to the installation of the project.
4. UGI Utilities, Inc., at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by retiring in place the 4-inch cast iron gas main within the joint right-of-way of the highway where S. Fourth Street crosses, at grade, a single track of East Penn Railroad, LLC; all in accordance with the approved plans and this Secretarial Letter.
5. UGI Utilities, 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 company or municipal authority, other than UGI Utilities, Inc., which may be required as incidental to the alteration of the crossing, be made by said public utility company or municipal authority 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 company or municipal authority, at its sole cost and expense.
7. East Penn Railroad, LLC, at the sole cost and expense of UGI Utilities, Inc., furnish all material and perform all work relating to its facilities which may be required as incidental to the performance of the proposed work and 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. UGI Utilities, Inc., at its sole cost and expense, furnish all material and perform all work necessary to complete the remainder of the project, and any other ancillary features of the project, generally in accordance with the approved plans and this Secretarial Letter.

9. The alteration of the crossing be completed on or before December 31, 2025, and that on or before said date UGI Utilities, Inc., report in writing the date of actual completion of the work to this Commission and certify to the parties of record and this Commission that the work has been satisfactorily completed in accordance with the approved plans and this Secretarial Letter.

10. UGI Utilities, Inc., at its sole cost and expense, pay all compensation for damages, if any, due to owners of property taken, injured, or destroyed by reason of the alteration of the crossing in accordance with this Secretarial Letter.

11. 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.

12. UGI Utilities, Inc. cooperate with the non-carrier utilities involved, so that during the alteration of the involved crossing, the facilities of the non-carrier utilities will not be endangered or unnecessarily interrupted.

13. UGI Utilities, Inc., at least seven (7) days prior to the start of work, notify all parties of record of the actual date on which work will begin.

14. Upon completion of the alteration of the crossing, East Penn Railroad, LLC, at its sole cost and expense, furnish all material and perform all work necessary thereafter 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 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 Emmaus Borough at least ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities.

15. Upon completion of the alteration of the crossing, Emmaus Borough, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the highway approach roadway of the subject crossing to points twenty-four (24) inches beyond each outside rail 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 East Penn Railroad, LLC at least ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities.

16. 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 remaining 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.

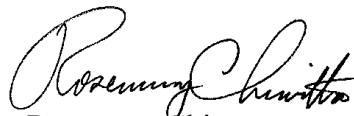
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax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



Rosemary Chiavetta
Secretary