



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

IN REPLY PLEASE
REFER TO OUR FILE

February 3, 2025

A-2024-3051964

TO ALL PARTIES OF RECORD

Application of Omni Fiber, LLC to alter the public crossing (DOT 145 323 X) for the proposed installation of a fiber optics wire line where Fayette Street (State Route 2040) crosses, at grade, a track of the Southwest Pennsylvania Railroad Company in the City of Uniontown, Fayette County.

To Whom It May Concern:

By application received by the Commission on November 4, 2024, Omni Fiber, LLC seeks Commission approval to alter the public crossing (DOT 145 323 X) by the installation of a fiber optics wire line where Fayette Street (State Route 2040) crosses, at grade, a track of the Southwest Pennsylvania Railroad Company (SWP) in the City of Uniontown, Fayette County.

Omni Fiber, LLC, proposes to attach a new fiber optics wire line to existing utility poles within the joint right of way of Fayette Street (State Route 2040) and Southwest Pennsylvania Railroad Company. The minimum vertical clearance for the proposed aerial fiber optic line will be 29 feet 5 inches.

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, Omni Fiber, LLC, states that the proposed aerial fiber optic cable is necessary due for customer growth and system integrity. Omni Fiber, LLC, will be directed to perform the necessary installation, provide for maintenance and protection of highway and pedestrian traffic during installation and accept future maintenance responsibility for the fiber optic facilities, at its sole cost and expense. The cost of the project is anticipated to be \$40,000.

All work is to be performed in accordance with the plans hereby entitled: "UTE 14/ UTW 14 – RR CROSSING – AERIAL SOUTHWEST PENNSYLVANIA RAILROAD UNIONTOWN CITY RR R/W" consisting of three (3) sheets of final construction drawings submitted to the Commission on January 22, 2025. These final construction plans are nearly identical to the plans submitted with the application on November 4, 2024. The only change was to a label on each plan sheet. Each sheet of the

plans submitted November 4, 2024, were labeled “this edition is a preliminary issue and should not be used for construction” and each sheet of the plans submitted January 22, 2025, are labeled “final construction drawing”.

Omni Fiber, LLC has served a copy of the application and plan on Southwest Pennsylvania Railroad Company, Verizon, West Penn Power, the City of Uniontown, Fayette County, and the Pennsylvania Department of Transportation. All parties in interest were queried by letter dated November 14, 2024, sent via email as to any objection to the subject application and plans, and none of the parties have responded with any objections.

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 Omni Fiber, LLC, is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The public crossing (DOT 145 323 X) where Fayette Street (State Route 2040) crosses, at grade, a track of the Southwest Pennsylvania Railroad Company (SWP) in the City of Uniontown, Fayette County be altered generally in accordance with the plans hereby entitled, “UTE 14/ UTW 14 – RR CROSSING – AERIAL SOUTHWEST PENNSYLVANIA RAILROAD UNIONTOWN CITY RR R/W” consisting of three (3) sheets of final construction drawings submitted to the Commission January 22, 2025, which plans are made part hereof and is 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.
3. Omni Fiber, LLC, at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by attaching a new fiber optics wire line to existing utility poles within the joint right of way of SR 2040 and Southwest Pennsylvania Railroad Company, all in accordance with the approved plan and this Secretarial Letter.

4. Omni Fiber, LLC, 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.

5. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility, other than Omni Fiber, LLC incidental to the alteration of the crossing, be made by said public utility 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, at its sole cost and expense.

6. Southwest Pennsylvania Railroad Company, at the sole cost and expense of Omni Fiber, LLC, 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.

7. Omni Fiber, LLC, 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 plan and this Secretarial Letter.

8. The alteration of the crossing be completed on or before January 31, 2026, and that on or before said date Omni Fiber, LLC, 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 plan and this Secretarial Letter.

9. Omni Fiber, LLC, 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.

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. Omni Fiber, LLC cooperate with the non-carrier utilities involved, so that during the alteration of the subject crossing, the facilities of the non-carrier utilities will not be endangered or unnecessarily interrupted.

12. Omni Fiber, LLC, at least seven (7) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

13. Upon completion of the alteration of the crossing, Omni Fiber, LLC, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the fiber optics wire line and any ancillary facilities installed in accordance with the approved plan and this Secretarial Letter.

14. Upon completion of the alteration of the crossing, Southwest Pennsylvania Railroad Company, at its sole cost and expense, furnish all material and perform all work necessary to maintain its railroad facilities, including the concrete crossing surface, warning signals, cantilever and all appurtenant facilities at the crossing, and provide the Pennsylvania Department of Transportation and the City of Uniontown at least ten (10) business days advance notice when performing any work as directed by this paragraph.

15. Upon completion of the alteration of the crossing, the Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its highway approaches, up to the concrete crossing surface, and in addition, maintain the grade crossing advance warning signs, stop lines and pavement markings, if required, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter; and provide Southwest Pennsylvania Railroad Company and the City of Uniontown, at least ten (10) business days advance notice when performing any work as directed by this paragraph.

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.

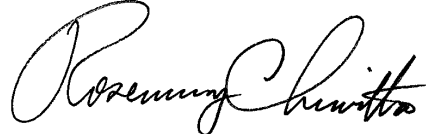
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax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

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta
Secretary