



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

IN REPLY PLEASE
REFER TO OUR FILE

March 24, 2025

A-2024-3052077

Via electronic mail
SEE ATTACHED LIST
PARTIES OF RECORD

In re: Application of Westmoreland County for approval to replace an above grade public crossing (DOT 507 913 W) by the installation of a single-span steel girder bridge where West Broadway Avenue/Fourth Street crosses the tracks of Norfolk Southern Railway Company located in North Irwin Borough, Westmoreland County.

To Whom It May Concern:

On December 2, 2024, I conducted a field investigation and conference for the above captioned application. Westmoreland County (applicant herein), AECOM (representative for Norfolk Southern Railway Company [Norfolk Southern]) and others were on-site to discuss the subject application (see attached meeting sign-in sheet).

During our meeting, the subject of railroad protective services (also known as railroad flagging) was discussed. Due to ongoing discussions between Norfolk Southern and the Pennsylvania Department of Transportation in an unrelated project regarding railroad flagging, it was decided that the Commission would hold this application in abeyance until new language or terms were developed that would affect other public crossing projects. At the time of the meeting, it was thought that this new language would be determined in the very near future, however, the matter has continued to date.

By electronic mail dated March 18, 2025, the applicant reached out to me expressing their concerns with delaying the issuance of a Secretarial Letter due to the above-mentioned matter. To allow the applicant to meet its bidding and letting obligations and not jeopardize or increase the public funding expenditure for the project, it is my intention to use the following language in our Secretarial Letter to approve this application:

1. Norfolk Southern Railway Company, at the sole cost and expense of Westmoreland County, 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.

2. *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.*

3. *The terms of any agreement established in accordance with this Secretarial Letter shall not preclude the Pennsylvania Public Utility Commission from taking any action necessary to protect the public interest, including but not limited to the reassignment or enforcement of any costs or responsibilities assigned or transferred as a result of this Secretarial Letter.*

The above three paragraphs, in some form or another, have been used by the Commission for many years to approve applications by Secretarial Letter and Order and should not preclude the parties herein from establishing their own lawful agreements while protecting the public interest.

It is requested that each party in interest notify the Commission of any objection to this proposal by April 13, 2025. If no objection is filed with the Commission by the above stated date, the Commission will approve the application in this proceeding in accordance with Section 2702, Title 66 of the Pennsylvania Public Utility Code with the included language above. Should new language or terms related to railroad flagging become available prior to the time of application approval, the new language will be used in lieu of the above three paragraphs as soon as possible.

All parties are being sent this notice by electronic mail (e-mail). Please eFile any written objections and formal correspondence via <https://efiling.puc.pa.gov> and e-mail a copy to the below address. **Please note that objections submitted by e-mail cannot be accepted.**

Best regards,



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Similar Letter List
A-2024-3052077

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PA PUC Docket#: A-2024-3052077 - Field Conference, Monday, December 2, 2024, at 12:30 pm
 DOT#: 507 913 W - Norfolk Southern Railway Company / West Broadway Avenue/Fourth
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