

**BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rail Safety Division Application Type (check all that apply):

- E-Installation, removal or substitution of warning devices at a public crossing
- G-Construction, alteration, relocation, abolition or suspension of a public crossing
- P-Installation of traffic signals with preemption on the approach to a public crossing
- W-Installation of a fixed utility company's facilities at a public crossing (Pipe & Wire)
- X-Exemption from the Commission's railroad clearance requirement

Application Docket No.
To Be Assigned

For Applications E/G/P/W use caption 1, for X use caption 2 (delete unused caption):

In re:

Application of North Penn Telephone Company (Empire Access) for approval to alter the public right of way by installation of 96ct fiber optic cabling within 1-1/4" aerial interduct where Jackson Street crosses the track(s) of Reading Blue Mountain & Northern Railroad, located in the City of Scranton in Lackawanna County.

To Pennsylvania Public Utility Commission:

1. The name, address, telephone number, and e-mail address of the applicant are:

Airosmith Development on behalf of Empire Access
318 West Avenue
Saratoga Springs, NY 12866
(518) 937-1960
Brendan Shields (bshields@airosmithdevelopment.com)

North Penn Telephone Company (Empire Access)
34 S Main Street, Prattsburgh, NY 14873
(570) 493-0242
Ken Urian (ken.urian@empireaccess.com)

2. The name, address, telephone number, and e-mail address of the applicant's attorney are:

Harter Secrest & Emery LLP
1600 Bausch & Lomb Place, Rochester, NY 14604
Michael J. Roche
mroche@hselaw.com

3. This application is for a 96ct Fiber Optic crossing in Scranton, PA. The purpose of this crossing is to improve Empire Access's fiber optic infrastructure in an effort to provide the population of Scranton with high speed, dependable internet. The demand for reliable internet is increasing as more people rely on internet for both personal and professional uses. By aerially crossing the rail road tracks at Jackson Street, Empire Access will be able to connect either side of the tracks to their fiber network and provide its residents with their service.

4. The proposed scope of work is to install 1 strand of 96ct fiber aerially to connect the two existing utility poles on either side of the railroad tracks as illustrated in the engineered stamped plans provided.

5. The parties that may be affected by the proposed alteration are as follows (see attached Certificate of Service):

The party that would be affected by this proposed installation would be Reading Blue Mountain & Northern Railroad as the routing of the fiber optic cabling crossing their existing right of way. The installation is to be aerial utilizing existing utility poles to minimize the project's footprint.

6. The organizations who would be affected by the proposed installation of fiber optic cabling aerially across the railroad tracks would be Verizon Pennsylvania Inc..

7. Empire Access will be responsible for the cost to maintain, install, and inspect the facilities as they are the new provider attaching to the utility poles. The estimated cost of the installation is \$3,000 and this project will be self-funded and self-installed.

8. The application is necessary or proper for the following reason(s):

This application is necessary to improve Empire Access's fiber optic infrastructure in an effort to provide the population of Scranton with high speed, dependable internet. The demand for reliable internet is increasing as more people rely on internet for both personal and professional uses. By aerially crossing the rail road tracks at Jackson Street, Empire Access will be able to connect either side of the tracks to their fiber network and provide its residents with their service.

Wherefore, we pray your Honorable Commission to approve the application:

**Brendan
Shields**

Digitally signed by Brendan Shields
DN: CN=Brendan Shields, E=bshields@
airosmithdevelopment.com
Reason: I am the author of this document
Location:
Date: 2025.03.25 15:55:50-04'00'
Foxit PDF Editor Version: 13.1.6

(Signature of Applicant)

VERIFICATION

I, **Brendan Shields**, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

3/25/2025

Date

**Brendan
Shields**

Digitally signed by Brendan Shields
DN: CN=Brendan Shields, E=bshields@
airosmithdevelopment.com
Reason: I am the author of this document
Location:
Date: 2025.03.25 15:56:08-04'00'
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(Signature)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (*relating to service by participant*).

City of Scranton Department of
Transportation
Scott Gassenmeyer, Director
City of Scranton Department of Public
Works
340 North Washington Avenue
Scranton, PA 18503
Email: sgassenmeyer@scrantonpa.gov

Verizon Pennsylvania Inc.
Matthew Kehr, Engineering Manager
416 Seventh Avenue
Pittsburgh, PA 15219
Email: matthew.w.kehr@verizon.com

Pennsylvania Northeast Railroad Authority
Charlene W. Doyle, Vice President
280 Cliff Street
Scranton, PA 18503
Email: cdoyle@pnrra.org

Reading Blue Mountain & Northern
Railroad
Kathleen Gipe, Real Estate Administrative
Coordinator
3501 Pottsville Pike
Reading, PA 19605
Email: kgipe@readingnorthern.com

Lackawanna County Regional Planning
Commission
Mary Liz Donato, Planning Department
Manager
123 Wyoming Avenue
Scranton, PA 18503
Email: donatoml@lackawannacounty.org

PA Public Utility Commission
William M Sinick, Senior Civil Engineer
Manager
123 Wyoming Avenue
Scranton, PA 18503
Email: willsinick@pa.gov

(Continues next page)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (*relating to service by participant*).

Dated this 25 day of March, 2025

**Brendan
Shields**

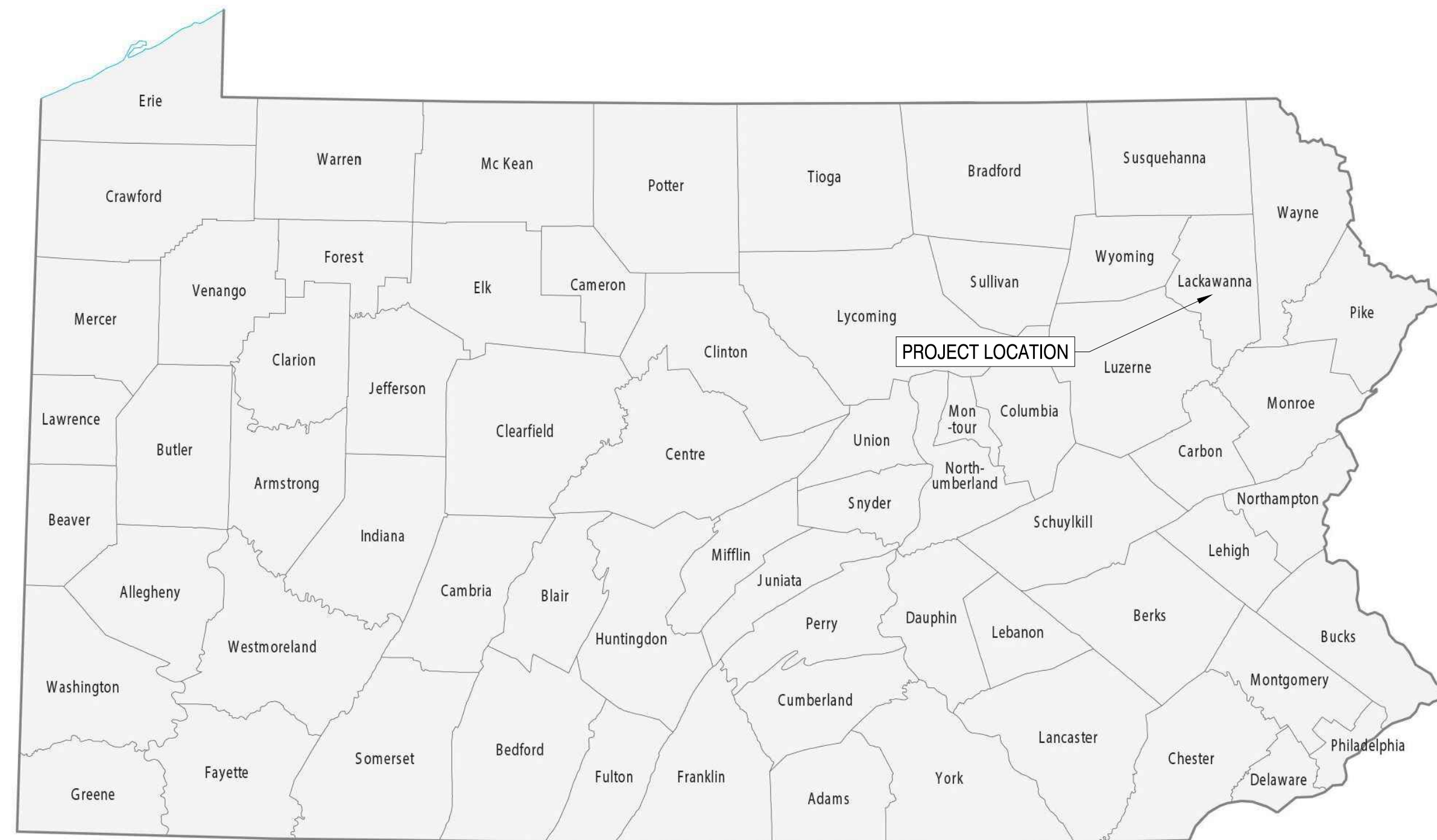
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airosmithdevelopment.com
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Location:
Date: 2025.03.25 15:55:25-04'00'
Foxit PDF Editor Version: 13.1.6

(Signature)

EMPIRE ACCESS JACKSON STREET

W 75°41'40.79" N 41°25"10.56"
120± LF NEW 96 CT FIBER CABLE WITHIN 1-1/4" AERIAL INTERDUCT

JACKSON ST CROSSING
SCRANTON, PA
LACKAWANNA COUNTY



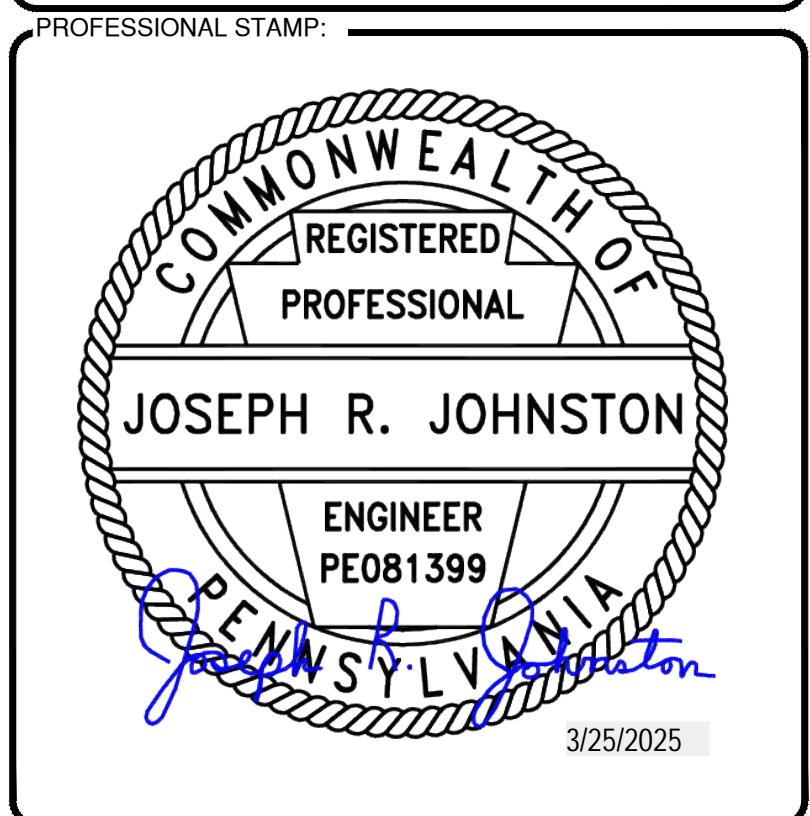
SHEET INDEX

1. C-001 - COVER
2. C-101 - JACKSON ST PLAN AND PROFILE



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DRAWINGS ISSUED FOR:

REV.	DATE	DRAWN	DESCRIPTION	QA/QC
0	2025.01.03	AB	PERMIT PLANS	SC
1	2025.01.21	AB	PERMIT PLANS	SC
2	2025.3.19	ARW	DOT COMMENTS	HS/SC

PROJECT INFORMATION:

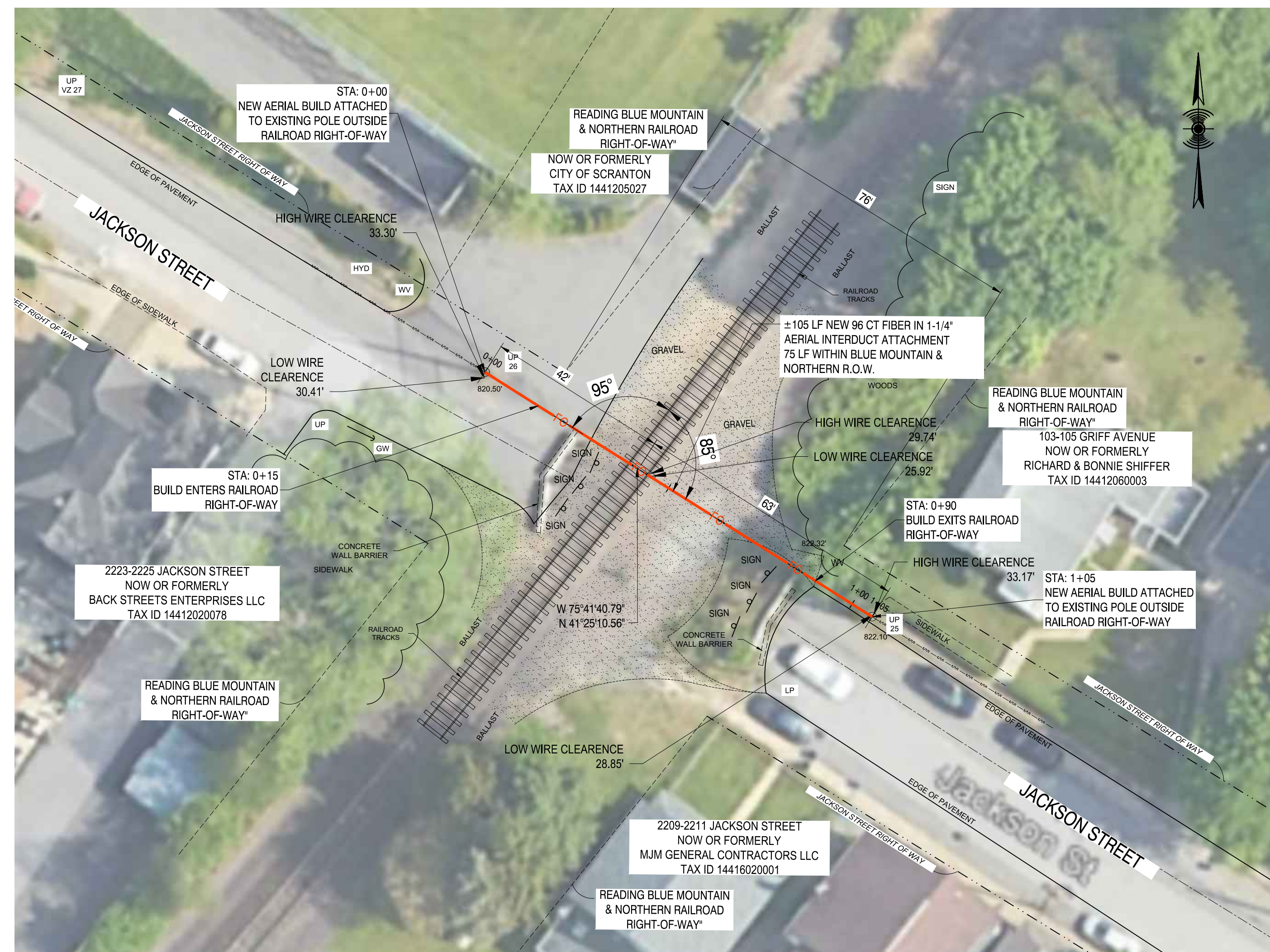
JACKSON STREET
CITY OF SCRANTON
LACKAWANNA COUNTY, PA

120± LF NEW 96 CT
FIBER CABLE WITHIN
1-1/4" AERIAL INTERDUCT

SHEET TITLE:

COVER SHEET

SHEET NUMBER: **C-001** REVISION: **2**



LEGEND

GV	⊗	GAS VALVE
CO	⊙	CLEANOUT
HH	■	HAND HOLE
GM	⊗	GAS METER
LP	⊗	LIGHT STANDARD
DS	⊗	DRAINAGE STRUCT.
HYD.	⊗	FIRE HYDRANT
WV	⊗	WATER VALVE
I.P. 1 MON.	⊗	EXISTING IRON PIPE
UP	⊗	UTILITY POLE
PL	---	PROPERTY LINE
---	---	EASEMENT LINE
---	---	CENTERLINE
---	---	SUBLOT LINE
---	---	ROW LINE
---	---	FENCE
---	---	TREE
---	---	EDGE OF WOODS
---	---	BRUSH LINE
C	---	NEW BUILD IN ROW
C	---	NEW BUILD OUTSIDE ROW

PROJECT INFORMATION

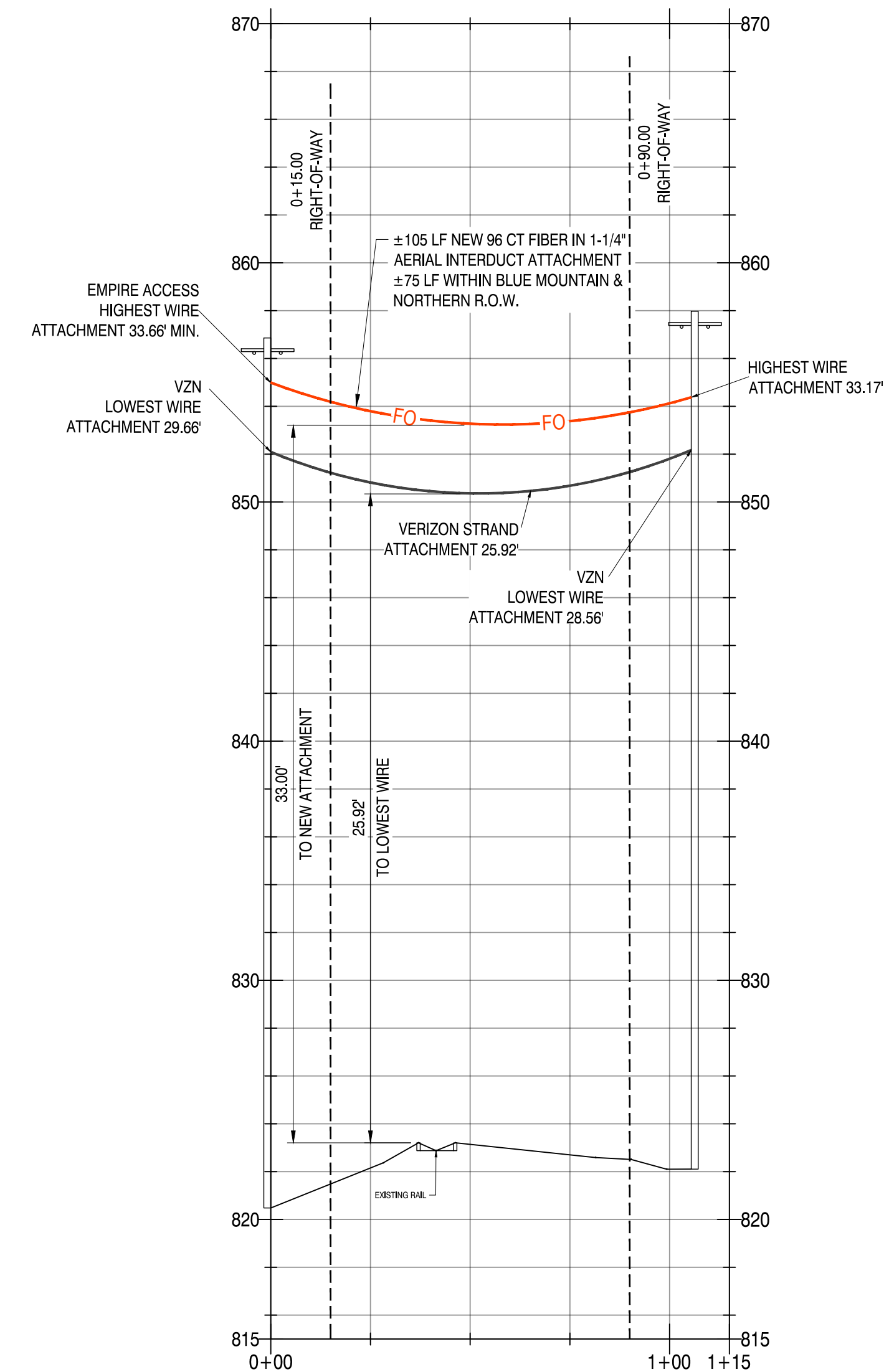
THIS PROJECT CONSISTS OF 120± LF OF NEW 96 CT FIBER WITHIN 1-1/4" AERIAL INTERDUCT.

SURVEY DATA

DELINEATION OF RIGHT OF WAY AND BASE MAPPING OBTAINED FROM SURVEY COMPLETED BY NORTHEAST TOWER SURVEYING, INC. DATED 12/18/2024.

UTILITY QUALITY LEVEL: QL-C

NOTE: THE LOCATION, SIZES, AND ELEVATIONS OF EXISTING UTILITIES ARE BASED ON INFORMATION COMPILED FROM FIELD WORK, RECORD DRAWINGS AND INFORMATION FURNISHED BY VARIOUS UTILITY COMPANIES WITH FIELD EDITING WHERE NECESSARY AND POSSIBLE. THE ACCURACY OF THIS INFORMATION IS NOT GUARANTEED AND SHALL BE VERIFIED BY THE CONTRACTOR.

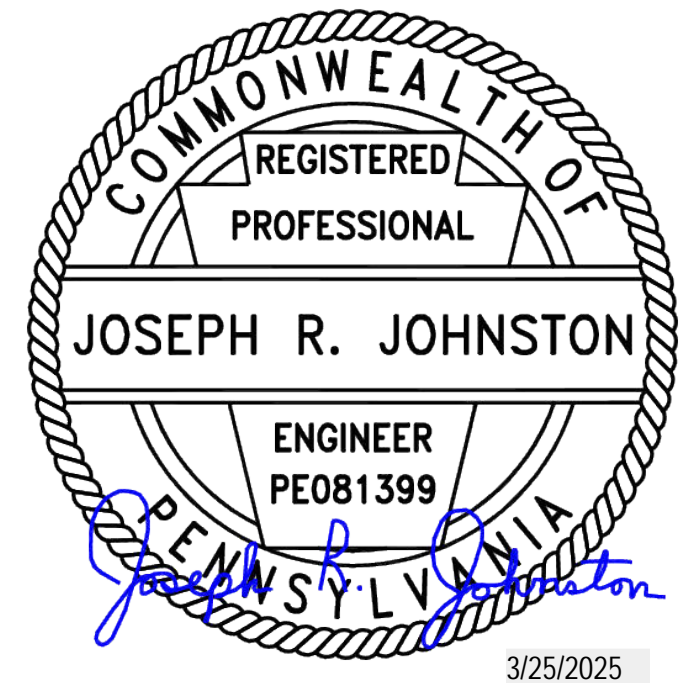


AIROSMITH DEVELOPMENT
AIROSMITH ENGINEERING
318 WEST AVE.
SARATOGA SPRINGS, NY 12866
P-71878

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PROFESSIONAL STAMP:



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0	2025.01.03	AB	PERMIT PLANS	SC
1	2025.01.21	AB	PERMIT PLANS	SC
2	2025.3.19	ARW	DOT COMMENTS	HS/SC

PROJECT INFORMATION:

JACKSON STREET
CITY OF SCRANTON
LACKAWANNA COUNTY, PA

120± LF NEW 96 CT
FIBER CABLE WITHIN
1-1/4" AERIAL INTERDUCT

SHEET TITLE:
**PLAN
AND PROFILE**

SHEET NUMBER: **C-101** REVISION: **2**