



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

IN REPLY PLEASE
REFER TO OUR FILE

April 3, 2026

A-2025-3056302

TO ALL PARTIES OF RECORD

Application of the Department of Transportation of the Commonwealth of Pennsylvania to alter sixteen (16) public crossings by upgrading the existing warning devices where public roadways cross, at grade, the track(s) of Norfolk Southern Railway Company in North East Township, North East Borough, Harborcreek Township, and the City of Erie, in Erie County, all in accordance with the Federal Grade Crossing Program and the allocation of costs incident thereto.

To Whom It May Concern:

By Secretarial Letter dated December 22, 2025, the Commission approved the subject application, allocation of costs, and assignment of future maintenance responsibilities for the alteration of sixteen (16) public crossings in the above-captioned proceeding.

A field conference was held at all the crossings on September 16, 2025. At the public crossing (DOT 524 002 M) where Cascade Street crosses, at grade, three (3) tracks of Norfolk Southern Railway Company (NS) and three (3) tracks of CSX Transportation Inc.(CSX) in the City of Erie, the parties observed an existing wire that appeared to lack adequate vertical clearance over the railroad tracks. The wire was identified as belonging to Zito Media. Following the meeting, a Commission staff engineer asked Zito Media Communications (Zito Media) to verify that the wire met the minimum vertical clearance of 22 feet over all the tracks.

On December 16, 2025, Zito Media submitted two (2) plan sheets to the Commission and to the parties of record, to raise their existing aerial wire at the public crossing (DOT 524 002 M) on Cascade Street. Zito Media proposes to replace an existing 30 foot tall utility pole with a 40 foot tall utility pole, in the northeast quadrant of the crossing and to raise the existing aerial fiber optic cable and aerial duct over the railroad tracks. The raised aerial fiber optic cable will provide a minimum vertical clearance of 28 feet 5 inches (28' 5") from the top of rails to the cable.

The Commission hereby establishes its jurisdictional limits at the subject crossing as the area within the confines of the railroads right-of-way and the highway right-of-way.

All work is to be performed in accordance with the plan entitled, "ZITO MEDIA PROPOSED RAILROAD CSX/NS RR CROSSING" consisting of two (2) sheets that were submitted to the Commission on December 16, 2025. Zito Media has served a copy of the plan on CSX, First Energy (Pennsylvania Electric Company), the City of Erie, Erie County, and the Pennsylvania Department of Transportation.

Zito Media did not serve NS with a copy of the plan, therefore, NS has not had an opportunity to consider the matter and respond. However, this Secretarial Letter will be issued to all the parties of record and will provide an opportunity for a response within twenty days (20) of this Secretarial Letter issuance date.

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 plan of Zito Media Communications is approved as herein directed:

1. The public crossing (DOT 524 002 M) where Cascade Street crosses, at grade, three (3) tracks of Norfolk Southern Railway Company (NS) and three (3) tracks of CSX Transportation Inc.(CSX), be altered generally in accordance with the plan entitled, "ZITO MEDIA PROPOSED RAILROAD CSX/NS RR CROSSING" consisting of two (2) sheets submitted to the Commission on December 16, 2025, which plan is 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.

2. Zito Media Communications, at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by replacing an existing 30 foot tall utility pole with a 40 foot tall utility pole in the northeast quadrant of the crossing, and raise the aerial fiber optic cable and aerial duct over the tracks, within the right of way of Cascade Street, all in accordance with the approved plan and this Secretarial Letter.

3. Zito Media Communications, 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.

4. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility, other than Zito Media Communications 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.

5. CSX Transportation Inc., at the sole cost and expense of Zito Media Communications, 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.

6. Norfolk Southern Railway Company, at the sole cost and expense of Zito Media Communications, 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. Zito Media Communications, 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 March 31, 2027, and that on or before said date Zito Media Communications, 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. Zito Media, 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. Zito Media Communications 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. Zito Media Communications, 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, Zito Media Communications, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain their aerial fiber optic facilities and any ancillary facilities installed in accordance with the approved plan and this Secretarial Letter.

14. 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 that reads "Matthew L. Homsher". The signature is written in a cursive style with a large initial "M".

Matthew L. Homsher
Secretary