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| PUC logo | COMMONWEALTH OF PENNSYLVANIA  PENNSYLVANIA PUBLIC UTILITY COMMISSION  P.O. BOX 3265, HARRISBURG, PA 17105-3265 | **IN REPLY PLEASE REFER TO OUR FILE** |

August 22, 2013

A-2013-2372749

TO ALL PARTIES

Application of Southeastern Pennsylvania Transportation Authority for the approval to alter the public at-grade crossing by the installation of a new sidewalk crossing with warning signals where Red Lion Road (DOT 589 938 S) crosses, at-grade, tracks of Southeastern Pennsylvania Transportation Authority in Lower Moreland Township, Montgomery County; and the allocation of costs incident thereto.

To Whom It May Concern:

This matter is before the Commission by reason of an application filed on July 9, 2013, by Southeastern Pennsylvania Transportation Authority (SEPTA) seeking Commission approval for the installation of a new sidewalk crossing with warning devices which will cross, at grade, two (2) tracks of SEPTA in Lower Moreland Township, Montgomery County.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held at the site of the crossing on July 30, 2013. Representatives of SEPTA, Lower Moreland Township, and the Pennsylvania Department of Transportation were in attendance. Although notified by letter dated July 17, 2013, there were no representatives of Montgomery County, Comcast Cable, Verizon, PECO Energy, North Penn Water Authority, Aqua Pa or Philadelphia Gas Works in attendance.

At the field conference, it was noted that Red Lion Road is a two (2) lane roadway which is bituminous paved. The crossing surfaces of both crossings are asphalt and rail seal and are equipped with flashing light signals, gates and a bell. The approach roadways have grade crossing advance warning signs, pavement markings and stop lines. SEPTA, at its initial cost and expense, will install a concrete crossing surface for pedestrian and bicycle use, and two warning devices with new wiring and associated circuitry to facilitate the new sidewalk. The project will be funded through the Pennsylvania Department of Transportation, capped at two hundred thousand dollars ($200,000.00). Any costs above the two hundred thousand dollars ($200,000.00) will be borne by SEPTA.

It does not appear that any facilities of any non-carrier public utility will be affected by the alteration of the crossing.

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 Southeastern Pennsylvania Transportation Authority is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.

2. The at-grade crossing, where Red Lion Road (DOT 589 938 S) crosses, at-grade, two (2) tracks of Southeastern Pennsylvania Transportation Authority in Lower Moreland Township, Montgomery County, be altered as herein directed.

3. The at-grade crossing, where Red Lion Road (DOT 589 938 S) crosses, at-grade, two (2) tracks of Southeastern Pennsylvania Transportation Authority in Lower Moreland Township, Montgomery County be altered generally in accordance with the situation plan entitled: “NESHAMINY BRANCH RRD RED LION ROAD PEDESTRIAN CROSSING,” consisting of three (3) sheets filed with the Commission on July 9, 2013; which plan is made part hereof and is hereby approved except insofar as it 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. The circuitry at the subject crossing be altered generally in accordance with the circuitry plan entitled: “RED LION ROAD HIGHWAY CROSSING WARNING DEVICES PEDESTRIAN SIGNAL CIRCUITS,” consisting of a single sheet filed with the Commission on July 16, 2013, which plan is made part hereof and is hereby approved except insofar as it may relate to the division of work, deletion of work, or the allocation of costs and expenses incident to the installation of the project.

5. Southeastern Pennsylvania Transportation Authority, at its initial cost and expense, furnish all material and do all work necessary to alter the subject crossing by installing a new concrete crossing surface with warning signals and associated wiring, and updated circuitry to facilitate a sidewalk crossing at the subject crossing in accordance with this Secretarial Letter.

6. Southeastern Pennsylvania Transportation Authority, at its initial cost and expense and in cooperation with Lower Moreland Township, furnish all material and do all work necessary to establish and maintain any detours or traffic controls that may be necessary to properly and safely accommodate highway, rail and pedestrian traffic during the time the crossing is being altered.

7. Any relocation of, changes in and/or removal of any adjacent structures, equipment or facilities of any non-carrier public utility, which may be required as 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.

8. Southeastern Pennsylvania Transportation Authority provide at least seven (7) days advance notice of the start of work to alter the crossing to each party involved in this proceeding.

9. 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 said requirements of each of the parties will be provided for and accommodated insofar as possible.

10. All work necessary to alter the crossing be completed in a manner satisfactory to this Commission on or before December 31, 2013, and that on or before said date, Southeastern Pennsylvania Transportation Authority report in writing to this Commission the date of actual completion of the work.

11. Southeastern Pennsylvania Transportation Authority pay all compensation for damages, if any, due to the owners of property taken, injured or destroyed by reason of the alteration of the crossing in accordance with this Secretarial Letter.

12. The Pennsylvania Department of Transportation pay Southeastern Pennsylvania Transportation Authority a sum of money not to exceed two hundred thousand dollars ($200,000.00) of the total costs for work performed by the railroad in compliance with Numbered Paragraphs 3, 4, 5 and 6 of this letter.

13. Southeastern Pennsylvania Transportation Authority, bear the remaining costs (in excess of $200,000.00) as its share for work performed by the railroad in compliance with Numbered Paragraphs 3, 4 ,5 and 6 of this letter.

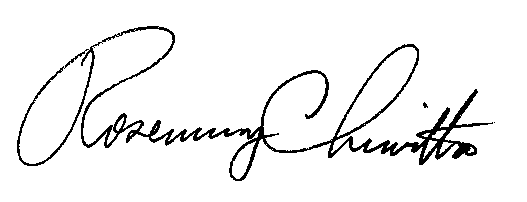
14. Upon completion of the alteration of the subject crossing, Southeastern Pennsylvania Transportation Authority, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain all facilities located within its right-of-way including its railroad facilities at the subject crossings, the crossing surfaces and sidewalk, including snow, ice and debris removal, the warning devices and associated wiring; and to maintain at all times in a smooth and satisfactory condition the crossing surfaces in accordance with this Secretarial Letter.

15. That upon completion of the construction of the proposed project, Lower Moreland Township, at its sole cost and expense, furnish all material and perform all work necessary to maintain the sidewalk within its right-of-way, and the removal of snow, ice and debris from the sidewalks, constructed as part of the improvement.

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 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/Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to Public Utility Code 66 Pa. C.S. § 3301.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5.44, file a petition with the Commission within twenty (20) days of the date of this letter.



Very truly yours,

Rosemary Chiavetta

Secretary