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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** |

May 1, 2015

A-2015-2469170

TO ALL PARTIES

Application of Salsgiver Telecom for approval of the alteration of the crossing (DOT 529 147 R) where 17th St crosses, at grade, the track of Norfolk Southern Railway Company, located in the Borough of Windber, Somerset County.

To Whom It May Concern:

By application filed with the Commission on February 19, 2015, requesting approval to alter the crossing where 17th Street crosses, at grade, the tracks of Norfolk Southern Railway Company by installing a fiber optic cable located in the Borough of Windber, Somerset County.

Salsgiver Telecom seeks Commission approval to install a fiber optic cable between existing utility poles at the subject crossing. The proposed fiber optic cable will cross within the confines of the Norfolk Southern Railway Company right-of-way and the highway right-of-way. A minimum vertical clearance of twenty-eight feet six inches (28’-6”) will be provided above the rails.

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, Salsgiver Telecom states that the proposed installation is necessary to upgrade its facilities to provide high speed internet service to its customers. Salsgiver Telecom agrees to perform the necessary installation, provide for maintenance and protection of highway and pedestrian traffic during installation and accept future maintenance responsibility for the new communication line, at its sole cost and expense.

All work is to be performed in accordance with the plans entitled: “RAILROAD CROSSING SPREADSHEET LOCATION #11 17TH ST (ST RTE 1033) AT RAILROAD ST”, consisting of three (3) sheets, attached to the subject application.

Salsgiver Telecom has served a copy of the application and installation plans on Norfolk Southern Railway Company, Pennsylvania Department of Transportation, Verizon, Pennsylvania Electrical Company, Borough of Windber, Somerset County. All parties in interest were queried by letter dated March 20, 2015 as to any objection to the subject application. None of the parties have responded with any objection to the subject application.

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 Salsgiver Telecom is approved as herein directed:

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

2. The crossing where 17th Street crosses, at grade, the track of Norfolk Southern Railway Company in the Borough of Windber, Somerset County, be altered generally in accordance with the plans entitled: “RAILROAD CROSSING SPREADSHEET LOCATION #11 17TH ST (ST RTE 1033) AT RAILROAD ST”, consisting of three (3) sheets, attached to the subject application, filed with the Commission on February 19, 2015; which plans are made part hereof and are hereby approved except insofar as they may relate to the division of work, deletion of work, or the allocation of costs and expenses incidental to the installation of the project.

3. Salsgiver Telecom, at its sole cost and expense, furnish all material and perform all work necessary to alter the subject crossing by installing a fiber optic cable on existing utility poles at the subject crossing, all in accordance with the approved plans and this Secretarial Letter.

4. Salsgiver Telecom, 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 Salsgiver Telecom, 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.

6. Norfolk Southern Railway Company, at the sole cost and expense of Salsgiver Telecom, 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 facility is being installed.

7. Salsgiver Telecom, 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 April 30, 2016, and that on or before said date, Salsgiver Telecom 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 plans and this Secretarial Letter.

9. Salsgiver Telecom, 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. Salsgiver Telecom, cooperate with the non-carrier public utilities involved, so that during the alteration of the involved crossing, the facilities of the non-carrier utilities will not be endangered or unnecessarily interrupted.

12. Salsgiver Telecom, 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, Salsgiver Telecom, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the new aerial communication 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, Norfolk Southern Railway Company, at its sole cost and expense, furnish all material and perform all work necessary to maintain its railroad facilities at the subject crossing, including the crossbucks, and all appurtenant equipment, and to maintain at all times in a smooth and satisfactory condition the timber and asphalt crossing surface including the paving between the rails and for a distance of twenty-four (24) inches beyond the outermost rails, all in accordance with this Secretarial Letter.

15. Upon completion of the alteration of the crossing, Borough of Windber, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway approaches to the subject crossing to points located twenty-four (24) inches beyond the outermost rails in a safe and satisfactorily condition and in addition, maintain the grade crossing advance warning signs, stop lines and pavement markings on the approaches thereto, in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

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 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.

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