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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-2015-2469672

TO ALL PARTIES

Application of Johnstown Redevelopment Authority for approval of the alteration of two public crossings by the installation of sanitary sewer lines where Delaware Lane (DOT 529 045 X) and Laurel Avenue (DOT 529 047 L) cross, below grade, tracks of Norfolk Southern Railway Company, located in the City of Johnstown in Cambria County.

To Whom It May Concern:

By application filed with the Commission on January 5, 2015, Johnstown Redevelopment Authority requests Commission approval to alter two public crossings by the installation of sanitary sewer lines where Delaware Lane (DOT 529 045 X) and Laurel Avenue (DOT 529 047 L) cross, below grade, tracks of Norfolk Southern Railway Company, located in the City of Johnstown in Cambria County. The application incorrectly lists Decker Avenue as one of the roadways that crosses under tracks of Norfolk Southern Railway Company, however, the correct name of this roadway is Laurel Avenue.

The applicant seeks to install a new ten-inch (10”) diameter sewer pipe beneath Delaware Lane and the tracks of Norfolk Southern Railway Company with boring construction, and to install an eighteen-inch (18”) diameter cured in place pipe under beneath Laurel Avenue and the tracks of Norfolk Southern Railway Company. The minimum cover over the 10” diameter pipe to the surface of Delaware Lane will be 8.6 feet and the minimum cover over the 18” pipe to the surface of Laurel Avenue will be 6.6 feet. Boring construction and cured in place pipe construction are trenchless technologies and there will be no open cut or damage to the existing conditions in the railroad’s right-of-way.

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, Johnstown Redevelopment Authority states that the proposed installation is necessary to replace the existing aging sewer lines. Johnstown Redevelopment Authority 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 proposed gas line, at its sole cost and expense.

All work is to be performed in accordance with the plans entitled: “Johnstown Redevelopment Authority woodvale oakhurst interceptro rehabilitation & stormwater project”, consisting of seven (7) sheets, attached to the subject application, filed with the Commission on January 5, 2015.

Johnstown Redevelopment Authority has served a copy of the application and installation plans on Norfolk Southern Railway Company, Pennsylvania Department of Transportation, Verizon, Greater Johnstown Water Authority, Peoples Natural Gas Company, City of Johnstown, and Cambria 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 Johnstown Redevelopment Authority approved as herein directed:

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

2. The two public crossings where Delaware Lane (DOT 529 045 X) and Laurel Avenue (DOT 529 047 L) cross, below grade, tracks of Norfolk Southern Railway Company, located in the City of Johnstown in Cambria County, be altered generally in accordance with the plans entitled: “JOHNSTOWN REDEVELOPMENT AUTHORITY WOODVALE OAKHURST INTERCEPTRO REHABILITATION & STORMWATER PROJECT”, consisting of seven (7) sheets, attached to the subject application, filed with the Commission on January 5, 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 incident to the installation of the project.

3. Johnstown Redevelopment Authority, at its sole cost and expense, furnish all material and perform all work necessary to install a new ten-inch (10”) diameter sewer line beneath Delaware Lane and the tracks of Norfolk Southern Railway Company with boring construction and an eighteen-inch (18”) diameter cured in place pipe under beneath Laurel Avenue and the tracks of Norfolk Southern Railway Company, all in accordance with the approved plans and this Secretarial Letter.

4. Johnstown Redevelopment Authority, 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 crossings are 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 Johnstown Redevelopment Authority which may be required as incidental to the alteration of the crossings, be made by said public utility at its initial cost, and in such a manner as will not interfere with the alteration of the crossings; 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 Johnstown Redevelopment Authority, 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. Johnstown Redevelopment Authority, 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 crossings be completed on or before May 1, 2016, and that on or before said date, Johnstown Redevelopment Authority 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. Johnstown Redevelopment Authority, 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 crossings 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. Johnstown Redevelopment Authority cooperate with the non-carrier public utilities involved, so that during the alteration of the involved crossings, the facilities of the non-carrier utilities will not be endangered or unnecessarily interrupted.

12. Johnstown Redevelopment Authority, 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 crossings, Johnstown Redevelopment Authority, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the sewer lines and any ancillary facilities installed in accordance with the approved plan and this Secretarial Letter.

14. Upon completion of the alteration of the crossings, 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 crossings.

15. Upon completion of the alteration of the crossings, City of Johnstown, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its roadways through the crossing areas.

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