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

May 20, 2015

A -2015-2470544

TO ALL PARTIES

 Application of Salsgiver Telecom for approval of the alteration of the crossing where Somerset Avenue (SR 1033) crosses, at grade, the tracks of Norfolk Southern Railway Company (DOT # 529 146 J), located in Borough of Windber, Somerset County.

.

To Whom It May Concern:

 By application filed with the Commission on January 5, 2015, Salsgiver Telecom seeks Commission approval to alter the crossing by the installation of a fiber optic cable where Somerset Avenue crosses, at grade, the tracks of Norfolk Southern Railway Company (DOT # 529 146 J), located in Borough of Windber, Somerset County. The new aerial fiber optic cable will attach to existing utility poles. A minimum vertical clearance of 29.50 feet will be provided from the top of rail to the new aerial fiber optic cable.

 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.

 Salsgiver Telecom has served a copy of the application and installation plan to the following parties: Pennsylvania Department of Transportation, Borough of Windber, Norfolk Southern Railway Company, Somerset County, and Verizon. All parties in interest were queried by letter dated February 13, 2015 as to any objection to the subject application. None of the parties have responded with any objection to the subject application.

 In its application, Salsgiver Telecom states that the proposed installation is necessary to serve customers with high speed fiber optic facilities. Salsgiver Telecom will be directed to perform the necessary installation, provide for maintenance and protection of highway traffic during installation and accept future maintenance responsibilities of the aerial conduit, at its sole cost and expense. The estimated cost of this project is $1,500.

 All work is to be performed in accordance with the drawing plans attached to the application as Exhibit A.

 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 Somerset Avenue crosses, at grade, the tracks of Norfolk Southern Railway Company (DOT # 529 146 J), located in Borough of Windber, Somerset County, be altered generally in accordance with Salsgiver Telecom application filed March 4, 2015, and attached plan entitled: “EXHIBIT A”, consisting of three (3) sheets, which 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. Salsgiver Telecom, at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by installation of the aerial conduit within the right-of-way of the highway where Somerset Avenue crosses, at grade, the tracks of Norfolk Southern Railway, all in accordance with Salsgiver Telecom’s application 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 safety accommodate highway and pedestrian traffic during the time the crossing is being altered.

 5. 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 facilities are being installed.

 6. 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.

 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 November 30, 2017, and that on or before said date, Salsgiver Telecom, will report in writing the date of actual completion of the work to this Commission and all parties of interest.

 9. Salsgiver Telecom, at its sole cost and expense, will 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, at least seven (7) days prior to the start of work, will notify all parties in interest of the actual date on which work will begin.

 12. 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 line and any ancillary facilities installed in accordance with the approved plan and this Secretarial Letter.

 13. 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 warning devices and all appurtenant equipment; and maintain at all times in a smooth and satisfactory condition the crossing surfaces located between the rails and for a distance of twenty-four (24) inches beyond the outermost rails, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

 14. Upon completion of the alteration of the crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its highway approach roadways, up to a distance of twenty-four (24) inches beyond the outermost rails and in addition, maintain the grade crossing advance warning signs, stop lines and pavement markings, if required, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

 15. 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.

 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