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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** |

June 25, 2015

A-2015-2475025

TO ALL PARTIES

Application of Department of Transportation for approval of the alteration of the crossing where SR 2032, Foote Ave. crosses at grade the tracks of Reading, Blue Mountain and Northern Railroad (DOT 361 435 P), located in Duryea Borough in Luzerne County and the allocation of costs incident thereto, *all in accordance with the Grade Crossing Safety Program* and the allocation of costs incident thereto.

To Whom It May Concern:

At a location in Duryea Borough in Luzerne County, State Route 2032 (Foote Avenue) crosses, at grade, two tracks of Reading, Blue Mountain and Northern Railroad (RBMN).

By application filed with the Commission on March 20, 2015, Pennsylvania Department of Transportation (Department) is seeking Commission approval to alter the subject crossing by (1) the installation of new automatically operated flashing-light warning signals, gates and new circuitry to replace the antiquated warning system and (2) installation of a new high-type concrete surfaces.

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 May 19, 2015, with representatives of the following parties in attendance:

Pennsylvania Department of Transportation

Reading, Blue Mountain and Northern Railroad

Duryea Borough

PPL Electric Utilities

Although notified by letter dated May 1, 2015, there were no representatives of Luzerne County, Comcast, Duryea Borough Sewer Authority, Lehigh Railway LLC, UGI Penn National Gas Inc. or Pennsylvania American Water Company in attendance.

At the field conference, it was noted that State Route 2032 is a two lane bituminous roadway. The crossing currently consists of flashing-lights and gates for one track and grade crossing (crossbuck) signs for the other track. The crossing currently consists of a rubber/asphalt surfaces for both tracks. RBMN, at the sole cost and expense of the Department, proposes installing new automatically operated flashing-light signals with gates, bells and associated circuitry on both sides of the tracks. The railroad will also install high-type concrete crossing surfaces for both tracks.

RBMN will be directed to maintain the warning devices and the new crossing surface in a smooth and satisfactory condition. The Department will be directed to maintain the highway approaches up to the crossing surfaces including grade crossing advance warning signs, pavement markings and stop lines. RBMN will prepare a situation and circuitry plan for the project. Both Pennsylvania Department of Transportation and Duryea Borough requested receipt of the circuitry plan prior to Commission approval. All parties of record will receive a situation plan for review.

The project will utilize Section 130 Federal funds at a total estimate of $150,000.00.

The Department avers that a copy of the application has been served on all parties of interest.

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.

Upon full consideration of the matters involved and inasmuch as none of the parties offered any objection to the Pennsylvania Department of Transportation’s proposed project, we find that a Secretarial Letter can be issued approving the application without a formal hearing.

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 and safety of the public.

The application of Pennsylvania Department of Transportation is approved as herein directed:

1. The crossing where State Route 2032 (Foote Avenue) crosses two tracks of the Reading, Blue Mountain and Northern Railroad , Inc. in Duryea Borough, Luzerne County be altered generally in accordance with Pennsylvania Department of Transportation’s application filed March 20, 2015.

2. Reading, Blue Mountain and Northern Railroad, Inc., at Pennsylvania Department of Transportation’s sole cost and expense and prior to construction, prepare and submit a situation plan to all parties for review and to the Commission for approval.

3. Reading, Blue Mountain and Northern Railroad, Inc., at Pennsylvania Department of Transportation’s sole cost and expense and prior to construction, prepare and submit a circuitry plan to Pennsylvania Department of Transportation and Duryea Borough for review and to the Commission for approval.

4. Reading, Blue Mountain and Northern Railroad, Inc. at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to alter the subject crossing by the installation of new automatically operated cantilever flashing-light railroad crossing warning signals with gates, bells and associated circuitry; constructed in accordance with the approved plan, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

5. Reading, Blue Mountain and Northern Railroad, Inc., at its initial cost and expense furnish all material and do all work necessary to alter the crossing by: 1) removing the existing crossing surface, rails, ties, and associated railroad materials from the crossing; and 2) installing a new high-type concrete crossing surface and continuous welded rail through the full width of the roadway and shoulder for both tracks and 3) restoring the approach pavement throughout the entire width of the roadway including the shoulder areas with bituminous material to provide a smooth and satisfactory transition; in accordance with the roadway construction specifications of Pennsylvania Department of Transportation, the approved plans and this Secretarial Letter.

6. Any relocation of, changes in and/or removal of any adjacent structures, equipment or any other facilities of any public utility other than Reading, Blue Mountain and Northern Railroad, Inc. located within the limits of the highway, within the Commission’s jurisdiction, be made by said public utility at its initial cost and expense, and in such a manner as will not interfere with the construction of the improvement, and said relocated or altered facilities thereafter be maintained by said public utility, at its sole cost and expense.

7. Reading, Blue Mountain and Northern Railroad, Inc., at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to establish and maintain any detours or traffic control that may be necessary to properly and safely accommodate vehicular, pedestrian and railroad traffic during the time the crossing is being altered.

8. Reading, Blue Mountain and Northern Railroad, Inc., at its initial cost and expense, 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.

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. Reading, Blue Mountain and Northern Railroad, Inc., at least ten (10) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

11. All work necessary to complete the construction of the project be done in a manner satisfactory to this Commission on or before December 31, 2016 and that on or before said date, Pennsylvania Department of Transportation report in writing to the Commission the date of actual completion of the work.

12. Reading, Blue Mountain and Northern Railroad, Inc. pay all compensation for damages, if any, due to owners of property taken, injured or destroyed by reason of the construction of the improvement in accordance with this letter.

13. Pennsylvania Department of Transportation will reimburse Reading, Blue Mountain and Northern Railroad, Inc. twenty percent (20%) of the project toward construction of the new crossing surfaces in accordance with numbered Paragraph 5 of this Secretarial Letter. These total project costs, excluding the crossing surface work, including all design, construction, materials and labor, construction inspection and traffic control necessary for the installation of the warning devices.

14. Reading, Blue Mountain and Northern Railroad, Inc. bears the remaining costs incurred for the material furnished and work performed in accordance with numbered Paragraph 5 of this Secretarial Letter.

15. All costs which are to be reimbursed by the Department of Transportation consistent with this Secretarial Letter, shall be reimbursed pursuant to the provisions of 23 C. F. R. Parts l40 and 646. The aforesaid Federal reimbursement shall not supersede, delay or, in any manner, postpone the effect of any paragraph contained in this or any related Secretarial Letter or Order.

16. Upon completion of the crossing, Reading, Blue Mountain and Northern Railroad, Inc., at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its railroad facilities at the subject crossing, including the warning devices and maintain at all times in a smooth and satisfactory condition, the high-type concrete crossing surfaces and the area between both tracks in accordance the Manual on Uniform Traffic Control Devices and this letter.

17. Upon completion of the crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway approaches up to the high-type concrete crossing surface, and in addition, the highway-rail grade crossing advance warning signs, stop lines and pavement markings, if required, on the approaches thereto all in accordance Part 8 of the Manual on Uniform Traffic Control Devices and this letter.

18. 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 public 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 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