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

July 20, 2015

A-2015-2474365

TO ALL PARTIES

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the public at-grade crossing by the upgrade of railroad warning device circuitry where SR 4019 (DuBois Street), Section R95 crosses over a double track of the Buffalo & Pittsburgh Railroad Inc. (DOT# 148 661 F) in the City of DuBois, Clearfield County; all in accordance with the Federal Grade Crossing Program; and the allocation of costs incident thereto.

To Whom It May Concern:

 This matter is before us by reason of an application filed March 30, 2015, by Pennsylvania Department of Transportation (Department) seeking Commission approval to alter the public at-grade crossing by the upgrade of railroad warning device circuitry where SR 4019 (DuBois Street), Section R95 crosses over a double track of the Buffalo & Pittsburgh Railroad Inc. (DOT 148 661 F) in the City of DuBois, Clearfield 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 June 11, 2015. Representatives of Buffalo & Pittsburgh Railroad Inc., Diamondback Signal, National Fuel Gas Corporation, City of DuBois and the Pennsylvania Department of Transportation were in attendance. Although notified by letter dated May 19, 2015, Clearfield County, Atlantic Broadband, Penelec and Verizon Pennsylvania were not in attendance.

At the field conference, it was noted that SR 4019 (DuBois Street), at the crossing (DOT 148 661 F), is a two (2) lane bituminous paved state road with one sidewalk (adjacent to north bound lane) which crosses a double track of the Buffalo & Pittsburgh Railroad Inc. The existing crossing surface (for both tracks) consists of an asphalt/rubber rail seal crossing surface. The crossing is equipped with automatically operated flashing-light railroad crossing warning signals with gates and bells. Both approach roadways have grade crossing advance warning signs, but are lacking pavement markings and stop lines. The estimated Average Daily Traffic (ADT) for SR 4019 is 8,011 vehicles with 6% trucks.

Buffalo & Pittsburgh Railroad Inc., at the sole cost and expense of the Pennsylvania Department of Transportation, has agreed to: 1) raise the foundations of the existing masts (in which the warning signals are mounted thereon) and raise/adjust the warning lights, as required, so that the warning devices conform to current standards; and 2) install new warning device circuitry and associated signal relay house for the warning devices at the subject crossing. The installation of all new equipment and associated work performed by the railroad as described herein shall be in accordance with the approved plan and Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

Buffalo & Pittsburgh Railroad Inc., at its sole cost and expense, agrees to maintain its railroad facilities at the crossing including the asphalt/rubber rail seal crossing surface, as well as the automatically operated flashing-light railroad crossing warning signals with gates and bells, new circuitry, signal relay house and all appurtenant equipment installed in accordance with this Secretarial Letter.

Pennsylvania Department of Transportation, at their sole cost and expense, will be directed to: 1) provide stop lines and pavement markings on their respective approach roadways 2) maintain grade crossing advance warning signs and the roadway approaches to the subject crossing to points twenty-four (24) inches beyond each outside rail. All work performed to provide stop lines, pavement markings and advance warning signs shall be in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

It does not appear that any facilities of any non-carrier public utility will be affected by the alteration of the crossing. If required, the non-carrier public utilities will be directed to alter or relocate their facilities as necessary to construct the project at their initial cost and expense.

 The project will be funded through the Federal Highway Grade Crossing Safety Program, disbursed through the Pennsylvania Department of Transportation. The estimated cost of construction of the project is $215,044.

The Commission will assume jurisdiction within the areas of the highway right-of-way and railroad right-of-way. It will not be necessary for the Commission to appropriate railroad property to accommodate the improvement.

 Upon full consideration of the matters involved and inasmuch as none of the parties offered any objection to the Department’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 subject crossing is necessary and proper for the service, accommodation, convenience or safety of the public; THEREFORE,

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

1. The crossing where SR 4019 (DuBois Street) crosses, at grade, the two (2) tracks of Buffalo & Pittsburgh Railroad Inc. (DOT 148 661 F) in the City of DuBois, Clearfield County, be altered as herein directed.

2. Buffalo & Pittsburgh Railroad Inc., at its sole cost and expense, and prior to the start of construction, submit a situation plan to all parties of record for review and to the Commission for approval.

3. Buffalo & Pittsburgh Railroad Inc., at its sole cost and expense, and prior to the start of construction, submit a detailed circuit plan to Pennsylvania Department of Transportation for review and to the Commission for approval.

1. Buffalo & Pittsburgh Railroad Inc., at the sole cost and expense of the Pennsylvania Department of Transportation, furnish all material and perform all work necessary to alter the subject crossing by: 1) raising the foundations of the existing masts (in which the warning signals are mounted thereon) and raise/adjust the warning lights, as required, so that the warning devices conform to current standards; and 2) installing new warning device circuitry and associated signal relay house for the warning devices at the subject crossing. The installation of all new equipment and associated work performed by the railroad as described herein shall be in accordance with the approved plan, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

5. Pennsylvania Department of Transportation, at their sole cost and expense, furnish all material and perform all work necessary to provide pavement markings and stop lines, as required, on the approaches thereto of the subject crossing, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

6. Buffalo & Pittsburgh Railroad Inc., at the sole cost and expense of the Pennsylvania Department of Transportation, furnish all material and do 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.

7. Buffalo & Pittsburgh Railroad Inc., at its initial cost and expense, furnish and maintain any flagmen, watchmen and/or construction inspectors necessary to protect and safeguard its railroad operations during the time the project is being constructed.

8. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority located within the limits of the highway, within the Commission’s jurisdiction, which may be required as incidental to the execution of the crossing project, be made by said public utility company or municipal authority at its initial cost and expense, and in such a manner as will not interfere with the construction of the project.

9. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority located beyond the limits of the highway, within the Commission’s jurisdiction, which may be required as incidental to the execution of the crossing project, be made by said public utility company or municipal authority, and in such a manner as will not interfere with the construction of the project.

10. All parties involved herein cooperate fully with each other so that during the time the work is being performed, vehicular, pedestrian and rail 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. Buffalo & Pittsburgh Railroad Inc., notify all parties of record at least thirty (30) days prior to performing any work in accordance with this Secretarial Letter.

12. All work necessary to complete the construction of the project be done in a manner satisfactory to this Commission on or before June 30, 2016 and that on or before said date, Pennsylvania Department of Transportation notify this Commission in writing the date of actual completed work.

13. Buffalo & Pittsburgh 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 Secretarial Letter.

14. All costs which are to be reimbursed by the Department of Transportation consistent with this Order, shall be reimbursed pursuant to the provisions of 23 C. F. R. Parts 140 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.

15. Upon completion of the alteration of the crossing, Buffalo & Pittsburgh Railroad Inc., at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the subject crossing, including the automatically operated flashing-light railroad crossing warning signals with gates, bells, associated circuitry and all appurtenant equipment and to maintain at all times in a smooth and satisfactory condition, the railroad crossing surface located between the rails and for a distance of twenty-four (24) inches beyond the outermost rails, including the area between both tracks, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

16. Upon completion of the alteration of the crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to maintain the highway approach roadways to the subject crossing to points twenty-four (24) inches beyond each outside rail, and in addition, maintain the grade crossing advance warning signs, pavement markings and stop lines, as required, on the approaches thereto, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

17. Upon completion of the construction of the proposed project, each non-carrier public utility company and municipal authority, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its respective facilities, existing or altered, located within the limits of the improvement.

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 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