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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** |

July 20, 2015

A-2015-2475046

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 existing railroad warning signals to all new twelve (12) inch LED roundels, including the addition of a cantilever, where Fifth Street crosses the two (2) tracks of Norfolk Southern Railway Company (DOT 592 340 U) in the City of Lebanon, Lebanon County; all in accordance with the Federal Grade Crossing Program and the location of costs incident thereto.

To Whom It May Concern:

This matter is before us by reason of an application filed March 20, 2015, by Pennsylvania Department of Transportation (Department) seeking Commission approval to alter the public at-grade crossing by the upgrade of existing railroad warning signals to all new twelve (12) inch LED roundels, including the addition of a cantilever, where Fifth Street crosses the two (2) tracks of Norfolk Southern Railway Company (DOT 592 340 U) in the City of Lebanon, Lebanon 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 8, 2015. Representatives of Norfolk Southern Railway Company, City of Lebanon and the Pennsylvania Department of Transportation were in attendance. Although notified by letter dated May 21, 2015, Lebanon County, UGI Utilities Inc., Qwest Communications, Metropolitan Edison Company and City of Lebanon Water Authority were not in attendance.

At the field conference, it was noted that Fifth Street, at the crossing (DOT 592 340 U), is a two (2) lane bituminous paved city road with one bituminous paved walkway (adjacent to south bound lane) which crosses a double track of Norfolk Southern Railway Company (NS). 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, including an articulated pedestrian gate on the gate mechanism located in the northwest quadrant. Although both approach roadways have grade crossing advance warning signs, pavement markings and stop lines, the pavement markings and stop line on the southbound approach are faded to the point where they are not very visible. There are two (2) additional approach roadways in the vicinity of the subject crossing, Scull Street (both east bound and west bound directions) consisting of a bituminous paved city road located approximately 30 feet north of the subject crossing, which parallels the NS track. The estimated Average Daily Traffic (ADT) for Fifth Street is 1,197 vehicles with 5% trucks.

Norfolk Southern Railway Company, at the sole cost and expense of the Pennsylvania Department of Transportation, has agreed to: 1) install a new cantilever for the northbound approach equipped with automatically operated flashing-light railroad crossing warning signals including twelve (12) inch LED roundels 2) upgrade the existing automatically operated flashing-light railroad warning signals to all new twelve (12) inch LED roundels;

3) provide automatically operated flashing-light railroad crossing warning signals with twelve (12) inch LED roundels for the additional approach roadway (Scull Street) described herein. The installation of all new equipment shall be in accordance with the approved plan and Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

Norfolk Southern Railway Company, 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 cantilever, and all appurtenant equipment installed in accordance with this Secretarial Letter.

City of Lebanon, 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 $395,544.

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

1. The crossing where Fifth Street crosses, at grade, the two (2) tracks of Norfolk Southern Railway Company (DOT 592 340 U) in the City of Lebanon, Lebanon County, be altered as herein directed.

3. Norfolk Southern Railway Company, at its sole cost and expense, and prior to the start of construction, submit a situation (layout) plan to all parties of record for review and to the Commission for approval.

4. Norfolk Southern Railway Company, 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. Norfolk Southern Railway Company, 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) installing a new cantilever for the northbound approach equipped with automatically operated flashing-light railroad crossing warning signals including twelve (12) inch LED roundels; 2) upgrading the existing automatically operated flashing-light railroad warning signals to all new twelve (12) inch LED roundels; 3) installing automatically operated flashing-light railroad crossing warning signals with twelve (12) inch LED roundels for the additional approach roadway (Scull Street) described herein. The installation of all new equipment shall be in accordance with the approved plan and Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

6. City of Lebanon, 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.

7. Norfolk Southern Railway Company, 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.

8. Norfolk Southern Railway Company, 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.

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 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.

10. 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.

11. 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.

12. Norfolk Southern Railway Company, notify all parties of record at least fourteen (14) days prior to performing any work in accordance with this Secretarial Letter.

13. 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.

14. Norfolk Southern Railway Company 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.

15. 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.

16. 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 thereafter to maintain its railroad facilities at the subject crossing, including the cantilever, 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.

17. Upon completion of the alteration of the crossing, City of Lebanon, 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.

18. 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.

19. 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