|  |  |  |
| --- | --- | --- |
| PUC logo | COMMONWEALTH OF PENNSYLVANIA  PENNSYLVANIA PUBLIC UTILITY COMMISSION  400 NORTH STREET 2ND FLOOR, HARRISBURG PA 17120  <http://www.puc.pa.gov>  *E-filing and E-service only per Emergency Order M-2020-3019262* | **IN REPLY PLEASE REFER TO OUR FILE** |

September 1, 2021

M-2013-2364201

I-2015-2472242

**Via Eservice and Email Only**

**TO PARTIES OF RECORD**

Bridge Structure where State Route 1025 crosses over a single track of Delaware and Hudson Railway Company, Inc. (264 293 K) in Nicholson Borough, Wyoming County.

Investigation upon the Commission’s own motion to determine the condition and disposition of six (6) existing structures carrying various highways above the grade of the tracks of the Canadian Pacific Railroad in Great Bend Township, New Milford Township, Brooklyn Township, Hop Bottom Borough, Lathrop Township, Susquehanna County and Benton Township, Lackawanna County.

To Whom It May Concern:

By Opinion and Order issued February 28, 2019, Norfolk Southern Railway Company was directed to do all work necessary to repair the SR 1025 bridge at crossing DOT# 264 293 K, within twelve (12) months from the date that the Commission approved the submitted repair plans.

Norfolk Southern submitted its repair plans on March 17, 2020, and by Secretarial Letter dated July 14, 2020, they were approved by the Commission. At a subsequent site meeting on November 18, 2020, it was verbally agreed that Norfolk Southern would complete the rehabilitation by July 31, 2021.

By letter-petition received by the Commission on July 21, 2021, Norfolk Southern Railway Company requests that the Commission grant an extension of time until December 31, 2021, due to delays in the project construction.

We have carefully reviewed the record in this proceeding and will modify our Opinion and Order issued February 28, 2019, and grant Norfolk Southern Railway Company an extension of time to December 31, 2021, to complete the subject bridge project.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the Opinion and Order entered February 28, 2019, in this proceeding be modified. The extension of time filed by the Norfolk Southern Railway Company be granted to the extent herein directed.

1. Paragraph number 8 of the Opinion and Order entered February 28, 2019, which reads as follows, to wit:

“8. That Norfolk Southern Railway Company, at its sole cost and expense, within twelve (12) months from the date that the Commission approves its submitted repair plans, shall furnish all materials and do all work necessary to repair the SR 1025 bridge in accordance with the approved plans.”

be and is hereby modified to read as follows:

8. That Norfolk Southern Railway Company, at its sole cost and expense, shall furnish all materials and do all work necessary to repair the SR 1025 bridge in accordance with the approved plans. The alteration of the crossing shall be completed on or before December 31, 2021, and that on or before said date, Norfolk Southern Railway Company will report in writing the date of actual completion of the work to this Commission and all parties of interest.

2. In all respects not inconsistent with this Secretarial Letter, our Opinion and Order entered February 28, 2019, in this proceeding remain in full force and effect.

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.

All parties are being served via email due to the COVID-19 Emergency Closure. Please note that during this period of Disaster Emergency, the Commission shall only accept e-filings in lieu of paper filings, for all documents. Thus, all parties are to open and use e-filing accounts to file documents and accept service during the pandemic emergency in accordance with the Commission’s Emergency Order at M-2020-3019262.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action (Petition) with the Commission within twenty (20) days of the date of this letter. The Petition shall be submitted by e-filing said petition within twenty (20) days, or if no timely request is made, the action will be deemed to be a final action of the Commission.

The Petition for Reconsideration must include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request; (2) the case docket number (it is provided for you at the top right-hand corner of this letter); (3) the party on whose behalf the petition is made; (4) a Certificate of Service on the other parties of record; and (5) a Verification with original signature in accordance with 52 Pa. Code § 1.36.

**A picture containing letter

Description automatically generated** Very truly yours,

Rosemary Chiavetta

Secretary