



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

January 15, 2016

A-2015-2511696

TO ALL PARTIES

Application of R.J. Corman Railroad Company/Allentown Lines, Inc. for approval of the abolishment of the following above-grade crossings over R.J. Corman Railroad Company/Allentown Lines' right-of-way in the City of Allentown, West Catasauqua and Whitehall Township, Lehigh County:

Race Street, SR 1004 (DOT # 932 568 K)  
SR 0022 (DOT # 932 569 S)  
Tilghman Street, SR 1002 (DOT # unknown)

To Whom It May Concern:

This matter is before the Commission by reason of an application filed November 4, 2015 by R.J. Corman Railroad Company/Allentown Lines, Inc. (RJCN) seeking Commission approval for the formal abolition of three (3) above-grade crossings in the City of Allentown, West Catasauqua and Whitehall Township, Lehigh County. The applicant avers that the purpose of the crossing abolitions is that Trestle Redevelopment Partners, LP (Trestle) has agreed to purchase this section of rail line from RJCN and has plans for a major redevelopment project in this area. In conjunction with the sale of said section of rail line, RJCN has requested and received abandonment authority from the Surface Transportation Board to end its common carrier obligation on this portion of its line. The portion of line affected is approximately 3.5 miles in length and extends through (below) the three subject above-grade (bridge) crossings. Although the subject crossings will be formally abolished, the bridge structures carrying the public roadways over the abandoned rail line will remain intact.

A list of the crossings to be formally abolished and their locations is as follows:

<u>No.</u>	<u>DOT No.</u>	<u>Street/Location</u>
1.	932 568 K	Race Street, SR 1004
2.	932 569 S	SR 0022
3.	(unknown)	Tilghman Street, SR 1002

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held on December 7, 2015 at the site of the subject crossings. Representatives of RJCN, Plunkett & Graver, P.C. (representing Trestle), Whitehall Township, Barry Isett & Associates Inc. and the Pennsylvania Department of Transportation (Department) were in attendance. Although notified by letter dated November 23, 2015, there were no representatives from City of Allentown, Lehigh County, Coplay-Whitehall Sewer Authority, PPL Electric Utilities Corporation, Verizon Wireless, Fletcher & Sippel LLC, XO Communications, UGI Utilities Inc., Sunesys, RCN, Keystone Consulting Engineers, Fonzone & Ashley Law Offices, Lee Mescolotto Law Office or Hawke McKeon & Sniscak, LLP in attendance.

At the field conference, it was noted that at Crossing No.1 (DOT 932 568 K) Race Street, the above-grade rail crossing consists of a four-span steel I-Beam bridge structure with an approximate length of 385 feet. The bridge is known as the Race Street Bridge and spans over a single track of RJCN and the Lehigh River in West Catasauqua and Whitehall Township, Lehigh County. The state roadway, SR 1004, on the bridge consists of a concrete roadway surface providing two traffic lanes (one in each direction) with a sidewalk adjacent to the west-bound lane. The maintenance responsibilities of the subject Race Street Bridge shall be consistent with the Commission's Order dated July 2, 1956, filed under PUC Complaint Docket No. 16444 and subsequent Order entered July 26, 2007 filed under PUC Docket No. C-20054822. A retaining wall structure associated with the subject Race Street Bridge is located adjacent to the western bridge abutment. Repairs to the retaining wall were performed by the Department in accordance with the Commission's Order entered July 26, 2007 filed under PUC Docket No. C-20054822. The parties have not reached agreement on which party will be responsible for the costs associated with said repairs and future maintenance responsibilities of the retaining wall structure. Assignment of future maintenance responsibility and final allocation of the associated costs will be resolved prior to the closing of the C-20054822 proceeding.

At Crossing No. 2 (DOT 932 569 S) SR 0022, the above-grade rail crossing consists of a six-span bridge structure over a single track of RJCN and the Lehigh River in Whitehall Township, Lehigh County. The existing structure (approximately 673 feet in length) has four spans consisting of twin continuous steel plate girders and two spans consisting of steel multi-girder construction. The state highway on the bridge provides four traffic lanes (two in each direction) and a 4-foot wide shoulder (adjacent to each outside lane). The existing bridge structure is in the process of being replaced with a new prestressed concrete PA Bulb-Tee beam bridge to be located approximately 40 feet to the south of the existing bridge, in a near-parallel alignment. The bridge replacement project is being performed under a Pennsylvania Department of Transportation Contract in accordance with the Commission's Order entered on October 23, 2014, filed under PUC Docket No. A-2014-2403021.

At Crossing No. 3 (DOT unknown) Tilghman Street, the above-grade rail crossing consists of a concrete open-spandrel arch bridge structure with an approximate length of 1,387.2 feet. The bridge is known as the Tilghman Street Viaduct and spans over three tracks of RJCN and the Lehigh River in the City of Allentown, Lehigh County. The state roadway, SR 1002, on the bridge consists of a bituminous paved roadway surface providing three traffic lanes (one in each direction and a center left-turn lane) with concrete sidewalks on each side. The

maintenance responsibilities of the subject Tilghman Street Bridge shall be consistent with the Commission's Order entered on July 20, 1992, filed under PUC Docket No. C-892273.

Trestle, at its sole cost and expense, for each of the three (3) subject above-grade crossings, has agreed to furnish all material and perform all work necessary to remove the rails and ties through the areas of the public rail crossings.

RJCN, at its sole cost and expense, for each of the three (3) subject above-grade crossings, has agreed to furnish all material and perform all work necessary to remove all other remaining railroad facilities, including, but not limited to abandoned utility/power poles and associated electrical boxes.

No one at the field conference objected to the abolition of the crossings.

It does not appear that facilities of any non-carrier public utilities will be affected by the abolition of the subject crossings.

Proof of service of a copy of the application on each party in interest has been received. None of the parties has advised that it objects to the issuance of a Secretarial Letter approving the subject application.

Upon full consideration of the matters involved and inasmuch as all parties are in agreement with the proposed abolition of the subject crossings, we find that a Secretarial Letter may 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 abolition of the subject crossings is necessary and proper for the service, accommodation, convenience and safety of the public.

The application of R.J. Corman Railroad Company/Allentown Lines, Inc. is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The three (3) subject above-grade crossings listed herein, located in the City of Allentown, West Catasauqua and Whitehall Township, Lehigh County, be and are hereby abolished upon satisfactory completion of the work directed herein.
3. Trestle Redevelopment Partners, LP, having agreed to do so, at its sole cost and expense, furnish all material and perform all work necessary to abolish the three (3) subject above-grade crossings involved herein by the removal of the rails and ties and to restore the areas disturbed by the track removal by providing a uniform profile.

4. R.J. Corman Railroad Company/Allentown Lines, Inc., at its sole cost and expense, for each of the three (3) subject above-grade crossings, furnish all material and perform all work necessary to remove all other remaining railroad facilities, including, but not limited to abandoned utility/power poles and associated electrical boxes.

5. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility, other than R.J. Corman Railroad Company/Allentown Lines, Inc., which may be required as incidental to the abolishment of the crossings, be made by said public utility at its initial cost, and in such a manner as will not interfere with the abolition of the crossings; and such relocated or altered facilities thereafter be maintained by said public utility, at its sole cost and expense.

6. 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.

7. All work necessary to complete the construction of the project be done in a manner satisfactory to this Commission on or before December 31, 2019 and that on or before said date, R.J. Corman Railroad Company/Allentown Lines, Inc. notify this Commission in writing the date of actual completed work.

8. R.J. Corman Railroad Company/Allentown Lines, Inc., pay all compensation for damages, if any, due to owners of property taken, injured or destroyed by reason of the construction of the project in accordance with this Secretarial Letter.

9. This Secretarial Letter is without prejudice to the right of any party to recover part or all of any costs incurred by said party in compliance with the provisions of this Secretarial Letter, in accordance with any lawful agreement between it and any other party.

10. Upon completion of the work for Crossing No. 1 (DOT 932 568 K) Race Street, the maintenance responsibilities of the subject Race Street Bridge shall be consistent with the Commission's Order dated July 2, 1956, filed under PUC Complaint Docket No. 16444 and subsequent Order entered July 26, 2007 filed under PUC Docket No. C-20054822. The maintenance responsibilities for the retaining wall structure associated with the subject Race Street Bridge (located adjacent to the western bridge abutment) will be resolved as determined prior to the closing of the C-20054822 proceeding.

11. Upon completion of the work for Crossing No. 2 (DOT 932 569 S) SR 0022, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the entire existing subject SR 0022 Bridge structure (substructure, superstructure and roadway surface).

12. Upon completion of the work for Crossing No. 2 (DOT 932 569 S) SR 0022, the maintenance responsibilities of the new SR 0022 Bridge (presently under construction) shall be consistent with the Commission's Order entered on October 23, 2014, filed under PUC Docket No. A-2014-2403021.

13. Upon completion of the work for Crossing No. 3 (DOT unknown) Tilghman Street, the maintenance responsibilities of the subject Tilghman Street Bridge shall be consistent with the Commission's Order entered on July 20, 1992, filed under PUC Docket No. C-892273.

14. Each non-carrier public utility company, at its sole cost and expense, furnish all material and perform all work required hereafter to maintain their respective facilities through the area of the former crossings.

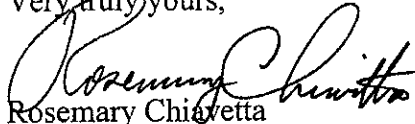
15. Upon completion of the work herein directed, and upon written request from any party of record, this proceeding be scheduled for a hearing at a time and place to be determined by the Commission, for the purpose of taking testimony upon the final allocation of any costs incurred by the non-carrier 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 §§ 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 sent to: Secretary, PA Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, and must be filed 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 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.

Very truly yours,

  
Rosemary Chiavetta  
Secretary

