



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

IN REPLY PLEASE
REFER TO OUR FILE

November 17, 2015

A-2015-2504713

TO ALL PARTIES

Application of R.J. Corman Railroad Company/Allentown Lines, Inc. for approval of the abolition of six (6) public at-grade crossings where the following streets cross R.J. Corman Railroad Company/Allentown Lines' right-of-way in the City of Allentown, Lehigh County:

Union Street (DOT # 361 714 K))
Walnut Street (DOT #361 713 D)
Hamilton Street (DOT # 361 712 W)
Linden Street (DOT # 361 710 H)
Front Street (DOT # 361 709 N)
Pump Place (DOT # 361 708 G)

To Whom It May Concern:

This matter is before the Commission by reason of an application filed September 22, 2015 by R.J. Corman Railroad Company/Allentown Lines, Inc. (RJCN) seeking Commission approval for the abolition of six (6) public at-grade crossings in the City of Allentown, 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 the six subject public at-grade crossings.

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

<u>No.</u>	<u>DOT No.</u>	<u>Street/Location</u>
1.	361 714 K	Union Street
2.	361 713 D	Walnut Street
3.	361 712 W	Hamilton Street

4. 361 710 H Linden Street
5. 361 709 N Front Street
6. 361 708 G Pump Place

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held on October 16, 2015 at the site of the subject crossings. Representatives of RJC/N, Plunkett & Graver, P.C. (representing Trestle), Coplay-Whitehall Sewer Authority, Barry Isett & Associates Inc., Waterfront Redevelopment Partners, LP and the Pennsylvania Department of Transportation (Department) were in attendance. Although notified by letter dated October 1, 2015, there were no representatives from PPL Electric Utilities Corporation, Verizon Wireless, Fletcher & Sippel LLC, Lehigh County, City of Allentown, UGI Utilities Inc., Sunesys, RCN, or XO Communications in attendance.

At the field conference, it was noted that at Crossing No.1 (DOT 361 714 K) Union Street is a two (2) lane bituminous paved city road with adjacent shoulders and no sidewalks which crosses a single track of RJC/N. The crossing surface consists of a bituminous pavement crossing surface. The existing warning facilities at the crossing consist of grade crossing (crossbuck) signs with yield signs, pavement markings and stop lines on each approach. An existing advance warning sign is located along the westbound approach to the crossing. The eastbound approach lacks an advance warning sign. An abandoned railroad facility consisting of a concrete post foundation is located in the southwest quadrant of the crossing.

At Crossing No. 2 (DOT 361 713 D) Walnut Street is a two (2) lane bituminous paved city road with adjacent shoulders and no sidewalks which crosses a single track of RJC/N. The crossing surface consists of a bituminous pavement crossing surface. The existing warning facilities at the crossing consist of grade crossing (crossbuck) signs with yield signs. Each of the post-mounted warning signs have concrete foundations and are located in both the northeast and southwest quadrants of the crossing.

At Crossing No. 3 (DOT 361 712 W) Hamilton Street is a three (3) lane (1 lane in each direction with an eastbound right-turn lane) bituminous paved city road with adjacent shoulders and sidewalks on each side which crosses a single track of RJC/N. The crossing surface consists of a bituminous pavement crossing surface. The existing warning facilities at the crossing consist of grade crossing (crossbuck) signs with yield signs, pavement markings and stop lines on each approach. The approaches in both directions lack advance warning signs. Abandoned railroad facilities consisting of a concrete cantilever/post foundation, utility/power pole and associated electrical box are located in the southwest quadrant of the crossing.

At Crossing No. 4 (DOT 361 710 H) Linden Street is a one-way, two (2) lane bituminous paved city road with adjacent shoulders and sidewalks on each side which crosses a single track of RJC/N. The crossing surface consists of a high-type rubber panel crossing surface. The existing warning facilities at the crossing consist of grade crossing (crossbuck) signs with yield signs on both sides of the one-way street approach roadway. An existing advance warning sign is located along the northbound approach to the crossing. Abandoned railroad facilities

consisting of concrete post foundations are located in both the northeast and southwest quadrants of the crossing.

At Crossing No. 5 (DOT 361 709 N) Front Street is a two (2) lane bituminous paved city road with adjacent shoulders and sidewalks on each side which crosses a single track of RJCN. The crossing surface consists of a high-type rubber panel crossing surface. The existing warning facilities at the crossing consist of grade crossing (crossbuck) signs with yield signs, grade crossing advance warning signs, pavement markings and stop lines on each approach. Each of the post-mounted warning signs have concrete foundations and are located in both the northwest and southeast quadrants of the crossing. An abandoned railroad facility consisting of a concrete post foundation is located in the northwest quadrant of the crossing.

At Crossing No. 6 (DOT 361 708 G) Pump Place is a two (2) lane bituminous paved city road with adjacent shoulders and no sidewalks which crosses a double track of RJCN. The crossing surface (for both tracks) consists of a bituminous pavement crossing surface. The existing warning facilities at the crossing consist of grade crossing (crossbuck) signs with yield signs and grade crossing advance warning signs along each approach. Abandoned railroad facilities consisting of a concrete post foundation, utility/power pole and associated electrical box are located in the southwest quadrant of the crossing.

RJCN currently implements "stop and flag" procedures at all six (6) crossings in this proceeding.

Trestle, at its sole cost and expense, for each of the six (6) subject public at-grade crossings, has agreed to furnish all material and perform all work necessary to: 1) remove the rails and ties through the roadways and, where applicable, adjacent sidewalk areas; 2) remove all (existing and abandoned) concrete cantilever/post foundations; 3) restore the roadways with bituminous pavement to match the abutting material; 4) restore the adjacent sidewalk areas in-kind; and 5) provide all detours and/or traffic controls necessary to facilitate construction of the crossing alteration.

RJCN, at its sole cost and expense, for each of the six (6) subject public at-grade crossings, has agreed to furnish all material and perform all work necessary to: 1) remove all grade crossing (crossbuck) signs; 2) remove all yield signs; 3) remove signposts and/or masts; and 4) remove any other remaining railroad facility, including, but not limited to the abandoned utility/power poles and associated electrical boxes at crossing No. 3 (DOT 361 712 W) Hamilton Street and crossing No. 6 (DOT 361 708 G) Pump Place.

The City of Allentown, at its sole cost and expense, for each of the six (6) subject public at-grade crossings, will be directed to remove all railroad related pavement markings, stop lines and warning signs on the approaches to the subject crossings.

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 six (6) subject public at-grade crossings listed herein, located in the City of Allentown, 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 six (6) subject public at-grade crossings involved herein by the removal of the rails and ties and to repave and restore the areas of the highway disturbed by the track removal by providing a smooth and uniform roadway profile and placement of bituminous concrete or other suitable material conforming to the abutting highway pavement in compliance with the City of Allentown or the Pennsylvania Department of Transportation criteria and/or specifications.
4. Trestle Redevelopment Partners, LP, having agreed to do so, at its sole cost and expense, furnish all material and perform all work necessary to remove all (existing and abandoned) concrete cantilever and/or post foundations at the six (6) subject public at-grade crossings.
5. Trestle Redevelopment Partners, LP, having agreed to do so, at its sole cost and expense, furnish all material and perform all work necessary to restore the areas of the sidewalks disturbed by the track removal and/or concrete foundation removal by replacing the sidewalks in-kind or with other suitable material conforming to the existing sidewalks in compliance with the City of Allentown criteria and/or specifications.

6. R.J. Corman Railroad Company/Allentown Lines, Inc., at its sole cost and expense, for each of the six (6) subject public at-grade crossings, furnish all material and perform all work necessary to: 1) remove all grade crossing (crossbuck) signs; 2) remove all yield signs; 3) remove signposts and/or masts; and 4) remove any other remaining railroad facility, including, but not limited to the abandoned utility/power poles and associated electrical boxes at crossing No. 3 (DOT 361 712 W) Hamilton Street and crossing No. 6 (DOT 361 708 G) Pump Place.

7. City of Allentown, at its sole cost and expense, for each of the six (6) subject public at-grade crossings, furnish all material and perform all work necessary to remove all railroad related pavement markings, stop lines and advance warning signs on the approaches to the six (6) subject public at-grade crossings.

8. Trestle Redevelopment Partners, LP, having agreed to do so, at its sole cost and expense and in cooperation with the City of Allentown, furnish all material and perform 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.

9. 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.

10. 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.

11. R.J. Corman Railroad Company/Allentown Lines, Inc., at least thirty (30) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

12. 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.

13. 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.

14. 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.

15. 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.

16. Upon completion of the crossing work, City of Allentown, at its sole cost and expense, furnish all material and perform all work required thereafter to maintain the highways through the area of the abolished crossings.

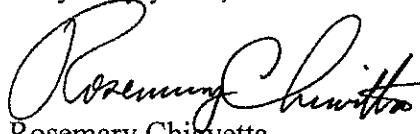
17. Upon completion of the work herein directed, and upon written request from any party of record, this proceeding be scheduled for a hearing at a time and place to be determined by the Commission, for the purpose of taking testimony upon the final allocation of any costs incurred by the non-carrier 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