

# PUC Legal Update

**PENNSYLVANIA  
Rail Freight Seminar**

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1 North Second Street  
Harrisburg, PA 17101



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# Presentation Overview

- PUC Assessments
- Implementation of PUC rail safety procedural streamlining changes
- Update on review of Chapter 33 regulations
- Preventing new at-grade crossings
- Maintenance costs for at-grade crossings





# Rail Transportation Utility Group Assessments

- Commonwealth Court appeal by Norfolk Southern and motor carrier passenger utility groups settled in late 2009.
- Settlement resolved objections to assessments for fiscal years 2007-08, 2008-09 and 2009-10 by providing one-third refunds of assessments paid in second and third fiscal years.
- Settlement terms (refunds) extended to all carriers in Rail Transportation Utility Group.

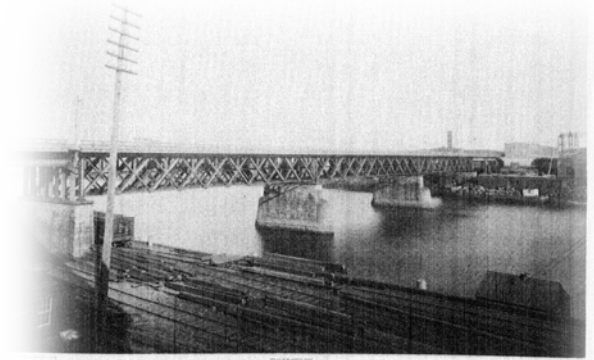
# PUC Rail Safety Procedural Streamlining

- Effort initiated by KSRRA to streamline certain practices to cut costs of regulation and lessen assessments.
- Pilot project initiated on January 1, 2010.



# PUC Procedural Changes

- Eliminate final inspections, except for state highway projects involving signalization (Section 130 projects)
- Eliminate application filings for bridge replacements in kind.
- Eliminate service of circuit plans on all parties.



PHOTOGRAPH BY EARL WOOD COMPANY'S BRIDGE DIVISION, SCHWITZELL RIVER, ON FORTY-SEVEN STREET, FLEXIBLE AND BUILT IN 1910.

# PUC Procedural Changes (continued)

- Acknowledge handling of agreed-upon property acquisitions outside PUC process.
- Eliminate filing of application for approval of pre-existing substandard clearances where only rail-owned facilities are involved.



# Review of Existing Chapter 33 Railroad Transportation Regulations

- Review initiated by Commission Motion on November 6, 2009.
- Regulations, originally adopted in 1945, had no comprehensive revisions since 1975.
- Motion stated that many of these regulations “appear to be obsolete, unenforceable or superseded by federal law or regulations.”

## Chapter 33 Review (continued)

- PUC staff solicited comments for proposed rulemaking order.
- Rail industry generally supportive of Commission review.
- Industry opposition to Union proposals substantively and as contrary to purpose of review.

# Preventing Establishment of New At-Grade Crossings

- Commission held that additional at-grade crossing should not be permitted in area where five other crossings were located within a mile of proposed crossing.
- Traffic study and other evidence to counter need for crossing is necessary.



# At-grade Crossing Maintenance Costs

- Local municipalities can be held liable for maintenance costs at new at-grade crossings as well as improvements to existing crossings in certain circumstances.
- Evidence supporting equity of allocating maintenance costs to local municipality is necessary.
- Municipality may shift costs to developer.



# For Further Information Contact

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