

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1656 Session of
1983

INTRODUCED BY DOMBROWSKI, BOWSER, HUTCHINSON, GRUPPO AND
PETERSON, NOVEMBER 14, 1983

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, NOVEMBER 14, 1983

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further providing for the maintenance
3 of highway-railroad grade crossings and highway-railroad
4 grade separation structures.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 66 of the Pennsylvania Consolidated
8 Statutes is amended by adding sections to read:

9 § 2707. Maintenance and removal of highway-railroad crossings
10 at grade level.

11 (a) General rule.--The responsibility of a railroad
12 corporation to maintain and keep in repair highway-railroad
13 crossings at grade as provided by law, past practice or
14 outstanding order of the commission shall not terminate upon the
15 abandonment of the railroad or a portion thereof, but the
16 responsibility shall continue unless otherwise agreed upon by
17 the railroad corporation and the parties having jurisdiction
18 over the highway and in accordance with an order issued by the

1 commission.

2 (b) Transferral of responsibility.--The responsibility to
3 maintain and remove a highway-railroad grade crossing may be
4 transferred with the approval of the commission and shall
5 thereafter pass to the transferee of the railroad corporation or
6 successor in interest to the abandoned railroad right-of-way.

7 (c) Termination of responsibility.--If approval to transfer
8 responsibility is not obtained the responsibility for
9 maintenance and removal shall continue with the railroad. The
10 responsibility shall continue until the railroad corporation or
11 its transferee has removed the crossing at grade and has
12 restored the highway pavement. The removal and restoration of a
13 highway-railroad crossing may be accomplished pursuant to
14 application to the commission for permission and in accordance
15 with its order.

16 § 2708. Maintenance and removal of highway-railroad grade
17 separation structures.

18 (a) General rule.--The responsibility of a railroad
19 corporation to maintain and keep in repair highway-railroad
20 grade separation structures as provided by law, agreement or
21 outstanding order of the commission shall not terminate upon the
22 abandonment of the railroad or a portion thereof, but the
23 responsibility shall continue unless otherwise agreed upon by
24 the railroad corporation and all parties having responsibility
25 or jurisdiction over the highways or the structures until the
26 grade separation structure is removed pursuant to this section.
27 When a structure remains which separates a highway and an
28 abandoned railroad, the railroad or the transferee of the
29 abandoned railroad right-of-way, when the transfer of the
30 responsibility has been approved by the commission and all

1 parties, may mutually agree as to their allocations of the
2 expenses of removal of the structures and its supports and
3 restoration of the highway. If an agreement is not obtained, the
4 responsibility for maintenance shall remain unchanged.

5 (b) Commission intervention.--If the interested parties are
6 unable to agree as to the necessity to remove a grade separation
7 structure, the manner of removal, the division of cost or the
8 division of performance of the removal work, either the railroad
9 or transferee of the railroad right-of-way or parties having
10 jurisdiction over the highway or structure shall petition the
11 commission to hold a hearing in order to consider the matter.
12 The commission, upon receipt of a petition, shall designate a
13 time and place for a hearing to consider the matter. After a
14 hearing has been held, the commission shall determine, by order,
15 whether it is in the public interest to require either removal
16 or retention of the structure and its supports, in whole or in
17 part, and shall direct the manner of accomplishing any removal
18 and the manner that the cost and expenses of any removal or the
19 performance of any removal work will be divided. The decision of
20 the commission rendered in any proceeding under this section
21 shall be communicated, after final hearing, to all parties to
22 the proceeding. Any person aggrieved by the decision, and who
23 was a party to the proceeding may, within 60 days after the
24 service of the decision, appeal from the decision to the
25 Commonwealth Court as provided by law.

26 Section 2. This act shall take effect immediately.