

Resolution 2008-5

A RESOLUTION AGREEING TO PERMIT PENNDOT TO FILE AN APPLICATION WITH THE PUC ON BEHALF OF WEST NEWTON BOROUGH FOR THE UPGRADE OF THE RAILROAD WARNING DEVICES WHERE VINE STREET, CROSSES AT-GRADE, THE TWO TRACK OF CSX TRANSPORTATION, INC. LOCATED IN WEST NEWTON BOROUGH, WESTMORELAND COUNTY.

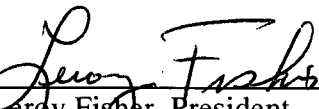
BE IT RESOLVED by West Newton Borough, Westmoreland County, Pennsylvania, that the Commonwealth of Pennsylvania, Department of Transportation is filing an application with the Pennsylvania Public Utility Commission (PUC) for the approval to upgrade the railroad warning devices where Vine Street, crosses at-grade, the two tracks of CSX Transportation, Inc. (DOT #145-479W) and authorizing PennDot to issue Notice to Proceed letters to the CSX Transportation for design and construction.

BE IT FURTHER RESOLVED, this action is in accordance with the Section 130 Federal Rail Safety Program, as per Stipulation of Settlement Docket N. A-00119089 filed between CSX Transportation, Inc, West Newton Borough and the Commonwealth of Pennsylvania, Department of Transportation. CSX Transportation, Inc., agrees to perform, at its sole cost and expense, signal design and preliminary engineering for an upgrade of the warning devices at the Vine Street crossing. The railroad will then seek reimbursement through the Department of 100% of the construction costs.

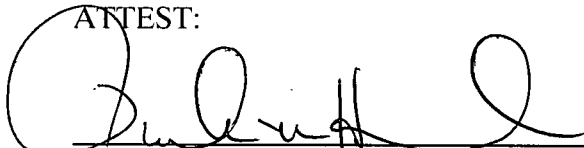
NOW THEREFORE BE IT RESOLVED and it is HEREBY RESOLVED by the Borough Council of the Borough of West Newton, Westmoreland County, Pennsylvania in a meeting duly assembled and a quorum being present as follows:

1. West Newton Borough authorizes the Commonwealth of Pennsylvania, Department of Transportation to file an application with the Pennsylvania Public Utility Commission (PUC) for the approval to upgrade the railroad warning devices where Vine Street, crosses at-grade, the two tracks of CSX Transportation, Inc. and further authorizes PennDot to issue Notice to Proceed letters to CSX Transportation for design and construction.

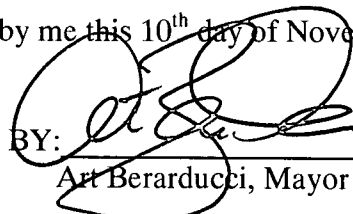
ADOPTED this 10<sup>th</sup> day of November, 2008.

BY:   
Leroy Fisher, President

ATTEST:

  
Pamela M. Humenik, Secretary

EXAMINED AND APPROVED by me this 10<sup>th</sup> day of November, 2008.

BY:   
Art Berarducci, Mayor