



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

June 15, 2018

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Bridge Structure where State Route 1025 crosses over a single track of Delaware and Hudson Railway Company, Inc. (264 293 K) in Nicholson Borough, Wyoming County

Investigation upon the Commission's own motion to determine the condition and disposition of six (6) existing structures carrying various highways above the grade of the tracks of the Canadian Pacific Railroad in Great Bend Township, New Milford Township, Brooklyn Township, Hop Bottom Borough, Lathrop Township, Susquehanna County and Benton Township, Lackawanna County

Docket Nos. M-2013-2364201 and I-2015-2472242
(Main Brief)

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Main Brief of the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement in the above-captioned proceedings.

Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

A handwritten signature in black ink, appearing to read "M R", with a long, sweeping horizontal stroke extending to the right.

Bradley R. Gorter, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
(717) 783-6150
bgorter@pa.gov

Enclosure

cc: As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation upon the Commission's own	:	
motion to determine the condition and	:	
disposition of six (6) existing structures	:	
carrying various highways above the grade of	:	Docket No. I-2015-2472242
the tracks of the Canadian Pacific Railroad in	:	
Great Bend Township, New Milford	:	
Township, Brooklyn Township, Hop Bottom	:	
Borough, Lathrop Township, Susquehanna	:	
County and Benton Township, Lackawanna	:	
County.	:	
	:	
	:	
Bridge Structure Where State Route 1025,	:	
Crosses Over a Single Track of Canadian	:	Docket No. M-2013-2364201
Pacific Railroad (264 293 K) in Nicholson	:	
Borough, Wyoming County.	:	

**MAIN BRIEF OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION'S
BUREAU OF INVESTIGATION AND ENFORCEMENT**

TO THE HONORABLE DAVID A. SALAPA:

AND NOW COMES the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E") of, by, and through its prosecuting attorneys, pursuant to 52 Pa. Code § 5.501, and files this Main Brief in the above-captioned proceeding. In support, I&E respectfully avers:

I. INTRODUCTION

Before the Commission for disposition are the two consolidated dockets regarding several bridges that carry public highways over the tracks of Norfolk Southern Railway Company's ("NS") rail line in Susquehanna, Lackawanna, and Wyoming Counties in

North Central Pennsylvania. During the pendency of the matter docketed at M-2013-2364201, NS acquired the line from Canadian Pacific Railroad's subsidiary, Delaware & Hudson Railway Company, Inc., in September 2015. See NS Statement 1 at 3, ln. 18-22. Of the seven (7) bridges in question in this proceeding, six (6) carry state routes over NS's tracks, and one (1) carries a township road over NS's right-of-way. For ease of reference, the following is a list of the crossings in question as identified by the highway being carried over NS's tracks listed with the associated Pennsylvania Department of Transportation ("PennDOT") inspection report exhibit:

1. SR 1018 (Old Route 11) – PennDOT Exhibit E2
2. SR 1025 (Prospect Street) – PennDOT Exhibit E1
3. SR 2017 (Station Hill Road) – PennDOT Exhibit E5
4. SR 2032 (Depot Street) – PennDOT Exhibit E3
5. SR 2041 (Glenwood Street) – PennDOT Exhibit E4
6. SR 4005 (Seamans Road) – PennDOT Exhibit E6
7. T-821 (Old Lackawanna Trail) – PennDOT Exhibit E7

At issue are several needed repairs for multiple bridges and future maintenance responsibilities for all bridges. Additionally, the Commission must determine a timeline for the T-821 structure to be reopened, since it has been closed to traffic since December 19, 2017. For all the reasons set forth below, I&E requests that the Commission issue an order requiring that: 1) NS perform any and all necessary work to reopen T-821 within ninety (90) days of the entry of a final Commission order; 2) NS perform all Priority Code 1 repairs within six (6) months of the date of the entry of a final order in this matter; 3) NS, PennDOT, and the local municipalities perform all Priority Code 2 and Priority Code 3 repairs within one (1) year of the date of the final order; 4) the

Commission allocate costs of all repairs as it sees fit; and, 5) the Commission assign future maintenance responsibilities to a party or parties as it deems appropriate.

II. STATEMENT OF THE CASE

A. PROCEDURAL HISTORY

This matter originally came before the Commission by way of an informal communication from PennDOT regarding the safety of the bridge carrying SR 1025 – Station Hill Road. The initial matter was docketed at M-2013-2364201. After the Commission conducted a field conference on May 14, 2013, the parties agreed that SR 1025 bridge was unsafe for public use and PennDOT closed the bridge. In 2015, at the request of PennDOT, the Commission initiated an investigation, docketed at I-2015-24722242, into the condition of the other six (6) bridges in this consolidated proceeding. After unsuccessful attempts at mediation, the parties served direct and rebuttal testimony, and Administrative Law Judge David A. Salapa held an evidentiary hearing on April 24, 2018, at the Commission’s Harrisburg hearing location. This brief is submitted pursuant to the ALJ’s Order dated January 23, 2018.

B. FACTUAL BACKGROUND

These consolidated matters bring to the Commission’s attention the poor state of the bridges carrying public highways over tracks, now owned by NS and formerly owned by Canadian Pacific Railroad’s subsidiary the Delaware & Hudson Railway Company, Inc., which are referred to as the D&H Line in Susquehanna, Wyoming, and Lackawanna

Counties. See NS Statement 1, at 3, ln. 18-22. The bridges are, generally, more than 100 years old, and have reached the end of their useful lives. The T-821 bridge, the only steel girder bridge, was recently closed due to structural issues, and the rest of the bridges demonstrate significant wear and tear typical of bridges of this age. Of importance, though, are several maintenance items and repairs that meet PennDOT's standards for immediate or priority treatment. See PennDOT Ex. F. As explained in PennDOT Exhibit F, items identified as Priority Code 1 are listed as "High Priority" items, and they should be addressed "[a]s soon as work can be scheduled," but within six (6) months of the inspection. Id. Currently, the bridges carrying SR 2017, SR 1018, SR 2041, and SR 1025 all have Priority Code 1 repairs necessary, as explained in both the testimony of PennDOT and I&E. See generally PennDOT Statement 2A; see PennDOT Ex. E1-E7; see also I&E Statement 1 at 2-9.

At this time, only one bridge is scheduled for replacement or rehabilitation. Evidentiary Hearing Transcript, 4/24/18 "Tr." at 121, ln. 8-25; Tr. at 122, ln. 1-7. The bridge carrying SR 4005 currently needs Priority Code 1 repairs, but, because the bridge is already scheduled for a major rehabilitation, PennDOT policy allows for deferment of these repairs. See PennDOT Statement 2A at 29, ln. 8-26; PennDOT Statement 2A at 30, ln. 1-2. None of the remaining six bridges appear on the 12-year improvement plans utilized by PennDOT and the Regional Planning Commission. Tr. at 122, ln. 5-7.

When NS purchased the line in approximately 2015, it was aware that Canadian Pacific Railroad and/or its predecessor in interest had been assigned maintenance responsibility for the bridges carrying SR 1025, SR 2041, SR 2032, and T-821 over the

D&H Line. See NS Statement 1, at 5, ln. 1-9; see also PennDOT Ex. D4, Ex. D6, Ex. D7, and Ex. D11; see Tr. at 195, ln. 4-9. NS was further aware that its predecessor(s) had failed to perform maintenance and described the physical state of the line as “there was a lot of deferred maintenance.” NS Statement 1 at 4, ln. 1.

Currently, NS anticipates that work to repair and reopen the T-821 bridge will commence in July 2018, and work should be completed and the bridge reopened by September 30, 2018. See NS Statement 1 at 9, ln. 8-11. At the hearing, more than two years after purchasing the D&H Line, NS stated that other than the T-821 bridge, which has been closed since December 19, 2017, it had not begun the process of planning, designing, or making repairs to any of the bridges where NS or its predecessors had been assigned maintenance responsibility. See Tr. at 184, ln. 1-25; Tr. at 185, ln. 1-3. NS further stated that, while it was aware of the repairs needed on the bridges where it has been assigned maintenance responsibility, it admitted that it has nothing scheduled to start planning, designing, or making repairs on any of the bridges due to the pendency of these proceedings. Tr. at 186, ln. 7-14. NS additionally stated that the bridges at issue in this proceeding are low on NS’s priority list of projects in their five-year plan. Tr. at 214, ln. 9-25; Tr. at 215, ln. 1-11.

In sum, of the seven (7) bridges, only two (2) have any work whatsoever scheduled to be completed in the next five (5) years. SR 4005 is being rehabilitated on a long-term infrastructure improvement plan, and T-821 is being repaired so that it can be reopened to the public. Nothing else is planned for the remaining five (5) bridges, despite all the bridges having Priority Code 1 or Priority Code 2 repairs necessary. If

nothing is done to repair these bridges in the immediate future, they will most likely deteriorate to Priority Code 0 status, which, as testified to by PennDOT, would likely require closure or emergency repair of the bridges. See Tr. at 87, ln. 3-25; see PennDOT Ex. F (explaining that Priority Code 0 items are critical and could cause partial or total structure collapse if not addressed within seven (7) days).

III. ARGUMENT

The Commission is vested with the exclusive jurisdiction to determine how railroad-highway crossings will be constructed, altered, maintained, or abolished “to effectuate the prevention of accidents and promote the safety of the public.” 66 Pa.C.S. § 2702(a). The Public Utility Code grants the Commission with the “exclusive power after hearing” to order any crossing involving a public highway “to be relocated or altered, or to be suspended or abolished upon such reasonable terms and conditions” set forth by the Commission. 66 Pa.C.S. § 2702(c). The General Assembly assigned the Commission “broad powers with respect to the crossings of [public] highways and railroads, including the power to determine the manner by which such crossings shall be maintained or protected in the interest of preventing accidents and promoting safety.” City of Bethlehem v. PUC, 627 A.2d 244, 247 (Pa. Commw. 1993); see Pittsburgh Railways Co. v. PUC, 182 A.2d 80 (Pa. Super. 1962); see also Pennsylvania Railroad Co. v. PUC, 7 A.2d 86 (Pa. Super. 1939).

In this matter, the Commission must determine which repairs should be completed, the timeframes for these repairs, and the party or parties responsible for

making and bearing the costs of these repairs. As explained below, I&E submits that the Commission should: 1) order NS to reopen the T-821 bridge, regardless of bidding or contractor issues, within 90 days of the entry of a final order; 2) order NS to perform all Priority Code 1 repairs on all bridges within six (6) months of the entry of a final order; 3) order NS and PennDOT, as the Commission sees fit, to perform the remaining Priority Code 2 and Priority Code 3 repairs on all bridges within one (1) year of the date of a final order in this matter; 4) apportion costs for the aforementioned repairs between NS, PennDOT, and the local municipalities as it sees fit; and, 5) assign future maintenance and repair responsibilities for all bridges as the Commission determines appropriate.

A. The Commission should order NS to reopen the bridge carrying T-821 over NS's tracks within 90 days of the entry of a final order in this matter for the safety and convenience of the travelling public.

The Commission should order NS to reopen the bridge carrying T-821 over its tracks within ninety (90) days of the entry of a final order in this matter because the closure of the bridge causes unnecessary delay and additional traffic at detour crossings in the area. The bridge carrying T-821 over NS's tracks was closed due to structural issues on December 19, 2017. See PennDOT Statement 2A at 32, ln. 6-9. Since the closure, no work has been performed, and at the time of the hearing, on April 24, 2018, NS had not yet sent the project out for bidding to select a contractor to perform repairs to reopen the bridge. See Tr. at 170, ln. 1-4; see NS Statement 1 at 9, ln. 10-11. NS anticipates completing repairs by the end of September 2018, a full nine (9) months after the bridge was closed. Id. As testified to by I&E's witness, the bridge could have been

reopened shortly after it was closed by implementing a simple bracing solution. See Tr. at 39, ln. 6-14.

While the bracing would not have been a long-term fix, it would have allowed the public to use the bridge while longer-term repairs were developed. Instead of performing this simple bracing action, NS chose instead to wait until after PennDOT's inspection report was available, and then chose to leave the bridge closed while it bid out the project. See Tr. at 170, ln. 1-9; see NS Statement 1 at 9, ln. 10-11. As all parties are aware, the bidding process is not a guarantee that an acceptable bid will be found, nor is it a guarantee that the work will be done to the Commission's satisfaction. As such, I&E submits that the Commission must set a firm deadline for the reopening of this bridge of ninety (90) days after the entry of a final order in this matter, and the Commission should order NS to take whatever necessary actions to ensure that the bridge is reopened to traffic within ninety (90) days of the date of the final order.

B. The Commission should order NS to perform all Priority Code 1 repairs within six (6) months of the date the Commission's order in this matter becomes final to prevent further deterioration of the bridges, avoid potential closures of bridges, and mitigate the immediate public safety threats to the travelling public.

The Commission must order that the Priority Code 1 repairs be completed within six (6) months of the entry of a final order in this matter to ensure that the bridges do not further deteriorate to a Priority Code 0 status and possibly necessitate the closure of one or more of the bridges. Currently, the bridges carrying SR 1018, SR 1025, SR 2017, SR 2041, and SR 4005 over NS's right-of-way have Priority Code 1 repairs listed on their

inspection reports. See PennDOT Exs. E1, E2, E4, E5, and E6. The bridge carrying T-821 over NS's tracks would have Priority Code 1 and Priority Code 0 repairs, but it is currently closed to vehicular traffic and repairs are currently being planned by NS. See PennDOT Ex. E7; see Tr. at 170, ln. 1-9; see NS Statement 1 at 9, ln. 10-11. Further, due to the pending rehabilitation of SR 4005, the Priority Code 1 repairs there can be delayed. See PennDOT Statement 2A at 29, ln. 15-18. As such, four bridges (SR 1018, SR 1025, SR 2017, and SR 2041) have no work scheduled and have repairs that, per PennDOT policy, should be completed within six (6) months of the date of the inspection. See PennDOT Ex. F; see also PennDOT Exs. E1, E2, E4, and E5. Since the inspections were completed during the last quarter of 2017, these bridges, per PennDOT policy, should already be repaired or scheduled for repair. See PennDOT Ex. F. As testified to by PennDOT's witnesses, Priority Code 1 repairs that are left unaddressed can, and often do, become Priority Code 0 repairs that necessitate emergency action and closure of bridges. Tr. at 87, ln. 3-25. As such, the Commission must order that the Priority Code 1 repairs be completed within six (6) months of the entry of a final order in this matter.

The Commission should order NS to perform all Priority Code 1 repairs to all bridges, except T-821 and SR 4005 as explained above, within six (6) months of the date of the entry of a final order in this matter to prevent the bridges from further deteriorating and becoming Priority Code 0 repairs and potentially leading to closure of bridges during the upcoming winter months. Because NS is the best positioned party to perform these repairs in a timely manner, NS should bear the initial cost and expense and perform the work, with the costs to be allocated later as the Commission sees fit. As testified to at the

hearing by PennDOT's witnesses, PennDOT would most likely not be able to effectuate any of the needed Priority Code 1 repairs within six (6) months due to the additional requirements that PennDOT must meet when dealing with a bridge over railroad tracks. See Tr. at 85, ln. 14-25; see Tr. at 86, ln. 1-6; see Tr. at 122, ln. 12-25; see Tr. at 123, ln. 1-25; see Tr. at 124, ln. 1-11; see PennDOT Statement 3 at 10, ln. 14-16, ln. 25-26; see PennDOT Statement 3 at 11, ln. 1-2. NS, however, has stated that it could perform such repairs in a shorter time frame without Commission approval. See Tr. at 190, ln. 14-25; see Tr. at 190, ln. 1-7. As such, the best positioned party to perform the Priority Code 1 repairs that are, based on the timeframes in PennDOT's policy, already overdue, is NS. In order to have these repairs made before the upcoming winter season and the freeze-thaw cycles that wreak havoc on deteriorating bridges, the Commission should order NS to perform all Priority Code 1 repairs within six (6) months of the date of a final order in this matter.

C. The Commission should order NS and PennDOT to complete all remaining Priority Code 2 and Priority Code 3 repairs within one (1) year of the date of the entry of a final order in this matter to prevent future closures of bridges and provide for the public safety.

The Commission should order that NS and PennDOT complete all remaining Priority Code 1 and Priority Code 3 repairs within one (1) year of the date of the entry of a final order in this matter to prevent a cascading effect that could result in needed repairs being reclassified as Priority Code 1 repairs in the near future. As noted above, only T-821 and SR 4005 have any current plans for repairs or maintenance scheduled. None of

the remaining bridges are scheduled for replacement, and NS has admitted that the D&H bridges are quite low on its priority list for repairs in NS's Harrisburg District. See Tr. at 214, ln. 9-25; Tr. at 215, ln. 1-11. As such, I&E submits that, without some sort of direction from the Commission, the repairs noted in PennDOT's inspection reports would not likely be made in a timely manner. Because these repairs are not as time-constrained as the Priority Code 1 repairs, the Commission can decide which party should be assigned maintenance and repair responsibility and cost responsibility for the repairs. As such, the Commission should, as it sees fit, assign NS and PennDOT to complete all Priority Code 2 and Priority Code 3 repairs within one (1) year of the date that the final order is entered in this matter.

D. The Commission should apportion the final costs among NS, PennDOT, and the Municipalities as it sees fit.

In addition to the exclusive jurisdiction to determine the disposition of railroad-highway crossings, the Commission is further vested with the power to apportion the costs of any crossing construction, alteration, or abolition among the parties as it sees fit. See 66 Pa.C.S. § 2704(a). "In exercising this authority, the Commission is not limited to any fixed rate with respect to the allocation of costs, but instead, may take all relevant factors into consideration." Green Tp. Bd. Of Sup'rs v. PUC, 668 A.2d 615, 618 (Pa. Commw. 1995) (citing PennDOT v. PUC, 469 A.2d 1149 (Pa. Commw. 1983)).

While not an exhaustive list of factors, the Commission regularly considers the following factors in apportioning costs among the parties: 1) the party that originally

built the crossing; 2) the party that owned and maintained the crossing; 3) the relative benefit initially conferred on each party with the construction of the crossing; 4) whether either party is responsible for the deterioration of the crossing that has led to the need for its repair, replacement or removal; and, 5) the relative benefit each party will receive from the repair, replacement, or removal of the crossing. See Green Tp., 668 A.2d at 619.

I&E takes no position regarding how the Commission apportions any costs in this matter. Because the apportionment of costs does not affect the safety of the crossing and is better left to the other parties, I&E simply requests that the Commission apportion costs as it sees fit in accordance with the Public Utility Code.

E. The Commission should assign future maintenance responsibilities and the party or parties responsible for maintenance and repairs for all bridges as it sees fit to prevent the bridges from severe deterioration as has occurred previously.

The Commission should assign a party to be responsible for the future maintenance and repair of the bridges. As demonstrated by the record, the D&H Bridges reached the deteriorated state that they are in today due to neglect, unclear assignment of maintenance and repair responsibility, and, as NS described it, “deferred maintenance” by predecessors in interest. Had the Commission clearly assigned maintenance of all bridges in the past, these bridges may not have reached their current state. As such, the Commission should assign a party or parties to bear the responsibility to maintain and repair all of the bridges subject to this matter.

IV. CONCLUSION

For the foregoing reasons, I&E respectfully requests that the Commission issue an order directing: 1) that NS shall reopen the T-821 bridge within 90 days of the entry of a final order in this matter; 2) that NS shall perform all Priority Code 1 repairs to all bridges within six (6) months of the date of entry of a final order in this matter; 3) that NS and PennDOT complete, as the Commission sees fit, the Priority Code 2 and Priority Code 3 repairs within one (1) year of the entry of a final order in this matter; 4) that NS, PennDOT, and the local municipalities be allocated costs and responsibilities for the removal of the abutments and abolition of the crossing as the Commission sees fit; 5) that a certain party or parties be assigned future maintenance and repair responsibilities for all of the bridges; and, 6) any other relief that the Commission deems appropriate.

Respectfully submitted,



Bradley R. Gorter, Esq.
Prosecutor
PA Attorney ID No. 312666
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission

P.O. Box 3265
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Dated: June 15, 2018

APPENDIX A

PROPOSED FINDINGS OF FACT

1. This consolidated matter considers the two matters docketed at M-2013-2364201 and I-2015-2472242.
2. NS is a railroad corporation with a principle place of business of 1200 Peachtree Street NE, Box 142, Atlanta, GA 30309. See NS Statement 1, at 2, ln. 4-13.
3. PennDOT is a department of the Commonwealth of Pennsylvania with the delegated authority to manage and regulate public highways. See PennDOT Statement 2, at 1, ln. 11-13.
4. The Commission conducted a hearing in a Harrisburg hearing room on April 24, 2018. See Tr. at 10, ln. 5-25.
5. NS purchased the subject rail line from Canadian Pacific Railroad in 2015. See NS Statement 1 at 5, ln. 18-22.
6. NS currently has assigned maintenance responsibility for four of the subject bridges. See NS Statement 1 at 5, ln. 1-10.
7. The remainder of the bridges do not have a party or parties assigned to maintain and repair the structures. NS Statement 1 at 5, ln. 20-23; NS Statement 1 at 6, ln. 1-5.
8. The bridge carrying SR 4005 over NS's tracks is currently scheduled for rehabilitation under PennDOT's 12-year plan. See PennDOT Statement 2A at 30, ln. 1-2.
9. NS currently has the bridge carrying T-821 planned for repairs and reopening by September 30, 2018. See NS Statement 1 at 9, ln. 10-11.
10. The remaining bridges have Priority Code 1, Priority Code 2, and Priority Code 3 repairs that are not scheduled for repair. See Tr. at 214, ln. 9-25; Tr. at 215, ln. 1-11.
11. None of the remaining bridges are on PennDOT's or the local commission's 12-year plans for replacement or rehabilitation. See Tr. at 122, ln. 2-7.

APPENDIX B

PROPOSED CONCLUSIONS OF LAW

1. The Pennsylvania Public Utility Commission (“Commission”) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate utilities within this Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*
2. The Commission has the power and the duty to enforce the requirements of the Public Utility Code and Commission regulations. 66 Pa.C.S. § 501.
3. The Commission has jurisdiction over railroads in the Commonwealth of Pennsylvania. 66 Pa.C.S. §§ 2701, *et seq.*
4. Specifically, the Commission has the exclusive jurisdiction to regulate the construction, relocation, suspension, abolition, or alteration of railroad facilities that cross any other public utility or a public highway either at grade or above or below grade. 66 Pa.C.S. § 2702(a).
5. The Commission further has the exclusive jurisdiction to allocate costs among the parties to railroad-highway crossings 66 Pa.C.S. § 2704.
6. The crossings subject to this consolidated matter fall under the Commission’s jurisdiction. 66 Pa.C.S. § 2702.
7. The Commission has the power, after hearing, to order any party to a proceeding to perform various tasks to safeguard the public safety. 66 Pa.C.S. § 2702(c).
8. The crossings subject to this consolidated proceeding pose a hazard to the travelling public. 66 Pa.C.S. § 2702.
9. It is in the public interest to order a party or parties to repair, maintain, and inspect the crossings. 66 Pa.C.S. § 2702(a).

APPENDIX C

PROPOSED ORDERING PARAGRAPHS

1. That NS shall take whatever steps necessary to reopen the bridge carrying T-821 over NS's tracks in Great Bend Township, Susquehanna County, within ninety (90) days of the date of this order.
2. That NS shall perform all Priority Code 1 repairs to all bridges within six (6) months of the date of this order.
3. That NS, PennDOT, and the local municipalities, allocated as the Commission sees fit, perform all Priority Code 2 and Priority Code 3 repairs within one (1) year of the date of this order.
4. That NS, PennDOT, and the local municipalities shall bear the costs of the repairs as the Commission sees fit.
5. That NS, PennDOT, and the local municipalities shall bear future maintainance and repair costs for the bridges.
6. That the Commission impose any other relief it deems appropriate.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bridge Structure where State Route 1025	:	
crosses over a single track of Delaware and	:	
Hudson Railway Company, Inc. (264 293 K)	:	Docket No. M-2013-2364201
in Nicholson Borough, Wyoming County	:	
	:	
Investigation upon the Commission's own	:	
motion to determine the condition and	:	
disposition of six (6) existing structures	:	
carrying various highways above the grade	:	Docket No. I-2015-2472242
of the tracks of the Canadian Pacific	:	
Railroad in Great Bend Township, New	:	
Milford Township, Brooklyn Township, Hop	:	
Bottom Borough, Lathrop Township,	:	
Susquehanna County and Benton Township,	:	
Lackawanna County	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

Service by First Class Mail:

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Dated: June 15, 2018