|  |  |  |
| --- | --- | --- |
| PUC logo | COMMONWEALTH OF PENNSYLVANIAPENNSYLVANIA PUBLIC UTILITY COMMISSION400 NORTH STREET, HARRISBURG, PA 17120 | **IN REPLY PLEASE REFER TO OUR FILE** |

September 10, 2019

 C-2019-3009358

TO ALL PARTIES

Complaint filed by Knox Township verses Buffalo & Pittsburgh Railroad Inc. involving roadway clearance issues and falling concrete from abandoned railroad overpasses at public crossings (DOT 863 298 X), (DOT 863 296 J) and (DOT 863 302 K) where T-841, T-420, and T-405 cross, below grade, the right of way of Buffalo & Pittsburgh Railroad Inc., located in Knox Township, Jefferson County.

To Whom It May Concern:

This matter is before us by reason of a formal complaint filed with the Commission on April 23, 2019 by Knox Township verses Buffalo & Pittsburgh Railroad Inc., seeking Commission action to settle ongoing traffic safety issues with various abandoned railroad bridge structures located at public crossings (DOT 863 298 X), (DOT 863 296 J) and (DOT 863 302 K) where Ramsaytown Road (T-841), Harriger Hollow Road (T-420) and East Bellport Road (T-405) cross, below grade, the right of way of Buffalo & Pittsburgh Railroad Inc., located in Knox Township, Jefferson County.

Upon receipt of the complaint, a field investigation and conference was arranged by a Commission staff engineer and held at the site of the public crossings on June 14, 2019. Representatives of Knox Township (Township), Jefferson County, Brookville Borough, Buffalo & Pittsburgh Railroad Inc. (Railroad) and the Pennsylvania Department of Transportation were in attendance. All parties were notified by letter dated May 16, 2019 and were in attendance.

The Commission hereby establishes its jurisdictional limits over those portions of the public crossings as the area within the confines of the railroad right-of-way and the roadway right-of-way and extends 25 feet beyond each end of each railroad structure along the centerline of the railroad right-of-way and extends 200 feet back from each structure along the centerline of the roadway right-of-way.

The three (3) subject railroad structures involved with this proceeding are highway/railroad crossings under the Commissions jurisdiction and are part of and along a 40-mile railroad line abandonment that took place in 2005 and 2006 through the Federal Surface Transportation Board by Pittsburg & Shawmut Railroad LLC, a subsidiary of Buffalo & Pittsburgh Railroad Inc., under dockets AB-976X and AB 369 (Sub no. 5X).

The steel rails, ties and ballast have mostly been salvaged by the Railroad along this abandonment leaving most of the railroad structures over the various public highways/roadways in place.

Along this abandoned line the Pennsylvania Department of Transportation has removed three (3) of the overhead railroad structures along their roadways in conjunction with a larger federal/state funded roadway project under Commission dockets A-2009-2104031, A-2010-2185469 and A-2012-2338963. The Railroad has removed one overhead structure along this line as ordered under a Commission complaint docket C-2017-2585787 leaving approximately 13 overhead public crossing railroad structures remaining in place.

When a railroad line is abandoned, final disposition for all the public crossings within the abandonment should be determined through the Commission to promote and ensure public safety for the crossings moving forward including the three (3) subject crossings listed below.

**Ramsaytown Road (T-841) DOT 863 298 X**

At the field conference, it was noted that the subject overhead bridge structure along Ramsaytown Road is a reinforced concrete arch structure built in and around the early 1900’s. The structure currently has a vertical clearance restriction to motor vehicles of 14’-1” and is restricted to one-way traffic through the structure on a paved two-way, two lane roadway.

The concrete arch ceilings, sidewalls and ends of the structure over the roadway and traveling public, have pockets of spalled and delaminated concrete throughout and needs addressed. There was evidence of fallen spalled concrete along the roadway. The Township did report that there have been motor vehicle incidents/accidents due to the one-way TRAFFIC restriction at the structure. The roadway was legally posted at 45 mph in the vicinity of the structure and did have an advisory speed of 20 mph on one approach to the crossing.

**East Bellport Road (T-405)** **DOT 863 302 K**

The railroad structure along East Bellport Road is also a reinforced concrete arch overhead bridge structure built in and around the early 1900’s and is similar to the structure along Ramsaytown Road. East Bellport Road has less motor vehicle traffic and is a two-way, two lane gravel road. The structure has a vertical clearance restriction to motor vehicle traffic, but the vertical clearance was not posted on the structure or in advance of the structure as prescribed by Title 67 and 75 of the Pennsylvania Transportation and Vehicle Code. The structure restricts the movement of two-way traffic to one-way traffic through the public crossing. This structure should be addressed for loose and delaminated concrete and debris for all areas over the roadway.

**Harriger Hollow Road (T-420) DOT 863 296 J**

The railroad structure along Harriger Hollow Road is steel girder superstructure, supported on concrete abutments (substructures). Harriger Hollow Road is a two-way, two lane gravel road with poor roadway alignment on the approaches to the public crossing. The structure restricts motor vehicle traffic from two-way traffic to one-way traffic through the public crossing. It has a vertical clearance restriction to motor vehicle traffic, but the vertical clearance was not posted on the structure or in advance of the structure as prescribed by Title 67 and 75 of the Pennsylvania Transportation and Vehicle Code.

At the field conference, Buffalo & Pittsburgh Railroad Inc. acknowledged ownership and maintenance of the railroad structures and Knox Township acknowledged maintenance of the approach roadways to the structures.

All three (3) public crossings have poor sight distance for motor vehicle and pedestrian traffic. All the crossings offer no protection at the ends of the concrete abutments and arch end walls and are exposed 90º to traffic.

The complaint filed by Knox Township states that the three (3) above-mentioned railroad structures along and over the various Township roadways are creating traffic and safety problems.

In the interest of public safety, the Commission staff engineer identified immediate traffic safety issues that require mitigation as soon as possible and prior to and in the interim of the complete resolution of the complaint docket. The immediate safety issues were discussed openly at the field conference amongst the parties and are as follows:

● The concrete arch structures have loose and delaminated concrete on the interior of the arch ceilings, side walls and end walls exposed to vehicle and pedestrian traffic. The loose and delaminated concrete needs removed and hauled away.

● Appropriate signage needs posted on the approach roadways and on the structures warning and denoting the vertical restrictions to the motoring public as prescribed by Title 67 and 75 of the Pennsylvania Transportation and Vehicle Code, PennDOT Publication 238 Bridge Safety and Inspection Manual and as per the Manual on Uniform Traffic Control devices.

● Appropriate signage needs posted due to the posted speed limit and traffic volume, on the approach roadways along Ramsaytown Road (T-841) prior to the railroad structure, warning and denoting the horizontal restriction, i.e. one lane underpass (W5-3A) or similar warning sign along with an advisory speed placard (W13-1) mounted below to warn and advise the motoring public as prescribed by PennDOT Publication 236 Handbook of Approved Signs, PennDOT Publication 238 Bridge Safety and Inspection Manual and as per the Manual on Uniform Traffic Control devices.

● All three structures require roadway clearance markers (OM-3R) & (OM-3L) posted at the edge of the concrete obstruction (abutments and arch end walls) as prescribed by PennDOT Publication 236 Handbook of Approved Signs, PennDOT Publication 238 Bridge Safety and Inspection Manual and as per the Manual on Uniform Traffic Control devices.

At the meeting in the interest of public safety the Township agreed to furnish and install the appropriate signage as outlined above, at its sole cost and expense. Although representatives for the Railroad recognized the issues with the loose and delaminated concrete on their structures, they did not agree to mitigate the issues at that time.

By letter dated July 26, 2019 and received by the Commission on July 30, 2019 the Railroad, agreed to at its sole cost and expense, to remove the loose and delaminated concrete at the Railroads concrete arch structures along Ramsaytown Road (DOT 863 298 X) and East Bellport Road (DOT 863 302 K) provided the Township furnish roadway flagging and or detours, at the Townships sole cost and expense. The Railroad also agreed to affix the vertical restriction signs on their structures, at its sole cost and expense, provided the Township, at its sole cost and expense, furnish and provide them.

The Township and Railroad agreed to within 90 days of the initial field conference held on June 14, 2019 to work towards a long-term solution to resolve the Townships complaint.

In the immediate interest of public safety, no party of record objected to the proposed interim agreement as discussed above.

Upon full consideration of the matters involved and inasmuch as no objection has been filed with the Commission, we find that a Secretarial Letter can be issued approving the interim safety measures discussed above without a formal hearing.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the interim measures taken are necessary and proper for the service, accommodation, convenience or safety of the public; THEREFORE,

 1. The caption of the subject proceeding is hereby revised as shown herein.

 2. Knox Township, at its sole cost and expense, furnish and install advanced warning signs (W12-2) for the respective vertical clearance restrictions along the approach roadways to the three (3) railroad structures noted in the caption above and as per Title 67 and 75 of the Pennsylvania Transportation and Vehicle Code, PennDOT Publication 238 Bridge Safety and Inspection Manual and as per the Manual on Uniform Traffic Control devices.

 3. Knox Township, at its sole cost and expense, furnish low clearance overhead signs (W12-2A) or similar to Buffalo & Pittsburgh Railroad Inc., to be mounted on each side of each structure with the vertical clearance depicted for the railroad structures noted in the caption above and as per Title 67 and 75 of the Pennsylvania Transportation and Vehicle Code, PennDOT Publication 238 Bridge Safety and Inspection Manual and as per the Manual on Uniform Traffic Control devices.

 4. Knox Township, at its sole cost and expense, furnish and install advanced warning signs (W5-3A) or similar and an advisory speed placard (W13-1P) for the horizontal clearance restriction along both approach roadways of Ramsaytown Road (T-841) prior to the railroad structure at public crossing (DOT 863 298 X) and as prescribed by PennDOT Publication 236 Handbook of Approved Signs, PennDOT Publication 238 Bridge Safety and Inspection Manual and as per the Manual on Uniform Traffic Control devices.

 5. Knox Township, at its sole cost and expense, furnish and install roadway clearance markers (OM-3R) & (OM-3L) posted at the edge of the concrete obstructions (abutments and arch end walls) as prescribed by PennDOT Publication 236 Handbook of Approved Signs, PennDOT Publication 238 Bridge Safety and Inspection Manual and as per the Manual on Uniform Traffic Control devices.

 6. Buffalo & Pittsburgh Railroad Inc., at its sole cost and expense, install and/or mount the low clearance overhead signs (W12-2A) or similar provided by Knox Township for each side of the three (3) railroad structures noted in the caption above and as per Title 67 and 75 of the Pennsylvania Transportation and Vehicle Code, PennDOT Publication 238 Bridge Safety and Inspection Manual and as per the Manual on Uniform Traffic Control devices.

 7. Buffalo & Pittsburgh Railroad Inc., at its sole cost and expense, furnish all material and do all work necessary to mobilize the necessary equipment and manpower to properly sound and remove all loose and delaminated concrete and debris from the inside and outside of the above captioned concrete arch structures and remove all material that has fallen onto or adjacent to the respective roadways and remove from the public and respective roadway right-of-way.

 8. Knox Township, at its sole cost and expense, furnish all material and do 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 all work is being completed in accordance with this Secretarial Letter.

9. Knox Township cooperate with Buffalo & Pittsburgh Railroad Inc., so that during the work performed in accordance with this Secretarial Letter, the operations and facilities of the railroad company will not be endangered or unnecessarily impeded.

10. Buffalo & Pittsburgh Railroad Inc. cooperate with Knox Township for all work performed in accordance with this Secretarial Letter and provide advanced notice of at least ten (10) days to Knox Township prior to conducting their operations as described above and here within.

11. All parties involved herein cooperate fully with each other so that during the time the work is being performed, vehicular and pedestrian 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.

12. All work necessary to complete the work on or at the subject crossings be

done in a manner satisfactory to this Commission on or before November 15, 2019, and that on or before said date, Buffalo & Pittsburgh Railroad Inc. and/or Knox Township report to this Commission in writing the date of actual completion of the work.

13. Upon completion of all work in accordance with this Secretarial Letter, Knox Township, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain all of the approach roadways, advance warning signs, roadway clearance markers, drainage facilities and any other ancillary features related to the safety improvements specified herein, in accordance with the provisions of this Secretarial letter.

14. Upon completion of all work in accordance with this Secretarial Letter, Buffalo & Pittsburgh Railroad Inc. at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the structural integrity of its subject bridge structures, including routine maintenance of the concrete arches, substructures, superstructures, vegetation along, adjacent to and over the roadways and to maintain the low clearance overhead signs mounted on the structures, wire lines, right-of way and any other railroad facilities, existing or altered, located within the limits of the public crossings and at all times ensure the public safety of vehicle and pedestrian traffic with respect to the routine maintenance required with their abandoned bridge structures.

15. Upon completion of all work in accordance with this Secretarial Letter, each non-carrier public utility company and municipal authority, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its respective facilities, existing or altered, located within the limits of the public crossings.

16. Upon completion of the work herein directed, and upon a written request by any party hereto, this proceeding be scheduled for a hearing at a time and a place assigned by this Commission, upon due notice to all parties, to receive evidence relative to the allocation of initial costs incurred, if any, by the non-carrier public utility companies and municipal authorities, and any 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, 400 North Street, Harrisburg, PA 17120, 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