



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120

IN REPLY PLEASE
REFER TO OUR FILE

March 29, 2022

A-2021-3028010

Via Eservice and Email Only
TO ALL PARTIES OF RECORD

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the public crossing (DOT 518 047 F) by the replacement of the Viaduct bridge, approach structure to the John Harris Memorial Bridge, where State Route 0083 (Interstate 83) crosses, above grade, Front Street, Ramp C, Ramp B, the tracks of National Railroad Passenger Corporation (AMTRAK) and Norfolk Southern Railway Company located in the City of Harrisburg, Dauphin County.

To Whom It May Concern:

This matter is before us by reason of an application filed with the Commission on August 17, 2021 and amended application filed on August 24, 2021, by the Pennsylvania Department of Transportation (Department) seeking Commission approval to alter the public crossing (DOT 518 047 F) where State Route 0083 (Interstate 83) crosses, above grade, Front Street, Ramp C, Ramp B, the tracks of National Railroad Passenger Corporation (AMTRAK) and Norfolk Southern Railway Company (NS), located in the City of Harrisburg, Dauphin County.

In its application, the Department states it is desirable to alter the crossing by replacing the existing bridge with a structure that contains collector/distribution roadways in both the northbound and southbound directions that would improve the flow of traffic and safety along the corridor. The proposed new structure would raise the roadway profile and increase span lengths allowing increased vertical and horizontal clearances associated with the railroad tracks; all in accordance with the approved plans and this Secretarial Letter.

To move the project along as expeditiously as possible, the Department has chosen to submit two applications to separate each public crossing involved with this bridge replacement. The other public crossing involved with this bridge replacement is docketed at A-2021-3028250.

The existing mainline State Route 0083 (Interstate 83) bridge (NBI Structure Number/Bridge Key 14258; also known as the Viaduct) carries three (3) 12-foot wide through travel lanes, dedicated on-ramp/off-ramp lanes, shoulders, and gore areas of varying width in both the northbound and southbound directions all crossing, above grade, the tracks of AMTRAK and NS (DOT 518 047 F). The bridge superstructure consists of continuous steel multi-girders that are composite with the reinforced concrete deck. The entire structure is comprised of 21 total spans of varying length for a total structure length of approximately 1,910-feet and is supported by reinforced concrete piers and abutments. The bridge was originally constructed in 1960 and was last rehabilitated in 1982. The Viaduct bridge is associated with three separate ramps of similar structural configuration to the mainline that adjoin the mainline structure, known as Ramp A (NBI Structure Number/Bridge Key 14774), Ramp C (NBI Structure Numbers/Bridge Key 14773) and Ramp D (NBI Structure Numbers/Bridge Key 14775). Ramp A (on ramp) consists of 5-spans for a total structure length of approximately 379-feet that carries a single travel lane and shoulders from Front Street to Interstate 83 southbound. Ramp C (on ramp) consists of 6-spans for a total structure length of approximately 550-feet that carries a single travel lane and shoulders from Front Street to Interstate 83 northbound. Ramp D (off ramp) consists of 3-spans for a total structure length of approximately 314-feet that carries a single travel lane and shoulders from Interstate 83 southbound to the intersection of South Second Street and Paxton Street. Ramp C and Ramp D also cross, above grade, the tracks of AMTRAK and NS (DOT 518 047 F). A fourth ramp at this interchange, known as Ramp B, is not involved in this proceeding and therefore not described here in detail as it is associated with the adjoining John Harris Memorial Bridge. According to publicly available records provided by the Department, the structures are in overall fair condition.

A field investigation and conference was arranged by a Commission staff engineer and held on October 19, 2021, near the site of the subject crossing. Representatives of the Department, HNTB (Department consultant), JMT (Department consultant), NS and AECOM (NS consultant) attended the field conference. Although notified by letter dated October 7, 2021, there were no representatives of AMTRAK, Cumberland County, Lemoyne Borough, Lemoyne Municipal Authority, Dauphin County, City of Harrisburg, PPL Electric Utilities Corporation, XO Communications, Comcast Cable Communications, Inc., Capital Region Water, Verizon Pennsylvania LLC, Zayo Bandwidth or UGI Utilities Inc. in attendance.

The Department described the details of the project and provided a conceptual plan for all attendees. The Viaduct bridge replacement is a portion of the overall construction for one of several project phases that seeks to widen the roadway, reconstruct/replace pavement and structures, reconfigure the roadway to increase safety and decrease traffic congestion throughout the Capital Beltway region. The bridge replacement will provide: 1) additional outer collector/distribution travel lanes, 2) inner and outer shoulders for the mainline, 3) updated safety features and 4) increased vertical and horizontal clearances for the railroad; all in accordance with the approved plans and this Secretarial Letter.

The Department proposes two alternate multi-girder superstructure designs of varying span lengths and beam spacing in its conceptual plan: 1) a 94-inch deep steel I-girder with a 10.25-inch minimum thickness deck for the span over the public crossing (DOT 518 047 F) and a pre-cast, pre-stressed concrete 33/95.25 PA Bulb-Tee beam with a 9.25-inch minimum thickness deck for all other spans, or 2) a 94-inch deep steel I-girder with a 10.25-inch minimum thickness deck for all spans. Both alternate designs incorporate a 1.25-inch latex modified concrete overlay into the specified minimum deck thickness. The substructure configurations and foundation types are to be determined. The existing minimum vertical clearance from the top of rail to the underside of the structure is 31-feet 1-inches, the proposed structure will increase this clearance to 40-feet 8.50-inches. The existing minimum horizontal clearance from the center of tracks to the nearest obstruction is 16-feet 7.50-inches, the proposed structure will increase this clearance to 37-feet 11.25-inches. The Department noted that the final design of the adjoining structure replacement of the John Harris Memorial Bridge, also known as South Bridge, (docketed at A-2020-3023411) will control the alignment of the Viaduct bridge. The Viaduct bridge and the John Harris Memorial Bridge share a pier substructure unit (proposed pier 21 for the John Harris Memorial Bridge). Since the designs for these structures are preliminary, the final clearance may vary slightly from the clearances currently proposed. Required minimum clearances will be specified in the project technical provisions.

As part of the construction, the on and off ramps will be reconfigured and re-designated while their functionality will remain the same. Former Ramp A will be re-designated as Ramp K, former Ramp C will be re-designated as Ramp M and former Ramp D will be as re-designated Ramp N.

The Department reported the average daily traffic at this crossing as 51,051 vehicles with 16 percent trucks in the northbound direction, and 50,564 vehicles with 10 percent trucks in the southbound direction. AMTRAK is the owner of the right-of-way and maintains three tracks at the crossing, operating electrified Keystone passenger service. NS maintains one track at the crossing, known as the Royalton Branch.

There are light standards on the existing bridge attached to the existing bridge structure. Light standard means a street light, light pole, lamp post, street lamp, lamp standard, or other raised source of light located inside the right-of-way of a public road or highway. The Department avers that the new bridge structure will have similar light standards for the bridge deck lighting. The Department agrees to the future maintenance of the bridge deck lighting and associated bridge lighting electrical costs at its sole cost and expense.

At the time of the field conference the Department was undecided if it will be necessary for the Commission to appropriate any property for construction of the project. The Department was advised that if it becomes necessary for the Commission to appropriate any property, they may submit detailed right-of-way plans and property descriptions (metes and bounds) for any property for the Commission to appropriate.

No temporary railroad crossings are currently proposed to aid in the construction of the project.

Electrified overhead contact system (OCS) components and wirelines are attached to the underside of the existing Viaduct bridge spanning over the railroad. Prior to demolition of the existing structure, the Department and AMTRAK will work together to design and construct replacement OCS components/structures and wirelines that will be independent of the new bridge structures and remove the attached OCS components and wirelines from the existing bridge structures, at the Department's sole cost and expense.

The Department agrees to furnish all materials and perform all work to demolish the existing bridges and construct the new bridges, at their sole cost and expense. The Department agrees to maintain and inspect the entire bridge structures, including the removal of snow, ice and debris, at their sole cost and expense.

The Department agrees to prepare and submit complete detailed structure plans for the new bridges to each party in interest for review and to this Commission for approval, at their sole cost and expense.

AMTRAK will be directed to furnish and maintain watchmen, flagmen and/or inspectors that may be deemed necessary to protect and safeguard its railroad operations or facilities, at the Department's sole cost and expense. AMTRAK will be directed to maintain their railroad facilities, at their sole cost and expense.

NS agrees to furnish and maintain watchmen, flagmen and/or inspectors that may be deemed necessary to protect and safeguard its railroad operations or facilities, at the Department's sole cost and expense. NS agrees to maintain their railroad facilities, at their sole cost and expense.

The Commission has tentatively established jurisdiction over portions of the project on State Route 0083 (Interstate 83) between the Begin Structure Station of 230+00.00 (approximate centerline of the proposed pier 21 for the adjoining John Harris Memorial Bridge) to Highway Station 241+27.01 (approximate centerline of proposed Viaduct pier 8) as shown on the conceptual plans provided at the field conference, inclusive of any ramp structures and 100-foot of approach roadway thereto, for the full width of the railroad right-of-way.

Non-carrier public utilities may be affected by the alteration of the crossing. Non-carrier public utilities will relocate their facilities at their initial cost and expense, if required.

By conference call on February 16, 2022, the Department requested the project be designated as "Design Build." Final detailed "as-built" construction plans will be submitted upon completion of the project. The Department intends to transfer the scope of the Viaduct bridge from the East Shore Section 3 project, a traditional design-bid-build project, to the I-83 South Bridge project. The I-83 South Bridge project is a Major Bridge Initiative Public-Private-Partnership (P3) program, where the Department will select a development entity to design and construct the new structure. Thereafter, the development entity will maintain and inspect the structure for a 30-year duration.

The Department desires to use a combination of tolling, State and/or Federal funds for the construction of the project; the exact source of funding is subject to change. This portion of the project has an estimated cost of \$22,000,000.00.

Upon full consideration of the matters involved and inasmuch as no objection has been filed with the Commission and no party in attendance at the field conference objected to the proposed improvements as discussed, we find that a Secretarial Letter can be issued approving the application without a formal hearing.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the alteration of the crossing is necessary and proper for the service, accommodation, convenience or safety of the public.

The application of Pennsylvania Department of Transportation is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The public crossing (DOT 518 047 F) where State Route 0083 (Interstate 83) crosses, above grade, Front Street, Ramp C, Ramp B, the tracks of National Railroad Passenger Corporation and Norfolk Southern Railway Company located in the City of Harrisburg, Dauphin County be altered as herein directed.
3. Pennsylvania Department of Transportation, at its sole cost and expense, and prior to the start of construction, prepare and submit complete detailed right-of-way plans and property descriptions (metes and bounds) for any property for the Commission to appropriate to all parties for review and to the Commission for approval, if necessary.
4. Pennsylvania Department of Transportation, at its sole cost and expense, and prior to the start of construction, prepare and submit complete detailed structure plans for the subject crossing to all parties for review and the Commission for approval and upon completion of construction, submit detailed "as-built" construction plans to the Commission.
5. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic control that may be necessary to properly and safely accommodate vehicular, pedestrian and railroad traffic during the time the crossing is being altered.
6. Pennsylvania Department of Transportation and/or National Railroad Passenger Corporation, at the sole cost of Pennsylvania Department of Transportation, furnish all material and perform all work necessary to design and construct a replacement electrified overhead contact system that is independent of the new bridge structures and remove any electrified overhead contact system components or wirelines attached to the existing bridge structures to accommodate its demolition.
7. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to demolish the existing bridge structures (NBI Structure Numbers/Bridge Keys 14258, 14773, 14774 and 14775; collectively known as the Viaduct) and construct the new bridge structures all in accordance with the approved plans and this Secretarial Letter.

8. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain any shielding or protection, as required, to safely protect the areas below the bridge structures during the time the work is being performed above and adjacent to its tracks.

9. National Railroad Passenger Corporation and Norfolk Southern Railway Company, at Pennsylvania Department of Transportation's sole cost and expense, furnish and maintain watchmen, flagmen and/or inspectors that may be deemed necessary to protect and safeguard its railroad operations or facilities during the time the work is being performed above and adjacent to its tracks.

10. Pennsylvania Department of Transportation pay all compensation for damages, if any, due to the owners of property taken, injured or destroyed by reason of the alteration of the crossing in accordance with this Secretarial Letter.

11. Any relocation of, changes in and/or removal of any adjacent structures, equipment or facilities of any non-carrier public utility or municipal authority, which may be required as incidental to the alteration of the crossing be made by said public utility or municipal authority at its initial cost, and in such a manner as will not interfere with the alteration of the crossing; and such relocated or altered facilities thereafter be maintained by said public utility at its sole cost and expense.

12. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority beyond the limits of the highway, within the limits of the Commission's jurisdiction, which may be required as incidental to the execution of the alteration, be made by said public utility company or municipal authority, and in such manner as will not interfere with the alteration of the crossing.

13. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to complete the remainder of the project, including installation of any attendant storm drainage facilities and any other ancillary features of the project, generally in accordance with the approved plans and this Secretarial Letter.

14. Pennsylvania Department of Transportation provide at least thirty (30) days advance notice of the start of work to alter the crossing to each party involved in this proceeding.

15. All parties involved herein cooperate fully with each other so that during the time the work is being performed, vehicular, pedestrian and railroad traffic will not be endangered or unnecessarily inconvenienced and said requirements of each of the parties will be provided for and accommodated insofar as possible.

16. All work necessary to alter the crossing be completed in a manner satisfactory to this Commission on or before December 31, 2032, and that on or before said date, Pennsylvania Department of Transportation report in writing to this Commission the date of actual completion of the work.

17. All costs which are to be reimbursed by the Department of Transportation consistent with this letter shall be reimbursed pursuant to the provisions of 23 C.F.R. Parts 140 and 646. The aforesaid Federal reimbursement shall not supersede, delay or in any manner, postpone the effect of any paragraph contained in this or any related Secretarial Letter or Order.

18. This Secretarial Letter is without prejudice to the right of any party to recover all or part of any costs incurred by said party in compliance with the provisions of this Secretarial Letter, in accordance with any lawful agreement between it and any other party.

19. The terms of any agreement established in accordance with Numbered Paragraph 18 of this Secretarial Letter shall not preclude the Pennsylvania Public Utility Commission from taking any action necessary to protect the public interest, including but not limited to the reassignment or enforcement of any costs or responsibilities assigned or transferred as a result of this Secretarial Letter.

20. Upon completion of the alteration of the subject crossing, National Railroad Passenger Corporation and Norfolk Southern Railway Company, at their sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the subject crossing and provide Pennsylvania Department of Transportation at least ten (10) days advance notice when performing any work as directed by this paragraph that may affect their facilities, all in accordance with the provisions of this Secretarial Letter.

21. Upon completion of the alteration of the subject crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain and inspect the entire State Route 0083 (Interstate 83) bridge structure and any associated ramp structures (Future NBI Structure Numbers/Bridge Keys to be determined; collectively known as the Viaduct) including the substructure, wingwalls, superstructure, deck, parapets, roadway pavement, approach slabs, roadway surface, drainage facilities and any other ancillary features of the alteration constructed herein and provide National Railroad Passenger Corporation and Norfolk Southern Railway Company at least ten (10) days advance notice when performing any work as directed by this paragraph that may affect their facilities, all in accordance with the provisions of this Secretarial Letter.

22. Upon completion of the alteration of the subject crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the bridge lighting standards, bridge lighting infrastructure and the electrical costs to energize said lighting, constructed as part of the alteration.

23. Upon completion of the alteration of the subject crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary for the removal of snow, ice and debris from the cartway of the bridge decks and approach roadways.

24. Upon completion of the alteration of the subject crossing, 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 alteration.

25. Upon completion of the work herein directed, and upon written request from any party of record, this proceeding be scheduled for a hearing at a time and place to be determined by the Commission, for the purpose of taking testimony upon the final allocation of any remaining costs incurred by the non-carrier utility companies and 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.

The Commission has waived certain regulatory service provisions as directed by the Commission's Order at M-2021-3028321. Currently, while the Commission's physical facilities are open for business, some of the operational restraints occasioned by the pandemic remain. It is evident that the pandemic and its changing nature require certain procedural flexibility for the public, the regulated community, and the Commission. Toward this end, the Commission will continue to permit electronic service by the Commission on all parties, regardless of whether a particular party has agreed to electronic service. An exception to this general waiver is where the Public Utility Code requires service by specified means, e.g., Section 702. Additionally, service on Commission staff in proceedings pending before it, whether staff is a party or otherwise, shall be exclusively electronic unless the parties agree otherwise. Filings must be submitted by e-filing with the Secretary of the Commission by opening an e-filing account through the Commission's website and accepting eservice at <https://www.puc.pa.gov/filing-resources/efiling/>. If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission.

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 submitted by e-filing said petition 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,

A handwritten signature in cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary