



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

IN REPLY PLEASE
REFER TO OUR FILE

April 1, 2022

A-2020-3023411

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 517 939 B) by the replacement of the John Harris Memorial Bridge, where State Route 0083 (Interstate 83) crosses, above grade, Lowther Street, two (2) tracks of Norfolk Southern Railway Company and the Susquehanna River, located in Lemoyne Borough, Cumberland County and 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 December 21, 2020, by the Pennsylvania Department of Transportation (Department) seeking Commission approval to alter the public crossing (DOT 517 939 B) where State Route 0083 (Interstate 83) crosses, above grade, Lowther Street, two (2) tracks of Norfolk Southern Railway Company (NS) and the Susquehanna River, located in Lemoyne Borough, Cumberland County and 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 additional lanes in both the northbound and southbound directions that would improve the flow of traffic and safety along the corridor. The proposed new structure would be designed to increased vertical and horizontal clearances associated with the railroad tracks; all in accordance with the approved plans and this Secretarial Letter.

The existing mainline State Route 0083 (Interstate 83) bridge (NBI Structure Number/Bridge Key 14257; also known as the John Harris Memorial Bridge and South Bridge) carries three (3) 12-foot wide through travel lanes, 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 NS (DOT 517 939 B). The northbound direction carries the on-ramp/off-ramp lane for most of its length, while the southbound direction carries an acceleration lane that merges with the mainline and a deceleration lane that diverges from the mainline. The bridge superstructure consists of two (2) approach spans of continuous steel multi-girders that are composite with the reinforced concrete deck and nineteen (19) main spans of continuous steel girder, floor-beam and stringer system with fracture critical details. The entire structure is comprised of twenty-one (21) total spans of varying length for a total structure length of approximately 3,324-feet and is supported on reinforced concrete piers and abutment with stone masonry facade. Pier 21 is shared with the adjoining Viaduct bridge (docketed at A-2021-3028010 and A-2021-3028250) at the northern terminus. The bridge was originally constructed in 1960 and was last rehabilitated in 1982. The John Harris Memorial Bridge is associated with a separate off-ramp of similar structural configuration to the approach and main spans that adjoins the mainline structure known as Ramp B (NBI Structure Number/Bridge Key 14772). Ramp B consists of six (6) spans for a total structure length of approximately 685-feet that carries a single travel lane and shoulders from Interstate 83 northbound to the intersection of South Second Street and Paxton Street. Three additional ramps at this interchange, known as Ramp A, Ramp C and Ramp D, are not involved in this proceeding and therefore not described here in detail as it is associated with the adjoining Viaduct 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, AECOM (NS consultant) and Lemoyne Borough attended the field conference. Although notified by letter dated October 7, 2021, there were no representatives of AMTRAK, Cumberland County, 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 John Harris Memorial 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 travel lanes, 2) wider inner and outer shoulders, 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 three alternate superstructure designs for the mainline consisting of 21-spans of varying length and beam spacing in its conceptual plan: 1) a multi-girder pre-cast, pre-stressed concrete 33/47.25 and 33/95.25 PA Bulb-Tee with a 9.25-inch minimum thickness deck, 2) 40-inch and 94-inch deep steel plate multi-girders with a 9.25-inch to 10.75-inch minimum thickness deck, or 3) a multi-girder pre-cast, pre-stressed concrete 33/47.25 PA Bulb-Tee and segmental concrete boxes with a 9.25-inch to 10.25-inch minimum thickness deck. All 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 38-feet 8.875-inches, the proposed structure will increase this clearance to 43-feet 8.75-inches. The existing minimum horizontal clearance from the center of nearest track to the nearest obstruction is 28-feet 0.125-inches, the proposed structure will increase this clearance to 40-feet 0-inches. Since the design of this structure is preliminary, the final clearances may vary slightly from the clearances currently proposed. Required minimum clearances will be specified in the project technical provisions. Future additional tracks of NS are depicted on the conceptual plan; additional tracks will further reduce the currently proposed horizontal clearance. Prior to the installation of any additional tracks, NS shall file the appropriate application with the Commission to alter the public crossing.

As part of the construction, the off ramp will be reconfigured and re-designated while its functionality will remain the same. Former Ramp B will be re-designated as Ramp L. The ramp bridge construction will be of similar design to that of the mainline construction alternatives.

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 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 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. NS reported its line at the crossing averages 28 trains per day with speeds up to 50 miles per hour.

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 stated it may be necessary for the Commission to appropriate 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.

A temporary private railroad crossing surface with active warning devices (flashing lights, gates and bells) is currently proposed to aid in the construction of the project, at the sole cost and expense of the Department. The proposed temporary private crossing would be located south of the existing bridge, accessed via Lowther Street and would provide construction access to the causeway along the Susquehanna River. At the completion of construction, the temporary private crossing, including the temporary crossing surface and the active warning devices will be removed, at the sole cost and expense of the Department.

Lowther Street will be permanently relocated and reconstructed due to the new alignment of State Route 0083 (Interstate 83) conflicting with the existing alignment of Lowther Street. Lemoyne Borough Municipal Authority operates a wastewater treatment facility situated on the northern side of State Route 0083 (Interstate 83) that is accessed via Lowther Street. The Department agrees to maintain access to the wastewater treatment facility at all times during construction. The relocated and reconstructed Lowther Street will provide permanent access to wastewater treatment facility upon completion of the project.

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.

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) starting 100-feet prior to the Begin Structure Stations of 197+11.81 (northbound construction baseline) / 196+77.25 (southbound construction baseline) to the End Structure Stations of 230+00.00 (approximate centerline of the proposed pier 21 for the John Harris Memorial Bridge and adjoining Viaduct bridge) as shown on the conceptual plans provided at the field conference, inclusive of the ramp structure and 100-feet of approach roadway thereto, for the full width of the railroad right-of-way.

Non-carrier public utility 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.

The Department desires to use tolling 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 \$636,300,000.00.

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 517 939 B) where State Route 0083 (Interstate 83) crosses, above grade, Lowther Street, two (2) tracks of Norfolk Southern Railway Company and the Susquehanna River, located in Lemoyne Borough, Cumberland County and 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, 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 14257 and 14772; collectively known as the John Harris Memorial Bridge, also known as South Bridge) and construct the new bridge structures all in accordance with the approved plans and this Secretarial Letter.
7. 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 crossing is being altered.
8. Norfolk Southern Railway Company, at Pennsylvania Department of Transportation's sole cost and expense, furnish all material and perform all work relating to its facilities which may be required as incidental to the performance of the proposed project; 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.
9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. The terms of any agreement established in accordance with Numbered Paragraph 17 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.

19. Upon completion of the alteration of the subject crossing, Norfolk Southern Railway Company, at its 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.

20. 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 structure (Future NBI Structure Numbers/Bridge Keys to be determined; collectively known as the John Harris Memorial Bridge, also known as South Bridge) 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 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.

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 the bridge lighting standards, bridge lighting infrastructure and the electrical costs to energize said lighting, constructed as part of the alteration.

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 for the removal of snow, ice and debris from the cartway of the bridge decks and approach roadways.

23. 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.

24. 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