



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

IN REPLY PLEASE
REFER TO OUR FILE

April 7, 2022

A-2021-3028010
(AMENDED)

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:

By Secretarial Letter dated March 29, 2022, we directed the alteration of 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.

By electronic mail dated April 5, 2021, Norfolk Southern Railway Company requests the Commission amend its Secretarial Letter to memorialize its construction engineering services and the allocation of costs incident thereto as part of the project scope. Further, Norfolk Southern Railway Company requests the Commission elaborate on the type of inspectors that may be deemed necessary during the time the work is being performed.

We have carefully reviewed the record in this proceeding and will amend our Secretarial Letter dated March 29, 2022 to memorialize the requested changes.

This Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code.

THEREFORE:

The request received by the Commission on April 5, 2021, from Norfolk Southern Railway Company to amend our Secretarial Letter be and is hereby granted to the extent herein directed:

1. Paragraph 9 of our Secretarial Letter dated March 29, 2022, which reads as follows, to wit:

“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.”

be and is hereby modified to read:

9. National Railroad Passenger Corporation and 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 work; furnish construction engineering and inspection service if required as a result of the proposed work; and furnish and maintain flagmen and watchmen, as required, to protect its operations during the time the work is being performed across, above and adjacent to its tracks.

2. In all respects not inconsistent herewith, our Secretarial Letter dated March 29, 2022, remain in full force and effect.

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 black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta
Secretary