



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

IN REPLY PLEASE
REFER TO OUR FILE

April 15, 2022

A-2020-3023411
(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 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:

By Secretarial Letter dated April 1, 2022, we directed the alteration of 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.

By electronic mail dated April 5, 2022, Norfolk Southern Railway Company requests the Commission amend a related Secretarial Letter to memorialize its construction engineering services as part of the project scope and the allocation of costs incident thereto. 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.

By electronic mail dated April 7, 2022, Norfolk Southern Railway Company requests the Commission amend its Secretarial Letter to provide more notice to the parties when performing maintenance.

We have carefully reviewed the record in this proceeding and will amend our Secretarial Letter dated April 1, 2022.

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

THEREFORE:

In response to the request received by the Commission on April 5, 2022 on a related matter and the request received on April 7, 2022, from Norfolk Southern Railway Company, we will amend our Secretarial Letter to the extent herein directed:

1. Paragraph 8 of our Secretarial Letter dated April 1, 2022, which reads as follows, to wit:

“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.”

be and is hereby modified to read:

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 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. Paragraph 19 of our Secretarial Letter dated April 1, 2022, which reads as follows, to wit:

“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.”

be and is hereby modified to read:

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) business 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.

3. Paragraph 20 of our Secretarial Letter dated April 1, 2022, which reads as follows, to wit:

“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.”

be and is hereby modified to read:

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) business 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.

4. In all respects not inconsistent herewith, our Secretarial Letter dated April 1, 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