



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

IN REPLY PLEASE
REFER TO OUR FILE

May 18, 2022

A-2021-3029576

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 843 019 V) by replacement of the existing structure with a concrete box culvert where Railroad Street crosses, at grade, a track of SEDA-COG Joint Rail Authority, operated on by the Nittany and Bald Eagle Railroad, in Bellefonte Borough, Centre County, and the allocation of costs incident thereto.

To Whom It May Concern:

By application filed with the Commission on November 16, 2021, Pennsylvania Department of Transportation (Department) seeks Commission approval to alter the public crossing (DOT 843 019 V) by replacement of the existing structure with a concrete box culvert where Railroad Street crosses, at grade, a track of SEDA-COG Joint Rail Authority, operated on by the Nittany and Bald Eagle Railroad, in Bellefonte Borough, Centre County, and the allocation of costs incident thereto. This design-build project involves the removal of the existing substructure and superstructure and constructing a new box culvert.

The existing structure is aligned southeast to northwest and spans Buffalo Run. On the northern side of the structure, Railroad Street ends at the intersection with Sunnyside Boulevard. Railroad Street crosses a single track of SEDA-COG Joint Rail Authority, operated on by Nittany and Bald Eagle Railroad, which runs parallel to Sunnyside Boulevard, just south of the intersection. Across Railroad Street, the track has a high-type concrete crossing surface. The warning devices consist of crossbucks on both approaches to the crossing. The existing structure is within 50' of the at-grade public crossing (DOT 843 019 V) and it is necessary for SEDA-COG Joint Rail Authority and Nittany and Bald Eagle Railroad to be involved with the bridge replacement project, as their facilities and operations may be impacted by the project. Publicly available records provided by the Department indicate the structure was originally constructed in 1925 and the deck is in poor condition while the superstructure and substructure are in fair condition. The existing bridge is open to traffic with no restrictions.

The existing structure is a single span concrete encased steel I-Beam slab bridge on stone masonry abutments and wingwalls. It has an asphalt wearing surface and has structure mounted guiderail on concrete curbs on both sides. The rail-to-rail width is 15.2' and the deck out-to-out width is 17.5'. The clear span is 24.6' +/- and the skew is 70° to the roadway baseline. The ADT was reported to be 394 vehicles with 5% trucks.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held on December 15, 2021, at the site of the subject crossing. Representatives of SEDA-COG Joint Rail Authority, Nittany and Bald Eagle Railroad, the Department, Comcast, Bellefonte Borough Authority, Spring Benner Walker Joint Authority, Spring Township Water Authority, West Penn Power, Spring Township and Centre County were in attendance. Although notified by electronic mail dated December 2, 2021, there were no representatives from Columbia Gas of Pennsylvania or Verizon in attendance.

At the field conference, the Department described the proposed project. The Department is providing contract administration for the project. Centre County is responsible for all the project costs. The new box culvert is being designed to meet all required legal loads. There will be no need to post the bridge after construction. There will be no sidewalks on the new structure since there are no approach sidewalks at the site. The proposed structure is a single cell precast reinforced concrete box culvert with precast reinforced concrete end sections that is at-grade with a reinforced concrete deck. The parapets will consist of structure mounted guiderail on concrete curbs. The rail-to-rail width is 16'-0" and consists of a single 16' lane. The box culvert length is 19'-6½" measured parallel to the roadway baseline and the skew is 75° to the roadway baseline.

New asphalt highway approaches will be constructed to the bridge. The north approach roadway will be reconstructed full depth for 20' from the end of bridge toward the railroad tracks. The south approach roadway will be reconstructed for approximately 50' at full depth followed by 25' with mill and overlay to tie the reconstructed roadway back into the existing roadway.

A single lane temporary bridge will be installed approximately 45' upstream on the western side of the existing bridge. The temporary bridge will be used while the existing bridge is removed and rebuilt. Shoring will be required for the temporary bridge, for the proposed box culvert and for the railroad tracks. The type and length of shoring required shall be included on the construction plans and be submitted to all parties of record for review and to the Commission for approval.

SEDA-COG Joint Rail Authority, at the sole cost and expense of Centre County, will create a temporary crossing by installing a timber crossing surface at the end of the temporary bridge for the construction period and until the new bridge is opened to vehicular traffic. The existing crossbucks will be relocated to the temporary crossing for the construction period. Nittany and Bald Eagle Railroad will operate across the temporary crossing with stop and flag procedures.

Additional work will be done at the intersection of Sunnyside Boulevard and on the temporarily relocated section of Railroad Street. The approaches of Sunnyside Boulevard will be widened with temporary paving to provide two (2) lanes on both approaches to the intersection. Stop signs will be installed on both intersection approaches of Sunnyside Boulevard. The north-bound approach of Railroad Street will also be widened to provide two (2) lanes approaching the temporary bridge. Construction will need to take place from the southern approach so that there is not an issue with construction equipment being in the way for sight distance of the railroad on the northern side of the bridge.

Centre County, at its sole cost and expense, will maintain the existing detours and traffic controls for highway traffic.

Centre County has agreed to furnish all material and perform all work necessary to construct the project. Centre County agreed to reimburse Nittany and Bald Eagle Railroad for any alterations to their facilities and for providing watchmen, flagmen, and inspectors.

The County is requesting to designate the subject bridge project as a “Design Build” and final detailed “as-built” construction plans will be submitted upon completion of the project.

Upon completion of the proposed project, Bellefonte Borough agreed to furnish all material and perform all work necessary thereafter to maintain the box culvert structure, roadway pavement, parapets, guiderails, highway approaches and perform the bridge inspection. In addition, Bellefonte Borough agreed to perform the snow, ice, and debris removal from the roadway surface on the structure and on the approaches of the roadway.

Several non-carrier utilities have existing facilities within the project limits which are affected by the proposed construction. The non-carrier utilities will be directed to make the necessary alterations and relocations of their facilities at their initial cost and expense.

It will not be necessary for the Commission to appropriate railroad property to accommodate construction of the project.

The Commission hereby establishes its jurisdiction limits at the subject crossing as the area within the confines of the railroad right-of-way and the highway right-of-way of Railroad Street and extending along the highway right-of-way of Sunnyside Boulevard for seventy-five (75) feet to the east and west of the intersection with Railroad Street and extending along the highway right-of-way of Railroad Street for one-hundred (100) feet south from the subject crossing.

The project will be funded by 70% state funds and 30% local funds. The estimated cost of construction of the project is \$1,000,000.

The applicant has certified that a copy of the application has been served on each party in interest, and none have advised that it objects to the issuance of a Secretarial Letter, prior to hearing, approving the application.

Upon full consideration of the matter involved, we determine that it is not necessary to schedule a hearing in this proceeding at this time and that issuance of a Secretarial Letter without hearing is proper since Centre County has agreed to construct the project, at its sole cost and expense, and none of the parties has expressed any objections to the proposal.

Inasmuch as the parties agree with the proposed improvement project and inasmuch as the Department requests a Secretarial Letter as soon as possible to permit initiation of construction of the improvement, the Commission is of the opinion that a Secretarial Letter can be issued approving the application. Upon completion of the project, it may be necessary to schedule a hearing before an administrative law judge to determine the final allocation of costs, if any, incurred by the non-carrier utilities.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that construction 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 843 019 V) where Railroad Street crosses, at grade, a track of SEDA-COG Joint Rail Authority, operated on by the Nittany and Bald Eagle Railroad, in Bellefonte Borough, Centre County, be altered by replacement of the existing structure with a concrete box culvert in accordance with Pennsylvania Department of Transportation's application filed with this Commission on November 16, 2021.
3. Centre County, at its sole cost and expense, and prior to the start of construction, submit conceptual plans, detailed final construction plans, detailed structural plans, and shoring plans, that include the length and type of shoring, for the subject bridge replacement project to the parties of record and upon completion of the project, submit detailed "as-built" construction plans to the Commission.
4. Centre County, at its sole cost and expense, furnish all material and do all work necessary to remove the existing bridge substructure and superstructure and construct a new box culvert with a concrete deck, generally in accordance with the approved plans and this Secretarial Letter.
5. Centre County, at its sole cost and expense, furnish all material and do all work necessary to install a single lane temporary bridge on the western side of the existing bridge, install shoring to protect the railroad tracks and install shoring as required during the installation of the temporary bridge and box culvert, widen the approaches of Sunnyside Boulevard on both approaches to the intersection with Railroad Street, install stop signs on both intersection approaches of Sunnyside Boulevard, widen the north-bound approach of Railroad Street to provide two (2) lanes approaching the temporary bridge, and ensure construction takes place from the southern approach so that there is not an issue with construction equipment being in the way for sight distance of the railroad on the northern side of the bridge, generally in accordance with the approved plans and this Secretarial Letter.
6. Nittany and Bald Eagle Railroad, at the sole cost and expense of Centre County, furnish all material and perform all work necessary to install a temporary timber at-grade crossing and relocate the existing crossbuck signs (R15-1) in line with the end of the temporary bridge until that time that the new bridge has been opened to vehicular traffic, generally in accordance with the Manual on Uniform Traffic Control Devices, approved plans and this Secretarial Letter.

7. Nittany and Bald Eagle Railroad, at the sole cost and expense of Centre County, furnish all material and perform all work necessary to provide that each and every movement of each locomotive, car or train across its track at the crossing be properly attached to and propelled or retarded by a locomotive, and that a member of the train crew equipped with a red flag during daylight and a lighted fusee during the hours of darkness, precede on the ground each and every movement of each locomotive, car or train across the highway at the crossing to properly warn the traveling public of the approach of such locomotive, car or train for the duration of time that the temporary bridge and crossing are in use and until that time that the new bridge has been opened to vehicular traffic.

8. Centre County, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain the detours and traffic controls that are required to properly and safely accommodate highway traffic during the time the project is being constructed.

9. Nittany and Bald Eagle Railroad, at the sole cost and expense of Centre County, 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.

10. Any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority located within the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the crossing project, be made by said public utility company or municipal authority at its initial cost and expense, and in such manner as will not interfere with the construction of the project.

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 located beyond the limits of the highway, within the Commission's jurisdiction, which may be required as incidental to the execution of the crossing project, be made by said public utility company or municipal authority, and in such a manner as will not interfere with the construction of the project.

12. Centre County, at its sole cost and expense, furnish all material and do all work necessary to complete the remainder of the crossing project, including any attendant storm drainage facilities and any other ancillary features of the project, all generally in accordance with the approved plans and this Secretarial Letter.

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

14. The alteration of the crossing be completed on or before May 31, 2025, and that on or before said date, Pennsylvania Department of Transportation report in writing the date of actual completion of the work to this Commission and certify to the parties of record and this Commission that the work has been satisfactorily completed in accordance with the approved plans and this Secretarial Letter.

15. Pennsylvania Department of Transportation, at least thirty (30) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

16. Centre County pay all compensation for damages, if any, due to owners of property taken, injured, or destroyed by reason of the construction of the crossing in accordance with this Secretarial Letter.

17. Upon completion of the alteration of the crossing, SEDA-COG Joint Rail Authority, at its sole cost and expense, furnish all material and perform all work necessary to maintain its railroad facilities and crossbuck signs (R15-1) at the subject crossing and to maintain at all times in a smooth and satisfactory condition the full depth high-type concrete crossing surface installed at the crossing, and to provide Bellefonte Borough at least ten (10) business days advance notice when performing any work as directed by this paragraph that may affect the facilities of the other parties, all in accordance with the Manual on Uniform Traffic Control Devices, approved plans and this Secretarial Letter.

18. Upon completion of the alteration of the subject crossing, Bellefonte Borough, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the highway approaches to the subject crossing up to the full depth high-type concrete crossing surface, and in addition, maintain the grade crossing advance warning signs, stop lines and pavement markings, and to maintain the subject box culvert structure at the public crossing, including the concrete deck, roadway pavement, protective barriers, structure mounted guiderail and transition guiderail if any, bridge inspection, structure drainage facilities and the remainder of the project including the removal of snow, ice and debris on the bridge roadway and approach roadways, and any other ancillary features of the improvement constructed herein, and provide SEDA-COG Joint Rail Authority 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.

19. Upon completion of the construction of the proposed project, 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 improvement.

20. 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.

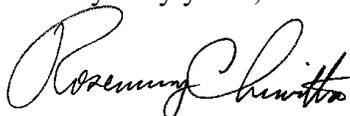
The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

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 fluid and cursive, with the first name being particularly prominent.

Rosemary Chiavetta
Secretary