



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

IN REPLY PLEASE  
REFER TO OUR FILE  
A-2022-3033069

July 6, 2022

**Via Eservice and Email Only**  
**TO ALL PARTIES OF RECORD**

Priority 1 bridge repairs in response to a recent bridge inspection at the public crossing (DOT 510 521 Y), where Washington Street crosses, above grade, the tracks of Norfolk Southern Railway Company, Port Authority of Allegheny County East Busway and Waverly Avenue located in the Borough of Swissvale, Allegheny County and exemptions from the minimum side clearances required by 52 Pa. Code, Section 33.122.

To Whom It May Concern:

At a location in the Borough of Swissvale, Allegheny County, Washington Street (borough roadway) crosses, above grade, the track of Norfolk Southern Railway Company, Port Authority of Allegheny County East Busway and Waverly Avenue (borough roadway), at the public crossing (DOT 510 521 Y).

By letter electronically filed with the Commission dated June 13, 2022, Norfolk Southern Railway Company requests Commission approval of the bridge repair plans that would address Priority 1 maintenance needs discovered during a recent bridge inspection.

The proposed repair work includes: 1) removal of loose concrete, rubble and bricks from below the deck, 2) full-depth pavement removal and replacement with high early strength concrete in three (3) locations, 3) permanent and temporary shoring and 4) structural steel repairs to the through-girders. The proposed structural steel repairs will change the cross section of the through-girders and installation of a permanent shoring column will change the load path and reduce the horizontal side clearance from the centerline of the eastern most track to the new shoring column to a minimum of 10-feet.

The detailed repair plans submitted by Norfolk Southern Railway Company were received by the Commission on June 13, 2022. The plans were identified as "BRIDGE PT-344.91 WASHINGTON AVE. OVER NSRR, PAT BUSWAY & WAVERLY ST." and consists of sixteen (16) sheets of repair plans.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and approves the repair plans submitted by Norfolk Southern Railway Company. Upon review of the circumstances regarding the condition of the bridge and in the interest of safety to the public, we will direct that the subject captioned bridge Priority 1 maintenance repairs be performed accordingly, THEREFORE:

1. The detailed repair plans filed with this Commission on June 13, 2022, identified as “BRIDGE PT-344.91 WASHINGTON AVE. OVER NSRR, PAT BUSWAY & WAVERLY ST.” consisting of sixteen (16) sheets, which plans are made part hereof and are hereby approved except insofar as they may relate to the division of work, deletion of work, or the allocation of costs and expenses incident to the installation of the project.

2. Norfolk Southern Railway Company, 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.

3. Norfolk Southern Railway Company, at its 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 facilities are being constructed.

4. Norfolk Southern Railway Company, at its sole cost and expense, furnish all material and perform all work necessary to repair the bridge at the public crossing (DOT 510 521 Y), where Washington Street crosses, above grade, the tracks of Norfolk Southern Railway Company, Port Authority of Allegheny County East Busway and Waverly Avenue located in the Borough of Swissvale, Allegheny County; all in accordance with the approved plans and this Secretarial Letter.

5. 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.

6. The exemption from the Commission’s minimum side clearance requirements of 52 Pa. Code §33.122, be and is hereby granted, in this particular instance, for a horizontal clearance of 10-feet at the public crossing (DOT 510 521 Y) for the eastmost track as shown on the plans filed with this Commission on June 13, 2022.

7. Any operating railroads over the subject line, issue appropriate notice warning its employees of the restrictive clearances herein, all in accordance with its standard operation practice.

8. 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.

9. Norfolk Southern Railway Company, 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. All work necessary to alter the crossing be completed in a manner satisfactory to this Commission on or before October 31, 2022.

11. Norfolk Southern Railway Company, notify Pennsylvania Public Utility Commission and the Pennsylvania Department of Transportation in writing within five (5) days after it has completed the requirements of Paragraph 4.

12. 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.

13. 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.

14. In all other respects not inconsistent herewith our previous Commission Orders and/or Secretarial Letters for the public crossing captioned above 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 style with a large initial "R".

Rosemary Chiavetta  
Secretary