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August 18, 2022

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

**Re: 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
Docket No. A-2022-3033069**

Dear Secretary Chiavetta:

In our August 15, 2022 filing of the Petition for Recission of Order of Norfolk Southern, the Certificate of Service inadvertently omitted parties of record in the above-referenced matter. Due to the service list not being correct we respectfully ask that the filing be rejected.

Enclosed for filing please find Norfolk Southern's corrected Petition for Recission of Order. Copies have been served upon all interested parties as indicated on the Certificate of Service.

Sincerely yours,

Benjamin C. Dunlap, Jr.

BCDjr/ino
Enclosure
cc: All Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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 : **Docket No .A-2022-3033069**
: **Filed Electronically**

Petition for Rescission of Order

Norfolk Southern Railway Company (“Norfolk Southern”), by and through its undersigned counsel, hereby petitions for the rescission of the Secretarial Letter issued July 6, 2022, in the above referenced matter, pursuant to 66 Pa. C.S. § 703(g) and 52 Pa. Code § 5.572, based upon newly discovered facts, and in support thereof avers as follows:

1. By letter electronically filed with the Commission on June 13, 2022, Norfolk Southern requested Commission approval of its repair plans to address Priority 1 defects discovered during an NBIS bridge inspection in late 2021.
2. The proposed repair work included 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. Commission approval was sought for the plans, as the proposed structural steel repair would alter the cross section of the through-girders and installation of a permanent shoring column would alter 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 ten (10) feet.

3. The Commission approved the repair plans filed by Norfolk Southern in its Secretarial Letter issued July 6, 2022. All work necessary to alter the crossing was ordered to be completed on or before October 31, 2022.

4. Since development of the repair plans, the Borough of Swissvale (“Borough”) has closed the bridge pursuant to the recommendation of the Pennsylvania Department of Transportation (“PennDOT”).

5. PennDOT performed an analysis on the bent between the Busway and Waverly Avenue after the bridge was closed. PennDOT’s analysis showed that strengthening of the existing bent between the Busway and Waverly Avenue would be required to reopen the bridge for vehicular traffic.

6. The repair plans approved by the Secretarial Letter do not include strengthening of the existing bent.

7. In addition to strengthening work to the existing bent, which has not yet been engineered, the bridge will also likely require floor system repairs and rehabilitation within the next several years.

8. Norfolk Southern’s estimate for work needed in the next several years is as follows:

- Priority 1 repairs - \$400,000 (including engineering)
- Strengthening of bent or installation of additional columns – \$300,000 (including engineering)
- Floorbeam and deck replacement over Busway & Norfolk Southern and additional girder repairs - \$1.1 million (including engineering)

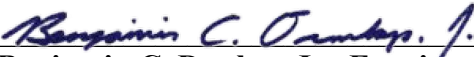
9. Norfolk Southern estimates the cost to replace the bridge at \$3 million.

10. The cost to repair the bridge over the next few years is a large percentage of the replacement cost, making the repairs an imprudent expenditure of money.
11. Norfolk Southern has offered to replace the bridge at its sole cost and expense if the Borough will accept future maintenance of the bridge. The Borough to date has declined Norfolk Southern's offer.
12. Norfolk Southern requests that a virtual field meeting be scheduled with the parties to discuss a process to forward to a resolution of the disposition of the bridge.
13. In the meantime, Norfolk Southern has completed the scaling of loose concrete from the underside of the deck over the Port Authority Busway the week of August 1, 2022, to address the immediate safety concerns of the Port Authority.

WHEREFORE, Norfolk Southern Railway Company respectfully requests that this Honorable Commission rescind its Secretarial Letter issued July 6, 2022, in this matter and schedule a virtual field meeting with the parties to discuss a process for bringing the issue of the future disposition of the bridge to a resolution.

Respectfully Submitted,

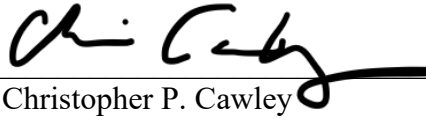
NAUMAN, SMITH, SHISSLER & HALL, LLP

By: 
Benjamin C. Dunlap, Jr., Esquire
Supreme Court I.D. #66283
200 North Third Street, 18th Floor
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Attorney for Norfolk Southern Railway Company

Date: August 18, 2022

VERIFICATION

I, Christopher P. Cawley, Regional Engineer Structures of Norfolk Southern Railway Company, hereby state that the facts set forth in the attached *Petition for Recission of Order* in the forementioned matter are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).



Christopher P. Cawley

Dated: August 15, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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 : **Docket No.A-2022-3033069**
: **Filed Electronically**

CERTIFICATE OF SERVICE

I hereby certify that I served one (1) copy of the attached Petition for Rescission of Order in the above-referenced matter, this day, upon the parties listed below via electronic mail as indicated below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

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Date: August 18, 2022

/s/Ijeoma N. Okereke
Ijeoma N. Okereke
