



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

September 2, 2022

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Docket No. A-2020-3021193

Dear Secretary Chiavetta,

Enclosed for filing please find the Department's *Petition to Transfer Jurisdiction* in the above-captioned matter.

I hereby certify that a copy has been sent to all parties of record as indicated by the Certificate of Service.

Very truly yours,

/s/ Anthony Czuchnicki

Anthony A. Czuchnicki
Assistant Counsel

Encls.

Cc: Parties of Record
Mark J. Chappell, P. E., Utilities and Right of Way Section
Cody Young, Right of Way Section
Jack Clark, Right of Way Section
Dustin Palmer, R/W Administrator, District 8-0
File

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of the Pennsylvania Department of Transportation for approval to alter the public crossing (DOT 592 187 F) by replacement of the existing bridge where SR 3007 (19th Street) crosses, above grade, the tracks of Norfolk Southern Railway Company, located in the City of Harrisburg, Dauphin County and for an exemption from the Commission's minimum overhead (vertical) clearance requirements as set forth in Title 52 Pa Code §§33.121; and the allocation of certain costs and expenses incident thereto :

Docket No.: A-2020-3021193

Electronically Filed

PETITION OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
TO TRANSFER JURISDICTION TO COURT OF COMMON PLEAS OF
DAUPHIN COUNTY

COMES NOW, the Commonwealth of Pennsylvania, Department of Transportation, by its attorney, Anthony A. Czuchnicki, Assistant Counsel, and in its Petition to Transfer Jurisdiction to the Court of Common Pleas of Dauphin County respectfully represents:

1. The name and address of your Petitioner is the Department of Transportation of the Commonwealth of Pennsylvania, P.O. Box 8212, Harrisburg, Pennsylvania 17105-8212.
2. The name and address of counsel for the Petitioner is Anthony A. Czuchnicki, Assistant Counsel, Office of Chief Counsel, Department of Transportation of the Commonwealth of Pennsylvania, P.O. Box 8212, Harrisburg, Pennsylvania 17105-8212.
3. By Order adopted and entered June 16, 2022, in the proceeding docketed at Application Docket No. A-2020-3021193, your Honorable Commission approved the Application of the Pennsylvania Department of Transportation for approval to alter the public crossing (DOT 592 187 F) by replacement of the existing bridge where SR 3007 (19th Street) crosses, above grade, the tracks of Norfolk Southern Railway Company,

in The City of Harrisburg, Dauphin County, and for an exemption from the Commissions minimum overhead (vertical) clearance requirements as set forth in title 52 PA code §§33.121; and the allocation of certain cost and expenses. (Exhibit “A”)

4. By the aforesaid Order, your Honorable Commission directed, at paragraphs 2 and 3, that certain property be appropriated for the purpose of the aforesaid project, pursuant to Section 2702 of the Public Utility Code. 66 Pa.C.S. §2702.

5. The aforesaid project necessitated the appropriation of property within The City of Harrisburg, Dauphin County, filed with the Recorder of Deeds of Dauphin County on August 17, 2021, by Instrument No. 20210028753. (Department Claim No. 2200500000).

6. The Department has determined that the just compensation for the property appropriation is \$44,100 which, as of the date of this Petition, has not been accepted by the Railway. The amount reflects total estimated just compensation payable under this docket as well as under Docket No. A-2020-3021129.

7. The name and address of the Railway is:

Norfolk Southern Railway Company
650 West Peachtree St NW
Atlanta, GA 30308

8. A true and correct copy of this claim for property damage pursuant to Section 2704 of the Public Utility Code was duly served upon the Railway. 66 Pa.C.S. § 2704.

WHEREFORE, your Petitioner, Commonwealth of Pennsylvania, Department of Transportation requests your Honorable Commission, pursuant to 66 Pa.C.S. Section 2704, refer this matter to the Court of Common Pleas of Dauphin County, for the filing of a Petition to deposit the estimated just compensation amount into court pursuant to the Eminent Domain Code, 26 Pa.C.S. § 307.

Respectfully submitted,

Date: September 2, 2022

AS Anthony Czuchnicki
Anthony A. Czuchnicki, Assistant Counsel- ID No. 312620
Commonwealth of Pennsylvania, Department of Transportation
Office of Chief Counsel

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

EXEMPT FROM UPI
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Public Meeting held June 16, 2022

Commissioner's Present:

Gladys Brown Dutrieuille, Chairman
John F. Coleman, Jr., Vice Chairman
Ralph V. Yanora

Application of the Pennsylvania Department of Transportation for approval to alter the public crossing (DOT 592 187 F) by replacement of the existing bridge where SR 3007 (19th Street) crosses, above grade, the tracks of Norfolk Southern Railway Company, located in the City of Harrisburg, Dauphin County and for an exemption from the Commission's minimum overhead (vertical) clearance requirements as set forth in Title 52 Pa Code §§33.121; and the allocation of certain costs and expenses incident thereto.

Docket No.
A-2020-3021 193

ORDER

BY THE COMMISSION:

At a location in the City of Harrisburg, Dauphin County, State Route 3007 (19th Street) crosses, above grade, the tracks of Norfolk Southern Railway Company.

By Secretarial Letter dated February 23, 2021, the Commission approved the application to alter the public crossing (DOT 592 187 F) by replacement of State Route 3007 (19th Street) bridge and granted an exemption from the Commission's minimum overhead (vertical) clearance requirements.

"Exhibit A"

In conjunction with the subject bridge replacement project, it will be necessary for the Commission to appropriate certain portions of railroad property to accommodate construction of the project.

Paragraph No. 4 of the Commission's Secretarial Letter dated February 23, 2021, directed the Pennsylvania Department of Transportation (Department) to submit for approval the final right-of-way plans for any railroad property for the Commission to appropriate.

The Department submitted final right-of-way plans to the Commission and all parties of record for review. The plans were received March 8, 2022, and consist of seven (7) sheets.

The Department is requesting the Commission approve the right-of-way plans that include the appropriation of six (6) tracts of railroad property from Norfolk Southern railway Company.

The Department avers that each party to the proceeding was served a copy of the plans for review. None of the other parties have advised this Commission that it objects to approval of the plan.

The metes and bounds descriptions required for the property appropriations with color coded plan sheets associated with the said right-of-way plans were submitted to the Commission on March 8, 2022, and are defined herein by this Order.

We hereby approve the right-of-way plans and appropriate the property described in detail in the ordering paragraphs.

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

The record having been certified to this Commission, we issue this order pursuant to Sections 335(a) and 2702 of the Public Utility Code, (66 Pa. C.S. §335(a), §2702);

THEREFORE,

IT IS ORDERED:

I. That the right-of-way plans submitted by the Pennsylvania Department of Transportation on March 8, 2022, consisting of seven (7) sheets, and identified as "COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, DRAWINGS REESTABLISHING LIMITED ACCESS HIGHWAY AND AUTHORIZING ACQUISITION FOR RIGHT-OF-WAY FOR STATE ROUTE 3007 SECTION 020 R/W IN DAUPHIN COUNTY," which plans are hereby approved and made part hereof.

2, That in accordance with the provisions of Section 2702 of the Public Utility Code, 66 Pa, C,S, §2702, the following described properties be and are hereby taken and appropriated for the purpose of the improvement in accordance with the right-of-way plans approved in Paragraph No, 1 of this order, and that Paragraph No, 2 of this order shall be recorded in the Recorder of Deeds of Dauphin County, and shall be indexed under the name or names of the record owners of said property, grantor(s), and the Commonwealth of Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Commonwealth of Pennsylvania Department of Transportation, applicant herein; the above said plans having been recorded in the Office for the Recording of Deeds of Dauphin County on August 17, 2021 by Instrument Number 20210028753, to which recording reference is made in and of the description of those tracts of land more particularly described in detail below:

NORFOLK SOUTHERN RAILWAY COMPANY
650 WEST PEACHTREE STNW
ATLANTA, GA 30308

ALL THOSE CERTAIN TRACTS of land situated in the City of Harrisburg, Dauphin County, Commonwealth of Pennsylvania, being bound and described as follows:

Tract No.1
(Aerial Easement)

Beginning at a point, (Point of Beginning), on the westerly legal right-of-way line for State Route 3007 (19th Street), said point being 40'± left and opposite of State Route 3007 (19th Street) right-of-way centerline station 104+03, (Coordinates Northing 337,940,9744, Easting 2,217,935.5260); Thence continuing along the westerly legal right-of-way line for State Route 3007 (19th Street) and crossing lands of Norfolk Southern Railway Company, S 20°35'17" E 134.47' to a point on the northern legal right-of-way line for limited access for Interstate 83 (State Route 83), said point being 40'± left and opposite of State Route 3007 (19th Street) right-of-way centerline station 102+69, (Coordinates Northing 337,815,0921, Easting 2,217,982.8121); Thence along lands of Norfolk Southern Railway Company, by a curve to the left with a radius of 5859,65 and arc length of 7.62' (Chord S 76°58'19" W 7,62') to a point being the intersection of the northern legal right-of-

way for limited access for Interstate 83 (State Route 83) and Temporary Construction Easement No. 2, said point being 48' left and opposite of State Route 3007 (19th Street) right-of-way centerline station 102+70, (Coordinates Northing 337,813.3745, Easting 2,219,975.3890); Thence continuing along the Temporary Construction Easement No. 2 and crossing lands of Norfolk Southern Railway Company, N 20°34'09" W 135.59' to a point, a common corner to the Temporary Construction Easement No. 1 Line, said point being 48' left and opposite of State Route 3007 right-of-way centerline station 104+05, (Coordinates Northing 337,940.3245, Easting 2,217,927.7499); Thence along lands of Norfolk Southern Railway Company, N 85°13'21" E 7.80' to a point, the Point of Beginning.

Containing 0.0233 Acres (1,017 Square Feet)

Tract No. 2
(Aerial Easement)

Beginning at a point, (Point of Beginning), on the easterly legal right-of-way line for State Route 3007 (19th Street), said point being 40± right and opposite of State Route 3007 (19th Street) right-of-way centerline station 102+17, (Coordinates Northing 337,794.8561, Easting 2,218,075.8715); Thence continuing along the easterly legal right-of-way line for State Route 3007 (19th Street) and crossing lands of Norfolk Southern Railway Company, N 20°35'17" W 163.48' to a point, said point being 40± right and opposite of State Route 3007 (19th Street) right-of-way centerline station 103+81, (Coordinates Northing 337,947.8991, Easting 2,218,018.3828); Thence along lands of Norfolk Southern Railway Company, N 85°13'21" E 8.82' to a point, a common corner to the Temporary Construction Easement No. 3, said point being 48' right and opposite of State Route 3007 right-of-way centerline station 103+78, (Coordinates Northing 337,948.6334, Easting 2,218,027.1687); Thence across lands of Norfolk Southern Railway Company, S 20°34'09" E 162.34' to a point, a corner common to the Temporary Construction Easement No. 4, said point being 48' right and opposite of State Route 3007 right-of-way centerline station 102+16, (Coordinates Northing 337,796.6427, Easting 2,218,084.2045); Thence by a curve to the left with a radius of 5819.65 and arc length of 8.52' (Chord S 77°53'57" W 8.52') to a point, the Point of Beginning

Containing 0.0316 Acres (1,378 Square Feet)

The above two (2) tracts of land shown on the Pennsylvania Department of Transportation Drawings Authorizing Acquisition for Right-of-Way for State Route 3007 Section 020 R/W in Dauphin County, being designated and delineated as required aerial easement and being a portion of land of Norfolk Southern Railway Company, designated as part of parcel 162 on sheets 124 and 125 of 127 of said drawings, as recorded in the Office for the Recorder of Deeds, in Dauphin County, Pennsylvania, Instrument Number 20210028753 on August 17, 2021, and being a portion of land conveyed from Consolidated Rail Corporation to Pennsylvania Lines LLC c/o Norfolk Southern Railway Company by deed dated May 19, 1999 and recorded October 22, 1999, in Deed Book 3536, Page 10, in the Dauphin County Courthouse.

3. That in accordance with the provision of Section 2702 of the Public Utility Code, 66 Pa. C.S. §2702, the following described properties be and are hereby taken and appropriated temporarily, for the use during the construction period only, in accordance with the right-of-way plans approved in Paragraph No. 1 of this order, and that Paragraph No. 3 of this order shall be recorded by the Recorder of Deeds of Dauphin County, and shall be indexed under the name or names of the record owners of said property, grantor(s), and to the Commonwealth of Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Department of Transportation of the Commonwealth of Pennsylvania, applicant herein; the above said plans having been recorded in the Office for the Recording of Deeds of Dauphin County on August 17, 2021 by Instrument Number 20210028753, to which recording reference is made in and of the description of those tracts of land more particularly described in detail below:

NORFOLK SOUTHERN RAILWAY COMPANY
650 WEST PEACHTREE ST NW
ATLANTA, GA 30308

ALL THOSE CERTAIN TRACTS of land situated in the City of Harrisburg, Dauphin County, Commonwealth of Pennsylvania, being bound and described as follows:

Tract No. 3
(Temporary Construction Easement)

Beginning at a point, (Point of Beginning), at the intersection of the northwesterly corner for the Required Aerial Easement and lands of Norfolk Southern Railway Company, said point being 48' left and opposite of State Route 3007 right-of-way centerline station 104+05, (Coordinates Northing 337,940.3245, Easting 2,217,927.7499); Thence continuing along the westerly line for Required Aerial Easement and crossing lands of Norfolk Southern Railway Company, S 20°34'09" E 13.29' to a point, said point being 48' left and opposite of State Route 3007 right-of-way centerline station 103+92, (Coordinates Northing 337,927.8796, Easting 2,217,932.4199); Thence crossing lands of Norfolk Southern Railway Company, S 84°24'35" W 25.88' to a point, said point being 73' left and opposite of State Route 3007 right-of-way

centerline station 103+99, (Coordinates Northing 337,925.3586, Easting 2,217,906.6637); Thence crossing lands of Norfolk Southern Railway Company, N 20°34'09" W 13.68' to a point, said point being 73' left and opposite of State Route 3007 right-of-way centerline station 1 04+1 3, (Coordinates Northing 337,938.1607, Easting 2,217,901.8596); Thence crossing lands of Norfolk Southern Railway Company, N 85°13'21" E 25.98' to a point, the Point of Beginning.

Containing 0.0077 Acres (337 Square Feet)

Tract No. 4

(Temporary Construction Easement)

Beginning at a point, (Point of Beginning), at the intersection of the southwesterly corner for the Required Aerial Easement and lands of Norfolk Southern Railway Company and on the northern legal right-of-way line for limited access for Interstate 83 (State Route 83), said point being 48' left and opposite of State Route 3007 right-of-way centerline station 102+70, (Coordinates Northing 337,813.3745, Easting 2,217,975.3890); Thence continuing along the lands of Norfolk Southern Railway Company and on the northern legal right-of-way line for limited access for Interstate 83 (State Route 83), by a curve to the left with a radius of 5859.65' and arc length of 52.42' (Chord S 76°40'42" W 52.42') to a point, said point being 100' left and opposite of State Route 3007 right-of-way centerline station 102+76, (Coordinates Northing 337,801.2963, Easting 2,217,924.3807); Thence crossing lands of Norfolk Southern Railway Company, N 20°34'09" W 42.1 9' to a point, said point being 100' left and opposite of State Route 3007 right-of-way centerline station I 03+19, (Coordinates Northing 337,840.7971, Easting 2,217,909.5577); Thence crossing lands of Norfolk Southern Railway Company, N 78°51 '32" E 52.71' to a point, said point being 48' left and opposite of State Route 3007 right-of-way centerline station 103+10, (Coordinates Northing 337.850.9825, Easting 2,217,961.2763); Thence along the Required Aerial Easement and through the lands of Norfolk Southern Railway Company, S 20°34'09" E 40.17' to a point, the Point of Beginning.

Containing 0.0491 Acres (2,139 Square Feet)

Tract No. 5

(Temporary Construction Easement)

Beginning at a point, (Point of Beginning), at the intersection of the northwesterly corner for the Required Aerial Easement No. 2 and lands of Norfolk Southern Railway Company, said point being 48' right and opposite of State Route 3007 right-of-way centerline station 103+78, (Coordinates Northing 337,948.6334, Easting 2,218,027.1687); Thence continuing along lands of Norfolk Southern Railway Company, N 85°13'21" E 20.78' to a point, said point being 68' right and opposite of State Route 3007 right-of-way centerline station 103+73, (Coordinates Northing 337,950.3644, Easting 2,218,047.8809); Thence crossing lands of Norfolk Southern Railway Company, S 20°34'09" E' 22.09' to a point, said point being 68' right and opposite of State Route 3007 right-of-way centerline station 103+51, (Coordinates Northing 337,929.6859, Easting 2,218,055.6407); Thence continuing through lands of Norfolk Southern Railway Company, S 84°43'02" W 20.73' to a point, said point being 48' right and opposite of State Route 3007 right-of-way centerline station 103+56, (Coordinates Northing 337,927.7769, Easting 2,218,034.9952); Thence along the Required Aerial Easement No. 2 and crossing lands of Norfolk Southern Railway Company, N 20°34'09" W 22.28' to a point, the Point of Beginning.

Containing 0.0102 Acres (444 Square Feet)

Tract No. 6

(Temporary Construction Easement)

Beginning at a point, (Point of Beginning), at the intersection of the southeasterly corner for the Required Aerial Easement No. 2 and southwesterly corner of the Legal Slope Easement for Interstate 83 (State Route 0083) and lands of Norfolk Southern Railway Company, said point being 137'± left and opposite of Interstate 83 (State Route 0083) survey and right-of-way centerline station 83+77, (Coordinates Northing 337,796.6427, Easting 2,218,084.2045); Thence along the easterly line for the Required Aerial Easement No. 2 and crossing lands of Norfolk Southern Railway Company, N 20°34'09" W 65.70' to a point, said point being 202'± left and opposite of Interstate 83 (State Route 0083) survey and right-of-way centerline station 83+67, (Coordinates Northing 337,858, Easting 2,218,061.1233); Thence crossing lands of Norfolk Southern Railway Company, N 84°46'26" E 290.12' to a point, said point being 175' left and opposite of Interstate 83 (State Route 0083) survey and right-of-way centerline


station 86+50, (Coordinates Northing 337,884.5758, Easting 2,218,350.0330); Thence crossing lands of Norfolk Southern Railway Company, S 09°40'39" E 27.07' to a point, said point being 148'± left and opposite of Interstate 83 (State Route 0083) survey and right-of-way centerline station 86+50, (Coordinates Northing 337,857.8868, Easting 2,218,354.5842) and along the Legal Slope Easement for Interstate 83 (State Route 0083); Thence along the Legal Slope Easement and lands of Norfolk Southern Railway Company, the following three (3) courses: 1) by a curve to the left with a radius of 5829.65' and arc length of 73.96' (Chord S 80°18'11" W 73.96') to a point, said point being 148'± left and opposite of Interstate 83 (State Route 0083) survey and right-of-way centerline station 85+77, (Coordinates Northing 337,845.4289, Easting 2,217,281.6786); 2) Thence S 10°03'37" E 10.00' to a point, said point being 138'± left and opposite of Interstate 83 (State Route 0083) survey and right-of-way centerline station 85+77, (Coordinates Northing 337,835.5827, Easting 2,218,283.4255); 3) Thence by a curve to the left with a radius of 5829.65' and arc length of 203.00' (Chord S 78°56'25" W 202.99') to a point, the Point of Beginning.

Containing 0,3048 Acres (13,278 Square Feet)

The above four (4) tracts of land shown on the Pennsylvania Department of Transportation Drawings Authorizing Acquisition for Right-of-Way for State Route 3007 Section 020 R/W in Dauphin County, being designated and delineated as Temporary Construction Easement and being a portion of land of Norfolk Southern Railway Company, designated as part of parcel 162 on sheets 124 and 125 of 127 of said drawings, as recorded in the Office for the Recorder of Deeds, in Dauphin County, Pennsylvania, Instrument Number 20210028753 on August 17, 2021, and being a portion of land conveyed from Consolidated Rail Corporation to Pennsylvania Lines LLC c/o Norfolk Southern Railway Company by deed dated May 19, 1999 and recorded October 22, 1999, in Deed Book 3536, Page 10, in the Dauphin County Courthouse.

4. That in all respects not inconsistent herewith, our Secretarial Letter dated February 23, 2021, shall remain in full force and effect.

BY THE COMMISSION,


Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: June 16, 2022

ORDER ENTERED: June 16, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Pennsylvania Department of	:	
Transportation for approval to alter the public	:	
crossing (DOT 592 187 F) by replacement of the	:	Docket No.: A-2020-3021193
existing bridge where SR 3007 (19th Street) crosses,	:	
above grade, the tracks of Norfolk Southern Railway	:	
Company, located in the City of Harrisburg, Dauphin	:	
County and for an exemption from the Commission's	:	
minimum overhead (vertical) clearance requirements	:	
as set forth in Title 52 Pa Code §§33.121; and the	:	Electronically Filed
allocation of certain costs and expenses incident	:	
thereto	:	

VERIFICATION

I, Mark J. Chappell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Mark J. Chappell, P.E.
Department of Transportation
Right of Way and Utilities Section

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of the Pennsylvania Department of :
Transportation for approval to alter the public :
crossing (DOT 592 187 F) by replacement of the : Docket No.: A-2020-3021193
existing bridge where SR 3007 (19th Street) crosses, :
above grade, the tracks of Norfolk Southern :
Railway Company, located in the City of :
Harrisburg, Dauphin County and for an exemption :
from the Commission's minimum overhead :
(vertical) clearance requirements as set forth in : **Electronically Filed**
Title 52 Pa Code §§33.121; and the allocation of :
certain costs and expenses incident thereto :

CERTIFICATE OF SERVICE

I hereby certify that I have also served a true and correct copy of the Department's
Petition to Transfer Jurisdiction to Court of Common Pleas of Dauphin County upon the
following named parties in the manner indicated:

VIA FIRST CLASS MAIL, POSTAGE PREPAID:

Mr. Douglas Starling, P.E.
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Ms. Julianne Freeman, Esq.
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Respectfully submitted,

Date: September 2, 2022

/s/ Kevin A. Belle
Kevin A. Belle, Assistant to
Anthony A. Czuchnicki
Assistant Counsel
Commonwealth of Pennsylvania
Department of Transportation
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