



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

IN REPLY PLEASE
REFER TO OUR FILE

November 8, 2022

A-2022-3034374

Via Eservice and Email Only
TO PARTIES OF RECORD

Application of the Pennsylvania Turnpike Commission for approval to establish a new public crossing (DOT Unknown) by construction of new dual multi-span steel girder bridges where mainline of SR 0043 (Mon-Fayette Expressway) crosses, above grade, a single track of Transtar, LLC, operated thereon by Union Railroad Company, LLC, as well as Homestead-Duquesne Road and Thompson Run located in West Mifflin Borough, Allegheny County.

To Whom It May Concern:

By application filed with the Commission on July 29, 2022, Pennsylvania Turnpike Commission (PTC) seeks Commission approval to establish and construct a new public crossing (DOT Unknown) by construction of new dual multi-span steel girder bridges where mainline State Route (SR) 0043 (Mon-Fayette Expressway) is proposed to cross, above grade, a single track of Transtar, LLC, operated thereon by Union Railroad Company, LLC, as well as Homestead-Duquesne Road and Thompson Run located in West Mifflin Borough, Allegheny County.

The construction is part of PTC's Mon-Fayette Expressway project which involves extending SR 0043 by construction of a new 4-lane limited-access toll road from the existing terminus at SR 0051 to Interstate I-376 in Monroeville. The PTC proposes to construct new dual mainline bridge structures to cross, above grade, a single track of Transtar, LLC, Homestead-Duquesne Road, and Thompson Run.

The new dual bridges (MF-416 northbound, MF-417 southbound) will be five span, composite steel plate girder structures, 995'- 0" long. The proposed out-to-out width of the northbound bridge (MF-416) is 45'- 10 ½" providing two 12'- 0" traffic lanes, a 12'- 0" right shoulder, a 6'- 0" left shoulder, integral bridge barriers and a sound barrier wall on the northbound bridge (MF-416). The proposed out-to-out width of the southbound bridge (MF-417) is 51' - 4 ½" providing two 12'- 0" traffic lanes and 12'- 0" left and right shoulders, The proposed minimum vertical clearance from the tracks is 107'- 8". The proposed minimum horizontal clearances are 65'- 8" from center of existing track to Pier 2 at bridge MF-417.

The new dual bridges are to be supported by reinforced concrete abutments and piers. The vertical alignment of the new bridges consists of a 1.40% descending grade, south to north. Preliminary type, size and location plans were included with the application. PTC avers the average daily traffic is projected in calendar year 2045 to be 16,000 northbound and 17,700 southbound with 6 percent trucks.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held on September 22, 2022 near the site of the proposed crossing. Representatives of Union Railroad Company, Allegheny County, Comcast,

Pennsylvania Turnpike Commission, Pennsylvania American Water Company, Markosky Engineering, Pennoni, CDR Maguire, HDR, Hill International, TW Engineering and Pennsylvania Department of Transportation were in attendance. Although notified by letter dated September 9, 2022, sent via electronic mail, there were no representatives from West Mifflin Borough, Duquesne Light Company, Port Authority of Allegheny County, or Peoples Gas Company in attendance.

PTC agrees to construct the project at its sole cost and expense. PTC will reimburse Union Railroad Company the cost for flagman, and maintenance and protection of train traffic during construction. PTC agrees to reimburse non-carrier public utilities for alterations to their facilities in private right-of-way. Alterations required to public utilities in public right-of-way will be made by the utility at its initial cost and expense.

In the application, the PTC requested the Commission appropriate property for the improvement project. At the time of the field conference, the PTC was undetermined if it will be necessary for the Commission to appropriate railroad property for construction of the project but will submit right-of-way plans and metes and bounds descriptions at a later date if it is deemed necessary.

The PTC agrees to submit final detailed structural drawings for the proposed project to the Commission for approval and the parties of record for consideration in this proceeding. Accordingly, it will be necessary for the PTC to do so prior to the start of construction.

The Commission will assume jurisdiction over those portions of the project along SR 0043 survey and construction baseline between Highway Station 1986+00 and Highway Station 2002+00 as shown on the proposed bridge Type, Size, and Location Plans attached to the application.

PTC agrees to maintain the substructure and superstructure of the new SR0043 bridges. The project will be funded solely by the PTC. The estimated cost of construction for Section 53B2 of the Mon-Fayette Expressway Project is \$170 million. The estimated cost of construction of the proposed bridges is approximately \$54 million.

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 the PTC 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 PTC 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 the establishment of the crossing is necessary and proper for the service, accommodation, convenience or safety of the public.

The application is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The application of Pennsylvania Turnpike Commission for approval to establish a new public, grade-separated crossing (DOT Unknown) by construction of new dual multi-span steel girder bridges where mainline of State Route 0043 (Mon-Fayette Expressway) is to cross, above grade, a single track of Transtar, LLC, operated thereon by Union Railroad Company, LLC, as well as Homestead-Duquesne Road and Thompson Run, located in West Mifflin Borough, Allegheny County, be and is hereby approved to the extent provided herein.
3. Pennsylvania Turnpike Commission, at its sole cost and expense and prior to the start of construction, prepare and submit to this Commission for approval and to all parties of record for examination, complete detailed construction plans, right-of-way plans and the appropriate property descriptions, if any, that is needed for the proposed crossing alteration project, including highway approaches and the bridge structures.
4. Pennsylvania Turnpike Commission, at its sole cost and expense, furnish all material and perform all work required to construct the proposed crossing project generally in accordance with the approved plans and this Secretarial Letter.
5. Pennsylvania Turnpike Commission, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic controls that may be required to properly and safely accommodate highway and pedestrian traffic during the time the project is being constructed.
6. Pennsylvania Turnpike Commission, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain any shielding/protection, as required, to safely protect the areas below the bridge structures during construction of the project.
7. 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.
8. 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.

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

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

11. All work necessary to complete the alteration of the subject crossing be done in a manner satisfactory to this Commission on or before December 31, 2027, and that on or before said date, Pennsylvania Turnpike Commission report to this Commission in writing the date of actual completion of the work.

12. Pennsylvania Turnpike Commission, 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.

13. Pennsylvania Turnpike Commission pay all compensation for damages, if any, due to owners of property taken, injured, or destroyed by reason of the construction of the crossing alteration project in accordance with this Secretarial Letter.

14. This Secretarial Letter is without prejudice to the right of any party to recover part or all 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.

15. The terms of any agreement established in accordance with this Secretarial Letter shall not preclude the Pennsylvania Public Utility Commission from taking any action necessary to protect the public interest, including but not limited to the reassignment or enforcement of any costs or responsibilities assigned or transferred as a result of this Secretarial Letter.

16. Upon completion of the construction of the proposed project, Pennsylvania Turnpike Commission, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the new dual bridges (substructure, superstructure, deck, bridge barriers, roadway pavement) and the remainder of the improvement including the highway approaches, roadway surface, drainage facilities, snow and ice removal (on the roadway surface) and any other ancillary features of the dual bridge structures constructed in accordance with the provisions of this Secretarial Letter.

17. Upon completion of the alteration of the crossings, Union Railroad 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, all in accordance with this Secretarial Letter and any other railroad facilities, existing or altered, located within the limits of the Commission's jurisdiction.

18. 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.

19. 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.

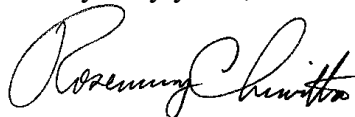
The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

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,



Rosemary Chiavetta
Secretary