



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

IN REPLY PLEASE
 REFER TO OUR FILE

January 25, 2023

A-2021-3027435

Via Eservice and Email Only
TO ALL PARTIES OF RECORD

Application of the York County Rail Trail Authority for approval to alter and suspend five (5) public crossings where Pine Avenue (DOT 535 218 Y) and South East Street (DOT 535 217 S) located in the Borough of Spring Grove and where Hershey Road (DOT 535 216 K) and Martin Road (DOT 535 215 D) located in Jackson Township cross, at grade, and where Sunnyside Road (DOT 535 214 W) crosses, below grade, a track of the York Railway Company, subsidiary of Genesee and Wyoming Railroad, in York County.

To Whom It May Concern:

This matter is before the Commission by reason of an application filed July 22, 2021, by York County Rail Trail Authority (YCRTA) seeking Commission approval for the suspension of five (5) rail-highway crossings along the rail line of York Railway Company, subsidiary of Genesee and Wyoming Railroad, in Spring Grove Borough and Jackson Township, York County.

| Crossing No. | Road | Municipality | DOT | Type |
|--------------|-------------------|----------------------|-----------|-------------|
| 1 | Pine Avenue | Spring Grove Borough | 535 218 Y | At-grade |
| 2 | South East Street | Spring Grove Borough | 535 217 S | At-grade |
| 3 | Hershey Road | Jackson Township | 535 216 K | At-grade |
| 4 | Martin Road | Jackson Township | 535 215 D | At-grade |
| 5 | Sunnyside Road | Jackson Township | 535 214 W | Below-grade |

Crossing No. 1 is where Pine Avenue, a two-lane asphalt roadway, crosses at-grade a track of York Railway Company. Crossing No. 2 is where South East Street, a two-lane asphalt roadway, crosses at-grade, a track of York Railway Company. Both crossings were suspended by Secretarial Letter at Docket A-2016-2552808 dated April 21, 2020, and the track, ties, crossbucks, stop-bars and advance warning signs were removed, and the roadways were paved through the crossing area. Docket A-2016-2552808 was closed out by Secretarial Letter dated December 28, 2022.

Crossing No. 3, Hershey Road is a two-lane asphalt roadway having a crossing with a timber and asphalt crossing surface. The advanced warning signs, stop bars and crossbucks have been removed.

Crossing No. 4, Martin Road is a two-lane asphalt roadway having a crossing with a timber and asphalt crossing surface. The advanced warning signs are still in place. The stop bars and crossbucks have been removed.

Crossing No. 5, Sunnyside Road is a two-lane asphalt roadway that crosses, below grade, a plate girder bridge with two abutments and a center pier that carries one track of York Railway over Sunnyside Road and an unnamed tributary to Codorus Creek.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held on August 25, 2021, at the site of the subject crossings. Representatives of York Railway Company, Pennsylvania Department of Transportation, PUC, YCRTA and Borough of Spring Grove were in attendance. Jackson Township, Jackson Township Sewer Authority and York County were notified of the time and place of the conference but did not attend.

York Railway Company previously requested Crossing Nos. 1 & 2 to be suspended and not abolished. In addition, Crossing Nos. 3, 4 & 5 will be suspended at this time and later abolished. After York Railway Company gets final approval from the Surface Transportation Board, they will submit a request to the PUC asking for Crossing Nos. 1-5 to be abolished. All participants in the field meeting agreed to having the five (5) crossings suspended and later abolished.

At Crossing Nos. 3 & 4, YCRTA, at its sole cost and expense, has agreed to perform all work required to remove the rails, ties, ballast, and crossbucks and to restore the roadway paving across the full width of the roadway and shoulders to provide a smooth transition to the existing highway and shoulder areas. At Crossing No. 5, YCRTA will reuse the existing girders, abutments and pier and will construct a new concrete deck with pedestrian railings. The finished bridge over Sunnyside Road will consist of two-span composite plate steel girder bridge having two (2) 27' spans, a 59' length from the rear of the abutment faces, a 12'-2" out-to-out width, a 10'-0" clear deck width, a 9" thick concrete deck and 4'-6" high aluminum pedestrian railings.

Jackson Township will remove the highway-rail grade crossing advance warning signs and any stop lines or railroad markings at Crossing Nos. 3 and 4.

An existing section of the Hanover Trolley Trail currently crosses below a multi-span bridge carrying a track of the York Railway Company in Spring Grove Borough. The existing trail has a limestone dust surface and is approximately 8 to 10 feet wide. The

Commission could not locate a past order authorizing the existing trail to cross under the railroad bridge at the public crossing. YCRTA is directed herein to file an application with the Commission to affirm the existing crossing currently in place within 4 months of the date of this Secretarial Letter.

All work is to be performed generally in accordance with the construction plans entitled: "HANOVER TROLLEY TRAIL DEVELOPMENT," consisting of sheet nos. 2, 11, 21 and 28 of 56 and 1 of 1, a total of five (5) sheets, submitted on September 30, 2021; and sheets nos. 5 of 62 and 8 of 62, a total of two (2) sheets, submitted on December 1, 2021, 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.

Upon completion of the suspension of Crossings Nos. 3, 4 & 5, Jackson Township, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the highways at the three (3) suspended crossings.

YCRTA will maintain the grade separated structure of the Crossing No. 5 including the multi-use trail, deck, superstructure and substructure. YCRTA is directed herein to perform biennial bridge inspections per the National Bridge Inspection Standards.

YCRTA, will provide all the necessary detours and traffic controls to accommodate vehicular and pedestrian traffic during the time the work is being performed to suspend the crossing.

The project will be fully funded by the YCRTA with an estimated total project cost at the proposed public crossing of \$200,000.

No party in attendance at the field conference objected to the alteration of the public crossings, as discussed.

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

The Commission hereby establishes its jurisdiction limits at the subject crossings as the area within the confines of the existing trail easements and/or right-of-way and the highway right-of-way at each trail-highway crossing; and the area within the confines of the existing trail easements and/or right-of-way and the railroad right-of-way.

It does not appear that facilities of any non-carrier public utilities will be affected by the construction of the public crossing. The non-carrier utilities will be directed to do any work, if necessary, to protect or alter their facilities to accommodate the project construction at their initial cost and expense.

Upon full consideration of the matters involved and inasmuch as no objection has been filed with the Commission, we find that a Secretarial Letter can be issued approving the application without a formal hearing.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the alteration of the crossing is necessary and proper for the service, accommodation, convenience or safety of the public.

The application of the York County Rail Trail Authority, is approved as hereinafter directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The suspension of three (3) rail highway crossings of the York Railway Company, consisting of Crossing No. 3, the at-grade crossing of Hershey Road (DOT 535 216 K); Crossing No. 4, the at-grade crossing of Martin Road (DOT 535 215 D); and Crossing No. 5, the below-grade crossings of Sunnyside Road (DOT 535 214 W); all in Jackson Township, York County, all be suspended as herein directed.
3. Crossing Nos. 3, 4 & 5 be altered generally in accordance with the construction plans entitled: "HANOVER TROLLEY TRAIL DEVELOPMENT," consisting of sheet nos. 2, 11, 21 and 28 of 56 and 1 of 1, a total of five (5) sheets, submitted on September 30, 2021; and sheets nos. 5 of 62 and 8 of 62, a total of two (2) sheets, submitted on December 1, 2021, 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.
4. York County Rail Trail Authority, at its sole cost and expense, prior to the start of construction, prepare and submit to the Commission for approval and to all parties of record for examination, complete detailed final construction plans and structural plans for Crossing No. 5, the bridge over Sunnyside Road.
5. York County Rail Trail Authority, at its sole cost and expense, perform all work required to construct the proposed trail at Crossing Nos. 3 and 4 including removing the rails, ties, existing crossing surfaces, and crossbucks and at Crossing No. 5 by removing the rails and ties, generally in accordance with the approved plans and this Secretarial Letter.
6. York County Rail Trail Authority, at its sole cost and expense, perform all work required to restore the roadway paving at the area of Crossing Nos. 3 and 4, as necessary, providing a smooth transition to the existing highway and shoulder areas to make it safe for public use; generally in accordance with the approved plans and this Secretarial Letter.
7. Jackson Township, at its sole cost and expense, perform all work required to remove the advance warning signs (W10-1) and stop lines, if necessary, from Crossing Nos. 3 & 4, in accordance with the approved plans and this Secretarial Letter.
8. York County Rail Trail Authority, at its sole cost and expense, perform all work required to alter Crossing No. 5 by constructing a concrete deck and pedestrian railings on

the two-span composite plate steel girder bridge, in accordance with the approved plans and this Secretarial Letter.

9. York County Rail Trail Authority, at its sole cost and expense, submit an application with this Commission to affirm the existing below-grade crossing of the Hanover Trolley Trail located under a bridge of York Railway Company in the Borough of Spring Grove within four (4) months of the date of this Secretarial Letter.

10. York County Rail Trail Authority, 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 necessary to properly and safely accommodate highway and pedestrian traffic during the time the work is being performed to suspend the crossings.

11. York Railway Company, at the sole cost and expense of the York County Rail Trail Authority, furnish all material and perform all work relating to its facilities which may be required as incidental to the performance of the proposed work and furnish any engineering services, watchmen, flagmen and/or inspectors that may be deemed necessary to protect the railroad's operations or facilities during the time the project is being constructed.

12. 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 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.

13. 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.

14. 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.

15. All work required to suspend Crossing Nos. 3, 4 and 5 be completed on or before December 31, 2025, and that on or before said date York County Rail Trail Authority 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 this Secretarial Letter.

15. York County Rail Trail Authority, at its sole cost and expense, pay all compensation for damages, if any, due to owners of property taken, injured or destroyed by reason of the abolition of the subject crossing in accordance with this Secretarial Letter.

16. York County Rail Trail Authority, at least seven (7) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

17. Upon completion of the suspension of the crossings, Jackson Township, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the highway at the site of suspended Crossing Nos. 3, 4, and 5, in a safe and satisfactory condition, exclusive of the facilities of any carrier or non-carrier public utility, all in accordance with this Secretarial Letter.

18. Upon completion of the construction of the proposed crossing project, York County Rail Trail Authority, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the multi-use trail and approaches and all ancillary features associated with the trails at Crossing Nos. 1, 2, 3, 4 and 5, including the trail surface, shoulders, drainage, fencing, pedestrian crossing (W11-2) signs, ahead (W16-9P) signs, yield here to pedestrians (R1-5R and L) signs, crosswalks, detectable warning surfaces, and gates, if any, all in accordance with the approved plans and this Secretarial Letter.

19. Upon completion of the suspension of the crossings, York County Rail Trail Authority will continue to maintain the grade separated structure at Crossing No. 5 including the deck, railings, superstructure and substructure in a safe and satisfactory condition, exclusive of the facilities of any carrier or non-carrier public utility and perform biennial bridge inspections per the National Bridge Inspection Standards, all in accordance with this Secretarial Letter.

20. Upon completion of the construction of the proposed crossing 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

21. 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.

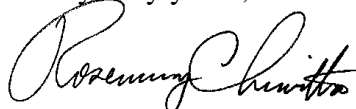
The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

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, flowing style.

Rosemary Chiavetta
Secretary