



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

IN REPLY PLEASE  
REFER TO OUR FILE

February 16, 2023

A-2022-3035024

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

Application of the Pennsylvania Department of Transportation for approval to alter the public crossing (DOT 872 491 H) by replacement of the existing bridge where State Route 0083 (Interstate 83) crosses, above grade, the tracks of CSX Transportation, Inc. and Codorus Creek located in Spring Garden Township and North York Borough, York County, and the allocation of costs incident thereto.

To Whom It May Concern:

This matter is before us by reason of an application received by the Commission on September 7, 2022, by the Pennsylvania Department of Transportation (Department) seeking Commission approval to alter the crossing (DOT 872 491 H) where State Route 0083 (Interstate 83; I-83) crosses, above grade, the tracks of CSX Transportation, Inc. (CSXT) and Codorus Creek located in Spring Garden Township and North York Borough, York County.

In its application, the Department states it is desirable to alter the crossing by replacing the existing bridge and is proper for the safety and convenience of the public. The proposed new structure will raise the roadway profiles providing increased vertical (overhead) clearances in relation to the railroad tracks and be widened to provide additional vehicle lanes of travel.

To advance the project in a more expeditious timeframe, the Department submitted a revised application docketed at A-2021-3027407, in conjunction with the submission the subject proceeding. The revised application and this application have separated the two (2) above grade crossings involved in the overall project into independent proceedings. The additional public above grade crossing (DOT 501 500 G) involved with the subject bridge replacements will be detailed in a separate Secretarial Letter docketed at A-2021-3027407.

A field investigation and conference was arranged by a Commission staff engineer for the original application docketed at A-2021-3027407 that previously included the crossing of CSXT (DOT 872 491 H) and was held on November 9, 2021, near the site of the subject crossings. Representatives of the Department, Stantec (Department consultant), AECOM (Norfolk Southern Railway Company consultant) and Bergmann (CSXT consultant) attended the field conference. Although notified by letter dated October 22, 2021, there were no representatives of York County, Spring Garden Township, Springettsbury Township, North York Borough, Met-Ed, Comcast Cable Communications, Inc., AT&T Corporation, Frontier Communications of PA Inc., Verizon North, York Water Company, Sunoco Pipeline LP or Columbia Gas of PA, Inc. in attendance.

At the field conference the Department described the full project, including details pertaining to the replacement of a second public above grade crossing (DOT 501 500 G) which is described under docket A-2021-3027407. A total of three (3) bridges in close proximity to each other will be demolished and replaced with a single 8-span continuous steel plate girder structure of varying span lengths having a total structure length of approximately 1,637-feet 6-inches and a deck out-to-out width between 125-feet 4.5-inches transitioning to 137-feet 4.5-inches, supported by reinforced concrete piers and abutments as part of the overall project. The existing I-83 bridges each carry two (2) 12-foot wide travel lanes with varying width shoulders in both the northbound and southbound directions. The proposed bridge will carry three (3) 12-foot lanes that diverge into four (4) lanes in the northbound direction and three (3) 12-foot lanes in southbound direction. Both directions of travel will have 12-foot right (outside) shoulders and 11-foot 3.25-inch left (inside) shoulders. The Department proposes to construct the new bridge in stages to maintain vehicular traffic on I-83.

The southernmost existing bridge (NBI Structure Number/Bridge Key 37443) superstructure consists of riveted-steel built-up plate girders that are non-composite with the reinforced concrete deck. The entire structure is comprised of five (5) spans of varying length for a total structure length of approximately 497-feet and a deck out-to-out width of 63-feet 6-inches and is supported by reinforced concrete piers and abutments. The bridge was originally constructed in 1959. According to publicly available records provided by the Department, the structure is in overall fair condition. This structure spans over the rail yard of Norfolk Southern Railway Company (DOT 501 500 G). The plans provided to a Commission staff engineer by the Department depict thirteen (13) tracks in total, two (2) of which are through-tracks on the eastern side of the rail yard. This structure is described here for clarity, but it is not within the jurisdictional boundaries set forth below in this proceeding.

In the northbound direction, the next existing bridge (NBI Structure Number/Bridge Key 37444) superstructure consists of prestressed concrete I-beams that are composite with the reinforced concrete deck. The entire structure is comprised of three (3) spans of varying length for a total structure length of approximately 146-feet and a deck out-to-out width of 71-feet 6-inches and is supported by reinforced concrete piers and abutments. The bridge was originally constructed in 1959. According to publicly available records provided by the Department, the structure is in overall fair condition. This structure spans over Loucks Mill Road (State Route 3029), with the roadway under span 2. This structure is described here for clarity, but it is not within the jurisdictional boundaries set forth below in this proceeding.

The northernmost existing bridge (NBI Structure Number/Bridge Key 37445) superstructure consists of prestressed adjacent box beams and prestressed concrete I-beams that are composite with the reinforced concrete deck. The entire structure is comprised of eight (8) spans of varying length for a total structure length of approximately 536-feet and a deck out-to-out width of 63-feet 6-inches and is supported by reinforced concrete piers and abutments. The bridge was originally constructed in 1959. According to publicly available records provided by the Department, the structure is in overall fair condition. Spans 1 and 2 of the existing structure span over the property and an inactive track of CSXT (DOT 872 491 H). Under normal flow conditions, Codorus Creek flows within spans 3 through 5. This area of Codorus Creek is a Federal Emergency Management Agency detailed study special flood hazard area, and an earthen levee system exists at this location.

At the November 9, 2021 field conference for the original application docketed at A-2021-3027407 which previously included crossing (DOT 872 491 H), a CSXT consultant offered a preliminary objection to the approval of the Department's application because CSXT did not have adequate time to review the preliminary plans for the project.

By electronic mail dated October 25, 2022, Sunoco Pipeline LP notified a Commission staff engineer that they were not involved in this portion of the project and asked to be removed as a party of record.

A virtual field investigation and conference was arranged by a Commission staff engineer for the application and held on November 29, 2022. Representatives of the Department, Stantec (Department consultant), Bergmann (CSXT consultant), York County, HRG (York County consultant), Spring Garden Township, Springettsbury Township, AT&T Corporation, Columbia Gas of PA, Comcast Cable Communications, Inc., and Verizon North attended the virtual field conference. Although notified by letter sent by electronic mail dated November 4, 2022, there were no representatives of North York Borough, Met-Ed, Frontier Communications of PA Inc. or York Water Company in attendance.

At the virtual field conference, the Department stated the current minimum vertical (overhead) clearance is 22-feet 9-inches in relation to the railroad tracks and would provide at least 23-feet of vertical (overhead) clearance in its new design. The proposed minimum horizontal (side) clearance from the center of tracks to the nearest obstruction (concrete pier) is approximately 90-feet. Both the proposed vertical (overhead) and horizontal (side) clearances exceed the Commission's minimum clearance requirements. CSXT requested that railroad protective barrier fencing be installed on the structure over its property and that the Department maintain said barrier fencing; the Department agreed to the request. CSXT requested that no piers be placed on CSXT property. The Department stated that it would not be possible to move the pier to a location off CSXT property due to an adjacent right-of-way of the United State of America within the Codorus Creek floodway.

By electronic mail dated December 6, 2022, the Department and CSXT agreed to the following terms regarding a pier on CSXT property: 1) that the Commission assigns maintenance, future removal, movement or modification of the pier located on the property of CSXT explicitly to the Department, and 2) if in the future the pier is removed, moved, or modified for any reason, the associated work shall be completed within one year (construction beginning to end).

The Department reported the average daily traffic at this location as 32,243 vehicles with 12% trucks in the northbound direction and 36,743 vehicles with 9% trucks in the southbound direction. The most recent U.S. Department of Transportation Inventory Form reported that CSXT's line at the crossing is closed and there is presently no train traffic.

There are no light standards attached to the existing bridge structure. Light standard means a street light, light pole, lamp post, street lamp, lamp standard, or other raised source of light located inside the right-of-way of a public road or highway. The Department avers that the new bridge structure will have light standards for portions of the bridge deck or approach roadways as part of their nearby interchange lighting. The Department agrees to the future maintenance of any bridge deck or approach lighting and associated bridge or approach lighting electrical costs at its sole cost and expense.

At the time of the field conference the Department stated it will be necessary for the Commission to appropriate property for construction of the project. The Department will submit detailed right-of-way plans and property descriptions (metes and bounds) for any property for the Commission to appropriate.

The Department agrees to furnish all materials and perform all work to demolish the existing bridge and construct the new bridge, at their sole cost and expense. The Department agrees to maintain and inspect the entire bridge structure, including the removal of snow, ice and debris, at their sole cost and expense.

The Department agrees to prepare and submit complete detailed structure plans for the new bridge to each party in interest for review and to this Commission for approval, at their sole cost and expense.

CSXT agrees to furnish and maintain watchmen, flagmen and/or inspectors that may be deemed necessary to protect and safeguard its railroad operations or facilities, at the Department's sole cost and expense. CSXT agrees to maintain their railroad facilities, at their sole cost and expense.

The Commission has tentatively established jurisdiction over portions of the project on I-83 between Highway Station 338+93.28 (centerline of proposed pier 5) to Highway Station 346+00, plus an additional 50-feet of approach roadway in the northbound direction as shown on the preliminary plans provided to a Commission staff engineer, inclusive of the full width of the railroad right-of-way.

Non-carrier public utilities may be affected by the alteration of the crossing. Non-carrier public utilities will relocate their facilities at their initial cost and expense, if required.

The project is anticipated to be funded by 100% Federal funds with an estimated project cost of \$58,100,000.00.

Upon full consideration of the matters involved and inasmuch as no objection has been filed with the Commission and no party in attendance at the virtual field investigation and conference call to discuss the application objected to the proposed improvements as discussed, we find that a Secretarial Letter can be issued approving the application without a formal hearing.

Following a careful review of Commission records it has been determined that the crossing (DOT 872 491 H) appears to have never been memorialized by Secretarial Letter or Commission Order and/or was not located within the Commission's records. This Secretarial Letter will also serve to formally establish the grade separated crossing as a public crossing and memorialize the current maintenance responsibilities of the existing bridge, until the point in time when the bridge has been demolished as part of the construction of the new bridge.

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 Pennsylvania Department of Transportation is approved as herein directed:

1. The crossing (DOT 872 491 H) where State Route 0083 (Interstate 83) crosses, above grade, the tracks of CSX Transportation, Inc. and Codorus Creek located in Spring Garden Township and North York Borough, York County, be and is hereby established as a public crossing.
2. The caption of the subject proceeding is hereby revised as shown herein.
3. Sunoco Pipeline LP be removed as a party hereto.
4. The public crossing (DOT 872 491 H) where State Route 0083 (Interstate 83) crosses, above grade, the tracks of CSX Transportation, Inc. and Codorus Creek located in Spring Garden Township and North York Borough, York County be altered as herein directed.
5. Pennsylvania Department of Transportation, at its sole cost and expense, and prior to the start of construction, prepare and submit complete detailed right-of-way plans and property descriptions (metes and bounds) for any property for the Commission to appropriate to all parties for review and to the Commission for approval, if necessary.
6. Pennsylvania Department of Transportation, at its sole cost and expense, and prior to the start of construction, prepare and submit complete detailed structure plans for the subject crossing to all parties for review and the Commission for approval.
7. Pennsylvania Department of Transportation, 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.
8. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to demolish the existing bridge structure and construct the new bridge structure all in accordance with the approved plans and this Secretarial Letter.
9. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain any shielding or protection, as required, to safely protect the areas below the bridge structure during the time the crossing is being altered.

10. CSX Transportation, Inc., at Pennsylvania Department of Transportation's sole cost and expense, furnish all material and perform all work relating to its facilities which may be required as incidental to the performance of the proposed work; furnish construction engineering and inspection service if required as a result of the proposed work; and furnish and maintain flagmen and watchmen, as required, to protect its operations during the time the work is being performed across, above and adjacent to its tracks.

11. Pennsylvania Department of Transportation 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.

12. 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.

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 beyond the limits of the highway, within the limits of the Commission's jurisdiction, which may be required as incidental to the execution of the alteration, be made by said public utility company or municipal authority, and in such manner as will not interfere with the alteration of the crossing.

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

15. Pennsylvania Department of Transportation provide at least thirty (30) days advance notice of the start of work to alter the crossing to each party involved in this proceeding.

16. 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.

17. All work necessary to alter the crossing be completed in a manner satisfactory to this Commission on or before December 31, 2028, and that on or before said date, Pennsylvania Department of Transportation report in writing to this Commission the date of actual completion of the work.

18. All costs which are to be reimbursed by the Department of Transportation consistent with this letter shall be reimbursed pursuant to the provisions of 23 C.F.R. Parts 140 and 646. The aforesaid Federal reimbursement shall not supersede, delay or in any manner, postpone the effect of any paragraph contained in this or any related Secretarial Letter or Order.

19. 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.

20. The terms of any agreement established in accordance with Numbered Paragraph 19 of 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.

21. CSX Transportation, Inc., at its sole cost and expense, furnish all material and perform all work necessary to maintain its railroad facilities at the subject crossing and provide Pennsylvania Department of Transportation at least ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities, all in accordance with the provisions of this Secretarial Letter.

22. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to maintain and inspect the existing State Route 0083 (Interstate 83) bridge structure (NBI Structure Number/Bridge Key 37445) including the substructure, wingwalls, bearings, superstructure, deck, parapets, roadway pavement, approach slabs, roadway surface, drainage facilities and any other ancillary features, including the removal of snow, ice and debris from the cartway of the bridge deck and approach roadways until such time the bridge is demolished as part of the subject proceeding and provide CSX Transportation, Inc. at least ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities, all in accordance with the provisions of this Secretarial Letter.

23. Upon completion of the alteration of the subject crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain and inspect the entire State Route 0083 (Interstate 83) bridge structure (Future NBI Structure Number/Bridge Key to be determined) including the substructure, wingwalls, bearings, superstructure, deck, parapets, railroad protective barrier fencing, roadway pavement, approach slabs, roadway surface, drainage facilities and any other ancillary features of the alteration constructed herein and provide CSX Transportation, Inc. at least ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities, all in accordance with the provisions of this Secretarial Letter.

24. Upon completion of the alteration of the subject crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain and inspect any State Route 0083 (Interstate 83) bridge pier and any related appurtenances located within the right-of-way of CSX Transportation, Inc. at the subject crossing. Any necessary future removal, movement or modification of the aforesaid pier be performed at the sole cost and expense of the Pennsylvania Department of Transportation and shall be completed within one year (construction beginning to end).

25. Upon completion of the alteration of the subject crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain any approach roadway or bridge lighting standards, lighting infrastructure and the electrical costs to energize said lighting, constructed as part of the alteration.

26. Upon completion of the alteration of the subject crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary for the removal of snow, ice and debris from the cartway of the bridge deck and approach roadways.

27. Upon completion of the alteration of the subject crossing, 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 alteration.

28. 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 style with a large initial "R".

Rosemary Chiavetta  
Secretary