



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-2021-3027407

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 501 500 G) by replacement of the existing bridges where State Route 0083 (Interstate 83) crosses, above grade, the tracks of Norfolk Southern Railway Company and State Route 3029 (Loucks Mill Road) located in Spring Garden Township, 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 July 21, 2021 and revised application received by the Commission on September 8, 2022, by the Pennsylvania Department of Transportation (Department) seeking Commission approval to alter the public crossing (DOT 501 500 G) where State Route 0083 (Interstate 83; I-83) crosses, above grade, the tracks of Norfolk Southern Railway Company (NS) and State Route 3029 (Loucks Mill Road) located in Spring Garden Township, York County.

In its revised application, the Department states it is desirable to alter the crossing by replacing the existing bridges with a single structure 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.

To advance the project in a more expeditious timeframe, the Department submitted an additional application docketed at A-2022-3035024, in conjunction with the submission of the revised application for the subject proceeding. The additional application and revised application has separated the two (2) public above grade crossings involved in the overall project into independent proceedings. The additional public above grade crossing (DOT 872 491 H) involved with the subject bridge replacement will be detailed in a separate Secretarial Letter docketed at A-2022-3035024. CSX Transportation, Inc. will be removed as a party of record from this proceeding.

A field investigation and conference was arranged by a Commission staff engineer for the original application and held on November 9, 2021, near the site of the subject crossing. Representatives of the Department, Stantec (Department consultant), AECOM (NS consultant) and Bergmann (CSX Transportation, Inc. 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 872 491 H) which is described under docket A-2022-3035024. 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 NS (DOT 501 500 G). The plans submitted with the revised application depict thirteen (13) tracks in total, two (2) of which are through-tracks on the eastern side of the rail yard.

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.

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 CSX Transportation, Inc. (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. This structure is described here for clarity, but it is not within the jurisdictional boundaries set forth below in this proceeding.

A virtual field investigation and conference was arranged by a Commission staff engineer for the revised application and held on October 21, 2022. Representatives of the Department, Stantec (Department consultant), NS, AECOM (NS consultant), York County, Spring Garden Township, North York Borough and Columbia Gas of PA attended the virtual field conference. Although notified by electronic mail dated October 14, 2022, there were no representatives of Springettsbury Township, Met-Ed, Comcast Cable Communications, Inc., AT&T Corporation, Frontier Communications of PA Inc., Verizon North, York Water Company, Sunoco Pipeline LP, Inc. in attendance.

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.

At the virtual field conference, NS requested that the Department provide at least 24-feet of vertical (overhead) clearance from the top of rails to the underside of the structure due to the proposed structure type being steel and the potential for temporary shoring or shielding installation during future maintenance activities which would temporarily reduce clearance and potentially disrupt railroad operations. The Department was agreeable to providing the clearance requested by NS. The proposed minimum horizontal (side) clearance from the center of tracks to the nearest obstruction (concrete pier) is 15-feet 0-inches. Both the proposed vertical (overhead) and horizontal (side) clearances exceed the Commission's minimum clearance requirements.

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 NS's line at the crossing averages 5 through trains per day and 5 switching trains per day.

There are no light standards attached to the existing bridge structures. 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 bridges 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.

NS 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. NS 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 328+00 to Highway Station 338+93.28 (centerline of proposed pier 5) as shown on the preliminary plans provided with the revised application, 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 revised application objected to the proposed improvements as discussed, 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 Pennsylvania Department of Transportation is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. CSX Transportation, Inc. and Sunoco Pipeline LP be removed as a party hereto.

3. The public crossing (DOT 501 500 G) where State Route 0083 (Interstate 83) crosses, above grade, the tracks of Norfolk Southern Railway Company and State Route 3029 (Loucks Mill Road) located in Spring Garden Township, York County be altered as herein directed.

4. 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.

5. 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.

6. 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.

7. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to demolish the existing bridge structures and construct the new bridge structure all in accordance with the approved plans and this Secretarial Letter.

8. 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.

9. Norfolk Southern Railway Company, 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.

10. 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.

11. 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.

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 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. The terms of any agreement established in accordance with Numbered Paragraph 18 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.

20. Upon completion of the alteration of the subject crossing, Norfolk Southern Railway 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 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.

21. 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, roadway pavement, approach slabs, roadway surface, drainage facilities and any other ancillary features of the alteration constructed herein and provide Norfolk Southern Railway Company 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. 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.

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 for the removal of snow, ice and debris from the cartway of the bridge deck and approach roadways.

24. 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.

25. 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 efilings with the Secretary of the Commission by opening an efilings 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 cursive script, reading "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary