



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

IN REPLY PLEASE
REFER TO OUR FILE

May 4, 2023

A-2023-3037711

TO ALL PARTIES OF RECORD

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the public above-grade crossing by replacing the existing bridge where State Route 3022 (Maclay Street) crosses above grade the tracks of Norfolk Southern Railway Company (DOT 518 088 K) in the City of Harrisburg, Dauphin County, and the allocation of costs incident thereto.

To Whom It May Concern:

This matter is before us by reason of an application filed with the Commission on January 19, 2023, by Pennsylvania Department of Transportation (Department) seeking Commission approval to alter the public crossing (DOT 518 088 K) by replacement of the existing bridge where State Route (SR) 3022 (Maclay Street) crosses, above grade, the tracks of Norfolk Southern Railway Company (NS) located in City of Harrisburg (City), Dauphin County.

The existing bridge carries SR 3022 (Maclay Street), above grade, the NS railyard consisting of eleven (11) tracks and two (2) access roads (DOT 518 088 K). National Railroad Passenger Corporation (AMTRAK) also operates passenger service along the line with diesel powered locomotives (no electrified overhead contact system is present at the crossing). SR 3022 (Maclay Street) is a two-way, asphalt paved, curbed roadway with raised concrete pedestrian sidewalks on both sides, generally oriented east-west. The average daily traffic for this National Highway System route is reported as 25,172 vehicles per day with 3 percent truck traffic. In the eastbound direction, the roadway transitions from one (1) to two (2) lanes of through traffic and in the westbound direction, the roadway transitions from two (2) lanes of through traffic to three (3) lanes of traffic; a left turning lane, a through travel lane and a right turning lane as it crosses the bridge. The bridge is located between Cameron Street (SR 0230) and Seventh Street (city roadway).

The existing bridge (NBI Structure Number/Bridge Key 14558) was constructed in 1940. The existing superstructure consists of seven (7) spans of concrete encased continuous rolled steel I-beams with a non-composite 3.5-inch thick concrete filled steel grid deck and a 4-inch bituminous overlay. The span lengths range from 62-feet 6-inches to 72-feet 8-inches with a total structure length of 483-feet. The superstructure is supported by reinforced concrete abutments and six (6) steel multi-column pier bents with concrete crashwalls. According to publicly available records, the structure is overall in poor condition. The structure is not currently posted for any load restrictions.

After an initial field visit of the site on March 1, 2023 by a Commission staff engineer, a virtual field investigation and conference was arranged and held on March 2, 2023. Representatives of the Department, NS, the City, AMTRAK, First Light Technologies, PPL Electric Utilities Corporation, Century Link Communication, LLC (also known as Lumen) and UGI Utilities attended the virtual field conference. Although notified by letter dated February 18, 2023, sent by electronic mail, there were no representatives of Dauphin County, Crown Castle, BrightSpeed Internet, Comcast Cable Communications, Inc., Frontier Communications of PA Inc., Shentel Communication Company or Verizon Pennsylvania, LLC in attendance.

The Department proposes to replace the existing structure with a structure with less piers (longer spans) and increased vertical (overhead) clearance with respect to the railroad tracks. The proposed structure consists of four (4) spans comprised of seven (7) variable depth continuous steel plate I-girders, a 10-inch thick composite reinforced concrete deck with an integral 0.5-inch wearing surface and approach slabs. The center-to-center bearing at the abutments is proposed to be 500-feet with span lengths ranging from 105-feet to 160-feet. No scuppers are proposed on the bridge deck; curbed inlets at the end of each end of the bridge are proposed. The out-to-out of the bridge deck will be 86-feet 4-inches with a curb-to-curb of 67-feet. The proposed bridge cross section consists of five (5) 11-foot wide travel lanes, two (2) 6-foot bike lanes and two (2) 8-foot 8-inch raised sidewalks. A reinforced concrete vertical wall barrier with a mounted protective fence is proposed on the structure transitioning to pedestrian railing beyond the abutments. The bridge is on a tangent horizontal alignment; therefore, a normal crown cross slope is proposed for the entire length of the bridge. The substructure consists of reinforced concrete pier walls and cantilever abutments with a combination of flared and u-shaped wingwalls. The skew angles for the substructures are at 85 degrees to the roadway baseline, closely matching the skew of the existing bridge. The project will be constructed in stages to maintain vehicular and pedestrian traffic.

The proposed minimum vertical (overhead) clearance with respect to the top of rail (westmost track 1) to the underside of the structure is 23-feet 2-inches. The proposed minimum lateral (side) clearance with respect to the centerline of track 8 and pier 2 is 16-feet 6-inches. Exemptions from the Commission's minimum overhead and side clearance requirements of 52 Pa. Code §33.122 and §33.123 for the existing bridge are currently on file with the Commission, docketed at A-00111494. The existing minimum vertical (overhead) clearance with respect to the top of rail to the underside of the structure is 20.7-feet. The existing minimum lateral (side) clearance with respect to the centerline of track to the nearest obstruction is 8.5-feet. Any reduction in clearance in the temporary condition that require an exemption from 52 Pa. Code §33.122 and §33.123 during construction must be approved by the Commission prior to the start of construction, if necessary.

The Department provided an electronic copy of the Type, Size and Location (TS&L) report to a Commission staff engineer by electronic mail on March 2, 2023. A plan sheet provided in the TS&L depicted that NS desires a future line expansion at the subject crossing within span 1 of the proposed bridge. The Commission hereby notifies NS that the expansion of track lines is not incorporated as part of this Secretarial Letter and that any track expansions will need to be addressed as a separate and future application filed with this Commission.

The Department agrees to furnish all materials and perform all work to demolish portions of the existing bridge and construct the proposed bridge at their sole cost and expense. The Department agrees to maintain and inspect the proposed bridge, at their sole cost and expense.

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

The Department was advised that if it becomes necessary for the Commission to appropriate any property, they may submit detailed right-of-way plans and property descriptions (metes and bounds) for any property for the Commission to appropriate.

Light standards are attached to the existing bridge. 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. Light standards are proposed for the replacement bridge and will be constructed as part of the project. The Department and the City are working together to develop the lighting for the proposed bridge. The City 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.

NS is directed 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 project will be funded by 100% Federal funds with an estimated project cost of \$31,000,000.00.

Non-carrier utilities are located on pole lines parallel with the existing bridge on both sides of the bridge as well as attached to the underside of the existing bridge. Relocation of non-carrier public utilities is expected to accommodate the construction of the proposed bridge. Non-carrier public utilities will relocate their facilities at their initial cost and expense, if required.

The Commission hereby establishes its jurisdictional limits at the subject crossing as the area within the confines of the railroad right-of-way and the highway right-of-way, the entire footprint of the bridge structure, bridge appurtenances, bridge embankments and an additional 100 feet from each end of the proposed bridge along the SR 3022 (Maclay Street) roadway approaches.

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 conference 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. The public crossing (DOT 518 088 K) where State Route 3022 (Maclay Street) crosses, above grade, the tracks of Norfolk Southern Railway Company located in the City of Harrisburg, Dauphin County be altered as herein directed.
3. 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.
4. 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 to the Commission for approval.
5. Norfolk Southern Railway Company, at the sole cost and expense of Pennsylvania Department of Transportation, 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 watchmen, flagmen, inspectors and/or engineering services that may be deemed necessary to protect the railroad's operations or facilities during the time the facilities are being installed.
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 do all work necessary to demolish portions of the existing bridge and construct the proposed bridge; all constructed 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. 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.

10. 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.

11. 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.

12. 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, and any other ancillary features of the project, generally in accordance with the approved plans and this Secretarial Letter.

13. 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.

14. 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.

15. All work necessary to alter the crossing be completed in a manner satisfactory to this Commission on or before December 31, 2027, 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.

16. 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.

17. 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.

18. 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.

19. Upon completion of the alteration of the crossing, Norfolk Southern Railway Company, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its tracks, wirelines and any other railroad facilities, existing or altered, and provide Pennsylvania Department of Transportation and City of Harrisburg at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

20. Upon completion of the construction of the alteration the 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 3022 (Maclay Street) bridge (NBI Structure Number/Bridge Key to be determined) including the substructure, wingwalls, bearings, superstructure, deck, joints, structural sidewalk components and fencing and the remainder of the improvement including the roadway pavement, approach slabs, roadway surface, drainage facilities and any other ancillary features of the alteration constructed 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 for the removal of snow, ice and debris from the cartway of the bridge deck, and the approaches thereto, constructed as part of the alteration.

22. Upon completion of the alteration of the subject crossing, City of Harrisburg, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the bridge lighting, bridge 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, City of Harrisburg, at its sole cost and expense, furnish all material and perform all work necessary for to maintain the surface condition of the sidewalk (such as spalling and cracking) and for the removal of snow, ice and debris from the sidewalks on the bridge deck, and the approaches thereto, constructed as part of the alteration.

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.

All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax or by e-mail. Parties are encouraged to file formal documents by eFiling with the Secretary of the Commission by opening an eFiling account through the Commission's website (the account is free of charge) 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. There are certain filings that cannot be eFiled, such as filings containing confidential or proprietary material. These must be submitted to the Secretary by overnight delivery, priority or certified mail to allow tracking of your filing.

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 eFiled with the Secretary of the Commission or sent to: Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120, and must be filed 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