



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

IN REPLY PLEASE
REFER TO OUR FILE

May 23, 2023

A-2023-3038202

TO ALL PARTIES OF RECORD

Application of the York County Board of Commissioners for approval of the alteration of the crossing (DOT 978 948 W) located where York County Bridge No. 81 (West College Avenue) crosses, above grade, the tracks of York Railway Company, located in the City of York, York County.

To Whom It May Concern:

By application filed with the Commission on February 9, 2023, the York County Board of Commissioners (County) seeks Commission approval to replace the existing York County Bridge No. 81 (West College Avenue) that crosses, above grade, the track of York Railway Company (YRC) (DOT 978 948 W), Heritage Rail Trail County Park and the Codorus Creek, all located in the City of York, York County.

The subject bridge is known as York County Bridge No. 81 (West College Avenue). The bridge is owned, maintained, and inspected by York County. The existing West College Avenue bridge is a seven (7) span, composite prestressed concrete adjacent box beam structure supported on reinforced concrete piers and pier caps with a total length of approximately 570-feet. The westbound approach of West College Avenue is supported by a reinforced concrete retaining wall for approximately 200 feet. The existing West College Avenue bridge has an approximate out-to-out width of 47-feet and carries two (2) travel lanes with shoulders, raised concrete curbs separate the travel way from the concrete sidewalks of each side of the existing bridge structure. Metal bridge railing is present on the outside of the sidewalk portions of the bridge and raised approach roadways. Bridge deck lighting is provided by highway light standards. The 2023 estimated Average Daily Traffic (ADT) for the West College Avenue bridge is 5,332 vehicles.

The West College Avenue bridge replacement project is necessary because the current bridge is deteriorating and is posted for a load restriction of 29 tons for single vehicles and 36 tons for combinations.

Preliminary plans to encompass the scope of work and intent for the project are included as Exhibit A in the application along with railroad clearance envelope details. The proposed new bridge will provide horizontal and vertical clearances that exceed the Commission minimum clearances in 52 Pa Code Chapter 33.

The proposed West College Avenue bridge is proposed to be a four (4) span, steel composite girder structure, 395'- 0" long. The proposed out-to-out width is 47'- 4 1/2" providing two (2) 11'- 0" traffic lanes, two (2) 4'-0" shoulders, two (2) 1'-8.25" concrete barriers, two (2)

6'-0" sidewalk and (2) 1'-0" sidewalk barriers. The vertical alignment of the proposed bridge consists of a 5.90% ascending grade, a vertical curve over the structure and a 6.01% descending grade west to east.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held on March 21, 2023 at the site of the crossing. Representatives of York Railway Company, Yohn Property Management, York County, HRG Inc., Genesee & Wyoming Railroad, Pennsylvania American Water, Comcast and Columbia Gas were in attendance. Although notified by letter dated March 3, 2023, sent via electronic mail, there were no representatives from Pennsylvania Department of Transportation, City of York, Metropolitan Edison, Housing Authority of York City, Centurylink, and the Redevelopment Authority of York City in attendance.

The County agrees to furnish all material and perform all work necessary to construct the project. The County agrees to provide all necessary shielding/protection, as required, to protect the areas below the bridge structure during construction of the project. The County agrees to bear any costs incurred by York Railway Company to alter or protect their facilities including providing any watchmen, flagmen and/or construction inspections that are deemed necessary.

There are light standards on the existing bridge attached to the existing bridge structures. At the field conference, the County avers that the new bridge structure will have similar light standards for the bridge deck lighting. At the field conference, the County averred that bridge lighting will be provided for the new bridge and that the cost to maintain the bridge lighting and the cost to energize the new bridge lighting being borne by the City of York. Light standard means a streetlight, 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 maintenance responsibilities associated with snow, ice and debris removal from the sidewalk of the bridge structure has not been determined at this time. So that the project is able to move forward, and the parties are afforded the opportunity to fully participate, we will direct the City of York to maintain the snow, ice and debris from the sidewalks on the new bridge, at their initial cost and expense. The parties will then be able to determine at a later date whether a hearing is needed to resolve these remaining future maintenance issues.

The project will require a full roadway closure and detour route. The County agrees to prepare, implement, and maintain a traffic control plan for the duration of the project at its sole cost and expense.

At the time of the field conference, the County was undecided if it will be necessary for the Commission to appropriate 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 County 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 County to do so prior to the start of construction.

There are numerous utility lines located in the vicinity of the project area. The County will coordinate the proposed project work with all utilities involved to protect the utility facilities as necessary to accommodate the project work. The County agrees to reimburse non-carrier public utilities for alterations to their facilities in private right-of-way. Alterations required to non-carrier public utilities located in public right-of-way will be made by the utility at its initial cost and expense.

Upon completion of the construction of the proposed project, the County agrees to inspect and maintain the new bridge, at its sole cost and expense, including the associated bridge superstructure, substructure, and all appurtenant features of the new bridge, with the exception of the bridge lighting and snow, ice and debris removal from the sidewalks.

The Commission will assume jurisdiction over those portions of the project along West College Avenue between Highway Station 12+98 and Highway Station 21+50 as shown on Exhibit A of the application.

In the application, the County avers that the project will be funded by Local and Federal funds. The estimated cost of construction of the proposed bridge is \$12 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 County 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 the County 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 and other matters relevant to this proceeding.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the alteration of public crossing (DOT 978 948 W) 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 the York County Board of Commissioners for approval to alter the public crossing (DOT 978 948 W), by demolition of the existing bridge and construction of a new bridge where West College Avenue crosses, above grade, the tracks of York Railway Company, located in the City of York, York County, be and is hereby approved to the extent provided herein.

3. The York County Board of Commissioners, 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. York Railway Company, at the sole cost and expense of the York County Board of Commissioners, furnish construction engineering and inspection service as required as a result of the proposed work; and furnish and maintain flagmen and watchmen as required to protect its operations during the time work is being performed across, above and adjacent to its tracks.

5. The York County Board of Commissioners, 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.

6. The York County Board of Commissioners, 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.

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. The York County Board of Commissioners, 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, 2026, and that on or before said date, the York County Board of Commissioners report to this Commission in writing the date of actual completion of the work.

12. The York County Board of Commissioners, 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. The York County Board of Commissioners 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. All costs which are to be reimbursed by the Department of Transportation consistent with this Secretarial 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. Upon completion of the construction of the proposed project, the York County Board of Commissioners, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the new bridge (substructure, superstructure, bridge barriers, roadway pavement) and the remainder of the improvement including the highway approaches, roadway surface, drainage facilities, and any other ancillary features of the bridge structure constructed and provide York Railway Company and the City of York 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.

18. Upon completion of the alteration of the crossings, York 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, all in accordance with this Secretarial Letter and any other railroad facilities, existing or altered, located within the limits of the project and provide York County Board of Commissioners and the City of York 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.

19. Upon completion of the construction of the proposed project, the City of York, at its initial cost and expense, furnish all material and perform all work necessary for the removal of snow, ice and debris from the bridge sidewalks.

20. Upon completion of the construction of the proposed project, the City of York, at its initial cost and expense, furnish all material and perform all work necessary to maintain the bridge deck lighting standards and luminaires, and bear the entire cost to energize the bridge deck lighting.

21. 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.

22. 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.

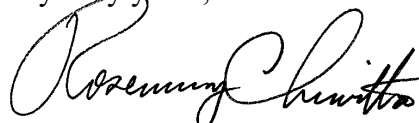
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax 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 cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary