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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation of :
the Commonwealth of Pennsylvania for approval to :
alter the crossings where State Route 3104 crosses, :
above grade, the tracks of CSX Transportation Inc. : A-2020-3020667
(DOT 584 825 U), Norfolk Southern Railway :
Company (DOT 507 455 K), and the Pittsburgh and :
Ohio Central Railroad Company (DOT Unknown) : **Electronically Filed**
in the City of Pittsburgh, Stowe Township and :
McKees Rocks Borough, Allegheny County. :
:

DIRECT TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

PennDOT Statement No. 1

Testimony of: Philip M. Mutunga
Grade Crossing Engineer
Pennsylvania Department of Transportation
Engineering District 11-0

DEPARTMENT OF TRANSPORTATION'S TESTIMONY
DOCKET NO. A-2020-3020667
HEARING STATEMENT NO. 1
HEARING DATE: May 9, 2023

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- Q. Please state your name and business address.**
- A. Philip M. Mutunga. Pennsylvania Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.
- Q. By whom are you employed and in what capacity?**
- A. Pennsylvania Department of Transportation. District Grade Crossing Engineer, PennDOT District 11-0.
- Q. How long have you been employed by the Department?**
- A. 11yrs 8 months.
- Q. Were you employed by the Department in any other position prior to your current position?**
- A. Yes.
- Q. What other positions were you employed in within the Department?**
- A. Prior to this position, I was the SEMP (Strategic Environmental Management Program) Manger for approximately 2 years and before that I was a Civil Engineer Transportation in the Traffic Signals Unit for approximately 6 years.
- Q. Please generally describe your duties as a District Grade Crossing Engineer.**
- A. As the Grade Crossing Engineer, I am responsible for coordinating with the railroads any Department projects that might impact their facilities. I also work with the railroads during the construction phase and to address any maintenance concerns. This position also includes coordinating with the Public Utility Commission (“PUC” or “Commission”) regarding any alterations to existing crossings by Department projects.

1 **Q. What is your educational background?**

2 A. Bachelor of Science in Civil Engineering, San José State University.

3 **Q. Are you a registered professional engineer in Pennsylvania?**

4 A. Yes.

5 **Q. Are you authorized to testify in this proceeding on behalf of the Department?**

6 A. Yes.

7 **Q. Are you familiar with the crossing which is the subject of today's proceeding?**

8 A. Yes.

9 **Q. Can you please describe the area of the crossing?**

10 A. The McKees Rocks Bridge carries state route 3104 over CSX Transportation, Inc. (DOT
11 No. 584825U), Pittsburgh & Ohio Central Railroad Company (DOT No. 977980L), and
12 Norfolk Southern Railway Company (DOT No. 507455K). The McKees Rocks Bridge (SR
13 3104) provides traffic connection between Ohio River Boulevard (SR 0065) and Island
14 Avenue (SR 0051) through the City of Pittsburgh, Stowe Township and McKees Rocks
15 Borough. The existing McKees Rocks Bridge is a complex structure of various types of
16 construction. The McKees Rocks Bridge is an approximately 5,800-foot long structure that
17 consists of steel spandrel-braced deck arches, steel-trussed through arches, Warren deck
18 trusses and an elevated concrete structure. The McKees Rocks Bridge is of varying width
19 with the main river-crossing spans that carry 3 travel lanes with sidewalks on both sides of
20 the structure.

21 **Q. Can you please describe what is shown in Exhibit AA?**

22 A. The project location map. It shows the bridge and the three railroads that run under the
23 McKees Rocks bridge.

1 **Q. Was Department Exhibit AA prepared by you or under your direction and control?**

2 A. Yes.

3 **Q. To the best of your knowledge, is Exhibit AA a fair and accurate representation of**
4 **the project location?**

5 A. Yes.

6 **Q. Can you please describe what is shown in Exhibit BB?**

7 A. The plan and elevation view of part of McKees Rocks Bridge. It shows the stationing and
8 scope of work of the bridge.

9 **Q. Was Department Exhibit BB prepared by you or under your direction and control?**

10 A. Yes, and I added the part in red text.

11 **Q. To the best of your knowledge, is Exhibit BB a fair and accurate representation of**
12 **the plans for the subject crossing?**

13 A. Yes.

14 **Q. Can you please describe what is shown in Exhibit CC?**

15 A. The plan and elevation view of part of McKees Rocks Bridge. It shows the stationing and
16 scope of work of the bridge.

17 **Q. Was Department Exhibit CC prepared by you or under your direction and control?**

18 A. Yes, and I added the part in red text.

19 **Q. To the best of your knowledge, is Exhibit CC a fair and accurate representation of**
20 **that portion of the plans for the subject crossing?**

21 A. Yes.

22 **Q. Can you please identify by name and number designation (if any) the street that is**
23 **carried by the McKees Rocks Bridge?**

1 A. McKees Rocks Bridge, SR 3104

2 **Q. Is that road a state road or, if not, what type of road is it?**

3 A. Yes. It is a state road.

4 **Q. Can you please identify by name and number designation (if any) the street crosses**
5 **SR 3104 on the Pittsburgh side of the bridge?**

6 A. Ohio River Boulevard, SR 65

7 **Q. Is that road a state road or, if not, what type of road is it?**

8 A. Yes. It is a state road.

9 **Q. Can you please identify by name and number designation (if any) the street crosses**
10 **SR 3104 on the McKees Rocks Borough side of the bridge?**

11 A. Island Avenue, SR 51

12 **Q. Is that road a state road or, if not, what type of road is it?**

13 A. Yes. It is a state road.

14 **Q. To your knowledge, does the McKees Rock bridge have any traffic signals on the**
15 **bridge area itself (i.e., not on the approaches)?**

16 A. No.

17 **Q. Are there any traffic signals in the vicinity of the bridge?**

18 A. Yes.

19 **Q. Do you know the location of those traffic signals?**

20 A. One signal is on the western side of the bridge, by SR 51. Another signal is on the eastern
21 side of the bridge, by SR 65.

22

23

1 **Q. Looking at Exhibit BB and Exhibit CC, would those traffic signals be within the**
2 **bounds of Station 2+00 and 58+00?**

3 **A.** No.

4 **Q. Are you aware of who installed the traffic signals?**

5 **A.** No.

6 **Q. Are you aware of who owns the traffic signals?**

7 **A.** Yes.

8 **Q. Who owns the traffic signals?**

9 **A.** McKees Rocks Borough and City of Pittsburgh

10 **Q. How do you know who owns the traffic signals?**

11 **A.** Under Pennsylvania law, the municipalities own and maintain all traffic signals.

12 **Q. Does the McKees Rocks Bridge have any traffic signs on it?**

13 **A.** Yes.

14 **Q. Does this conclude your direct testimony?**

15 **A.** Yes.

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in the City of Pittsburgh, Stowe Township and :
McKees Rocks Borough, Allegheny County. :
:

VERIFICATION

I, Philip M. Mutunga, hereby state that the facts set forth in “PennDOT Statement No. 1” are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



Philip M. Mutunga
District 11-0 Grade Crossing Engineer

DATED: February 23, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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in the City of Pittsburgh, Stowe Township and :
McKees Rocks Borough, Allegheny County. :
:

DIRECT TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

PennDOT Statement No. 2

Testimony of: Seth A. Michaels
Operations Section Supervisor
Pennsylvania Department of Transportation
Engineering District 11-0

**DEPARTMENT OF TRANSPORTATION'S TESTIMONY
DOCKET NO. A-2020-3020667
HEARING STATEMENT NO. 2
HEARING DATE: May 9, 2023**

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Q. Please state your name and business address.

A. Seth Michaels 45 Thoms Run Rd Bridgeville PA

Q. By whom are you employed and in what capacity?

A. PennDOT

Q. What is your current title with the Department?

A. Operations Section Supervisor

Q. How long have you been employed by the Department?

A. 17 years

Q. Were you employed by the Department in any other position prior to your current position?

A. Yes

Q. What position or positions with the Department did you hold prior to your current position?

A. I held the position of Traffic Control Specialist for about 13 years.

Q. Please generally describe your duties as Operations Section Supervisor.

A. I am in charge of the Operations Section which oversees pavement marking and signing projects throughout District 11

Q. What is your educational background?

A. Associates Degree in Civil Engineering Technology

Q. Are you a registered professional engineer in Pennsylvania?

A. No

1 **Q. Are you authorized to testify in this proceeding on behalf of the Department?**

2 A. Yes

3 **Q. Do you handle traffic-control device issues in some capacity?**

4 A. Yes

5 **Q. Can you please describe your involvement in the area of traffic-control devices?**

6 A. I enter signs to be replaced in SAP and offer input on placement.

7 **Q. Is it fair to say that traffic-control devices include traffic signs?**

8 A. Yes

9 **Q. Are you familiar with the MUTCD?**

10 A. Yes

11 **Q. Are you aware of what MUTCD stands for?**

12 A. Yes

13 **Q. What does MUTCD stand for?**

14 A. Manual of Uniform Traffic Control Devices.

15 **Q. Do you know who issues that publication?**

16 A. Yes

17 **Q. Who issues that publication?**

18 A. The Federal Highway Administration.

19 **Q. Does the Department have a similar publication of its own?**

20 A. Yes

21 **Q. Can you please generally explain the purpose of the MUTCD and any related**

22 **Department publication(s)?**

23 A. Yes to guide in the placement of signs and pavement markings

1 **Q. Are you familiar with the crossing (bridge) which is the subject of today's proceeding?**

2 A. Yes

3 **Q. Can you please describe the roadway area of the crossing?**

4 A. Yes it is the bridge from Rt 65 to Rt 51.

5 **Q. Does the McKees Rocks Bridge have any traffic signs on it?**

6 A. Yes

7 **Q. Are you aware of how many signs are currently on the McKees Rocks Bridge?**

8 A. There are approximately 20 Signs on the bridge

9 **Q. Are you aware of the types of signs on the McKees Rocks Bridge?**

10 A. Yes

11 **Q. What type of signs are currently on the McKees Rocks Bridge?**

12 A. There are overhead sign structure guide signs, speed limits, lane control signs on mast arms
13 and river crossing signs.

14 **Q. Who is responsible for installing and maintaining traffic signs such as those on the
15 McKees Rocks Bridge?**

16 A. The overhead guide signs and river crossing signs are the Departments responsibility.

17 The overhead lane control signs for the signal and the 35 MPH speed limit signs are the

18 local municipality.

19 **Q. Does the responsibility for installation and maintenance vary depending upon the
20 type of local jurisdiction?**

21 A. Yes

22 **Q. Can you please explain the source of that responsibility, if you know?**

23 A. Pub 212 and the PA Vehicle Code

1 **Q. Do you know who currently has maintenance responsibilities for the signs on the**
2 **McKees Rocks Bridge?**

3 **A.** The speed limit signs and the lane control signs on the mast arm would be the
4 responsibility of the municipality.

5 **Q. Do you know who installed the signs currently on the McKees Rocks Bridge?**

6 **A.** No

7 **Q. Are you aware of any documents in the Department's possession that would show**
8 **ownership or maintenance responsibilities for the signs on the McKees Rocks**
9 **Bridge?**

10 **A.** No

11 **Q. Does this conclude your direct testimony?**

12 **A.** Yes

13

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in the City of Pittsburgh, Stowe Township and :
McKees Rocks Borough, Allegheny County. :
:

VERIFICATION

I, Seth A. Michaels, hereby state that the facts set forth in “PennDOT Statement No. X” are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Seth Michaels Digitally signed by Seth
Michaels
Date: 2023.02.28 13:06:20
-05'00'

Seth A. Michaels
District 11-0 Operations Section Supervisor

DATED:

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation of :
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:

DIRECT TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

PennDOT Statement No. 3

Testimony of: Edward Miller
Senior Civil Engineer Supervisor
Pennsylvania Department of Transportation
Engineering District 11-0

DEPARTMENT OF TRANSPORTATION'S TESTIMONY
DOCKET NO. A-2020-3020667
HEARING STATEMENT NO. 3
HEARING DATE: May 9, 2023

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- Q. Please state your name and business address.**
- A. Edward M. Miller, P.E., PTOE, Pennsylvania Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville PA 15017
- Q. By whom are you employed and in what capacity?**
- A. Pennsylvania Department of Transportation, Engineering District 11-0 as a Traffic Engineer
- Q. What is your current title with the Department?**
- A. Senior Civil Engineer Supervisor
- Q. How long have you been employed by the Department?**
- A. Since 2004 (19 years)
- Q. Were you employed by the Department in any other position prior to your current position?**
- A. Yes
- Q. What position or positions with the Department did you hold prior to your current position?**
- A. Civil Engineer
- Q. Please generally describe your duties as a Senior Civil Engineer Supervisor.**
- A. Supervise a professional and technical staff engaged in the design, review, and operations of traffic signal systems in Allegheny, Beaver and Lawrence Counties. Supervise a professional and technical staff engaged in the review of Traffic Impact Studies and Highway Occupancy Permit applications for commercial and residential developments in

1 Allegheny, Beaver, and Lawrence Counties.

2 **Q. What is your educational background?**

3 A. Masters in Civil Engineering

4 **Q. Are you a registered professional engineer in Pennsylvania?**

5 A. Yes

6 **Q. Are you authorized to testify in this proceeding on behalf of the Department?**

7 A. Yes

8 **Q. Are you familiar with the crossing (bridge) which is the subject of today's proceeding?**

9 A. Yes

10 **Q. Can you please describe the area of the crossing?**

11 A. The McKees Rocks Bridge spanning the Ohio River

12 **Q. Can you please describe what is shown in Exhibit AA?**

13 A. The Exhibit depicts the limits of the McKees Rocks Bridge (designated by the Department
14 as SR 3104) which links State Routes 51 and 65

15 **Q. To the best of your knowledge, is Exhibit AA a fair and accurate representation of
16 the project location?**

17 A. Yes

18 **Q. Can you please describe what is shown in Exhibit BB?**

19 A. General plan elevation, stationing, an overview of the McKees Rocks Bridge project.

20 **Q. To the best of your knowledge, is Exhibit BB a fair and accurate representation of
21 the plans for the subject crossing?**

22 A. Yes

23

1 **Q. Can you please describe what is shown in Exhibit CC?**

2 A. Similar to Exhibit BB—continuation of the general plan elevation, stationing and
3 overview of the McKees Rocks Bridge project.

4 **Q. To the best of your knowledge, is Exhibit CC a fair and accurate representation of
5 that portion of the plans for the subject crossing?**

6 A. Yes

7 **Q. To your knowledge, does the McKees Rock bridge have any traffic signals on the
8 bridge area itself (i.e., not on the approaches)?**

9 A. No

10 **Q. Are there any traffic signals in the vicinity of the bridge?**

11 A. Yes

12 **Q. Do you know the location of those traffic signals?**

13 A. Yes

14 **Q. Looking at Exhibit BB and Exhibit CC, would those traffic signals be within the
15 bounds of Station 2+00 and 58+00?**

16 A. No

17 **Q. Are you aware of when those traffic signals were installed?**

18 A. Yes

19 **Q. When were they installed?**

20 A. The traffic signal permit for SR 65 at the McKees Rocks Bridge was originally issued on
21 2/26/1975 while the permit for the signal at the McKees Rocks Bridge at Island Ave was
22 originally issued on 6/21/2000.

23

1 **Q. Are you aware of who installed the traffic signals?**

2 A. Yes

3 **Q. Who installed the signals?**

4 A. PennDOT

5 **Q. Are you aware of any documents that may show ownership of the traffic signals?**

6 A. Yes

7 **Q. What documents would those be?**

8 A. Traffic Signal Permits and Traffic Signal Maintenance Agreements.

9 **Q. Does the Department typically issue permits for traffic signals?**

10 A. Yes

11 **Q. Are you aware of why the Department issues those permits?**

12 A. In accordance with 67 Pa. Code §212.5, it is the Department's responsibility to approve
13 traffic signals.

14 **Q. Does the Department retain final copies of permits, maintenance agreements, and
15 relevant related documents regarding traffic signals?**

16 A. Yes.

17 **Q. Where are those records typically retained?**

18 A. Historical paper records are filed within the District Office. Most of these records have
19 been transferred to PennDOT's online Traffic Signal Asset Management Software
20 (TSAMS) website.

21 **Q. Do you have access to those records in your current position with the Department?**

22 A. Yes

23

1 **Q. Can you please describe what is shown in Exhibit DD?**

2 **A.** It is a copy of the standard traffic signal maintenance agreement used to delegate
3 ownership, maintenance, and operation responsibility of the traffic signal to the
4 municipality (McKees Rocks Borough in this instance).

5 **Q. To the best of your knowledge, has the Department retained these documents within
6 its own files since they were executed and delivered to it?**

7 **A.** Yes

8 **Q. To the best of your knowledge, is Exhibit DD an accurate reproduction of those
9 documents as retained within Department files?**

10 **A.** Yes

11 **Q. Can you please identify who or what entity entered into a maintenance agreement
12 with the Department according to Exhibit DD?**

13 **A.** The Borough Secretary at the time of the executed agreement.

14 **Q. To your knowledge, how long was that maintenance agreement to last?**

15 **A.** In perpetuity.

16 **Q. To your knowledge, has the signal or signals that is the subject of that agreement
17 been removed?**

18 **A.** No

19 **Q. Are you aware of who currently has maintenance responsibilities for the traffic
20 signal at the McKees Rock Bridge and Island Avenue?**

21 **A.** Yes

22

23

1 **Q. Who currently has maintenance responsibilities for the traffic signal at the McKees**
2 **Rock Bridge and Island Avenue?**

3 **A.** The Borough of McKees Rocks

4 **Q. Who currently has maintenance responsibilities for the traffic signal at the McKees**
5 **Rock Bridge and Route 65?**

6 **A.** The City of Pittsburgh

7 **Q. Are you aware of who owns the traffic signals?**

8 **A.** Yes

9 **Q. Who owns the traffic signals?**

10 **A.** Island Avenue @ McKees Rocks Bridge—McKees Rocks Borough; McKees Rocks
11 Bridge @ Route 65—City of Pittsburgh

12 **Q. To the best of your knowledge, does the Department own any traffic signals on or**
13 **around the McKees Rock Bridge?**

14 **A.** No

15 **Q. To the best of your knowledge, does the Department currently have maintenance**
16 **responsibilities for any traffic signals on or around the McKees Rock Bridge?**

17 **A.** No.

18 **Q. Does this conclude your direct testimony?**

19 **A.** Yes

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McKees Rocks Borough, Allegheny County. :
:

VERIFICATION

I, Edward M. Miller, hereby state that the facts set forth in “PennDOT Statement No. 3” are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Edward M. Miller, P.E., PTOE Digitally signed by Edward M. Miller, P.E.,
PTOE
Date: 2023.02.24 11:22:50 -05'00'

Edward M. Miller
District 11-0 Senior Civil Engineer Supervisor

DATED:

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:

DIRECT TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

PennDOT Statement No. 4

Testimony of: Steve Gault, P.E., PTOE
Chief
Pennsylvania Department of Transportation
Bureau of Operations,
Highway Safety & Traffic Operations Division

DEPARTMENT OF TRANSPORTATION'S TESTIMONY
DOCKET NO. A-2020-3020667
HEARING STATEMENT NO. 4
HEARING DATE: May 9, 2023

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Q. Please state your name and business address.

A. Stephen Gault, 400 North Street, 6th Floor, Harrisburg, PA 17120

Q. By whom are you employed and in what capacity?

A. Pennsylvania Department of Transportation as a Highway Administration Program Manager 1 in the Bureau of Operations

Q. What is your current title with the Department?

A. Chief of Transportation Systems Management and Operations (TSMO) Arterials and Planning Section

Q. How long have you been employed by the Department?

A. 4 years

Q. Were you employed by the Department in any other position prior to your current position?

A. Prior to entering my current position in December 2019, I held the position of Statewide Signal Systems Engineer beginning in August 2018.

Q. Please generally describe your duties as a Chief.

A. As section chief, I oversee three units: Traffic Signals, Arterial Operations, and Planning and Funding. The Traffic Signals Unit is responsible for establishing statewide policy to carry out provisions in state and federal statutes and regulations. These include the federal Manual on Uniform Traffic Control Devices (MUTCD), the Pennsylvania Vehicle Code (Title 75 Pa. Consolidated Statutes), and Official Traffic Control Devices (Title 67 Pa. Code). My staff and I serve technical resources for PennDOT engineering district staff

1 regarding implementation of these policies, laws, and regulations. The Traffic Signal Unit
2 also oversaw the original development and continues to oversee ongoing maintenance of
3 PennDOT's Traffic Signal Asset Management System (TSAMS), which is an online
4 database containing an inventory of traffic signals statewide.

5 **Q. What is your educational background?**

6 A. B.S. Civil Engineering from Rensselaer Polytechnic Institute in Troy, NY (2004)

7 **Q. Are you a registered professional engineer in Pennsylvania?**

8 A. Yes

9 **Q. Do you hold any other certifications or designations related to engineering?**

10 A. I have been a certified Professional Traffic Operations Engineer since 2009.

11 **Q. Are you authorized to testify in this proceeding on behalf of the Department?**

12 A. Yes

13 **Q. Are you familiar with the crossing (bridge) which is the subject of today's proceeding?**

14 A. Yes

15 **Q. Can you please describe the area of the crossing?**

16 A. The McKees Rock bridge connects State Route 51 in McKees Rocks Borough with State
17 Route 65 (Ohio River Boulevard) in the City of Pittsburgh. It is an elevated structure which
18 crosses over three railroads, the Ohio River, industrial properties, and several local streets.
19 There are at-grade intersections at each end of the bridge with Routes 51 and 65 which use
20 traffic control signals to alternate right-of-way assignment between the various approaches
21 of traffic.

1 **Q. What, if any, is your typical involvement in rail crossing projects such as this?**

2 **A.** Rail crossings are typically handled through one of PennDOT's eleven engineering
3 districts. My staff or I may be involved occasionally in our role as a technical resource for
4 the districts in the application of policies, regulations, and laws.

5 **Q. To the best of your knowledge, is Exhibit AA a fair and accurate representation of**
6 **the project location?**

7 **A.** Yes

8 **Q. Can you please describe what is shown in Exhibit BB?**

9 **A.** Exhibit BB shows three different views of the western portion of the bridge structure,
10 including the intersection with State Route 51: a plan view (top down), elevation (side view
11 looking perpendicular to traffic on the bridge), and typical section (side view looking
12 parallel to traffic on the bridge).

13 **Q. To the best of your knowledge, is Exhibit BB a fair and accurate representation of the**
14 **plans for the subject crossing?**

15 **A.** It is unclear to me whether the plan represents the existing configuration of the bridge or a
16 proposed configuration after completion of the rehabilitation project since it is not signed
17 or dated. However, it does appear to accurately represent the configuration of the bridge
18 since the rehabilitation project does not propose to change the type, size, or location of the
19 existing bridge.

20 **Q. Can you please describe what is shown in Exhibit CC?**

21 **A.** Exhibit CC shows two different views of the eastern portion of the bridge structure,
22 including the intersection with State Route 65: a plan view and an elevation view.

23

1 **Q. To the best of your knowledge, is Exhibit CC a fair and accurate representation of**
2 **that portion of the plans for the subject crossing?**

3 **A.** It is unclear to me whether the plan represents the existing configuration of the bridge of a
4 proposed configuration after completion of the rehabilitation project since it is not signed
5 or dated. However, it does appear to accurately represent the configuration of the bridge
6 since the rehabilitation project does not propose to change the type, size, or location of the
7 existing bridge.

8 **Q. To your knowledge, does the McKees Rock bridge have any traffic signals on the**
9 **bridge area itself (i.e., not on the approaches)?**

10 **A.** No traffic signals appear to be within the bridge area itself.

11 **Q. Are there any traffic signals in the vicinity of the bridge?**

12 **A.** Yes

13 **Q. Do you know the location of those traffic signals?**

14 **A.** There are traffic signals at the intersections with State Route 51 and State Route 65 on the
15 approaches to each end of the bridge.

16 **Q. Looking at Exhibit BB and Exhibit CC, would those traffic signals be within the**
17 **bounds of Station 2+00 and 58+00?**

18 **A.** No, the traffic signals are located before Station 2+00 and after Station 58+00.

19 **Q. Are you aware of when those traffic signals were installed?**

20 **A.** PennDOT records do not include the exact installation dates of the signals, but we can
21 estimate when the signals were likely installed based on dates of plans and permits related
22 to each intersection.

23

1 **Q. When were they installed?**

2 **A.** The traffic signal at the Route 51 intersection was installed around 2000 and does not
3 appear to have been modified since that time. The traffic signal at the Route 65 intersection
4 was originally installed around 1975. The signal was replaced around 2013 or 2014.

5 **Q. Are you aware of who installed the traffic signals?**

6 **A.** No

7 **Q. Are you aware of who owns the traffic signals?**

8 **A.** Yes

9 **Q. Who owns the traffic signals?**

10 **A.** Traffic signals in municipalities are owned by the municipality where it is located.

11 **Q. Are you aware of any documents that may show ownership of the traffic signals?**

12 **A.** Yes

13 **Q. What documents would those be?**

14 **A.** Municipal ownership of traffic signals is established in the Vehicle Code and PennDOT
15 regulations, Chapter 212, Official Traffic Control Devices. PennDOT has established a
16 permit process by which a municipality applies for a traffic signal permit, and the
17 application process and permit which are issued indicate the municipality is responsible to
18 own and maintain the traffic signals. McKees Rocks Borough submitted an Application for
19 Permit to Install and Operate Traffic Signals for traffic signals at the Route 51 intersection
20 dated July 13, 1999. The application is signed by the Borough Secretary and indicates the
21 traffic signals shall be installed and maintained in accordance with the Vehicle Code and
22 the Regulations for Traffic signs, signals and markings of the Department of
23 Transportation. As noted previously, these specify signals are owned by municipalities.

1 PennDOT issued Traffic Signal Permit #1-069-04 to McKees Rocks Borough dated June
2 21, 2000.

3 **Q. Does the Department typically issue permits for traffic signals?**

4 **A.** Yes, except in cities of the first and second class. Therefore, PennDOT does not issue
5 permits in the City of Pittsburgh.

6 **Q. Are you familiar with the permitting process for traffic signals?**

7 **A.** Yes

8 **Q. Can you please briefly describe that process?**

9 **A.** The process and policy to request traffic signals is established in Chapter 4 of PennDOT
10 Publication 46, Traffic Engineering Manual. This policy implements the regulations in
11 Title 67, Chapter 212, which requires department approval of traffic signals. Local
12 authorities must submit an application to install traffic signals (formerly Form TE-952,
13 now Form TE-160) with a drawing of the intersection and written financial commitment
14 from the municipal governing body which indicates agreement to operate and maintain the
15 signal on an ongoing basis. The process culminates with issuance of a permit by PennDOT.

16 **Q. Are you typically involved in that process?**

17 **A.** Partially.

18 **Q. In what capacity?**

19 **A.** My office is responsible for establishing the process via policy, but the process is carried
20 out by the PennDOT Engineering District Office where the signal is located.

21 **Q. Does the Department retain copies of these permits and any relevant related
22 documents?**

23 **A.** Yes

1 **Q. Where are those retained?**

2 **A.** Paper records are maintained in the District Offices. Most records were scanned, digitized,
3 and saved in PennDOT's Traffic Signal Asset Management System (TSAMS), in 2015 and
4 2016.

5 **Q. Do you have access to those records in your capacity as "Chief"?**

6 **A.** Yes, I have access to the scanned and digitized records in TSAMS.

7 **Q. Was Department Exhibit DD prepared by you or under your direction and control?**

8 **A.** The document in Exhibit DD was prepared prior to my employment at PennDOT, but
9 predecessors in my position were involved with the preparation of standard forms which
10 were used by Districts at the time these documents were completed.

11 **Q. Can you please describe what is shown in Exhibit DD?**

12 **A.** The document in Exhibit DD is a Traffic Signal Maintenance Agreement, Pre-Approved
13 form OGC. No. 18-K-392, which established the future ownership and maintenance of
14 traffic signals installed using state or federal funds. The agreement was signed by
15 PennDOT's Chief Engineer and the Mayor of McKees Rocks Borough.

16 **Q. To the best of your knowledge, has the Department retained these documents within
17 its own files since they were executed and delivered to it?**

18 **A.** Yes

19 **Q. To the best of your knowledge, is Exhibit DD an accurate reproduction of those
20 documents as retained within Department files?**

21 **A.** Yes

22 **Q. Was Department Exhibit EE prepared by you or under your direction and control?**

23 **A.** The document in Exhibit EE is a PennDOT standard form of a resolution to be adopted by

1 a municipality to apply for a traffic signal. The standard form was prepared prior to my
2 employment at PennDOT, but predecessors in my position were involved with its creation.
3 A similar form has been used since the 1940s.

4 **Q. To the best of your knowledge, has the Department retained these documents within**
5 **its own files since they were executed and delivered to it?**

6 **A.** Yes

7 **Q. To the best of your knowledge, is Exhibit EE an accurate reproduction of those**
8 **documents as retained within Department files?**

9 **A.** Yes

10 **Q. Moving back to Exhibit DD, can you please identify who or what entity entered into**
11 **a maintenance agreement with the Department according to that document?**

12 **A.** The Borough of McKees Rocks

13 **Q. To your knowledge, how long was that maintenance agreement to last?**

14 **A.** As indicated in the clauses on page 1, the agreement applies for the useful life of the traffic
15 signal equipment. The useful life is defined as the time from installation until it is either
16 removed or replaced.

17 **Q. To your knowledge, has the signal or signals that is the subject of that agreement been**
18 **removed?**

19 **A.** No, the signal remains operational.

20 **Q. Looking at Exhibit EE, can you please identify who or what entity applied for a**
21 **permit to install and operate the traffic signal?**

22 **A.** The Borough of McKees Rocks

23

1 **Q. To your knowledge, does the application relate to the same signal or signals as the**
2 **maintenance agreement?**

3 **A.** Yes

4 **Q. Given these documents, who owns the traffic signal on the McKees Rocks Borough**
5 **side of this crossing?**

6 **A.** The Borough of McKees Rocks

7 **Q. Given these documents, who is currently responsible for maintaining the traffic signal**
8 **on the McKees Rocks Borough side of this crossing?**

9 **A.** The Borough of McKees Rocks

10 **Q. How long does that responsibility last?**

11 **A.** In perpetuity until the traffic signal is replaced with alternative traffic control device(s) to
12 control traffic at the intersection.

13 **Q: In the absence of a maintenance agreement or traffic signal permit on file with the**
14 **Department, how would the Department determine maintenance responsibilities for**
15 **a traffic signal?**

16 **A:** PennDOT would rely on the installation and maintenance responsibilities identified in Title
17 67, Chapter 212.

18 **Q. Given these documents and regulatory requirements, who owns the traffic signal on**
19 **the City of Pittsburgh side of this crossing?**

20 **A.** The City of Pittsburgh, based on the regulatory requirements.

21 **Q. Given these documents and regulatory requirements, who is currently responsible for**
22 **maintaining the traffic signal on the City of Pittsburgh side of this crossing?**

23 **A.** The City of Pittsburgh, based on the regulatory requirements.

1 **Q. How long does that responsibility last?**

2 **A.** That responsibility applies as long as the intersections have traffic signals for traffic control
3 devices.

4 **Q. To your knowledge, does the traffic signal on the City of Pittsburgh side of this**
5 **crossing still exist?**

6 **A.** Yes, there is still traffic signal control at that intersection.

7 **Q. In your current position, do you also handle traffic-control device issues in some**
8 **capacity?**

9 **A.** Yes

10 **Q. Can you please describe your involvement in the area of traffic-control devices?**

11 **A.** I am primarily involved with traffic control devices which are directly related to traffic
12 signals.

13 **Q. Is it fair to say that traffic-control devices include traffic signs?**

14 **A.** Yes

15 **Q. Are you familiar with the MUTCD?**

16 **A.** Yes

17 **Q. What does MUTCD stand for?**

18 **A.** Manual on Uniform Traffic Control Devices

19 **Q. Who issues that publication?**

20 **A.** The Federal Highway Administration

21 **Q. Does the Department have a similar publication of its own?**

22 **A.** PennDOT has adopted the federal MUTCD as indicated in Title 67 Pa. Code Chapter 212.
23 Chapter 212 also indicates who is responsible for traffic control devices on state and local

1 roadway within the Commonwealth of Pennsylvania.

2 **Q. Can you please generally explain the purpose of the MUTCD and any related**
3 **Department publication(s)?**

4 **A.** The MUTCD and Chapter 212 regulate traffic control devices to provide a consistent and
5 standard application through the United States and Pennsylvania, respectively. These
6 regulations ensure traffic control devices have the same meaning and are used in the same
7 situation to ensure those using the transportation system understand and interpret the
8 devices the same way.

9 **Q. Who is responsible for installing and maintaining traffic signs such as those on the**
10 **McKees Rocks Bridge?**

11 **A.** Chapter 212 identifies responsibilities for installing and maintaining traffic signs based on
12 the type of sign and roadway ownership. PennDOT is responsible for installing and
13 maintaining categories of signs not indicated in §212.5 as being the responsibility of local
14 authorities since the McKees Rocks Bridge is a state-designated highway. Signs included
15 on a PennDOT-approved traffic signal plan are the responsibility of local authorities.

16 **Q. Does the responsibility for installation and maintenance vary depending upon the**
17 **type of local jurisdiction?**

18 **A.** Yes, cities of the first and second class are responsible for the installation and maintenance
19 of all traffic-control devices within the city boundaries. Other local authorities are required
20 to install and maintain some types of signs, and PennDOT is responsible for some signs in
21 those municipalities.

22 **Q. Can you please explain the source of that responsibility?**

23 **A.** Chapter 212, §212.5

1 **Q. Is it fair to say that this requirement comes from various Department regulations?**

2 **A.** Yes

3 **Q. To your knowledge, does the Department have any existing policies on this subject?**

4 **A.** There is some limited information on sign installation and maintenance in Publication 46,
5 Traffic Engineering Manual, but it is primarily just referencing Chapter 212, §212.5.

6 **Q. To your knowledge, are there any permits that have been issued for traffic signs on
7 the McKees Rocks Bridge?**

8 **A.** Signs which are related to traffic signals are the responsibility of the permittee for the traffic
9 signals. The General Notes on the plan attached to the traffic signal permit indicate “the
10 permittee installs and maintains all signs and pavement markings indicated on this drawing
11 which are considered part of this permit, unless otherwise indicated.” These signs are
12 indicated on the traffic signal permits. The traffic signal permit shows a 28’ mast arm with
13 two overhead-mounted lane use control signs on the McKees Rocks Bridge approaching
14 Route 51. Although there is not a traffic signal permit for the City of Pittsburgh intersection
15 with Route 65, the plan for the intersection shows one post-mounted lane-use control sign
16 on the McKees Rocks Bridge.

17 Responsibility for other signs on the bridge would otherwise be in accordance with Title
18 67, Chapter 212, §212.5. Permits are not issued for signs which are not associated with a
19 traffic signal.

20 **Q. Who was issued those permits?**

21 **A.** The traffic signal permit for the Route 51 intersection was issued to the Borough of McKees
22 Rocks. Permits do not exist for other signs on the bridge.

23

1 **Q. Are you aware of any other documents in the Department’s possession that would**
2 **show ownership of the signs on the McKees Rocks Bridge?**

3 **A.** No

4 **Q. Are you aware of what other signage currently exists on the McKees Rock**
5 **Bridge?**

6 **A.** Yes, I reviewed signs currently on the bridge using PennDOT VideoLog and Google
7 StreetView, which capture images from a vehicle traveling along the bridge.

8 **Q. You mentioned “PennDOT VideoLog”, can you please explain that system or**
9 **program?**

10 **A.** PennDOT regularly collects images along the state highway system as part of its
11 pavement survey. The images are available through PennDOT’s website at
12 <https://gis.penndot.gov/videolog/>, and the images include the date the photo was taken.

13 **Q. When did you review the VideoLog?**

14 **A.** I reviewed the bridge signage yesterday (2/27/23).

15 **Q. What was the date of the photos reviewed regarding the bridge signage on the**
16 **VideoLog?**

17 **A.** The photos were taken on 5/20/2021.

18 **Q. What signs are currently on the McKees Rock Bridge?**

19 **A.** There are overhead guide signs for the Helen Road ramps and overhead guide signs
20 approaching the intersections at each end of the bridge. There are also speed limit signs
21 on the bridge. Finally, there are overhead lane use control signs approaching the
22 signalized intersection at the McKees Rocks Borough end of the bridge.

23

1 **Q. Are you aware of the current maintenance responsibilities for those signs?**

2 **A.** Yes.

3 **Q. What is the source of the current maintenance responsibilities for each sign?**

4 **A.** The maintenance responsibilities for those signs would follow the regulations in Chapter
5 212, §212.5. All of the signs within the City of Pittsburgh would be the city's
6 responsibility. For the rest of the bridge, the speed limit signs would be the responsibility
7 of the local authorities (municipalities) because the speed limit is less than 40 miles per
8 hour, and the overhead guide signs for the Helen Road ramps and the overhead guide
9 signs approaching the Route 51 intersection would be PennDOT's responsibility.

10 **Q. Does this conclude your direct testimony?**

11 **A.** Yes

12

13

14

15

16

17

18

19

20


21

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation of :
the Commonwealth of Pennsylvania for approval to :
alter the crossings where State Route 3104 crosses, :
above grade, the tracks of CSX Transportation Inc. : A-2020-3020667
(DOT 584 825 U), Norfolk Southern Railway :
Company (DOT 507 455 K), and the Pittsburgh and :
Ohio Central Railroad Company (DOT Unknown) : **Electronically Filed**
in the City of Pittsburgh, Stowe Township and :
McKees Rocks Borough, Allegheny County. :
:

VERIFICATION

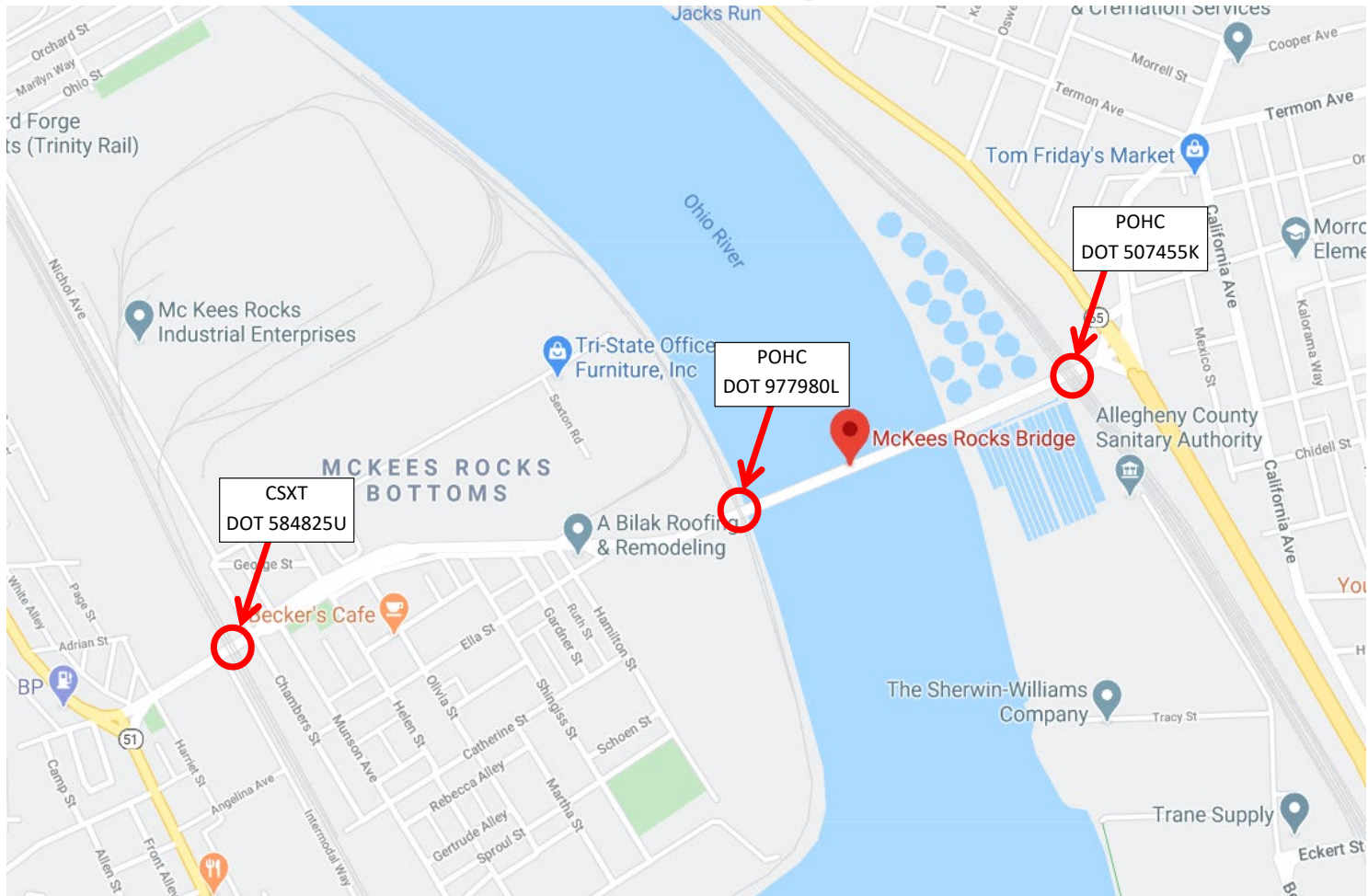
I, Steven Gault, hereby state that the facts set forth in “PennDOT Statement No. 4” are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



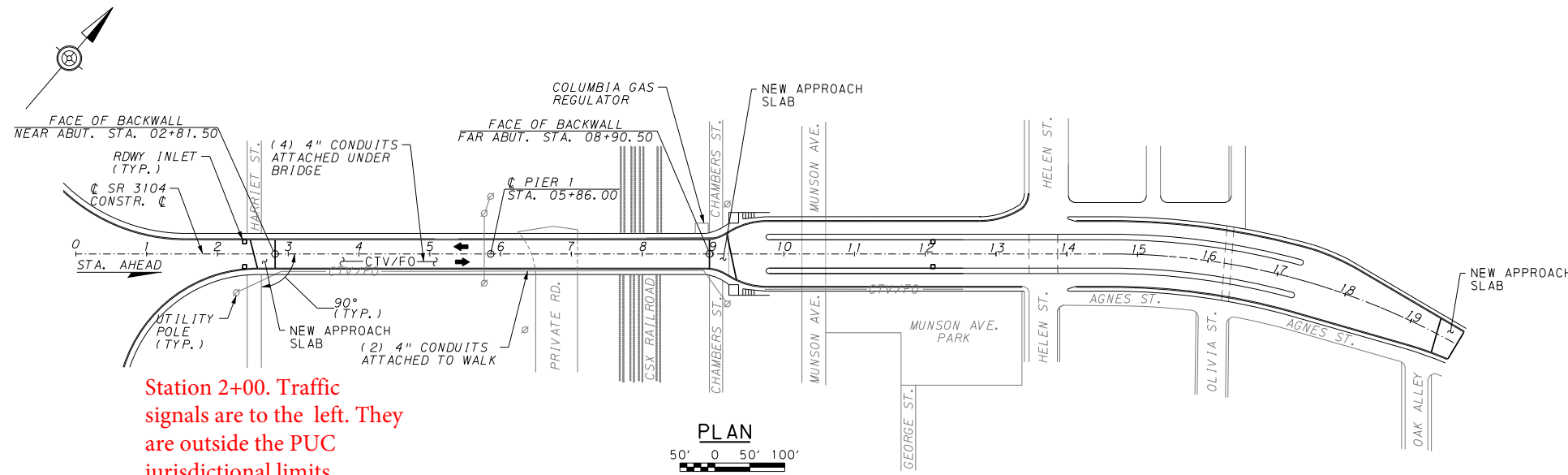
Stephen Gault
Chief of Transportation Systems Management and
Operations (TSMO) Arterials and Planning Section

DATED: February 28, 2023

Project Location Map

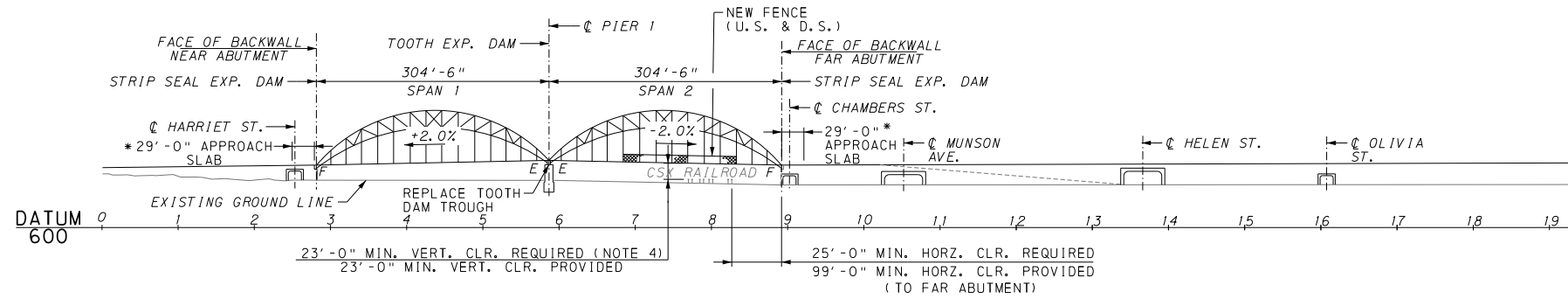


Allegheny County
SR 3104-A03 McKees Rocks Bridge

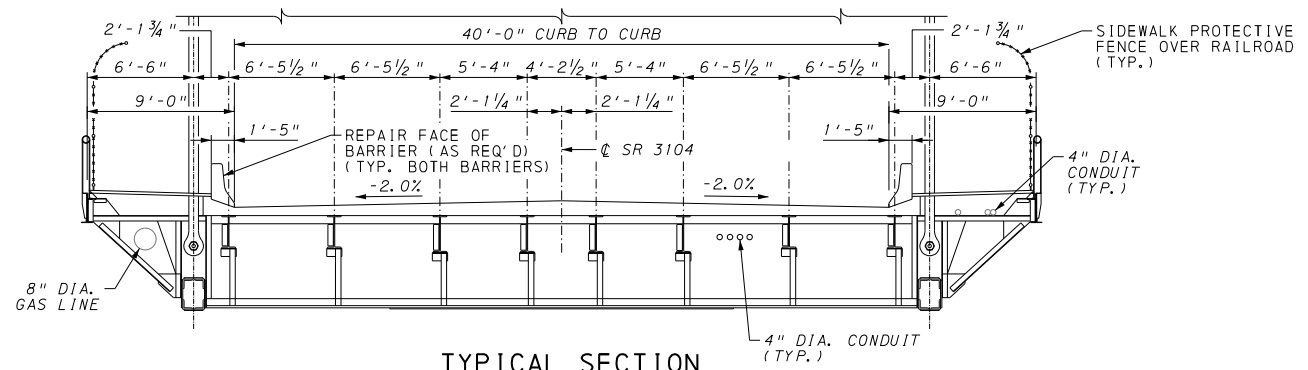


Station 2+00. Traffic signals are to the left. They are outside the PUC jurisdictional limits.

PLAN
50' 0 50' 100'



ELEVATION
50' 0 50' 100'



TYPICAL SECTION
(SPANS 1 & 2)
2' 0 2' 4' 6'

GENERAL NOTES:

1. PROVIDE MATERIALS AND PERFORM WORK IN ACCORDANCE WITH SPECIFICATIONS PUBLICATION 408/2016 LATEST EDITION, AASHTO/AWS BRIDGE WELDING CODE D1.5/D1.5M - 2008 AND CONTRACT SPECIAL PROVISIONS.
2. DESIGN SPECIFICATIONS:
ALLOWABLE STRESS DESIGN - 2002 AASHTO STANDARD SPECIFICATIONS FOR HIGHWAY BRIDGES, SEVENTEENTH EDITION, INCLUDING INTERIM REVISIONS AND AS SUPPLEMENTED BY DESIGN MANUAL, PART 4, 1996 FOR ANALYSIS OF EXISTING MEMBERS AND MEMBER REPAIRS.
3. DESIGN LIVE LOADS:
H20, HS20, ML80 AND TK527
4. A TEMPORARY CLEARANCE ENVELOPE IS TO BE MAINTAINED OVER THE CSX RAILROAD TRACKS DURING CONSTRUCTION. THE ENVELOPE IS TO PROVIDE A MINIMUM VERTICAL CLEARANCE OVER THE TRACKS OF 23'-0" MEASURED WITHIN 6'-0" FROM THE CENTERLINE OF ALL THE TRACKS.

SCOPE OF WORK:

- PIER 1 - REPLACE TORN TOOTH EXPANSION DAM DRAINAGE TROUGH.
- REPLACE APPROACH SLABS AT NEAR AND FAR ABUTMENTS
- REPAIR FACE OF BRIDGE DECK CONCRETE BARRIERS
- INSTALL NEW SIDEWALK PROTECTIVE FENCE TO THE UPSTREAM AND DOWNSTREAM PORTIONS OF THE SIDEWALK OVER THE RAILROAD

LEGEND:

- F - FIXED PIN BEARING
- E - EXPANSION ROCKER BEARING
- EXP. - EXPANSION
- STA. - STATION
- ➔ - TRAFFIC DIRECTION
- * - MEASURED ALONG THE CONSTR. C
- U. S. - UPSTREAM
- D. S. - DOWNSTREAM

Mark	Description	By	Chk'd.	Recm'd.	Date
REVISIONS					

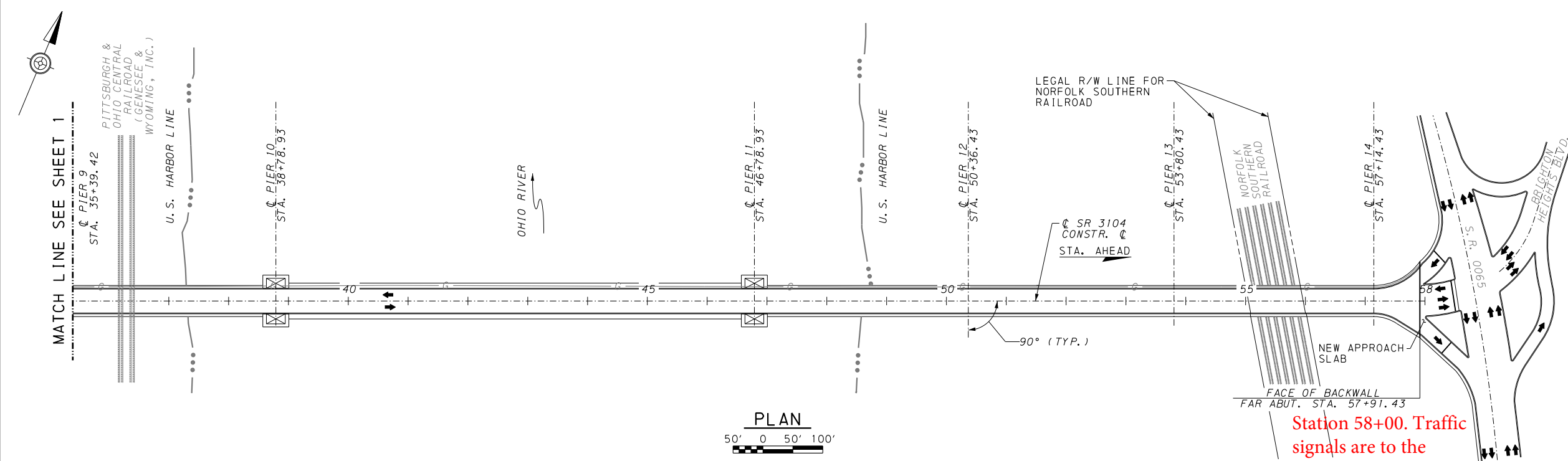
BMS NO. 02-3104-0010-0320; BRKEY 1868
COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF TRANSPORTATION
ALLEGHENY COUNTY
 S.R. 3104 SECTION A03
 SEGMENT 0010 OFFSET 0320
 S.R. 3104 STA. 5+86
 MCKEES ROCKS BRIDGE REHABILITATION
 OVER CSX TRANSPORTATION
TS&L GENERAL PLAN & ELEVATION

RECOMMENDED _____	SHEET <u>1</u> OF <u>1</u>
	S-39125

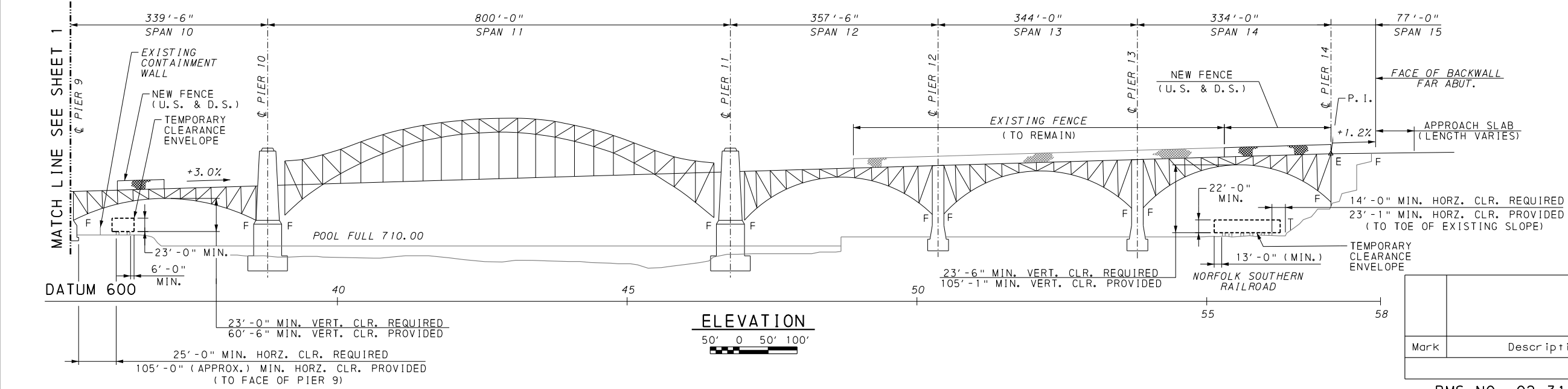
\\p01101s\CADD\060361 - PDT D11 E03394\NO. 1\E. Prj MKA.G. CADD\TSL\SH01.03.TSLO1.dgn
 6/16/2020 9:52:47 AM

DES: CTV DWN: CJP CHK: CTV

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 6/16/2020 8:40:51 AM



Station 58+00. Traffic signals are to the right. They are outside the PUC jurisdictional limits.



Mark	Description	By	Chk'd.	Recm'd.	Date
REVISIONS					

BMS NO. 02-3104-0030-0000; BRKEY 1876
COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF TRANSPORTATION
ALLEGHENY COUNTY
 S.R. 3104 SECTION A03
 SEGMENT 0030 OFFSET 0000
 S.R. 3104 STA. 38+75
 MCKEES ROCKS BRIDGE REHABILITATION
 OVER OHIO RIVER & NORFOLK SOUTHERN RAILROAD
TS&L GENERAL PLAN & ELEVATION-2

RECOMMENDED _____	SHEET 2 OF 8
S-39126	

NOTES:
 1. SEE SHEET 1 FOR ADDITIONAL NOTES AND LEGEND.

DES: CTV DWN: CJP CHK: CTV

FEDERAL TAX I.D. NO. 25-6000407
AGREEMENT NO. 116751

RESOLUTION
4031

BE IT RESOLVED, by authority of the Borough Council of
(Name of governing body)
the Borough of the McKees Rocks
(Name of Municipality)
Allegheny County, and it is hereby resolved by authority of
the same, that the Mayor of said Municipality be
(designate official title)
authorized and directed to sign the attached Agreement on its behalf
and that the Borough Secretary be authorized and directed to
(designate official title)
attest the same.

ATTEST

William C. Beck
(Signature and designation of
official title)
William C. Beck, Borough Secretary
(SEAL)

McKees Rocks Borough
(Name of Municipality)
By: Wilbert Merks
(Signature and designation of
official title)
Wilbert Merks, President of Council

I, Wilbert Merks, President of Borough Council
(Name) (Official title)
of the Borough of McKees Rocks, do hereby certify
(Name of governing body and Municipality)
that the foregoing is a true and correct copy of the Resolution adopted at
a regular meeting of the Borough of McKees Rocks, held
(Name of governing body)
the 13th day of July, 1999.

DATE: Wilbert Merks
(Signature and designation of
official title)
Wilbert Merks, President of Council

NOTE: Signatures on Page 5 of the Agreement must conform with signatures
on this Resolution.

FEDERAL TAX I.D. NO. 25-6000407
AGREEMENT NO. 116751

TRAFFIC SIGNAL MAINTENANCE AGREEMENT

MADE and entered into this * 16th day of * August, 1999, by and between the COMMONWEALTH, and McKees Rocks Borough a political subdivision in the County of Allegheny, Pennsylvania, by its proper officials, hereinafter call SUBDIVISION.

WITNESSETH:

WHEREAS, the need for traffic signals at the following location (s) has been found to be warranted:

1. S.R. 0051 (Island Avenue) and S.R. 3104 (McKees Rocks Bridge)

WHEREAS, the cost of installing traffic signals at these locations is being partially or totally funded with state and/or federal funds, and,

WHEREAS, traffic signal equipment is installed to serve a specific purpose through a distinct mode of operation, and,

WHEREAS, the useful life of traffic signal equipment is defined as the time from installation until it is either removed or replaced with signal equipment which better serves the need of the intersection, and,

WHEREAS, the COMMONWEALTH and Federal Highway Administration have established policies which mandate that all traffic signal equipment installed with state or federal funds be properly maintained and operated throughout their useful life, and,

WHEREAS, the SUBDIVISION has indicated its willingness to accept ownership of the traffic signal installation(s) listed on this Agreement.

*DO NOT ENTER DATE; DATE WILL BE ENTERED BY COMMONWEALTH UPON EXECUTION.

Now, therefore, the parties hereto, for and in consideration of the foregoing premises and of the mutual promises hereinafter set forth, and with the intention of being legally bound thereby, agree as follows:

1. SUBDIVISION will, at its own expense, operate the traffic signals and maintain the telephone communications in accordance with the permit(s) issued by the COMMONWEALTH for the location(s) listed below:

1. S.R. 0051 (Island Avenue) and S.R. 3104 (McKees Rocks Bridge)

2. It is understood and agreed by the parties hereto that, upon final acceptance by the COMMONWEALTH, title to the traffic signal installation(s) listed above, shall vest in the SUBDIVISION. In this connection, it is further understood that the SUBDIVISION shall provide preventative and response maintenance, at its own expense, for the installations covered by this agreement in accordance with the provisions of Exhibit "A".

3. The SUBDIVISION further agrees to prepare and retain an accurate record of the preventative and response maintenance activities performed on the installation covered by this agreement. In this regard, the SUBDIVISION agrees to keep these records in accordance with the provisions of Exhibit "B" and shall make such materials available at all reasonable times for inspection by the COMMONWEALTH. It is further understood that the SUBDIVISION may utilize forms other than those specified in Exhibit "B" only if first granted written permission by the COMMONWEALTH.

4. It is understood and agreed to by the parties hereto that the required Preventative and Response Maintenance functions will be provided in the manner indicated below:

<u>Maintenance Function</u>	<u>*Method to be Employed</u>
Preventative Maintenance as specified in Exhibit A	<input checked="" type="checkbox"/> Municipal Personnel <input type="checkbox"/> Contract Services

Responses Maintenance as specified in Exhibit A	<input type="checkbox"/> Municipal Personnel <input checked="" type="checkbox"/> Contractor Services

*Check appropriate boxes

The SUBDIVISION agrees that the provisions of Exhibit "C" shall apply if either maintenance function is performed using municipal personnel. In addition, if the SUBDIVISION employs a contractor to perform either maintenance function, the SUBDIVISION agrees to submit the name and address of the contractor to the COMMONWEALTH, together with a copy of the agreement between the contractor and the SUBDIVISION. It is further understood that the use of a contractor does not relieve the SUBDIVISION of any obligations included in the terms or conditions of this agreement.

5. The SUBDIVISION hereby certifies that it will make available sufficient funds to provide the maintenance program described in this agreement and its attendant exhibits.

6. It is understood that if the SUBDIVISION fails to fulfill its responsibilities as described herein, the SUBDIVISION may be disqualified from future federal or state-aid participation on those projects for which the SUBDIVISION has traffic signal maintenance responsibility until such time as the SUBDIVISION provides the required maintenance services to bring the improvements to a level of maintenance satisfactory to the COMMONWEALTH. It is also understood and agreed that if the SUBDIVISION fails to provide the required maintenance services within thirty (30) days of the receipt of written notice from the COMMONWEALTH, the COMMONWEALTH shall have the right to perform the required maintenance services in the SUBDIVISION's stead and at the SUBDIVISION's expense. Furthermore, it is understood and agreed that performance of the maintenance services by the COMMONWEALTH in the SUBDIVISION's stead shall not relieve the SUBDIVISION of its responsibility for continued maintenance of the improvement. It is further understood and agreed that federal and/or state-aid participation may be withheld on all future projects until the SUBDIVISION demonstrates to the COMMONWEALTH and the Federal Highway Administration that all required maintenance and operation services are being provided by the SUBDIVISION without the necessity of the COMMONWEALTH performing duties as herein described being the responsibility of the SUBDIVISION.

7. SAVE HARMLESS - The SUBDIVISION agrees that it will indemnify, save harmless and defend (if requested) the COMMONWEALTH, its agents, representatives and employees, from all suits, actions or claims of any character, name or description, damages, judgments, expenses, attorneys' fees and compensation arising out of personal injury, death or property damage, sustained or alleged to have been sustained in whole or in part by any and all persons whatsoever, as a result of or arising out of any act, omission, neglect or misconduct of the SUBDIVISION, its officers, agents, contractors or employees, during the performance of its obligations under this Agreement and thereafter.

8. The SUBDIVISION shall comply with the COMMONWEALTH Contractor Integrity Provisions attached as Exhibit "D" and made part hereof.

9. The MUNICIPALITY shall comply with the COMMONWEALTH Americans with Disabilities Act Provisions attached hereto as Exhibit "E" and made part herof.

IN WITNESS WHEREOF, the parties have executed this Agreement the date first above written.

ATTEST:

Helen F. Kneir 8/3/99
Signature DATE
Exec Sec.
Title
(SEAL)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BY Jay L. Hoffman 8/3/99
Signature DATE
Chief Engineer
Title

ATTEST:

William C. Beck 7-13-99
Signature DATE
Borough Secretary
Title
(SEAL)

SUBDIVISION
BY Richard Kaenan 7-13-99
Signature DATE
Mayor
Title

APPROVED AS TO LEGALITY
AND FORM 8/15/99
Michael H. Line
Signature DATE

PRELIMINARY APPROVED
BY Andrew S. ... 7/15/99
Signature DATE

Chief Counsel
Title
for docs 8/5/99

Assistant Counsel
Title

Preapproved form:
OGC No. 18-K-392
Appv'd. OAG 1/26/88

RECORDED NO 116751
Certified Funds Available Under
Activity Program

SYMBOL NA

AMOUNT
BY Jay B. ... 8/16/99
Signature DATE
In ASSISTANT COMPTROLLER
Title

APPROVED FOR
OFFICE OF BUDGET AND ADMINISTRATION

BY _____
Signature DATE
Title

Exhibit A

PREVENTATIVE MAINTENANCE

The SUBDIVISION or its contractor will provide preventative maintenance for each individual component of the traffic signal installation covered by this agreement at intervals not less than those marked B in the Preventative Maintenance Summary, Section 2.2, PA DOT Publication 191, January 1983.

LEVEL A:

Level A includes items listed as A and B in the Preventative Maintenance Summary. This is the recommended level of maintenance to keep the intersection control equipment and signals in mechanically, structurally and aesthetically good condition.

LEVEL B:

Level B includes items listed as B in the Preventative Maintenance Summary. This is the minimum level of maintenance required for the proper operation of intersection control equipment and signals.

RESPONSE MAINTENANCE

The SUBDIVISION or its contractor will provide response maintenance in accordance with the provisions of the Response Maintenance Schedule. It encompasses the work necessary to restore a traffic signal system to proper and safe operation. Includes Emergency Repair and Final Repair.

FINAL REPAIR:

Repair or replace failed equipment to restore system to proper and safe operation in accordance with permit within a 24 hour period.

EMERGENCY REPAIR:

Use alternate means or mode to temporarily restore system to safe operation within a 24 hour period. Final repair must then be completed within 30 days unless prohibited by weather conditions or availability of equipment.

RESPONSE MAINTENANCE SCHEDULE

TYPE OF REPAIR
PERMITTED

KNOCKDOWNS

Support - Mast Arm	Emergency or Final
Support - Strain pole	Emergency or Final
Span wire/tether only	Final Only
Pedestal	Emergency or Final
Cabinet	Emergency or Final
Signal heads only	Final Only

EQUIPMENT FAILURE

Lamp burnout (veh. & ped.)	Final Only
Local controller	Emergency or Final
Master controller	Emergency or Final
Detector sensor	
Loop	Emergency or Final
Magnetometer	Emergency or Final
Sonic	Emergency or Final
Magnetic	Emergency or Final
Pushbutton	Emergency or Final
Detector amplifier	Emergency or Final
Conflict monitor	Final Only
Flasher	Final Only
Time clock	Emergency or Final
Load switch/relay	Final Only
Coordination unit	Emergency or Final
Communication interface, modem	Emergency or Final
Signal cable	Final Only

Exhibit B

RECORD KEEPING

Accurate and up-to-date record keeping is an essential component of a good traffic signal maintenance program. In recognition of this fact, the SUBDIVISION is willing to prepare, retain, and make available to the COMMONWEALTH, on request, a record of all preventative and response maintenance activities performed on the traffic signal equipment covered by this agreement.

The SUBDIVISION agrees to establish a separate file for each installation and keep its records in the municipal building, signal maintenance shop, or other weather protected enclosure.

As a minimum, the following records will be kept by the SUBDIVISION or its contractor for each intersection. These forms can be found in Section 6.0, Maintenance Forms, PA DOT Publication 191, January 1983.

Form 1 - Master Intersection Record

This form, which lists all maintenance functions performed at the intersection, should be updated within one day of the activity but no more than one week later.

Form 2 - Response Maintenance Repair Record Sheet

Each time response maintenance is required at the intersection, this form is to be completed. Once the pertinent information is transferred to the master intersection record, this form is to be placed in the intersection file.

Form 3 - Preventative Maintenance Record

This form will be used to provide a record of the preventative maintenance activities performed at each intersection. The date, the activities performed, and the signature of the person in charge of the work must be recorded in the form.

This form may be kept at the intersection, if it is adequately protected from the weather. Form 1 must be updated at the central file, however, to reflect the date and activity.

Exhibit C

SIGNAL MAINTENANCE ORGANIZATION

Personnel Requirements

In order to properly maintain the traffic signal equipment covered by this agreement, the subdivision agrees to provide, as a minimum, the following staff throughout the useful life of the equipment:

Classification	Number
1.	
2.	
3.	
4.	
5.	

Training

In order to upgrade the ability of its present staff to properly perform the required maintenance functions, the subdivision agrees to secure the following training for the listed personnel classifications.

Classification	Training Required
1.	
2.	
3.	
4.	
5.	

Budget Requirements

The subdivision agrees to provide, in their annual operating budget, dedicated funds which are sufficient to cover the cost of the personnel, training, contractors (if utilized) and specialized maintenance equipment which are required, by virtue of this agreement.

Personnel Classifications

When referred to in this agreement, the following definitions will be used to describe personnel classifications as they relate to the maintenance and operation of traffic signal equipment.

A. Traffic Engineer - The administrative position which has prime responsibility for the proper operation of all traffic signal equipment. The principal function of this position is the supervision and control of subordinate personnel and the planning of their activities to insure adequate preventative and response maintenance programs.

Minimum Position Requirements

1. A thorough understanding of traffic signal design, installation and maintenance.
 2. A working knowledge of the interaction between the following traffic characteristics:
 - (a) Intersection geometry
 - (b) Traffic flow theory
 - (c) Control type (fixed time, actuated, etc.)
 - (d) Signal phasing and timing
 - (e) Signal intersection
 3. An ability to supervise subordinate personnel effectively in the assignment of their work.
 4. Possession of a college degree in engineering, which includes course work in traffic engineering.
 5. Either four years experience in the field of traffic engineering or its equivalent in graduate college work.
- B. Signal Specialist - The individual responsible for the diagnostics and repair of all traffic signal equipment including solid state equipment.

Minimum Position Requirements

1. Extensive training and troubleshooting skills in electronics and software.
2. Ability to repair modules in the shop and to design test equipment needed to diagnose and repair a problem.
3. Ability to make design and modifications to implement or omit special functions, e.g., adding an overlap movement.
4. Ability to implement a record keeping system to include maintenance activities, inventory control and identification of recurring problems.
5. Ability to perform all tasks required of a signal technician.

C. Signal Technician - Individual responsible for the operation and maintenance of traffic signals and electro-mechanical equipment.

Minimum Position Requirements

1. Ability to perform response maintenance on solid state equipment up to the device exchange level.
2. Capability to diagnose a vehicle loop failure and initiate corrective action.
3. Ability to tune detector amplifiers.
4. Ability to follow wiring schematics; check and set timings from plan sheets; and check all field connections.
5. Ability to perform preventative maintenance on all equipment and to maintain accurate records of all work performed.

CONTRACTOR INTEGRITY PROVISIONS

1. Definitions.

a. Confidential information means information that is not public knowledge, or available to the public on request, disclosure of which would give an unfair, unethical, or illegal advantage to another desiring to contract with the Commonwealth.

b. Consent means written permission signed by a duly authorized officer or employe of the Commonwealth, provided that where the material facts have been disclosed, in writing, by prequalification, bid, proposal, or contractual terms, the Commonwealth shall be deemed to have consented by virtue of execution of this agreement.

c. Contractor means the individual or entity that has entered into this agreement with the Commonwealth, including directors, officers, partners, managers, key employes, and owners of more than a five percent interest.

d. Financial interest means:

(1) Ownership of more than a five percent interest in any business; or

(2) holding a position as an officer, director, trustee, partner, employe, or the like, or holding any position of management.

e. Gratuity means any payment of more than nominal monetary value in the form of cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind.

2. The contractor shall maintain the highest standards of integrity in the performance of this agreement and shall take no action in violation of state or federal laws, regulations, or other requirements that govern contracting with the Commonwealth.

3. The contractor shall not disclose to others any confidential information gained by virtue of this agreement.

4. The contractor shall not, in connection with this or any other agreement with the Commonwealth, directly or indirectly, offer, confer, or agree to confer any pecuniary benefit on anyone as consideration for the decision, opinion, recommendation, vote, other exercise of discretion, or violation of a known legal duty by any officer or employe of the Commonwealth.

5. The contractor shall not, in connection with this or any other agreement with the Commonwealth, directly or indirectly, offer, give, or agree or promise to give to anyone any gratuity for the benefit of or at the direction or request of any officer or employe of the Commonwealth.

6. Except with the consent of the Commonwealth, neither the contractor nor anyone in privity with him or her shall accept or agree to accept from, or give or agree to give to, any person, any gratuity from any person in connection with the performance of work under this agreement except as provided therein.

7. Except with the consent of the Commonwealth, the contractor shall not have a financial interest in any other contractor, subcontractor, or supplier providing services, labor, or material on this project.

8. The contractor, upon being informed that any violation of these provisions has occurred or may occur, shall immediately notify the Commonwealth in writing.

9. The contractor, by execution of this agreement and by the submission of any bills or invoices for payment pursuant thereto, certifies and represents that he or she has not violated any of these provisions.

- 10. The contractor, upon the inquiry or request of the Inspector General of the Commonwealth or any of that official's agents or representatives, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the Inspector General to the contractor's integrity or responsibility, as those terms are defined by the Commonwealth's statutes, regulations, or management directives. Such information may include, but shall not be limited to, the contractor's business or financial records, documents or files of any type or form which refer to or concern this agreement. Such information shall be retained by the contractor for a period of three years beyond the termination of the contract unless otherwise provided by law.

11. For violation of any of the above provisions, the Commonwealth may terminate this and any other agreement with the contractor, claim liquidated damages in an amount equal to the value of anything received in breach of these provisions, claim damages for all expenses incurred in obtaining another contractor to complete performance hereunder, and debar and suspend the contractor from doing business with the Commonwealth. These rights and remedies are cumulative, and the use or nonuse of any one shall not preclude the use of all or any other. These rights and remedies are in addition to those the Commonwealth may have under law, statute, regulation, or otherwise.

EXHIBIT E

PROVISIONS CONCERNING THE AMERICANS WITH DISABILITIES ACT

During the term of this contract, the Contractor agrees as follows:

Pursuant to federal regulations promulgated under the authority of the Americans With Disabilities Act, 28 CFR, 35.101 et seq., the Contractor understands and agrees that no individual with a disability is to be excluded from participation in this contract or from activities provided for under this contract on the basis of the disability. As a condition of accepting and executing this contract, the Contractor agrees to comply with the "General Prohibitions Against Discrimination," 28 CFR, 35.130, and all other regulations promulgated under Title II of the Americans With Disabilities Act which are applicable to the benefits, services, programs, and activities provided by the Commonwealth of Pennsylvania through contracts with outside contractors.

The Contractor is to be responsible for and agrees to indemnify and hold harmless the Commonwealth of Pennsylvania from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the Commonwealth of Pennsylvania as a result of the Contractor's failure to comply with the above provisions.

EXHIBIT E
PAGE 1 of 1



APPLICATION FOR PERMIT
TO INSTALL AND OPERATE
TRAFFIC SIGNALS

DATE:

WHEREAS, the Borough of McKees Rocks, Allegheny County
(CITY, TOWNSHIP, BOROUGH)

desires to erect, operate and maintain traffic signals on S.R. 0051 (Island Avenue) and
S.R. 3104 (McKees Rocks Bridge), and

WHEREAS, the Vehicle Code requires the approval of the Secretary of Transportation before any traffic signals may be legally erected or reconstructed, and

WHEREAS, the Department of Transportation requires an engineering drawing of the location, the Department will prepare such a drawing in conformance with the instructions provided by the Department.

NOW, THEREFORE, BE IT RESOLVED, that traffic signals be erected at the above mentioned location, subject to the approval of the Secretary of Transportation, and that his approval is hereby requested, and

BE IT FURTHER RESOLVED, that, in the event a traffic signal permit is approved after proper investigation, the Borough of McKees Rocks
(CITY, TOWNSHIP, BOROUGH)
will be bound by the following provisions:

The traffic signals shall be installed and maintained in accordance with the Vehicle Code and the Regulations for Traffic signs, signals and markings of the Department of Transportation, and

Should future highway or traffic conditions, or legal requirements, necessitate alteration of the construction or operation, or hours of operation, or removal of the traffic signals at the above mentioned location, they shall be altered or removed when and as directed by the Secretary of Transportation.

I, William C. Beck, Secretary of the McKees Rocks Borough
do certify that the foregoing is a true and correct copy of the resolution legally adopted at the meeting held, July 13, 1999.
(DATE)

(SEAL)

SIGNED: William C. Beck
(SECRETARY)

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of the Department of :
Transportation of the Commonwealth of :
Pennsylvania for approval to alter the crossings :
where State Route 3104 crosses, above grade, :
the tracks of CSX Transportation Inc. (DOT : Docket No. A-2020-3020667
584 825 U), Norfolk Southern Railway :
Company (DOT 507 455 K), and the :
Pittsburgh and Ohio Central Railroad :
Company (DOT Unknown) in the City of :
Pittsburgh, Stowe Township :
and McKees Rocks Borough, Allegheny :
County. :

DIRECT TESTIMONY OF THE BOROUGH OF McKEES ROCKS

Testimony Provided by Ryan Hughes, Borough Street Department

March 1, 2023

Testimony Provided by Ryan Hughes, Borough Street Department
Docket No. A-2020-3020667

1. Q. Please state your name and business address.
2. A. Ryan Hughes. McKees Rocks Borough Building located at 340 Bell Ave, McKees Rocks, PA 15136
3. Q. By whom are you employed and in what capacity?
4. A. Borough of McKees Rocks. I serve on the Street Department and have been with the Borough Street Department for nine (9) years.
5. Q. Are you familiar with the subject matter of your direct testimony?
6. A. Yes, I am.
7. Q. Does the Borough currently maintain responsibility for maintenance and expenses of the traffic signals and signage on the crossing?
8. A. No, the Borough does not.
9. Q. Does the Borough of the manpower to take on the responsibility for maintenance of the traffic signals and signage on the crossing?
10. A. The Street Department is only comprised of four (4) individuals, so we do not have the manpower to take on the maintenance. It would be very difficult.
11. Q. Does this conclude your direct testimony at this time?
12. A. Yes.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of the Department of :
Transportation of the Commonwealth of :
Pennsylvania for approval to alter the crossings :
where State Route 3104 crosses, above grade, :
the tracks of CSX Transportation Inc. (DOT : Docket No. A-2020-3020667
584 825 U), Norfolk Southern Railway :
Company (DOT 507 455 K), and the :
Pittsburgh and Ohio Central Railroad :
Company (DOT Unknown) in the City of :
Pittsburgh, Stowe Township :
and McKees Rocks Borough, Allegheny :
County. :

VERIFICATION

I, Ryan Hughes, Street Department of the Borough of McKees Rocks, in the foregoing document marked as the Borough's Responses to Bureau of Investigation and Enforcement's Interrogatories and Requests for Production of Documents, make the following statement subject to the penalties of 18 Pa. C.S. § 4904, relating to in sworn falsifications to authority, and do state that the facts above set forth are true and correct to the best of my knowledge, information, and belief.

DATED: March 1, 2023

/s/ Ryan Hughes
Ryan Hughes, Borough Street Department

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the crossings where State Route 3104 crosses, above grade, the tracks of CSX Transportation Inc. (DOT 584 825 U), Norfolk Southern Railway Company (DOT 504 455 K), and the Pittsburgh and Ohio Central Railroad Company (DOT Unknown) in the City of Pittsburgh, Stowe Township and McKees Rocks Borough, Allegheny County.

Docket No. A-2020-3020667

CERTIFICATE OF SERVICE

I, Danielle Guarascio, Esquire, do hereby certify that a true and correct copy of the foregoing **Direct Testimony** was served by electronic mail on this 1st day of March 2023, upon the following:

Service by Electronic Mail:

ERIC WHITE ESQUIRE
PENNDOT
PO BOX 8212
HARRISBURG PA 17105-8212
717-857-3216
Ewwhite@Pa.Gov

BENJAMIN C DUNLAP JR ESQUIRE
NAUMAN SMITH SHISSLER & HALL LLP
200 NORTH THIRD STREET, 18TH FL
HARRISBURG PA 17101
717- 236-3010 EXT 121
Bdunlapjr@Nssh.Com

KAYLA ROST COUNSEL
PA PUC BUREAU OF INVESTIGATION &
ENFORCEMENT
400 NORTH STREET
HARRISBURG PA 17120
717-787-1888
Karost@Pa.Gov

CHRIS HORNSTEIN
DEPT PUBLIC WORKS CITY OF
PITTSBURGH
ROOM 301 CITY COUNTY BUILDING
414 GRANT STREET 3RD FL
PITTSBURGH PA 15219
Chris.Hornstein@Pittsburghpa.gov

ROBERTA FARLS
DWIGHT BODDORF
STOWE TOWNSHIP
555 BROADWAY AVENUE
MCKEES ROCKS PA 15136
Secretary@Stowetwp.Net

DEBORAH DELIA
VERIZON PENNSYLVANIA LLC RIGHT-OF-
WAY DEPARTMENT
15 EAST MONTGOMERY AVENUE 2ND
FLOOR PITTSBURGH PA 15212
412-237-2285
Deborah.D.Delia@Verizon.Com

DOUGLAS M SEELEY PE
ASSISTANT DISTRICT EXECUTIVE
PENNDOT ENGINEERING DISTRICT 11-0
45 THOMS RUN ROAD, BRIDGEVILLE PA
15017
412-429-500
Dseeley@Pa.Gov

RICK MOSLEN GENERAL MANAGER
COMCAST 1530 CHARTIERS AVENUE
PITTSBURGH PA 15204
412-999-0590
Richard_Moslen@Cable.Comcast.Com

SHAWN STARLING PE
NORFOLK SOUTHERN RAILWAY
CORPORATION
1200 PEACHTREE STREET NE
ATLANTA GA 30309
Douglas.Starling@Nscorp.Com;
Douglas.Starling@Exchange.Nscorp

KYLE TESSMER
DUQUESNE LIGHT CO
2825 NEW BEAVER AVE BUILDING 6
PITTSBURGH PA 15233
Ktessmer@Duqlight.Com

DEREK MIHALY PROJECT MANAGER
CSX TRANSPORTATION INC
4 NESHAMINY INTERPLEX SUITE 205
TREVOSE PA 19053
Derek_Mihaly@Csx.Com

FORD MCLEAN
AT&T LOCAL NETWORK SERVICES
3487 BECK RD
BUTLER PA 16002-9256

JARED RISHEL
G&W NORTHEAST WEST ROADS
201 NORTH PENN STREET
PUNXSUTAWNEY PA 15767
Jrishel@Gwrr.Com

ARLETTA WILLIAMS
ALLEGHENY COUNTY SANITARY
AUTHORITY
3300 PREBLE AVENUE
PITTSBURGH PA 15233
Leah.Berfiled@Alcosan.Org

RICH FITZGERALD ALLEGHENY COUNTY
EXECUTIVE 101 COUNTY COURTHOUSE
436 GRANT STREET
PITTSBURGH PA 15219
Executive@Alleghenycounty.Us

GEORGE KOLECK
MUNICIPAL AUTHORITY OF WEST VIEW
WATER
2428 ROCHESTER ROAD
PITTSBURGH PA 15143

DOMINIC TARELLA
COLUMBIA GAS OF PENNSYLVANIA INC
4000 ENERGY DRIVE
BRIDGEVILLE PA 15017
Dtarella@Nisource.Com

FRANK HALAS SUPERVISOR
WINDSTREAM
1003 TREASURE LAKE
DUBOIS PA 15801
Frank.Halas@Windstream.Com

JOSEPH WILLIAMS
J M WILLIAMS
1921 FARR ST
SCRANTON, PA 18504
J.M.Williamsllc@Gmail.Com

STEPHEN PUTT
LEVEL 3 COMMUNICATIONS
200 TECHNOLOGY DRIVE
PITTSBURGH, PA 15219
Stephen.Putt@Centurylink.Com
Stephen.Putt@Level3.Com

BRAD LEVIERE
CENTURYLINK
160 UNIONVILLE ROAD
BUTLER, PA 16001
Bradley.N.Leviere@Centurylink.Com

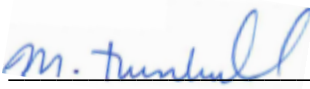
AMANDA PETERSON
SHELL APPALACHIA
2100 GEORGETOWN DRIVE
SEWICKLEY PA 15143
Appalachia@Shell.Com

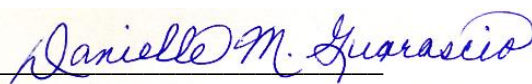
DANIEL LEONARD ENGINEER
PENNDOT PO BOX 3362
HARRISBURG PA
17105-3362 717-214-4522
Danleonard@Pa.Gov

MICHAEL DENNY
PEOPLES GAS COMPANY LLC
375 NORTH SHORE DR
PITTSBURGH PA 15212
Michael.Denny@Peoples-Gas.Com

ROBERT A WEIMAR
PITTSBURGH WATER & SEWER
AUTHORITY
PENN LIBERTY PLAZA 1200 PENN AVENUE
PITTSBURGH, PA 15222
Rweimar@Pgh2o.Com

Respectfully submitted,

By: 
Megan Turnbull
McKees Rocks Borough Solicitor
Pa. I.D. #93333
412-391-9890
mturnbull@wbklegal.com

By: 
Danielle Guarascio
McKees Rocks Borough Assistant Solicitor
Pa. I.D. #3279
412-391-9890
dguarascio@wbklegal.com

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of the Department of :
Transportation of the Commonwealth of :
Pennsylvania for approval to alter the crossings :
where State Route 3104 crosses, above grade, :
the tracks of CSX Transportation Inc. (DOT : Docket No. A-2020-3020667
584 825 U), Norfolk Southern Railway :
Company (DOT 507 455 K), and the :
Pittsburgh and Ohio Central Railroad :
Company (DOT Unknown) in the City of :
Pittsburgh, Stowe Township :
and McKees Rocks Borough, Allegheny :
County. :

REBUTTAL TESTIMONY OF THE BOROUGH OF McKEES ROCKS

Testimony Provided by Ryan Hughes, Borough Street Department

April 3, 2023

Rebuttal Testimony Provided by Ryan Hughes, Borough Street Department
Docket No. A-2020-3020667

1. Q. Please state your name and business address.
2. A. Ryan Hughes. McKees Rocks Borough Building located at 340 Bell Ave, McKees Rocks, PA 15136
3. Q. By whom are you employed and in what capacity?
4. A. Borough of McKees Rocks. I have been with the McKees Rocks Borough Street Department for the last nine (9) years.
5. Q. Are you familiar with the crossing which is the subject of your rebuttal testimony?
6. A. Yes, I am.
7. Q. Does the Borough currently maintain responsibility for maintenance of the overhead lead control signs and/or speed limit signs on the crossing?
8. A. No.
9. Q. Are you aware of whether the Borough has ever maintained the overhead lead control signs and/or speed limit signs on the crossing?
10. A. No. Since I have been with the Borough, we have not performed work or maintenance on any of the signs on the crossing.
11. Q. Does this conclude your rebuttal testimony at this time?
12. A. Yes.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of the Department of :
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Pittsburgh and Ohio Central Railroad :
Company (DOT Unknown) in the City of :
Pittsburgh, Stowe Township :
and McKees Rocks Borough, Allegheny :
County. :

VERIFICATION

I, Ryan Hughes, Street Department of the Borough of McKees Rocks, in the foregoing document marked as the Borough's Rebuttal Testimony, make the following statement subject to the penalties of 18 Pa. C.S. § 4904, relating to in sworn falsifications to authority, and do state that the facts above set forth are true and correct to the best of my knowledge, information, and belief.

DATED: April 3, 2023

/s/ Ryan Hughes
Ryan Hughes, Borough Street Department

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the crossings where State Route 3104 crosses, above grade, the tracks of CSX Transportation Inc. (DOT 584 825 U), Norfolk Southern Railway Company (DOT 504 455 K), and the Pittsburgh and Ohio Central Railroad Company (DOT Unknown) in the City of Pittsburgh, Stowe Township and McKees Rocks Borough, Allegheny County.

Docket No. A-2020-3020667

CERTIFICATE OF SERVICE

I, Danielle Guarascio, Esquire, do hereby certify that a true and correct copy of the foregoing **Written Rebuttal Testimony** was served by electronic mail on this 3rd day of April 2023, upon the following:

Service by Electronic Mail:

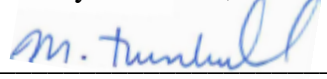
ERIC WHITE ESQUIRE
PENNDOT
PO BOX 8212
HARRISBURG PA 17105-8212
717-857-3216
Ewwhite@Pa.Gov

LAWRENCE BAUMILLER
ASSISTANT CITY SOLICITOR
CITY OF PITTSBURGH DEPARTMENT OF LAW
CITY-COUNTY BUILDING
414 GRANT STREET, SUITE 313
PITTSBURGH, PA 15219
412-225-2002
Lawrence.baumiller@pittsburghpa.gov

KAYLA ROST COUNSEL
PA PUC BUREAU OF INVESTIGATION &
ENFORCEMENT
400 NORTH STREET
HARRISBURG PA 17120
717-787-1888
Karost@Pa.Gov

ROBERTA FARLS
DWIGHT BODDORF
STOWE TOWNSHIP
555 BROADWAY AVENUE
MCKEES ROCKS PA 15136
Secretary@Stowetwp.Net

Respectfully submitted,

By: 
Megan Turnbull
McKees Rocks Borough Solicitor
Pa. I.D. #93333
412-391-9890
mturnbull@wbklegal.com

By: Danielle M. Guarascio
Danielle Guarascio
McKees Rocks Borough Assistant Solicitor
Pa. I.D. #3279
412-391-9890
dguarascio@wbklegal.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation : A-2020-3020667
of the Commonwealth of Pennsylvania for approval :
to alter the crossings where State Route 3104 crosses, :
above grade, the tracks of CSX Transportation Inc. :
(DOT 584 825 U), Norfolk Southern Railway :
Company (DOT 507 455 K), and the Pittsburgh and :
Ohio Central Railroad Company (DOT Unknown) in :
the City of Pittsburgh, Stowe Township and McKees :
Rocks Borough, Allegheny County. :

**WRITTEN DIRECT TESTIMONY OF
MICHAEL MALOCH**

on Behalf of
the City of Pittsburgh

March 1, 2023

INTRODUCTION

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Q. Please state your name and business address.

A. Michael Maloch. City-County Building, 414 Grant Street, 3rd Floor, Pittsburgh, PA 15219.

Q. By whom are you employed and in what capacity?

A. I am employed by the City of Pittsburgh as Municipal Traffic Engineer for the Department of Mobility and Infrastructure (“DOMI”). In this role, I am responsible for the engineering, design, operation and maintenance for all City of Pittsburgh-owned traffic signals, signage and pavement markings.

Q. What are your qualifications to provide testimony in this case? Please provide your educational background and experience.

A. I hold a Bachelor of Science degree in Civil Engineering from Penn State University as well as a Professional Engineers license (Pennsylvania) and a Professional Traffic Operations Engineer certification. I have worked as a traffic engineer at DOMI since 2018, and have received multiple promotions from the position of Project Engineer to Municipal Traffic Engineer.

Q. Do you have expertise that is particularly relevant to this case?

A. I am familiar with DOMI’s records with respect to signage and pavement markings and traffic signals.

Q. What is the subject matter of your direct testimony?

A. I am testifying as to whether the City should be responsible for the future maintenance and expense of the traffic signals and signage on the McKees Rocks Bridge.

MAINTENANCE RESPONSIBILITIES

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Q. Do you have an opinion regarding which governmental entity should be responsible for the future maintenance and expense of the traffic signals and signage on the McKees Rocks Bridge? If so, which entity?

A. Yes. The Pennsylvania Department of Transportation (“PennDOT”).

Q. What is the basis for this opinion?

A. PennDOT, which owns the McKees Rocks Bridge and is responsible for the maintenance of the rest of the McKees Rocks Bridge, is the entity best clothed with the ability, expertise, and funding to maintain the traffic signals and signage on the bridge. If there is a need for the City to coordinate with PennDOT in order to synchronize City signals with PennDOT signals, then the City is willing to work with PennDOT on that matter.

Q. Does the City currently have manpower limitations?

A. The City currently has 8 traffic signal electricians who provide maintenance for our inventory of 615 traffic signals and 65+ flashing devices. We have 12 signage and pavement marking specialists or laborers who provide maintenance for our signage and pavement marking inventory. We are understaffed and experience difficult maintaining our current assets.

Q. Does the City currently have funding limitations?

A. Yes. It is my understanding that City revenues have not fully-recovered after the COVID-19 pandemic. Further, DOMI is currently undertaking in-depth assessments of all of the City-owned bridges. The City will have to expend significant sums in the near future on high-priority bridge maintenance.

1 **Q. Does the City currently maintain any infrastructure related to the McKees Rocks**
2 **Bridge?**

3 A. Yes.

4 **Q. What infrastructure does the City maintain related to the McKees Rocks Bridge?**

5 A. The City maintains the traffic signals at the intersection of the McKees Rocks Bridge and
6 Route 65. The City is willing to continue maintaining this infrastructure.

7 **Q. Would maintaining the traffic signals and signage on the McKees Rocks Bridge be**
8 **unduly burdensome to the City?**

9 A. Yes. The speed limit signage on the McKees Rocks Bridge is difficult to access and is
10 located along a 35 mph roadway with heavy vehicular traffic. The City of Pittsburgh
11 does not own a Crash Attenuator Truck, which leaves our personnel in an unsafe
12 condition when maintaining this infrastructure.

13 **CONCLUSION**

14 **Q. Does this conclude your direct testimony?**

15 A. Yes.

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation : A-2020-3020667
of the Commonwealth of Pennsylvania for approval :
to alter the crossings where State Route 3104 crosses, :
above grade, the tracks of CSX Transportation Inc. :
(DOT 584 825 U), Norfolk Southern Railway :
Company (DOT 507 455 K), and the Pittsburgh and :
Ohio Central Railroad Company (DOT Unknown) in :
the City of Pittsburgh, Stowe Township and McKees :
Rocks Borough, Allegheny County. :

VERIFICATION

I, MICHAEL MALOCH, hereby state that the facts set forth in my Written Direct
Testimony are true and correct (or true and correct to the best of my knowledge, information, and
belief) and that I expect to be able to provide the same at a hearing in this matter. I understand
that the statements made herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating
to unsworn falsification to authorities).

Date: March 1, 2023

Signed: /s/ Michael Maloch

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation : A-2020-3020667
of the Commonwealth of Pennsylvania for approval :
to alter the crossings where State Route 3104 crosses, :
above grade, the tracks of CSX Transportation Inc. :
(DOT 584 825 U), Norfolk Southern Railway :
Company (DOT 507 455 K), and the Pittsburgh and :
Ohio Central Railroad Company (DOT Unknown) in :
the City of Pittsburgh, Stowe Township and McKees :
Rocks Borough, Allegheny County. :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the City of Pittsburgh's Written Direct Testimony upon the parties below in accordance with the requirements of 52 Pa. Code § 1.54:

eService

Kayla Rost, Esquire
PA PUC Bureau of Investigation &
Enforcement
400 North Street
Harrisburg, PA 17120
karost@pa.gov
(Counsel for PUC BI&E)

Eric W. White
Assistant Counsel
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
ewwhite@pa.gov
(Counsel for PennDOT)

USPS Postage Prepaid and Email

Megan Turnbull, Esquire
Daniella Guarascio, Esquire
WEISS BURKARDT KRAMER, LLC
445 Fort Pitt Boulevard, Suite 503
Pittsburgh, PA 15218
mturnbull@wbklegal.com
druarascio@wbklegal.com
(Counsel for McKees Rocks Bureau)

Roberta Farls
Township Secretary
Stowe Township
555 Broadway Avenue
McKees Rocks, PA 15136
secretary@stowetwp.net
(Secretary for Stowe Township)

Respectfully submitted,

Date: March 1, 2023

/s/ Lawrence H. Baumiller

Assistant City Solicitor

City of Pittsburgh Department of Law

City-County Building

414 Grant Street, Suite 313

Pittsburgh, PA 15219

412-255-2002

lawrence.baumiller@pittsburghpa.gov

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of	:	
Transportation of the Commonwealth of	:	
Pennsylvania for approval to alter the	:	
crossings where State Route 3104 crosses,	:	
above grade, the tracks of CSX	:	
Transportation Inc. (DOT 584 825 U),	:	Docket No. A-2020-3020667
Norfolk Southern Railway Company	:	
(DOT 507 455 K), and the Pittsburgh and	:	
Ohio Central Railroad Company (DOT	:	
Unknown) in the City of Pittsburgh,	:	
Stowe Township and McKees Rocks	:	
Borough, Allegheny County.	:	

**DIRECT TESTIMONY ON REMAND
OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

I&E STATEMENT NO. 2

Testimony of: Daniel R. Helfrich, P.E.
Rail Safety Division
Bureau of Technical Utility Services

Date: March 1, 2023

1 **Q: Please state your name.**

2 A: Daniel R. Helfrich.

3 **Q: Are you the same Daniel Helfrich who previously testified in this matter?**

4 A: Yes. I offered pre-served written direct testimony, labeled as I&E Statement No. 1,
5 in this matter on July 21, 2021, which was admitted to the record during the
6 September 30, 2021 evidentiary hearing.

7 **Q: Are you familiar with the issues that are being resolved through this**
8 **remanded proceeding?**

9 A: Yes. I am aware that the purpose of this proceeding is to gather evidence for a
10 decision on who shall be responsible for the future maintenance and expenses
11 related to the traffic signals and signage on the McKees Rocks Bridge.

12 **Q: What is Rail Safety's position on who should be responsible for the future**
13 **maintenance and expenses related to the traffic signals on the McKees Rocks**
14 **Bridge?**

15 A: I would first like to note that there are no traffic signals on the McKees Rocks
16 Bridge. Rather, the traffic signals are located at either end of the bridge, as shown
17 in I&E Exhibit A. I&E Exhibit A also shows that the Commission's jurisdiction as
18 established in the March 10, 2021 Secretarial Letter does not extend to the traffic
19 signals where the McKees Rocks Bridge intersects with Island Avenue or State
20 Route 65. Thus, it is Rail Safety's position that the Commission does not have
21 jurisdiction to assign any costs or maintenance responsibilities at the traffic
22 signals.

1 **Q: In your experience, has Rail Safety assigned the operation and/or**
2 **maintenance and the related costs for traffic signals associated with a public**
3 **crossing alteration?**

4 A: In my experience, Rail Safety has assigned operation, maintenance, and inspection
5 costs for traffic signals that are associated with alterations at an at-grade crossing,
6 but only if the alteration involved the interconnection of the traffic signals with the
7 active railroad warning devices. In those situations, Rail Safety assigned
8 operation, maintenance, and inspection of the traffic signals interconnected to the
9 active railroad warning devices to the local municipality.

10 **Q: What is Rail Safety's position on who should be responsible for the future**
11 **maintenance and expenses related to the signage on the McKees Rocks**
12 **Bridge?**

13 A: It is Rail Safety's position that the signage on the McKees Rock Bridge is an
14 appurtenance of the bridge and, as such, should be maintained by the Pennsylvania
15 Department of Transportation at its sole cost and expense.

16 **Q: Have all your answers and responses today been based upon your personal**
17 **knowledge or engineering expertise?**

18 A: Yes.

19 **Q: Does this conclude your direct testimony?**

20 A: Yes. However, I reserve the right to supplement my testimony as additional issues
21 and facts arise during the course of the proceeding.

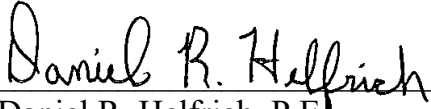
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of :
Transportation of the Commonwealth of :
Pennsylvania for approval to alter the :
crossings where State Route 3104 crosses, :
above grade, the tracks of CSX :
Transportation Inc. (DOT 584 825 U), : Docket No. A-2020-3020667
Norfolk Southern Railway Company :
(DOT 507 455 K), and the Pittsburgh and :
Ohio Central Railroad Company (DOT :
Unknown) in the City of Pittsburgh, :
Stowe Township and McKees Rocks :
Borough, Allegheny County. :

VERIFICATION

I, Daniel R. Helfrich, P.E., hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 1, 2023



Daniel R. Helfrich, P.E.
Pennsylvania Public Utility Commission
Bureau of Technical Utility Services
Rail Safety Division
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

I&E
Exhibit A

GENERAL NOTES:

1. PROVIDE MATERIALS AND PERFORM WORK IN ACCORDANCE WITH SPECIFICATIONS PUBLICATION 408/2016 LATEST EDITION, AASHTO/AWS BRIDGE WELDING CODE D1.5/D1.5M - 2008 AND CONTRACT SPECIAL PROVISIONS.
2. DESIGN SPECIFICATIONS:
ALLOWABLE STRESS DESIGN - 2002 AASHTO STANDARD SPECIFICATIONS FOR HIGHWAY BRIDGES, SEVENTEENTH EDITION, INCLUDING INTERIM REVISIONS AND AS SUPPLEMENTED BY DESIGN MANUAL, PART 4, 1996 FOR ANALYSIS OF EXISTING MEMBERS AND MEMBER REPAIRS.
3. DESIGN LIVE LOADS:
H20, HS20, ML80 AND TK527
4. A TEMPORARY CLEARANCE ENVELOPE IS TO BE MAINTAINED OVER THE CSX RAILROAD TRACKS DURING CONSTRUCTION. THE ENVELOPE IS TO PROVIDE A MINIMUM VERTICAL CLEARANCE OVER THE TRACKS OF 23'-0" MEASURED WITHIN 6'-0" FROM THE CENTERLINE OF ALL THE TRACKS.

SCOPE OF WORK:

- PIER 1 - REPLACE TORN TOOTH EXPANSION DAM DRAINAGE TROUGH.
- REPLACE APPROACH SLABS AT NEAR AND FAR ABUTMENTS
- REPAIR FACE OF BRIDGE DECK CONCRETE BARRIERS
- INSTALL NEW SIDEWALK PROTECTIVE FENCE TO THE UPSTREAM AND DOWNSTREAM PORTIONS OF THE SIDEWALK OVER THE RAILROAD

LEGEND:

- F - FIXED PIN BEARING
- E - EXPANSION ROCKER BEARING
- EXP. - EXPANSION
- STA. - STATION
- ➔ - TRAFFIC DIRECTION
- * - MEASURED ALONG THE CONSTR. C
- U. S. - UPSTREAM
- D. S. - DOWNSTREAM

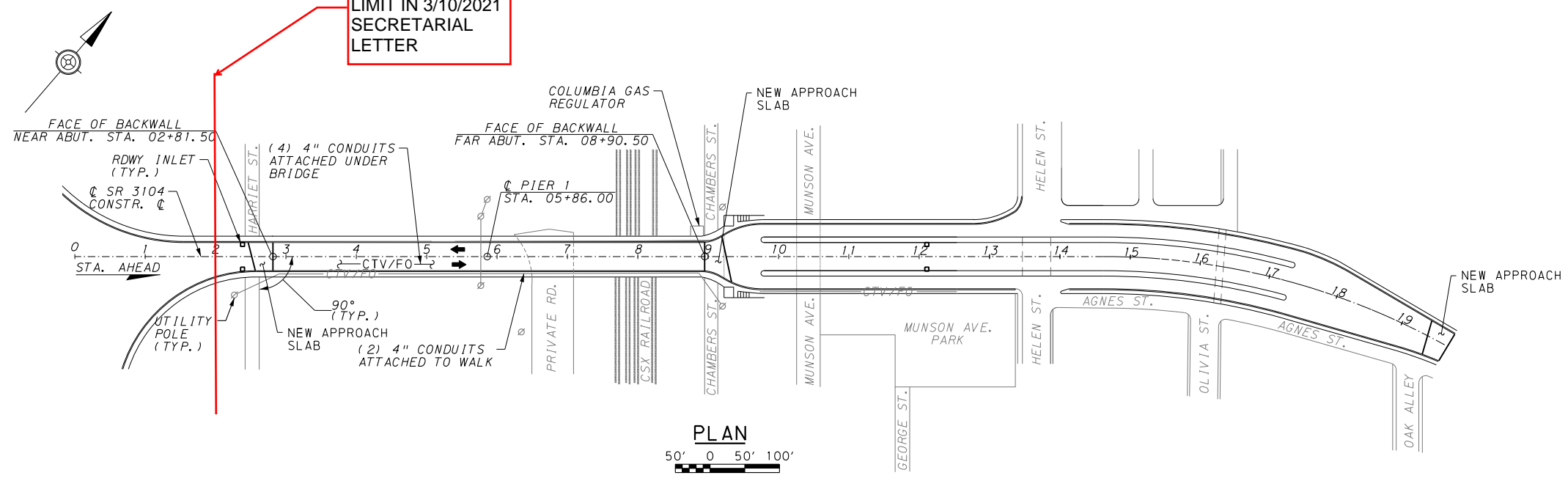
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REVISIONS					

BMS NO. 02-3104-0010-0320; BRKEY 1868
COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF TRANSPORTATION
ALLEGHENY COUNTY
 S.R. 3104 SECTION A03
 SEGMENT 0010 OFFSET 0320
 S.R. 3104 STA. 5+86
MCKEES ROCKS BRIDGE REHABILITATION
 OVER CSX TRANSPORTATION
TS&L GENERAL PLAN & ELEVATION

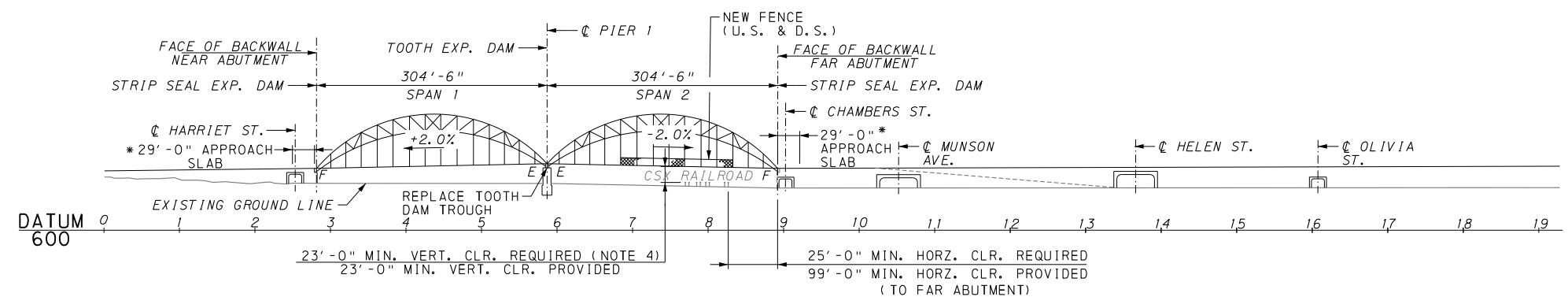
RECOMMENDED _____ SHEET 1 OF 1

S-39125

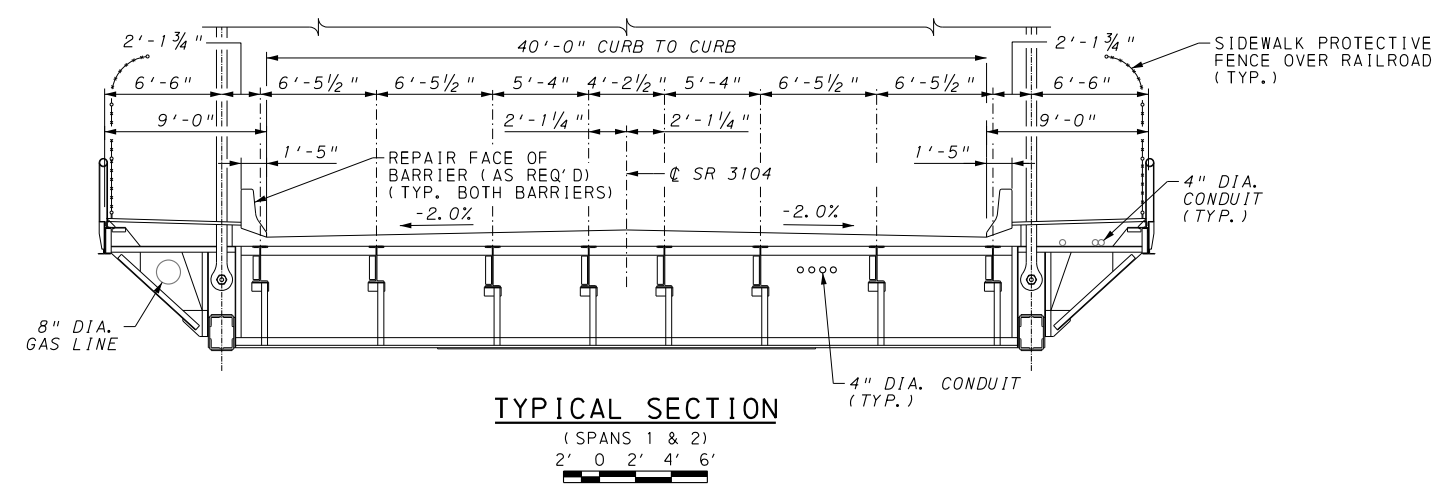
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LIMIT IN 3/10/2021
SECRETARIAL
LETTER



PLAN
50' 0 50' 100'



ELEVATION
50' 0 50' 100'



TYPICAL SECTION
(SPANS 1 & 2)
2' 0 2' 4' 6'

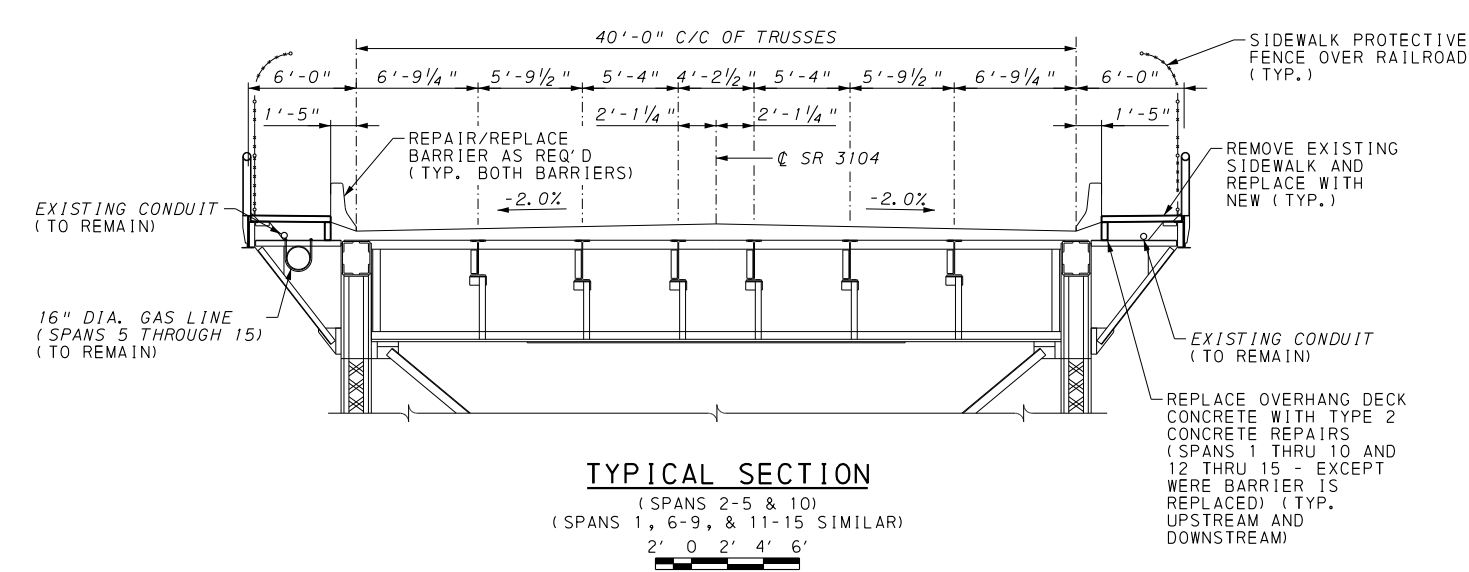
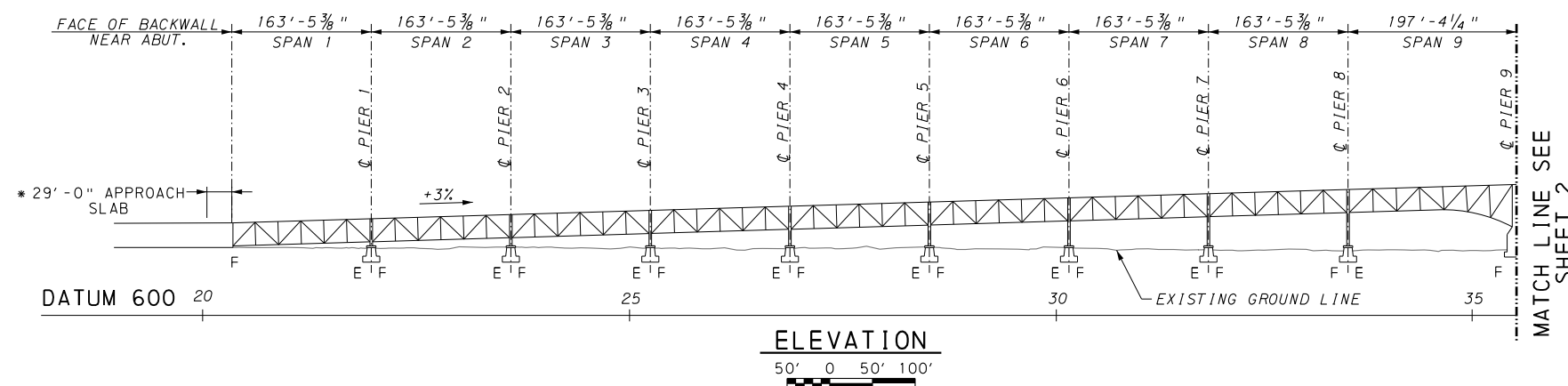
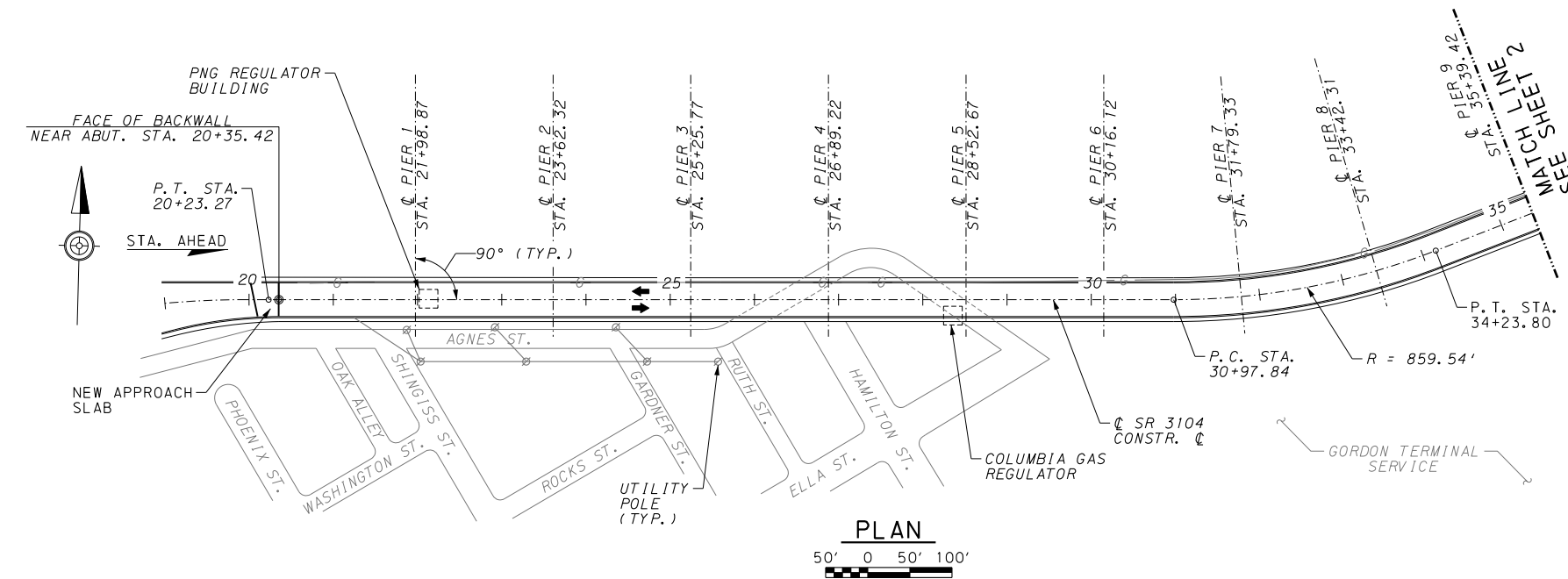
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GENERAL NOTES:

- PROVIDE MATERIALS AND PERFORM WORK IN ACCORDANCE WITH SPECIFICATIONS PUBLICATION 408/2016 LATEST EDITION, AASHTO/AWS BRIDGE WELDING CODE D1.5/D1.5M - 2008 AND CONTRACT SPECIAL PROVISIONS.
- DESIGN SPECIFICATIONS:
 - ALLOWABLE STRESS DESIGN - 2002 AASHTO STANDARD SPECIFICATIONS FOR HIGHWAY BRIDGES, SEVENTEENTH EDITION, INCLUDING INTERIM REVISIONS AND AS SUPPLEMENTED BY DESIGN MANUAL, PART 4, 1996 FOR ANALYSIS OF EXISTING MEMBERS AND MEMBER REPAIRS.
 - LOAD AND RESISTANCE FACTOR DESIGN - AASHTO LRFD 7TH EDITION, 2014 AND AS SUPPLEMENTED BY DESIGN MANUAL, PART 4, 2015 FOR NEW SIDEWALK ELEMENTS.
- DESIGN LIVE LOADS:
 - H20, HS20, ML80 AND TK527
 - SIDEWALK - 90 PSF
- DEAD LOADS:
 - UTILITY LOADS (SIDEWALK):
 - 16" DIAMETER GAS LINE - 85 PLF
 - TWO 2 1/2" DIAMETER CONDUITS - 12 PLF
- RAILROAD:
 - NO EQUIPMENT WILL BE PERMITTED TO BE STORED ON NS PROPERTY WITHOUT PERMISSION FROM THE NS RAILROAD ENGINEER IN ACCORDANCE WITH SECTION E.5.K.1 OF THE NS PUBLIC PROJECTS MANUAL.

SCOPE OF WORK:

- REMOVE AND DISPOSE OF EXISTING NETTING UNDER EACH SIDEWALK
- SIDEWALKS - REPLACE SIDEWALKS WITH CONCRETE FILLED STEEL GRID DECKING AND REPAIR SUPPORTING ELEMENTS AS REQUIRED IN SPANS 1 THRU 10 AND SPANS 12 THRU 9
- REPLACE THE CONCRETE BARRIER ON THE DOWNSTREAM SIDE OF THE BRIDGE IN SPANS 2 THRU 9
- REPLACE OVERHANG DECK CONCRETE WITH TYPE 2 CONCRETE REPAIRS ALONG BOTH THE UPSTREAM AND DOWNSTREAM SIDEWALKS (EXCEPT WHERE THE BARRIER IS BEING REPLACED AND IN SPAN 12)
- PIER 8 - REPLACE NEOPRENE STRIP SEAL GLAND
- FAR ABUTMENT - REPLACE NEOPRENE STRIP SEAL DAM
- FAR ABUTMENT - REPLACE THE TOP OF THE BACKWALL AND PERFORM CONCRETE REPAIRS TO THE REMAINING BACKWALL
- PEDESTRIAN RAIL - REPAIR RIGHT HORIZONTAL RAIL ELEMENTS AT PANEL POINT 17, SPAN 11.
- GUSSET PLATE - REPAIR TWO UPPER CHORD GUSSET PLATES BY ADDING SUPPLEMENTAL PLATES AND STIFFEN THE PLATE EDGES OF SEVENTEEN (17) ADDITIONAL PLATES
- FULL PAINT SIDEWALK SUPPORT ELEMENTS AND TOP CHORD/GUSSETS ADJACENT TO THE SIDEWALK IN SPANS 1 THROUGH 10 AND 12 THROUGH 15.
- FULL PAINT THE PEDESTRIAN RAILING IN ALL SPANS ALONG BOTH SIDEWALKS
- REPLACE THE APPROACH SLABS AT NEAR AND FAR ABUTMENTS
- PERFORM DECK SPALL REPAIRS AT ONE LOCATION IN BOTH SPANS 11 AND 13
- REPAIR FACE OF BRIDGE DECK CONCRETE BARRIERS
- INSTALL NEW SIDEWALK PROTECTIVE FENCE TO THE UPSTREAM AND DOWNSTREAM SIDEWALKS IN PORTIONS OF SPANS 10 AND 14 OVER THE RAILROAD



LEGEND:

- F - FIXED PIN BEARING
- EXP. - EXPANSION ROCKER BEARING
- STA. - STATION
- ➔ - TRAFFIC DIRECTION
- PNG - PEOPLES NATURAL GAS
- * - MEASURED ALONG CONSTR. C.
- U.S. - UPSTREAM
- D.S. - DOWNSTREAM

Mark	Description	By	Chk'd.	Recm'd.	Date
REVISIONS					

BMS NO. 02-3104-0030-0000; BRKEY 1876

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

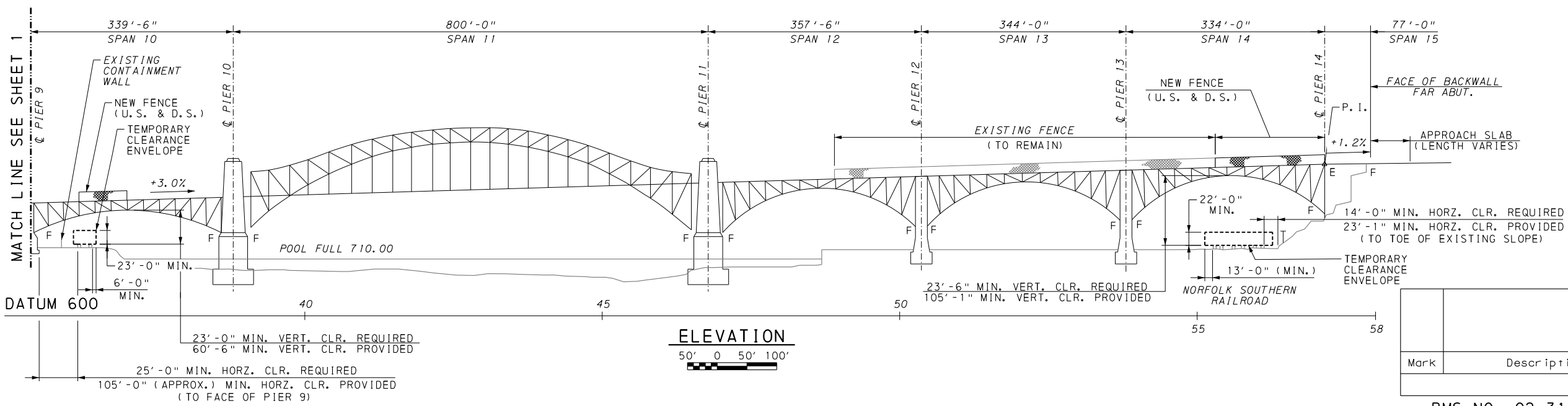
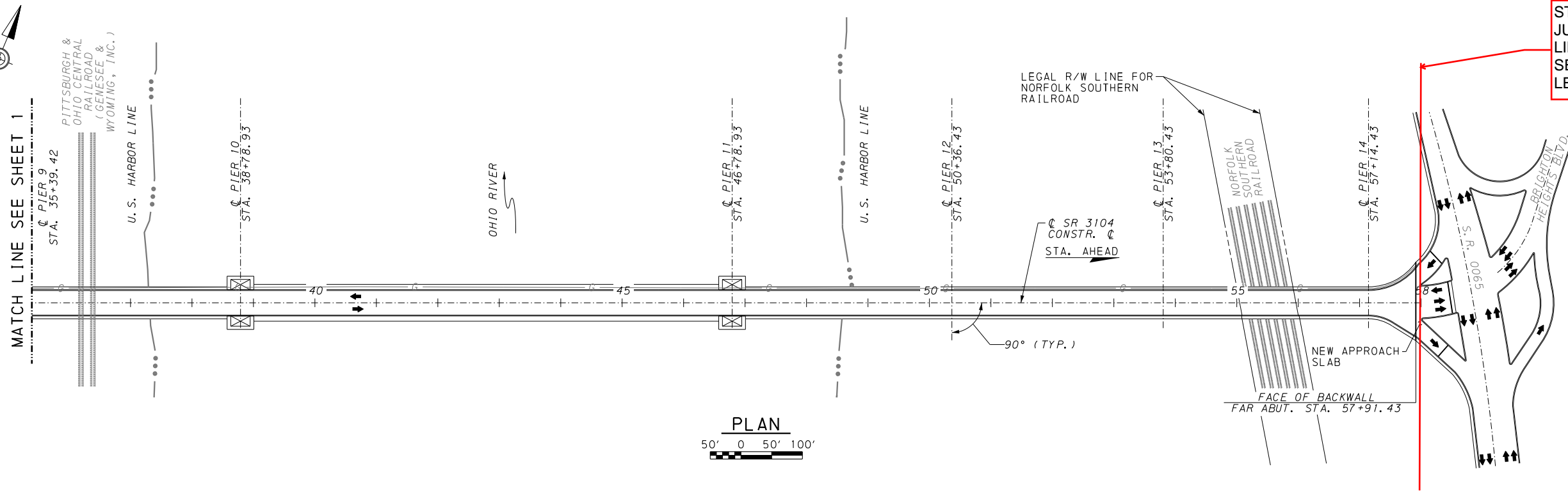
ALLEGHENY COUNTY
S.R. 3104 SECTION A03
SEGMENT 0030 OFFSET 0000
S.R. 3104 STA. 38+75
MCKEES ROCKS BRIDGE REHABILITATION
OVER OHIO RIVER & NORFOLK SOUTHERN RAILROAD

TS&L GENERAL PLAN & ELEVATION-1

RECOMMENDED _____	SHEET 1 OF 8
S-39126	

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LIMIT IN 3/10/2021
SECRETARIAL
LETTER



Mark	Description	By	Chk'd.	Recm'd.	Date
REVISIONS					

BMS NO. 02-3104-0030-0000; BRKEY 1876
COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF TRANSPORTATION
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 S.R. 3104 SECTION A03
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 S.R. 3104 STA. 38+75
 MCKEES ROCKS BRIDGE REHABILITATION
 OVER OHIO RIVER & NORFOLK SOUTHERN RAILROAD
TS&L GENERAL PLAN & ELEVATION-2

NOTES:
 1. SEE SHEET 1 FOR ADDITIONAL NOTES AND LEGEND.

RECOMMENDED _____ SHEET 2 OF 8
 S-39126

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