



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

IN REPLY PLEASE
REFER TO OUR FILE

October 27, 2023

A-2023-3040337

TO ALL PARTIES OF RECORD

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to replace the bridge where State Route 3028 (Pitney Road) crosses, above grade, three tracks of the National Railroad Passenger Corporation (AMTRAK), one operated thereon by Norfolk Southern Railway Company (DOT 518 166 P), located in the City of Lancaster, Lancaster County.

To Whom It May Concern:

By application filed with the Commission on May 2, 2023, the Department of Transportation of the Commonwealth of Pennsylvania (Department) is seeking approval to replace the superstructure of the existing bridge carrying State Route (S.R.) 3028 (Pitney Road), above grade, three (3) tracks of the National Railroad Passenger Corporation (AMTRAK), one of which is operated thereon by Norfolk Southern Railway Company (DOT 518 166 P), in the City of Lancaster, Lancaster County. A previous application was filed with the Commission to replace the same structure under the Commission proceeding docketed at A-2011-2236731, but was later withdrawn by Secretarial letter dated March 2, 2020, due to scheduling issues and the project being postponed.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held on July 12, 2023 at the site of the subject crossing. Representatives of Comcast, Erdman Anthony and the Pennsylvania Department of Transportation were in attendance. Although notified by letter dated June 14, 2023, there were no representatives of PPL Electric Utilities, Norfolk Southern Railway Company, Brightspeed Internet, XO Communications, City of Lancaster, Lancaster County, AMTRAK, or UGI Utilities Inc. in attendance.

The existing structure is a single span non-composite, prestressed concrete adjacent box beam bridge constructed in 1961. According to an online Department database the structure is currently rated in overall poor condition. The existing span length is reported to be 83.8 feet. The state highway consists of two 11-foot travel lanes and two 4-foot shoulders for a clear roadway width of 30-feet, curb to curb. Additionally, there is a raised concrete sidewalk on the south bound side and a raised concrete curb on the north bound side. The structure has a metal protective barrier located on either side of the structure which rests on the raised concrete curbs. The superstructure rests on reinforced concrete abutments. The ADT for State Route

3028 for the year 2012 is 8,335 vehicles with 3 percent trucks, however the design year ADT for the year 2032 is estimated to be 10,195 vehicles. The track adjacent to abutment 2, operated thereon by Norfolk Southern Railway Company, has an existing side clearance previously approved under Commission Docket No. A-00084554 which was filed when the structure was constructed in 1961.

The Department proposes to replace the existing superstructure with a new single-span composite prestressed concrete adjacent box beam superstructure with a span of 83.8 feet. The new bridge will have a 5.5-inch reinforced concrete deck providing two (2), 11-foot-wide traffic lanes, an 8.25-foot shoulder (north bound lane), and a 4.3-foot shoulder (south bound lane) for a total curb to curb width of 34.5 feet. The structure will include concrete protective barriers consisting of a 3.5-foot vertical concrete barrier with a 4.5 foot high aluminum protective fence mounted on top of the barrier on each side of the superstructure. The concrete barriers will be approximately 1 foot in width, giving the superstructure an out-to-out width of 36.5 feet. The bearing seats will also be reconstructed, and some minor rehabilitation work will be performed on the existing abutments.

The existing structure has a minimum vertical clearance of approximately 23.5 feet above the top of the rails. The proposed structure will provide an increased vertical clearance of 24.3 feet above top of rail.

The Department stated that a full detour will be needed to facilitate the superstructure replacement. The Department agreed to the design and implementation of the detour at its full cost and expense. The Department also agrees to provide all material and perform all work necessary to construct the project.

National Railroad Passenger Corporation (AMTRAK) has catenary facilities which need to be relocated to accommodate the proposed construction. The Department agrees to bear any costs incurred by the railroad to alter or protect its facilities including providing any watchmen, flagmen and/or construction inspections that are deemed necessary.

The Commission has tentatively established jurisdiction along SR 3028 over those portions of the project between Highway Station 37+00 and Highway Station 41+00. At the July 12, 2023, field conference Erdman Anthony (design consultant for the Department), stated that it will not be necessary for the Commission to appropriate railroad property to accommodate the improvement as all property has been acquired amicably.

The project will be funded entirely with State Funds, with an estimated cost of construction for the work described in the application of approximately \$3,600,000.

The applicant has certified that a copy of the application has been served to each party in interest and none have advised that it objects to the issuance of a Secretarial Letter, prior to hearing, approving the application.

Upon full consideration of the matter involved, we determine that it is not necessary to schedule a hearing in this proceeding at this time and that issuance of a Secretarial Letter without hearing is proper since the Pennsylvania Department of Transportation has agreed to construct the project, at its sole cost and expense, and none of the parties has expressed any objections to the proposal.

The applicant has certified that a copy of the application has been served on each party in interest and none has advised that it objects to the issuance of a Secretarial Letter approving the application.

Upon full consideration of the matters involved, we determine that it is not necessary to schedule a hearing in this proceeding at this time and that issuance of a Secretarial Letter without hearing is proper since the Department has agreed to construct the project at its sole cost and expense, and none of the parties has expressed any objections to the proposal.

The Commission has exclusive jurisdiction in crossing alterations and is the final arbiter of any fees associated with a crossing application. Any conditions, including fees associated with a crossing application, must be approved by the Commission.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the alteration of the crossing is necessary and proper for the service, accommodation, convenience or safety of the public.

The application of Department of Transportation of the Commonwealth of Pennsylvania is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The crossing where State Route 3028 (Pitney Road) crosses, above grade, three (3) tracks of the National Railroad Passenger Corporation (AMTRAK) located in the City of Lancaster, Lancaster County be altered generally in accordance with the application and this Secretarial Letter.
3. Department of Transportation of the Commonwealth of Pennsylvania, at its sole cost and expense, prepare and submit final signed and sealed construction plans for the subject crossing to all parties for review and to the Commission for approval prior to construction.
4. Department of Transportation of the Commonwealth of Pennsylvania, at its sole cost and expense, prepare and submit final signed and sealed structural plans for the subject crossing to all parties for review and to the Commission for approval prior to construction.
5. Department of Transportation of the Commonwealth of Pennsylvania, at its sole cost and expense, and prior to the start of construction, prepare and submit final detailed right-of-way plans and property descriptions (metes and bounds) for any property for the Commission to appropriate to all parties for review and to the Commission for approval, if necessary.
6. Department of Transportation of the Commonwealth of Pennsylvania, at its sole cost and expense, furnish all material and perform all work required to construct the proposed crossing project generally in accordance with the approved plans and this Secretarial Letter.

7. Department of Transportation of the Commonwealth of Pennsylvania, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic controls that may be required to properly and safely accommodate highway and pedestrian traffic during the time the project is being constructed.

8. National Railroad Passenger Corporation, at the sole cost and expense of the Department of Transportation of the Commonwealth of Pennsylvania, furnish all material and perform all work necessary to alter or relocate its signals, pole line facilities, catenaries and any other work relating to its facilities which may be required as incidental to the construction of the crossing project.

9. National Railroad Passenger Corporation, at the sole cost and expense of the Department of Transportation of the Commonwealth of Pennsylvania, furnish construction engineering and inspection service if required as a result of the proposed work; and furnish and maintain flagmen and watchmen, as required, to protect its operations during the time the work is being performed across, above and adjacent to its tracks.

10. Norfolk Southern Railway Company, at the sole cost and expense of the Department of Transportation of the Commonwealth of Pennsylvania, furnish construction engineering and inspection service if required as a result of the proposed work; and furnish and maintain flagmen and watchmen, as required, to protect its operations during the time the work is being performed across, above and adjacent to its tracks.

11. Any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority located within the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the crossing project, be made by said public utility company or municipal authority at its initial cost and expense, and in such manner as will not interfere with the construction of the project.

12. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority located beyond the limits of the highway, within the Commission's jurisdiction, which may be required as incidental to the execution of the crossing project, be made by said public utility company or municipal authority, and in such a manner as will not interfere with the construction of the project.

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

14. Department of Transportation of the Commonwealth of Pennsylvania cooperate with National Railroad Passenger Corporation and Norfolk Southern Railway Company so that during the construction of the project, the operations and facilities of the railroad company will not be endangered or unnecessarily impeded.

15. National Railroad Passenger Corporation and Norfolk Southern Railway Company cooperate with the Department of Transportation of the Commonwealth of Pennsylvania and conduct their operations in the vicinity of the proposed crossings, in a safe manner and under control during the time project is being constructed.

16. All work necessary to complete the alteration of the subject crossing be done in a manner satisfactory to this Commission on or before December 31, 2025, and that on or before said date, Department of Transportation of the Commonwealth of Pennsylvania report to this Commission in writing the date of actual completion of the work.

17. Department of Transportation of the Commonwealth of Pennsylvania, at least thirty (30) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

18. Department of Transportation of the Commonwealth of Pennsylvania pay all compensation for damages, if any, due to owners of property taken, injured, or destroyed by reason of the construction of the crossing in accordance with this Secretarial Letter.

19. Upon completion of the construction of the proposed project, National Railroad Passenger Corporation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its tracks, wire lines, catenaries and any other railroad facilities, existing or altered, located within the limits of the project.

20. Upon completion of the construction of the proposed project, Department of Transportation of the Commonwealth of Pennsylvania, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the bridge substructure, superstructure, bridge inspection, roadway pavement and the remainder of the improvement including the highway approaches, guiderail, drainage facilities, snow, ice and debris removal and any other ancillary features of the improvement constructed in accordance with the provisions of this Secretarial Letter.

21. Upon completion of the construction of the proposed project, each non-carrier public utility company and municipal authority, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its respective facilities, existing or altered, located within the limits of the improvement.

22. Upon completion of the work herein directed, and upon a written request by any party hereto, this proceeding be scheduled for a hearing at a time and a place assigned by this Commission, upon due notice to all parties, to receive evidence relative to the allocation of initial costs incurred, if any, by the non-carrier public utility companies and municipal authorities, and any other matters relevant to this proceeding.

The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

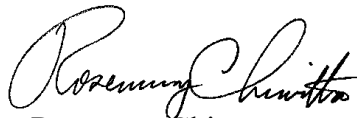
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax or by e-mail. Parties are encouraged to file formal documents by eFiling with the Secretary of the Commission by opening an Efiling account through the Commission's website (the account is free of charge) and accepting eservice at <https://www.puc.pa.gov/filing-resources/efiling/>.

If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission. There are certain filings that cannot be eFiled, such as filings containing confidential or proprietary material. These must be submitted to the Secretary by overnight delivery, priority, or certified mail to allow tracking of your filing.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action (Petition) with the Commission within twenty (20) days of the date of this letter. The Petition shall be eFiled with the Secretary of the Commission or sent to: Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120, and must be filed within twenty (20) days, or if no timely request is made, the action will be deemed to be a final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request; (2) the case docket number (it is provided for you at the top right hand corner of this letter); (3) the party on whose behalf the petition is made; (4) a Certificate of Service on the other parties of record; and (5) a Verification with original signature in accordance with 52 Pa. Code § 1.36.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary