



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

IN REPLY PLEASE
REFER TO OUR FILE

November 29, 2023

A-2023-3043480

TO ALL PARTIES OF RECORD

Application of the Pennsylvania Department of Transportation for approval to alter the public crossing (DOT 264 067 L) where State Route 0435 crosses, above grade, the tracks of Pennsylvania Northeast Regional Railroad Authority operated thereon by Delaware & Lackawanna Railroad, located in Elmhurst Township, Lackawanna County, and the allocation of cost thereto.

To Whom It May Concern:

This matter is before us by reason of an application filed with the Commission on October 11, 2023, by the Pennsylvania Department of Transportation (Department), seeking Commission approval to alter the public crossing (DOT 264 067 L) by the replacement of the bridge where State Route 0435 crosses, above grade, the tracks of Pennsylvania Northeast Regional Railroad Authority operated thereon by Delaware & Lackawanna Railroad, located in Elmhurst Township, Lackawanna County.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held on October 26, 2023 at the site of the subject crossing.

Representatives of Delaware & Lackawanna Railroad, Pennsylvania Department of Transportation, Pennsylvania Northeast Regional Railroad Authority, Pennsylvania American Water Company, Elmhurst Township, Elmhurst Township Sewer Authority and CDR Maguire on behalf of the Department were all in attendance. Although notified by letter dated October 16, 2023, there were no representatives in attendance from Verizon Pennsylvania, PPL Electric Utilities, Comcast, and Lackawanna County.

At the field investigation and conference, the existing structure data and configuration were noted, and the Department and their representatives described the proposed bridge replacement project.

The existing bridge (NBI Structure Number/Bridge Key 20610) is a 6-span structure originally constructed in 1948 and has an overall condition rating of poor.

The total structure length is listed as 327.0 feet. Spans 1, 3, 4, 5 and 6 consist of simple span reinforced concrete t-beam superstructures and span 2 consists of a simple span steel riveted thru girder that spans over the tracks of Pennsylvania Northeast Regional Railroad Authority. The out-to-out width in spans 1, 3, 4, 5, 6 is 33.9 feet with a curb-to-curb width of 26.0 feet. The out-to-out width in span 2 is 34.7 centerline of girder to centerline of girder and has a curb-to-curb width of 26.0 ft.

The existing structure consists of a reinforced concrete deck with an asphalt paved roadway consisting of two 11.0-foot traffic lanes, one in each direction with a 2-foot outside shoulder on each side. A raised concrete curbed 5.0-foot-wide sidewalk is located on the left side traveling north stations ahead. The existing sidewalk tapers off to the existing roadway shoulders, with no delineated sidewalk approaches to the bridge. The superstructure is supported by 2 reinforced concrete abutments and 5 reinforced concrete piers.

The existing minimum vertical (overhead) clearance with respect to the top of rail to the underside of the structure is 22.4 feet. The existing minimum horizontal (side) clearance with respect to centerline of track and abutment 1 is 23.2 feet.

The posted speed limit at the bridge was 45-miles per hour. The 2023 average daily traffic at the bridge location was estimated by the applicant at 7,017 vehicles, with 5% trucks. The bridge is currently not posted for load and its overall condition is rated as poor as per the Department's website for state owned bridges.

The Department proposes to replace the existing structure with a two (2) span composite steel plate girder bridge, supported by 1 reinforced concrete wall pier, founded on piling and 2 reinforced u-wing type concrete abutments, founded on piling. The proposed structure has a total span length of 290 feet from abutment centerline of bearing to abutment centerline of bearing with span 1 over the single track of the Pennsylvania Northeast Regional Railroad Authority operated thereon by Delaware & Lackawanna Railroad and span 2 over a tributary to Roaring Brook and a private access road used by the Pennsylvania American Water Company.

The proposed bridge structure will provide a minimum vertical (overhead) clearance of 22.0 feet above the top of rails to bottom of proposed structure and a minimum horizontal (side) clearance of 23.2 feet to an existing stone wall remaining in place upon removal of existing abutment 1. A 30.7 feet minimum horizontal (side) clearance will be maintained with respect to proposed abutment 1 and the centerline of track. The tracks are skewed approximately 40 to 50 degrees with respect to the proposed bridge superstructure.

The proposed structure will meet the Commission's minimum overhead and side clearance requirements as set forth in Title 52 Pa Code §33.121 and §33.122.

The structure will have a reinforced concrete deck with a minimum depth of 0.71 feet, a curb-to-curb width of 42.0 feet and an out-to-out width of 45.4 feet. The bridge will feature two 11-foot travel lanes, two 10.0-foot outside shoulders, and two 1.7-foot-wide reinforced concrete protective barriers with protective fencing mounted on top of the barrier on the outside edge of the superstructure.

The concrete deck, protective barriers, fencing and all superstructure deadload and vehicle live load will be supported by six (6) steel plate girders on 8.0-foot centers. The substructures will consist of two (2) reinforced concrete abutments and one (1) reinforced concrete pier.

The horizontal alignment of the proposed structure will remain as existing with minor adjustments to facilitate the tie-in to the existing roadway. The proposed vertical alignment will maintain a constant grade of -4.95 %. The cross-slope of the deck will vary with a slight superelevation. Structure drainage will consist of off structure inlets.

A phased construction sequence will be implemented diverting car and small vehicle traffic utilizing local routes and a newly constructed temporary roadway detouring traffic around and adjacent to the subject bridge construction area. A separate truck detour will also be implemented diverting larger vehicle traffic onto other state routes.

A temporary at-grade railroad crossing for the small vehicle traffic involved with the above-mentioned detour will be constructed across the tracks of Pennsylvania Northeast Regional Railroad Authority approximately 360 feet west of the existing SR 0435 bridge replacement project.

The at-grade crossing will have an approximate total width of 28 feet with two 12-foot bi-directional traffic lanes with 2-foot shoulders. The crossing surface will be comprised of asphalt and rail seal. The temporary railroad warning devices consist of flashing warning lights, gates, bell, emergency notification signs with contact number to operating railroad and crossbuck (R15-1) signs. Stop lines with (R8-10) "STOP HERE WHEN FLASHING" signs will be utilized at the crossing and (W10-1) and (W10-3) advanced warning signs along with railroad pavement markings will be installed in advance of the crossing along all legs leading to the crossing.

Railroad flagging will be utilized for all construction operations or access at or near the tracks during the project. The project will also involve the replacement of an existing 8.0-foot culvert with a precast reinforced concrete 5.0-foot by 14.0-foot clear span box culvert approximately 90 feet in length, carrying a tributary of Roaring Brook underneath the railroad tracks just east of the temporary at-grade railroad crossing between the temporary crossing and the bridge replacement project. The minimum fill height above the box culvert to the tracks is reported to be approximately 2.8 feet.

The Pennsylvania American Water Company access road underneath the existing and proposed SR 0435 bridge is gated, and access will be maintained throughout the construction period as normal. The road provides vital access to the Roaring Brook Reservoir for the water company and its employees.

In conjunction with the SR 0435 bridge replacement project the Department, and Pennsylvania Northeast Regional Railroad Authority have worked amicably to settle any necessary property appropriation and the parties indicated that it would not be necessary for the Commission to appropriate any railroad property to accommodate the bridge replacement project.

The Department, at their sole cost and expense, agrees to furnish all material and perform all work necessary to construct the SR 0435 Section 251 bridge replacement project.

Delaware & Lackawanna Railroad, at the Department's sole cost and expense, agrees to furnish and maintain watchmen, flagmen and/or inspectors to protect and safeguard its railroad operations or facilities during project construction operations over the railroads right-of way.

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

The Department, at their sole cost and expense, agrees to maintain the entire bridge superstructure and substructures including the bridge deck, bridge barriers, fencing, drainage inlets, guiderail, bridge inspection, bridge approach slabs, roadway approaches, and to perform snow, ice and debris removal from the bridge deck and approach roadways.

The Department, at their sole cost and expense, agrees to prepare and submit complete detailed final signed structure plans, approach roadway construction plans, traffic control plans with temporary roadway and at-grade crossing plans, precast reinforced box culvert plans proposed under the railroad grade and to provide such plans to each party in interest for review and to this Commission for approval prior to the construction of the project.

The non-carrier public utilities, if any, will be directed to alter or relocate their facilities as necessary to construct the project, at their initial cost and expense.

The Commission has tentatively established jurisdiction over those portions of the project along the SR 0435 construction and survey baseline between Highway Station 530+00.00 and Highway Station 537+00.00 and along the SR 0435 Temporary Road beginning at Highway Station 7+00.00 including its Front Street (T-733) intersection and extending across the temporary at-grade crossing to Highway Station 10+00.00 including its intersection with GC Smith Street (T-718) and all area in between along the railroad right-of-way from the temporary at-grade crossing through the SR 0435 bridge project.

The SR 0435 Section 251 bridge replacement project will be funded with 100 percent federal funds. The estimated total cost for the construction project is \$13,800,000.

Upon full consideration of the matters involved and inasmuch as no objection has been filed with the Commission and no party in attendance at the field and investigation conference objected to the proposed improvements as discussed, we find that a Secretarial Letter can be issued approving the application without a formal hearing.

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

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

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The public crossing (DOT 264 067 L) where State Route 0435 crosses, above grade, the tracks of Pennsylvania Northeast Regional Railroad Authority operated thereon by Delaware & Lackawanna Railroad, located in Elmhurst Township, Lackawanna County be altered as herein directed.
3. Pennsylvania Department of Transportation, at its sole cost and expense, and prior to the start of construction, prepare and submit to this Commission for approval and to all parties of record for examination, complete detailed signed final construction and bridge structural plans, that include approach roadway construction plans, traffic control plans with temporary roadway and railroad at-grade crossing plans, precast reinforced box culvert plans proposed under the railroad grade and if necessary, right-of-way plans and the metes and bounds descriptions for any railroad property for the Commission to appropriate.
4. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work required to alter the public crossing (DOT 264 067 L) by constructing the State Route 0435 bridge replacement project and any ancillary features thereof constructed in accordance with the approved plans and this Secretarial Letter.
5. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work required to replace the existing culvert with a concrete reinforced box culvert under the railroad right-of-way and grade of the Pennsylvania Northeast Regional Railroad Authority as agreed upon and in accordance with the approved plans and this Secretarial Letter.
6. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to construct and install the temporary public highway/railroad at-grade rail seal and bituminous asphalt crossing surface and its temporary bituminous asphalt roadway approaches that includes replacement of railroad ties under the footprint of the newly constructed temporary at-grade crossing, all constructed in a safe, smooth and satisfactory manner and any related incidental or ancillary work that may be required; constructed in accordance with the approved plans, the Manual on Uniform Traffic Control Devices and this Secretarial Letter.
7. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work required to furnish all material and perform all work necessary to construct and install the railroad warning devices at the temporary public highway/railroad crossing by installing at a minimum four (4) sets of automatically operated flashing-light signals with twelve (12) inch (LED) roundels, gates, signal masts, bell, crossbuck signs (R15-1), (R8-10) "STOP HERE WHEN FLASHNG" signs, emergency notification signs with contact number to operating railroad and all associated circuitry; all constructed in accordance with the approved plans, the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

8. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work required to furnish all material and perform all work necessary to construct and install stop lines near and adjacent to the railroad flashing warning lights, railroad pavement markings, railroad advanced warning signs (W10-1 & W10-3) on the roadway approaches to the temporary public crossing and to install double yellow centerline and single white edge line pavement markings approaching and through the temporary public at-grade railroad crossing.

9. Delaware & Lackawanna Railroad, at the sole cost and expense of the Pennsylvania Department of Transportation, furnish all material and perform all work relating to its facilities which may be required as incidental to the performance of the proposed work and furnish any watchmen, flagmen, inspectors and/or engineering services that may be deemed necessary to protect the railroad's operations or facilities during the time the facilities are being installed.

10. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic control that may be necessary to properly and safely accommodate vehicular and pedestrian traffic during the time the crossing is being altered.

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

12. Pennsylvania Department of Transportation, provide and maintain existing Pennsylvania American Water Company gated ingress and egress to the Roaring Brook Reservoir along the existing access road beneath the SR 0435 bridge adjacent to and within the Commission's jurisdiction approaching and through the public crossing (DOT 264 067 L) during the construction period of the project.

13. Any relocation of, or changes in and/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.

14. Any relocation or 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.

15. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to complete the remainder of the project, and any other ancillary features of the project, generally in accordance with the approved plans and this Secretarial Letter.

16. Pennsylvania Department of Transportation, at least thirty (30) days prior to the start of work, notify local emergency management services and all parties in interest of the actual date on which work will begin.

17. All parties involved herein cooperate fully with each other so that during the time the work is being performed, vehicular, pedestrian and railroad traffic will not be endangered or unnecessarily inconvenienced and said requirements of each of the parties will be provided for and accommodated insofar as possible.

18. All work necessary to alter the crossing be completed in a manner satisfactory to this Commission on or before December 31, 2026, and that on or before said date, the Pennsylvania Department of Transportation report in writing to this Commission the date of actual completion of the work.

19. All costs which are to be reimbursed by the Department of Transportation consistent with this Secretarial Letter, shall be reimbursed pursuant to the provisions of 23 C.F.R. Parts 140 and 646. The aforesaid Federal reimbursement shall not supersede, delay or, in any manner, postpone the effect of any paragraph contained in this or any related Secretarial Letter or Order.

20. This Secretarial Letter is without prejudice to the right of any party to recover all or part of any costs incurred by said party in compliance with the provisions of this Secretarial Letter, in accordance with any lawful agreement between it and any other party.

21. Upon completion of the construction of the public crossing (DOT 264 067 L), and reopening to vehicle traffic, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to remove the temporary at-grade public crossing and its roadway approaches, safely blocking access to the railroad right-of-way and restoring the railroad grade, right-of-way and any damaged railroad facilities to railroad specifications and acceptance of work through final inspection as agreed upon with the Pennsylvania Northeast Regional Railroad Authority and the Delaware and Lackawanna Railroad.

22. Upon completion of the alteration of the subject crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the State Route 0435 Bridge structure including the substructures, superstructure, bearings, deck, concrete protective barriers, protective fencing, approach slabs, roadway surface and approach roadways, drainage facilities, bridge inspection and any other ancillary features constructed as part of the alteration at the public crossing (DOT 264 067 L), and provide the Pennsylvania Northeast Regional Railroad Authority and Delaware & Lackawanna Railroad at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

23. Upon completion of the alteration of the subject crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary for the removal of snow, ice and debris from the cartway of the bridge deck, and approach roadways thereto.

24. Upon completion of the alteration of the subject crossing, Delaware & Lackawanna Railroad, at its sole cost and expense, agrees to furnish all material and perform all work necessary thereafter to maintain its tracks, wire lines, reinforced concrete box culvert constructed as part of this project under the railroad right-of-way and tracks and any other railroad facilities, existing or altered, located within the limits of the subject captioned public crossing (DOT 264 067 L), and to provide the Pennsylvania Department of Transportation at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

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

26. Upon completion of the work herein directed, and upon written request from any party of record, this proceeding be scheduled for a hearing at a time and 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 black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive style with a large initial "R".

Rosemary Chiavetta
Secretary