

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Public Meeting held December 7, 2023

Commissioners Present:

Stephen M. DeFrank, Chairman  
Kimberly Barrow, Vice Chair  
Ralph V. Yanora  
Kathryn L. Zerfuss  
John F. Coleman, Jr.

Application of the Pennsylvania Department of Transportation for approval to alter the public crossing (DOT 872 491 H) by replacement of the existing bridge where State Route 0083 (Interstate 83) crosses, above grade, the tracks of CSX Transportation, Inc. and Codorus Creek located in Spring Garden Township and North York Borough, York County, and the allocation of costs incident thereto.

Docket No.  
A-2022-3035024

**ORDER**

**BY THE COMMISSION:**

On September 7, 2022, the Pennsylvania Department of Transportation (Department) filed an application with the Commission for approval to alter the public grade separated crossing (DOT 872 491 H) by replacement of the existing highway bridge. On November 29, 2022, a virtual field investigation and conference was held. At the virtual field conference, the Department averred it would be necessary for the Commission to appropriate certain portions of railroad property to accommodate the proposed bridge replacement.

Paragraph No. 5 of the Commission's Secretarial Letter dated February 16, 2023, directed the Department to submit for approval the right-of-way plans for the highway-railroad crossing alteration project involved in this proceeding.

The final right-of-way plans were received September 28, 2023, and consist of twelve (12) sheets. The Department is requesting the Commission approve the right-of-way plans that include appropriation of four (4) tracts of property from CSX Transportation, Inc.

The Department avers that each party to the proceeding was served a copy of the plan for review. None of the parties have advised the Commission that it objects to approval of the plan.

The metes and bounds descriptions required for the property appropriation associated with the said right-of-way plans were submitted to the Commission on September 28, 2023, and are defined herein by this Order.

We hereby approve the right-of-way plans and appropriate the property described in detail in the ordering paragraphs.

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

The record having been certified to this Commission, we issue this Order pursuant to Sections 335(a) and 2702 of the Public Utility Code, (66 Pa. C.S. §335(a), §2702);

**THEREFORE,**

**IT IS ORDERED:**

1. That the right-of-way plans submitted by the Pennsylvania Department of Transportation on September 28, 2023, consisting of twelve (12) sheets and identified as “COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, DRAWINGS RE-ESTABLISHING LIMITED ACCESS HIGHWAY AND AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR STATE ROUTE 0083 SECTION 091 R/W IN YORK COUNTY,” are hereby approved and made part hereof.

2. That in accordance with the provisions of Section 2702 of the Public Utility Code, 66 Pa. C.S. §2702, the following described properties be and are hereby taken and appropriated for the purpose of the improvement in accordance with the right-of-way plans approved in Paragraph No. 1 of this Order, and that Paragraph No. 2 of this Order shall be recorded in the Recorder of Deeds of York County, and shall be indexed under the name or names of the record owners of said property, grantor(s), and the Commonwealth of Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Commonwealth of Pennsylvania Department of Transportation, applicant herein; the above said plans having been recorded by York County on October 4, 2023 by Instrument Number 2023038457 to which recording reference is made in and of the description of those tracts of land more particularly described in detail below:

WESTERN MARYLAND RAILWAY COMPANY, PROPERTY OWNER  
C/O CSX TRANSPORTATION, INC.  
500 WATER STREET  
JACKSONVILLE, FL 32202

ALL THOSE CERTAIN TRACTS of land located in Spring Garden Township, York County, Commonwealth of Pennsylvania, being bound and described as follows:

**Tract No. 1**

(Required Aerial Easement)

Beginning at a point, northing 237,087.4589 and easting 2,255,961.9396, on the southerly side of State Route 0083, said point being at the intersection of the northerly legal right-of-way line of State Route 0083 and the easterly right-of-way line of the Western Maryland Railway Company distant Five and Twenty- Eight Hundredths (5.28) feet northerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 340+56.07 thereof;

Thence along an arc One-Hundred Fifty and Sixty-Two Hundredths (150.62) feet to the right, having a radius of One-Thousand Eight Hundred Forty-Eight and Eight Hundredths (1848.08) feet, the chord of which is North Seventy-One degrees Forty-Three minutes Fifty seconds West (N 71°43'50" W ) for a distance of One-Hundred Fifty and Fifty-Eight Hundredths (150.58) feet, to a point along said legal right- of-way line distant Eight and Fifty-Five Hundredths (8.55) feet northerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 342+06.20 thereof;

Thence along the eastern bank of Codorus Creek in a northerly direction for a distance of Ninety-Nine and Eighty-Six Hundredths (99.86) feet, to a point along said bank Eighty-Nine (89.00) feet northerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 342+26.53 thereof;

Thence along the northerly boundary of the Required Aerial Easement area by an arc One-Hundred Twenty-One and Seventy Hundredths (121.70) feet to the left, having a radius of Two-Thousand Two- Hundred Forty-One (2241.00) feet, the chord of which is South Sixty-Nine degrees Forty-One minutes Forty-Nine seconds East (S 69°41'49" E) for a distance of One-Hundred Twenty-One and Sixty-Eight Hundredths (121.68) feet, to a point Eighty-Nine (89.00) feet northerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 341+00.00 thereof;

Thence along the northerly boundary of the Required Aerial Easement area South Seventy-One degrees Fifty-Five minutes Forty-Three seconds East (S 71°55'43" E) a distance of Thirty-Eight and Fifty Hundredths (38.50) feet to a point Eighty-Nine and Twelve Hundredths (89.12) feet northerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 340+59.97 thereof;

Thence along the easterly right-of-way line of the Western Maryland Railway Company South Fifteen degrees Twenty-Three minutes Thirty-Six seconds West (S 15°23'36" W) a distance of Ninety-Four and Forty-Eight hundredths (94.48) feet to a point and place of beginning and containing Three Hundred Forty-Six thousandths (0.346) of an acre of land more or less.

The above tract of land shown on the Pennsylvania Department of Transportation's Drawings Authorizing Acquisition of Right-of-Way for State Route 0083, Section 091 R/W, as required aerial easement for Route 0083 and designated and delineated as part of Parcel No. 24 on sheets 35 and 107 of the said drawings, as recorded in the office for the recording of deeds, etc. in York County, Pennsylvania, on October 4, 2023, and being a portion of real estate conveyed by National Bank of York to Western Maryland Railway Company by deed dated December 23, 1959, and recorded December 23, 1959, in Deed Book 49-A, Page 209, in the York County Courthouse. Said land became legally vested in CSX Corporation as successor in interest to Western Maryland Railway Company pursuant to merger effective January 9, 1989.

**Tract No. 2**

(Legal Required Right-of-Way Converted to Required Aerial Easement)

Beginning at a point, northing 236,968.9169 and easting 2,255,925.4739, on the southerly side of State Route 0083, said point being at the intersection of the southerly legal right-of-way line of State Route 0083 and the easterly right-of-way line of the Western Maryland Railway Company distant One-Hundred Twenty-Nine and Thirty Hundredths (129.30) feet southerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 340+54.90 thereof;

Thence along an arc One-Hundred Forty-Two and Sixty-five Hundredths (142.65) feet to the right, having a radius of One-Thousand Nine-Hundred Seventy-Two and Eight Hundredths (1972.08) feet, the chord of which is North Seventy-One degrees Fifty-Five minutes Twelve seconds West (N 71°55'12" W) for a distance of One-Hundred Forty-Two and Sixty-Two Hundredths (142.62) feet, to a point along said legal right-of-way line distant One-Hundred Thirty-Two and Thirty-Three Hundredths (132.33) feet southerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 341+89.93 thereof;

Thence along the eastern bank of Codorus Creek in a northerly direction for a distance of One- Hundred Twenty-Six and Twenty-Three Hundredths (126.23), to a point along said bank Eight and Fifty-Five Hundredths (8.55) feet northerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 342+06.20 thereof;

Thence along the northerly legal right-of-way line of State Route 0083 by an arc One-Hundred Fifty and Sixty-Two Hundredths (150.62) feet to the left, having a radius of One-Thousand Eight-Hundred Forty-Eight and Eight Hundredths (1848.08) feet, the chord of which is South Seventy- One degrees Forty-Three minutes Fifty seconds East (S 71°43'50" E) for a distance of One- Hundred Fifty and Fifty-Eight Hundredths(150.58) feet, to a point Five and Twenty-Eight Hundredths (5.28) feet northerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 340+56.07 thereof;

Thence South Seventeen degrees Five minutes Fifty-Six seconds West (S 17°05'56" W) a distance of One-Hundred Twenty-Four and Two Hundredths (124.02) feet to a point and place of beginning and containing Four Hundred Twenty-Two thousandths (0.422) of an acre of land more or less.

The above tract of land shown on the Pennsylvania Department of Transportation's Drawings Authorizing Acquisition of Right-of-Way for State Route 0083, Section 091 R/W, as required aerial easement for Route 0083 and designated and delineated as part of Parcel No. 24 on sheets 35 and 107 of the said drawings, as recorded in the office for the recording of deeds, etc. in York County, Pennsylvania, on October 4, 2023, and being a portion of real estate conveyed by National Bank of York to Western Maryland Railway Company by deed dated December 23, 1959, and recorded December 23, 1959, in Deed Book 49-A, Page 209, in the York County Courthouse. Said land became legally vested in CSX Corporation as successor in interest to Western Maryland Railway Company pursuant to merger effective January 9, 1989.

3. That in accordance with the provision of Section 2702 of the Public Utility Code, 66 Pa. C.S. §2702, the following described properties be and are hereby taken and appropriated temporarily, for the use during the construction period only, in accordance with the right-of-way plans approved in Paragraph No. 1 of this Order, and that Paragraph No. 3 of this Order shall be recorded by the Recorder of Deeds of York County, and shall be indexed under the name or names of the record owners of said property, grantor(s), and to the Commonwealth of Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Department of Transportation of the Commonwealth of Pennsylvania, applicant herein; the above said plans having been recorded by York County on October 4, 2023 by Instrument Number 2023038457 to which recording reference is made in and of the description of those tracts of land more particularly described in detail below:

WESTERN MARYLAND RAILWAY COMPANY, PROPERTY OWNER  
C/O CSX TRANSPORTATION, INC.  
500 WATER STREET  
JACKSONVILLE, FL 32202

ALL THOSE CERTAIN TRACTS of land located in Spring Garden Township, York County, Commonwealth of Pennsylvania, being bound and described as follows:

**Tract No. 3**

(Temporary Construction Easement)

Beginning at a point, northing 236,944.2211 and easting 2,255,918.5918, on the southerly side of State Route 0083, said point being along the easterly right-of-way line of the Western Maryland Railway Company distant One-Hundred Fifty-Four and Ninety-Two Hundredths (154.92) feet southerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 340+54.04 thereof;

Thence North Eighty degrees Two minutes Fifty-Six seconds West (N 80°02'56" W) a distance of One- Hundred Thirty-Six and Eighteen Hundredths (136.18) feet to a point One-Hundred Seventy-Six and Seventy-Two Hundredths (176.72) feet southerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 341+79.54 thereof;

Thence North Seventy degrees Forty-Eight minutes Forty-Two seconds West (N 70°48'42" W) a distance of Two and Forty Hundredths (2.40) feet to a point One-Hundred Seventy-Six and Seventy-Eight Hundredths (176.78) feet southerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 341+81.77 thereof;

Thence along the eastern bank of Codorus Creek in a northerly direction for a distance of Forty-Five and Forty-One Hundredths (45.41) feet, to a point along said bank One-Hundred Thirty-Two and Thirty-Three (132.33) feet southerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 341+89.93 thereof;

Thence along the southerly boundary of the Legal Right-of-Way being converted to Required Aerial Easement area along a curve to the left, having a radius of One-Thousand Nine-Hundred Seventy-Two and Eight Hundredths (1972.08) feet, an arc length of One-Hundred Forty-Two and Sixty-Five Hundredths (142.65) feet, and a chord of South Seventy-One degrees Fifty-Five minutes Twelve seconds East (S 71°55'12" E) for a distance of One-Hundred Forty-Two and Sixty-Two Hundredths (142.62) feet, to a point One-Hundred Twenty-Nine and Thirty Hundredths (129.30) feet southerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 340+54.90 thereof;

Thence South Fifteen degrees Thirty-Four minutes Nineteen seconds West (S 15°34'19" W) a distance of Twenty-Five and Sixty-Four Hundredths (25.64) feet to a point and place of beginning and containing One Hundred Eleven thousandths (0.111) of an acre of land more or less.

**Tract No. 4**

(Temporary Construction Easement)

Beginning at a point, northing 237,178.5505 and easting 2,255,987.0188, on the northerly side of State Route 0083, said point being at the intersection of the northerly boundary of the Required Aerial Easement area of State Route 0083 and the easterly right-of-way line of the Western Maryland Railway Company distant Eighty-Nine and Twelve Hundredths (89.12) feet northerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 340+59.97 thereof;

Thence North Seventy-One degrees Fifty-Five minutes Forty-Three seconds West (N 71°55'43" W) a distance of Thirty-Eight and Fifty Hundredths (38.50) feet to a point Eighty-Nine (89.00) feet northerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 341+00.00 thereof;

Thence along a curve to the right, having a radius of Two-Thousand Two-Hundred Forty-One (2241.00) feet, an arc length of One-Hundred Twenty-One and Seventy Hundredths (121.70) feet, and a chord of North Sixty-Nine degrees Forty-One minutes Forty-Nine seconds West (N 69°41'49" W) for a distance of One-Hundred Twenty-One and Sixty-Eight Hundredths (121.68) feet, to a point Eighty-Nine (89.00) feet northerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 342+26.53 thereof;

Thence along the eastern bank of Codorus Creek in a northerly direction for a distance of Sixty-Six and Eighty Hundredths (66.80) feet to a point One-Hundred Fifty-Five and Fifteen (155.15) feet northerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 342+33.53 thereof;

Thence South Sixty-Five degrees Twenty minutes Seventeen seconds East (S 65°20'17" E) a distance of Three and Twenty-Nine Hundredths (3.29) feet to a point One-Hundred Fifty-Five (155.00) feet northerly and measured radially from the survey & right-of-way

centerline of State Route 0083 at or about Station 342+30.00 thereof;

Thence South Fifty-Nine degrees Fifty-Two minutes Thirty-Three seconds East (S 59°52'33" E) a distance of One-Hundred Sixty and Seventy-Seven Hundredths (160.77) feet to a point One-Hundred Twenty-Six and Thirty-Seven Hundredths (126.37) feet northerly and measured radially from the survey & right-of-way centerline of State Route 0083 at or about Station 340+61.60 thereof;

Thence South Fifteen degrees Twenty-Three minutes Thirty-Six seconds West (S 15°23'36" W) a distance of Thirty-Seven and Twenty-Eight Hundredths (37.28) feet to a point and place of beginning and containing One Hundred Ninety-Four thousandths (0.194) of an acre of land more or less.

The above two (2) tracts of land shown on the Pennsylvania Department of Transportation's Drawings Authorizing Acquisition of Right-of-Way for State Route 0083, Section 091 R/W, as temporary construction easement for Route 0083 and designated and delineated as part of Parcel No. 24 on sheets 35 and 107 of the said drawings, as recorded in the office for the recording of deeds, etc. in York County, Pennsylvania, on October 4, 2023, and being a portion of real estate conveyed by National Bank of York to Western Maryland Railway Company by deed dated December 23, 1959, and recorded December 23, 1959, in Deed Book 49-A, Page 209, in the York County Courthouse. Said land became legally vested in CSX Corporation as successor in interest to Western Maryland Railway Company pursuant to merger effective January 9, 1989.

4. That in all respects not inconsistent herewith, our Secretarial Letter dated February 16, 2023, shall remain in full force and effect.

**BY THE COMMISSION,**

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: December 7, 2023

ORDER ENTERED: December 7, 2023