



Benjamin C. Dunlap, Jr., Esquire bdunlapjr@nssh.com (717) 236-3010, Ext. 121

January 25, 2024

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re: Petition of CSX Transportation, Inc. to Reassign Maintenance Responsibility for the Bridge Structure where Bort Road (T-270) Crosses above CSX Transportation, Inc.'s Tracks (DOT 524 035 A) in North East Township, Erie County
Docket No. ~~P-2015-246584~~ P-2015-2465847-AEL-1/26/24

Dear Secretary Chiavetta:

Enclosed please find a Petition on behalf of CSX Transportation, Inc. to Assign Proceeding to Office of Administrative Law Judge for Scheduling of a Hearing for filing in the above-referenced matter. A copy has been served upon all interested parties of record.

Please be advised that as of February 1, 2024, Nauman, Smith, Shissler & Hall, LLP will join the law firm Cohen Seglias Pallas Greenhall & Furman PC. Our new address will be 240 N. 3rd Street, 7th floor, Harrisburg, PA 17101.

Our new phone number will be 717-234-5530. My new email address will be bdunlap@cohenseglias.com. Thank you.

Sincerely yours,

Benjamin C. Dunlap, Jr.

BCDjr/klg
Enclosures
cc: All Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF CSX TRANSPORTATION, :
INC. TO REASSIGN MAINTENANCE :
RESPONSIBILITY FOR THE BRIDGE : P-2015-2465847
STRUCTURE WHERE BORT ROAD (T-270) :
CROSSES ABOVE CSX TRANSPORTATION, : Filed Electronically
INC.'S TRACKS (DOT 524 035 A) IN NORTH :
EAST TOWNSHIP, ERIE COUNTY :**

**PETITION OF CSX TRANSPORTATION, INC. TO ASSIGN PROCEEDING TO OFFICE
OF ADMINISTRATIVE LAW JUDGE FOR SCHEDULING OF A HEARING**

CSX Transportation, Inc. (“CSXT”), by and through its undersigned counsel, hereby submits this Petition to Assign this Proceeding to the Office of Administrative Law Judge for the Scheduling of a Hearing, based upon the following:

1. CSXT has current maintenance responsibilities for the entire substructure and superstructure of the Bort Road Bridge, at the then-posted maximum load limits, pursuant to the Commission Order entered October 31, 1988, at Docket No. I-870042, as successor in interest to Consolidated Rail Corporation.

2. Pursuant to an Amended Secretarial Letter dated October 28, 2013, at the proceeding docketed to M-2013-2386854, CSXT was ordered to undertake extensive repairs to the Bort Road Bridge. Following the final inspection meeting, the Commission determined that CSXT satisfactorily completed the bridge repairs, and the case was closed by Secretarial Letter dated November 3, 2014.

3. The bridge structure carrying Bort Road over what are now CSXT’s tracks was constructed in 1905. CSXT’s engineers estimated at the time the repairs were completed in 2014 that those repairs would provide approximately ten years of additional service life for the bridge.

At the end of that time, however, the bridge would need to be replaced, due to it being well over 100 years old and far past its expected service life.

4. The Bort Road Bridge has been on the State Bridge Bill and eligible for replacement funding since 1987. See Act of July 9, 1986, P.L. 597, at p. 834 (Act 100 of 1986).

5. The owner of the bridge is the only party that can apply for Bridge Bill funding.

6. Although CSXT has present maintenance responsibility for the bridge, the Township owns the roadway on the bridge, and so is the owner of the bridge itself under Pennsylvania law. See, *City of Philadelphia v. Consolidated Rail Corporation*, 560 Pa. 587, 747 A.2d 352 (2000).

7. The Township has done nothing to progress the process to secure funding and replace the bridge in the 38 years since it was placed on the Bridge Bill and refuses to take any responsibility for advancing the process to obtain such funding.

8. Due to the City's refusal to take responsibility to obtain funding for the bridge, CSXT filed a Petition to Reassign Maintenance Responsibility for the bridge on January 29, 2015, under the present docket number. A true and correct copy of CSXT's Petition to Reassign Maintenance Responsibility with exhibits is attached hereto as Exhibit A.

9. The Township objected to being assigned maintenance responsibility for the bridge in its Answer with New Matter filed in response to CSXT's Petition to Reassign Maintenance Responsibility, and CSXT filed a Reply to the Township's New Matter.

10. CSXT put the matter on hold thereafter while PennDOT conducted an assessment of future Township roadway and bridge connectivity needs in the vicinity of the subject crossing, which may have eliminated the need for the Bort Road crossing. This study, dated September 13, 2016, and titled "North East Township Economic Analysis and Feasibility Study: An

Assessment of Future Roadway and Bridge Connectivity in the vicinity of Bort Road (T-780) and Remington Road (T-760),” (hereinafter “Feasibility Study”) is attached hereto as Exhibit B.

11. The Feasibility Study looked at a variety of options both preserving and eliminating the Bort Road crossing, and made a number of findings relevant to this Petition:

a. Bort Road has an ADT of less than 400 vehicles per day (pg. 6, Exhibit 2).

b. Reconstructing the Bort Road Bridge would be difficult from an engineering perspective and expensive due to the need to accommodate the nearby Norfolk Southern at-grade crossing (pg. 11).

c. Stakeholders and the public preferred the alternative of a new Bort Road Bridge (pg. 17).

d. The Feasibility Report authors (the engineering firm of Whitman, Requardt & Associates, LLP) assumed “that the Bort Road Bridge over CSX will deteriorate to a point that requires it to be closed and removed, or closed and replaced,” within “5-10 years out” (pg. 20).

12. The Feasibility Report Summary at page 29 states that “PennDOT and North East Township officials . . . acknowledged that proactive planning . . . will be crucial to ensuring that future decision-making, project development and implementation . . . are set in place within a timeframe that ideally precedes future bridge failures or additional maintenance concerns at the existing Bort/CSX Bridge.”

13. Nothing has been done to advance any planning to address the inevitable bridge failure in the next few years, despite CSXT efforts to engage the parties in discussions.

14. In that regard, the Bort Road Bridge is eligible for Section 130 federal funding for replacement. Obtaining the scheduling of funds for replacement of the Bort Road Bridge would

require prioritizing the scheduling of those funds by the Erie County Metropolitan Planning Organization (“MPO”).

15. The law under 23 U.S.C. § 130 and its regulations provide for states to prioritize railroad crossing projects for safety upgrades, with allocations of funding only to the state and its local subdivisions. Neither the law nor the regulations under Section 130 provide any way for railroads to apply for Section 130 funding.

16. CSXT has requested that Erie County take responsibility for the Bort Road Bridge to obtain Section 130 funding for its reconstruction, because the Township refuses to do so. However, Erie County has refused to take responsibility, and the Bort Road Bridge remains very low on the list of the Erie County MPO’s priorities.

17. It is irresponsible that neither North East Township nor Erie County will take responsibility for obtaining available funding for the reconstruction of the Bort Road Bridge if they desire that it remain an active crossing.

18. Recently, CSXT was informed that timbers constituting the bridge deck, which should be the Township’s responsibility under the 1988 Order, needed to be replaced. In the next several years the entire bridge likely will need to be replaced or closed.

19. If North East Township and/or Erie County want the Bort Road Bridge to remain a viable crossing, one or both of them should be assigned maintenance responsibility as an impetus to pursue available funding for replacement of the bridge. Otherwise, the bridge should be ordered abolished.

WHEREFORE, CSX Transportation, Inc., respectfully requests that this Honorable Commission schedule this matter for a hearing and subsequently order that maintenance responsibility for the Bort Road Bridge be reassigned to North East Township and/or Erie

County to pursue available funding for the bridge reconstruction. Alternatively, the crossing be abolished.

Respectfully submitted,

NAUMAN, SMITH, SHISSLER & HALL, LLP

By: *Benjamin C. Dunlap, Jr.*
Benjamin C. Dunlap, Jr., Esquire
Supreme Court I.D. #66283

Cohen Seglias Pallas Greenhall & Furman PC
240 North Third Street, 7th Floor
Harrisburg, PA 171101
Telephone: 717-234-5530
Email: bdunlap@cohenseglias.com

Counsel for CSX Transportation, Inc.

Date: January 25, 2024

VERIFICATION

I, Michael Sliper, Project Manager II, CSX Transportation, Inc., in the foregoing proceeding, make the following statement subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authority, and do state that as Project Manager II for CSX Transportation, Inc., I am authorized to make this statement on behalf of CSX Transportation, Inc. and that the facts set forth in the foregoing **“Petition to Assign Proceeding to Office of Administrative Law Judge for Scheduling of a Hearing”** are true and correct to the best of my knowledge, information and belief.



Michael Sliper

Date: 1-25-24

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF CSX TRANSPORTATION, :
INC. TO REASSIGN MAINTENANCE :
RESPONSIBILITY FOR THE BRIDGE : P-2015-2465847
STRUCTURE WHERE BORT ROAD (T-270) :
CROSSES ABOVE CSX TRANSPORTATION, : Filed Electronically
INC.'S TRACKS (DOT 524 035 A) IN NORTH :
EAST TOWNSHIP, ERIE COUNTY. :**

CERTIFICATE OF SERVICE

I hereby certify that I served one (1) copy of the Petition of CSX Transportation, Inc. to Assign Proceeding to Office of Administrative Law Judge for Scheduling of Hearing in the above-referenced matter, this day, via electronic mail only as noted below, addressed to:

Mark Chappell, P.E., Chief
Bureau of Design Row & Utility Division
PennDOT
PO Box 3362
Harrisburg, PA 17105-3362
marchappel@pa.gov

Karen Cummings, Esquire
Pennsylvania Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
kcummings@pa.gov

William Sinnick, Esquire
Michael Swindler, Esquire
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
wilsinick@pa.gov
mwindler@pa.gov

Brian A. McNulty, P.E.
PennDOT District 1-0
255 Elm Street
Oil City, PA 16301
brmcnulty@pa.gov

Robert J. Jeffery, Esquire
North East Twp. Solicitor
Knox McLaughlin Gornall & Sennett, P.C.
120 W 10th St.
Erie, PA 16501-1461
rjeffery@kmgslaw.com

Jeff Kordes, GPI Inc.
North East Twp. Engineer
8 Gibson Street
North East, PA 16428
jkordes@gpinet.com

William S. Speros, Esquire
Erie County Solicitor
Erie County Courthouse, Room 504
140 West Sixth Street
Erie, Pennsylvania 16501-1953
wsperos@eriecountypa.gov

AT & T
Attn: Pat Sutton
1100 3rd Ave
Altoona, PA 16602
ps4364@att.com

Lisa Law
Charter Communications
121 Albany Ave.
Olean, NY 14760
LISA.LAW@CHARTER.COM

Frederick Shunk
North East Township
10300 W Main Rd.
North East, PA 16428
fwshunk@northeasttwp.org

Lumen Relocator Personnel
Lumen Formerly Level 3
10025 Eldorado Blvd.
Broomfield, CO 80021
RELOCATIONS@LUMEN.COM

Mellyssa Adams
FirstEnergy Corporation
21 S Main Street
Akron, OH 44308
madams@firstenergycorp.com

Julio Pazmino
North East Borough Sewer Authority
31 W Main Street
North East, PA 16428
JPAZMINO@NORTHEASTBOROUGH.COM

Bill Swan
North East Borough Water Authority
31 W Main Street
North East, PA 16428
wswan@northeastborough.com

Jason Fleek
National Fuel Gas
1100 State Street
Erie, PA 16501
FLEEKJ@NATFUEL.COM

Ronald Silinskie
Verizon North
37 W 8th Street
Wyoming, PA 18644
RONALD.SILINSKIE@VERIZON.COM

Wesley Carpenter
Cogent Communications
484 Williamsport Pike, Box 113
Martinsburg, WV 25404
wcarpenter@cocogentco.com

Nicholas Mobilia
Arrowhead Wine Cellars
12073 East Main Road
North East, PA 16428
nmobilia@arrowheadwine.com

Colonel Robert Evanchick
c/o Carol Fernback
Pennsylvania State Police
3rd Floor Department Headquarters
1800 Elmerton Avenue
Harrisburg, PA 17110
cfernback@pa.gov

/s/ Karen L. Gagne

Karen L. Gagne, Secretary to
Benjamin C. Dunlap, Jr., Esquire

Date: January 25, 2024

EXHIBIT A

Nauman Smith

Attorneys At Law

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
Telephone Extension: 21

January 29, 2015

Filed Electronically

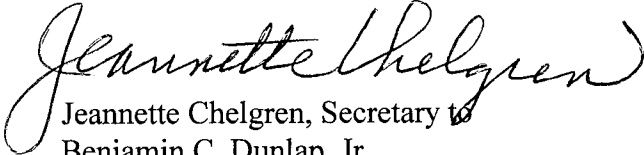
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

RE: Petition of CSX Transportation, Inc. to reassign maintenance responsibility for the bridge structure where Bort Road (T-270) crosses above CSX Transportation, Inc.'s tracks (DOT 524 035 A) in North East Township, Erie County

Dear Secretary Chiavetta:

I am enclosing an original of CSX Transportation, Inc.'s Petition to Reassign Maintenance Responsibility for filing in the above-referenced matter. As evidenced by the attached Certificate of Service, a copy of the Petition is being served upon all interested parties. In accordance with the new requirements, a hard copy of the Petition will **not** be delivered to your office. If you have any questions, please advise.

Sincerely yours,


Jeannette Chelgren, Secretary to
Benjamin C. Dunlap, Jr.

Enclosure

cc: All Interested Parties of Record (w/enc.)
Sean Craig, Esquire (via e-mail)
Ross White (via e-mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF CSX TRANSPORTATION, :
INC. TO REASSIGN MAINTENANCE :
RESPONSIBILITY FOR THE BRIDGE : **P-2014-**
STRUCTURE WHERE BORT ROAD (T-270) :
CROSSES ABOVE CSX TRANSPORTATION, : **Filed Electronically**
INC.'S TRACKS (DOT 524 035 A) IN NORTH :
EAST TOWNSHIP, ERIE COUNTY. :

PETITION

CSX Transportation, Inc. (“CSXT”), by and through its counsel, Nauman, Smith, Shissler & Hall, LLP, hereby petitions pursuant to 52 Pa. Code § 5.41 for the reassignment of maintenance responsibility for the bridge structure where Bort Road (T-270) crosses above CSXT’s tracks in North East Township (“Township”), Erie County (DOT 524 035 A), based upon the following:

1. The bridge structure carrying Bort Road over what are now CSXT’s tracks was built in 1905 by the Lake Shore and Michigan Southern Railroad.
2. By Commission Order entered October 31, 1988, at Docket No. I-870042, Consolidated Rail Corporation (“Conrail”) was assigned maintenance responsibility for the entire substructure and superstructure of the Bort Road bridge at the then-posted maximum load limits. A true and correct copy of the Commission Order entered October 31, 1988, is attached hereto as Exhibit “A.”
3. CSXT is the successor in interest to Conrail’s obligations under the 1988 Order by virtue of becoming the owner of Conrail’s rail lines and real property under the subject bridge in 1999.

4. Pursuant to an Amended Secretarial Letter dated October 28, 2013, at the proceeding docketed to M-2013-2386854, CSXT was ordered to undertake extensive repairs to the bridge, pursuant to the requirements of that order, by April 30, 2014. A true and correct copy of the aforementioned Secretarial Letter is attached hereto as Exhibit "B."

5. Following a final inspection meeting, the Commission determined by Secretarial Letter dated November 3, 2014, that the repairs to the bridge were satisfactorily completed by CSXT and the case at Docket No. M-2013-2386854 was closed. A true and correct copy of the Secretarial Letter dated November 3, 2014, is attached hereto as Exhibit "C."

6. CSXT's engineers estimate that the repairs made to the Bort Road bridge will provide approximately 10 years of additional service life for the bridge. At the end of that time, however, the bridge will be well over 100 years old, far past its expected service life and in need of replacement.

7. The Bort Road bridge has been on the State Bridge Bill and eligible for replacement funding since 1987. See Act of July 9, 1986, P.L. 597, at page 834 (Act 100 of 1986).

8. Although CSXT has present maintenance responsibility for the bridge, the Township owns the roadway on the bridge, and so is the owner of the bridge itself under Pennsylvania law. See *City of Philadelphia v. Consolidated Rail Corporation*, 560 Pa. 587, 747 A.2d 352 (2000).

9. The owner of a bridge is the only party that can apply for Bridge Bill funding.

10. The Township has done nothing to progress the process to secure funding and replace the bridge in the 28 years since it was placed on the Bridge Bill.

11. By letter dated March 21, 2014, CSXT informed the Township that it would agree to maintain the bridge until replacement if, and only if, the Township took the necessary steps to secure replacement funding for the bridge. A copy of the aforementioned letter is attached hereto as Exhibit "D".

12. The Township refused and continues to refuse to take the necessary actions to secure Bridge Bill funding for bridge replacement.

13. CSXT will not agree to provide any funding for bridge replacement when that becomes necessary if the Township continues to refuse to take the necessary steps to secure available funding.

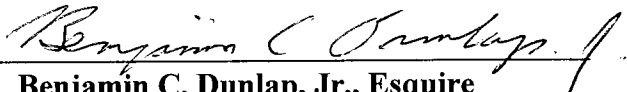
14. The Township's refusal to take the necessary steps to secure Bridge Bill funding, a process that generally takes years to achieve, virtually assures bridge closure and extensive litigation when the bridge requires replacement.

15. CSXT believes that reassignment of maintenance responsibility for the bridge to the Township will provide the necessary impetus for the Township to pursue Bridge Bill funding.

16. It is equitable to assign maintenance responsibility for the bridge to the Township, when it is the only entity that can pursue potentially available funding for a bridge replacement all parties know will be necessary in the coming years.

WHEREFORE, CSX Transportation, Inc., respectfully requests that this Honorable Commission grant its Petition and reassign maintenance responsibility for the Bort Road bridge to North East Township.

Respectfully submitted,
NAUMAN, SMITH, SHISSLER & HALL, LLP

By 
Benjamin C. Dunlap, Jr., Esquire
Supreme Court I.D. #66283

200 North Third Street, 18th Floor
P. O. Box 840
Harrisburg, PA 17108-0840
Telephone: 717-236-3010
Counsel for CSX Transportation, Inc.

Date: January 29, 2015

VERIFICATION

I, Ross M. White, P.E., ADE Structures, of CSX Transportation, Inc., in the foregoing proceeding, make the following statement subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authority, and do state that as ADE Structures for CSX Transportation, Inc., I am authorized to make this statement on behalf of CSX Transportation, Inc., and that the facts set forth in the foregoing **“Petition to Reassign Maintenance Responsibility”** are true and correct to the best of my knowledge, information and belief.

Ross M. White

Date: 1/28/17

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held October 27, 1988

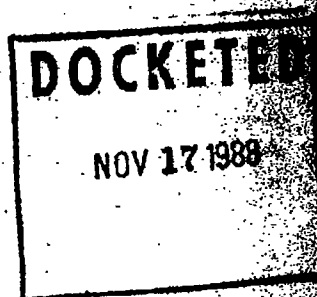
Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice Chairman
Linda C. Talliferro, Commissioner
Joseph Rhodes, Jr., Commissioner
Frank Fischl, Commissioner



Investigation upon the Commission's
own motion into matters pertaining to
the maintenance of the rail-highway
crossing (AAR 524 035 A) carrying Bort
Road (7-786) over and above the grade
of the tracks of Consolidated Rail
Corporation, in North East Township,
Allegheny County.

I-870042



ORDER

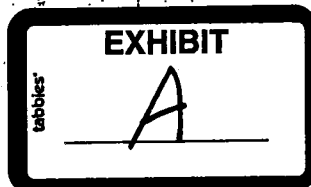
BY THE COMMISSION:

We adopt as our action the Recommended Decision of
Administrative Law Judge Michael A. Nemeo dated August 29, 1988;
THEREFORE,

IT IS ORDERED:

1. That the posting of the structure for 12 ton single and
17 ton combination vehicles as existing at the crossing, be and
is hereby approved.

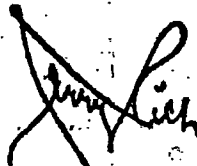
2. That Consolidated Rail Corporation, at its sole
cost and expense, furnish all material and do all work necessary
to maintain the entire sub and superstructure of the bridge at
the posted maximum load limits, except bituminous surface course
if any on the deck, in a safe and satisfactory condition.



3. That North East Township, at its sole cost and expense, furnish all material and do all work necessary to maintain the approach roadways to the structure as well as bituminous surface course, if any on the deck, in a safe and satisfactory condition.

4. That the costs incurred by the parties, if any, in performing work at the crossing in accordance with the previous orders of the Commission issued in this proceeding, be borne by the parties involved.

BY THE COMMISSION,



Jerry Rich
Secretary

APPROVED: October 27, 1988

APPROVED: OCT 31 1988



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

October 28, 2013

M-2013-2386854
(Amended)

TO ALL PARTIES

In re: Bridge Structure where Bort Road (T-780) crosses above
grade of the tracks of CSX Transportation Inc.,
(DOT 524 035 A) in North East Township, Erie County.

To Whom It May Concern:

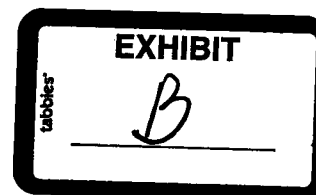
At a location in North East Township, Erie County, Bort Road (T-780)
crosses above the grade of the tracks owned by CSX Transportation Inc., (CSX).

The existing structure consists of a three-span, steel girder bridge
supported by steel pier bents with a timber deck. The length of the bridge is 151 feet
with a single traffic lane. A Commission Order, I-870042, dated October 27, 1988,
ordered the bridge be posted for a maximum load limit of twelve (12) tons single and
seventeen (17) tons combination vehicles. Consolidated Rail Corporation was ordered to
maintain the superstructure and substructure of the bridge at the posted maximum load
limits, except for the bituminous surface course, if any, on the deck. North East
Township was ordered to maintain the approach roadways.

By electronic mail with Pennsylvania Department of Transportation
(PennDOT) personnel, the Commission was notified that the subject bridge was closed
by North East Township on August 15, 2013 as a result of the findings of a recent bridge
inspection by Infrastructure Engineers, Inc., on behalf of Pennsylvania Department of
Transportation. Infrastructure Engineers, Inc., found structural deficiencies requiring
repair work to the pier cap beams and steel columns of the subject bridge.

A field investigation and conference was arranged by a Commission staff
engineer and held at the site of the crossing on September 26, 2013. All parties of record
were notified of the conference and representatives of the following entities were in
attendance.

CSX Transportation Inc.
North East Township
Erie County
Pennsylvania Department of Transportation
Macdonald, Illig, Jones & Britton LLP



Nauman, Smith, Shissler & Hall, LLP
Arrowhead Wine Cellars
Swan Merlot
Infrastructure Engineers, Inc.

At the field conference it was noted that the subject bridge was closed due to severe deterioration and section loss on both bents and pier cap beams. It was also noted that several of the timber planks on the deck were deteriorated and need replaced. The bridge is listed for replacement in Bridge Bill II (Act 1986-100); however, no party has currently proceeded with any plans for replacement or programmed any funding.

The parties discussed remedial action to reopen the bridge safely to the traveling public. CSX stated it is now the current operator under the bridge and agreed to make repairs to the bridge. CSX stated that they will repair or replace deteriorated girders, pier bents and planking of the timber deck. The rehabilitation work will allow the bridge to be reopened to the former posted load limits; however, all the parties discussed and agreed that lowering the bridge posting to eight (8) tons for all vehicles will reduce the live loads subjected to the bridge, thus possibly extending the service life of the bridge. An exemption will be granted for emergency vehicle usage.

PennDOT agreed to perform future bridge inspections in accordance with the requirements of National Bridge Inspections Standards (NBIS), AASHTO standards and Pennsylvania Department of Transportation Policies and Procedures.

North East Township agreed to install and maintain eight (8) ton weight limit signs (R12-1) and to maintain the one-lane bridge signs (W5-3), on the approach roadways and agreed to maintain all guiderails approaching the bridge.

Upon full consideration of the matters involved, we will issue a Secretarial Letter affirming North East Township's closing of the subject bridge and to direct CSX to make all repairs to the bridge including repairs or replacement to the girders, bents, and timber plank deck, to ensure the bridge is capable of safely carrying vehicular traffic traversing the structure, and to direct the bridge to be reposted for a load limit of eight (8) tons.

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.

Upon review of the circumstances regarding the condition of the bridge and in the interest of the safety of the public, we affirm the action taken by North East Township in closing the bridge to all vehicular traffic; and will direct CSX to make repairs to safely reopen the bridge to an eight (8)-ton load limit, THEREFORE;

1. Pennsylvania Department of Transportation, Pennsylvania State Police, Norfolk Southern Railway Company, CSX Transportation Inc., Macdonald, Illig, Jones & Britton LLP, Nauman, Smith, Shissler & Hall, LLP, Arrowhead Wine Cellars, Swan Merlot, Infrastructure Engineers, Inc., North East Township and Erie County are made parties hereto.

2. The action taken by North East Township to close the bridge carrying Bort Road (T-780) above the grade of the tracks of CSX Transportation Inc., in North East Township, Erie County be and is hereby affirmed.

3. CSX Transportation Inc., at its sole cost and expense, on or before April 30, 2014, furnish all material and perform all work necessary to make repairs to the subject bridge, including repairs or replacement to the girders, bents, and timber plank deck, to ensure the bridge is capable of safely carrying vehicular traffic traversing the structure.

4. CSX Transportation Inc., at its sole cost and expense, furnish and maintain any flagmen, watchmen, and/or construction inspectors necessary to protect and safeguard its railroad operations during the time the subject crossing is being constructed along, above or adjacent to its tracks.

5. North East Township, at its sole cost and expense, furnish all material and do all work necessary to install an eight (8) ton weight limit sign (R12-1), conforming to the Manual on Uniform Traffic Control Devices, on each approach roadway on each end of the structure.

6. Any non-carrier public utilities, at their sole cost and expense, furnish all material and do all work necessary to make any temporary or permanent changes, alteration, adjustment and relocation of their facilities to permit CSX Transportation Inc., to repair, rehabilitate and alter the subject bridge; and such relocated or altered facilities thereafter be maintained by said public utility, at its sole cost and expense.

7. The parties to this proceeding shall cooperate with each other, so that in the rehabilitation of the bridge, the facilities of all parties will not be endangered or unnecessarily impacted.

8. All work necessary to complete the rehabilitation of the crossing project be done in a manner satisfactory to this Commission on or before April 30, 2014, and that on or before said date, CSX Transportation Inc., report to this Commission the date of actual completion of the work.

9. CSX Transportation Inc., pay all compensation for damages, if any, due to owners of property taken, injured or destroyed by reason of the construction; in accordance with this Secretarial Letter.

10. North East Township, at its sole cost and expense, maintain the approach roadways to the bridge, the entire guiderails installed on the approaches and on the bridge, the eight (8) ton weight limit signs (R12-1), and the one-lane bridge signs (W5-3) in a safe and satisfactory conation.

11. CSX Transportation Inc., at its sole cost and expense, furnish all material and do all work necessary to maintain the superstructure and substructure of the bridge, except for the guiderail, in a safe and satisfactory condition.

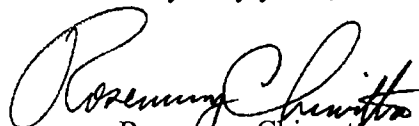
12. Pennsylvania Department of Transportation, at its initial cost and expense, perform all bridge inspections at the subject crossing; the inspection of the bridge should conform to all requirements of the National Bridge Inspection Standards, AASHTO Standards, and Pennsylvania Department of Transportation Policies and Procedures.

13. North East Township enforce the posted maximum load limit established herein, enlisting the assistance of the Commonwealth Weight Enforcement Teams, if necessary.

14. An exemption for vehicles in excess of eight (8) tons to utilize the bridge in emergency situations is hereby granted.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code § 5.44, file a petition with the Commission within twenty (20) days of the date of this letter.

Very truly yours,


Rosemary Chiavetta
Secretary



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

November 3, 2014

M-2013-2386854

TO ALL PARTIES

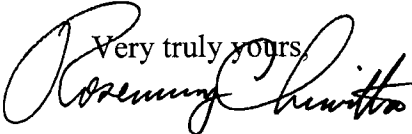
Bridge Structure where Bort Road (T-780) crosses above
grade of the tracks of CSX Transportation Inc.,
(DOT 524 035 A) in North East Township, Erie County.

To Whom It May Concern:

A final inspection conducted by a Commission staff engineer on August 27, 2014 revealed that all work has been completed in accordance with the Secretarial Letter dated October 28, 2013, and that all outstanding matters have been satisfied.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that since all work has been completed, the case be "CLOSED."

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5.44, file a petition with the Commission within twenty (20) days of the date of this Secretarial Letter.

Very truly yours,


Rosemary Chiavetta
Secretary



Nauman Smith

Attorneys At Law

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
Telephone Extension 21

March 21, 2014

Robert J. Jeffrey, Esquire
Solicitor - North East Township
33 East Main Street
North East, PA16428-1340

Dear Mr. Jeffrey:

As you know, our client, CSX Transportation, Inc. ("CSXT") is required under the Amended PUC Secretarial Letter dated October 28, 2013, to complete repairs to the Bort Road bridge in North East Township ("Township") and have the bridge reopened by April 30, 2014. CSXT is on track to meet that deadline.

I have been informed by CSXT's engineers that these repairs should provide approximately 10 years of additional service life for the bridge. At the end of that time, however, the bridge will be over 100 years old, well past its expected service life and in need of replacement.

As you know from the PUC field meeting held at the end of September, the bridge has been on the State Bridge Bill and eligible for replacement funding since 1986. However, in the 28 years since then, the Township has done nothing to progress the process to secure that funding and replace the bridge. The Township, as the owner of the roadway on the bridge, under Pennsylvania law is the owner of the bridge itself. See *City of Philadelphia v. Consolidated Rail Corporation*, 560 Pa. 587, 747 A.2d 352 (2000). As noted by John Morgan of the Erie County Department of Planning at the PUC field meeting, the owner of the bridge is the only party that can apply for Bridge Bill funding.

Please be advised that CSXT will agree to maintain the bridge until replacement, but if and only if the Township takes the necessary steps and secures replacement funding for the bridge within that time frame. If not, CSXT will petition the PUC to have maintenance responsibility for the bridge transferred to the Township.




Superior analysis. Effective solutions. Since 1977.

Robert J. Jeffrey, Esquire
March 21, 2014
Page 2

As stated at the field meeting, CSXT will work with the Township to assist it in securing this funding, while the extensive repairs CSXT is making to the bridge should provide more than sufficient time to accomplish this, but only if the Township is diligent in pursuing the funding. Please contact me if you have any questions in this regard.

Sincerely yours,



Benjamin C. Dunlap, Jr.

BCDjr/jc

cc: Sean Craig, Esquire
Ross White

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF CSX TRANSPORTATION, :
INC. TO REASSIGN MAINTENANCE :
RESPONSIBILITY FOR THE BRIDGE : P-2014-
STRUCTURE WHERE BORT ROAD (T-270) :
CROSSES ABOVE CSX TRANSPORTATION, : Filed Electronically
INC.'S TRACKS (DOT 524 035 A) IN NORTH :
EAST TOWNSHIP, ERIE COUNTY. :**

CERTIFICATE OF SERVICE

I hereby certify that I served one (1) copy of the Petition for Reassignment of Maintenance Responsibility on behalf of CSX Transportation, Inc. in the above-referenced matter, this day, by depositing the same in the United States mail, postage prepaid, in Harrisburg, Pennsylvania, addressed to:

MARK CHAPPELL PE CHIEF
PENNDOT
BUREAU OF DESIGN ROW & UTILITY
DIVISION
PO BOX 3362
HARRISBURG PA 17105-3362

GINA M D'ALFONSO ESQUIRE
PENNDOT
OFFICE OF CHIEF COUNSEL
PO BOX 8212
HARRISBURG PA 17105-8212

MARK BREDL, A.D.BRIDGE ENGINEER
PENNDOT DISTRICT 1-0
255 ELM STREET
OIL CITY, PA 16301

JEANETTE UHL
PENNDOT DISTRICT 1-0
255 ELM STREET
OIL CITY, PA 16301

JOHN PERSINGER
MACDONALD, ILLIG, JONES &
BRITTON LLP
100 STATE STREET, SUITE 700
ERIE, PA 16507-1459

NICHOLAS MOBILIA
ARROWHEAD WINE CELLARS
12073 EAST MAIN ROAD
NORTH EAST PA 16428

FRANCES J NOONAN JR
PENNSYLVANIA STATE POLICE
3RD FLOOR DEPT HEADQUARTERS
1800 ELMERTON AVENUE
HARRISBURG PA 17110

ERIE COUNTY
ERIE COUNTY
140 WEST SIXTH STREET
ERIE PA 16501

AUGUST NEFF
NORTHEAST TOWNSHIP
10300 WEST MAIN ROAD
NORTH EAST PA 16428

Date: January 29, 2015

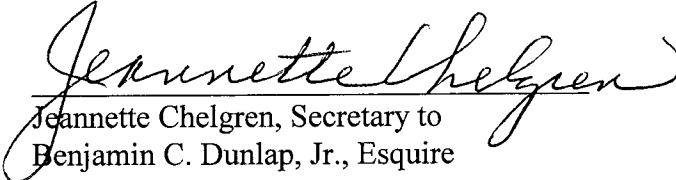

Jeannette Chelgren, Secretary to
Benjamin C. Dunlap, Jr., Esquire

EXHIBIT B



North East Township Economic Analysis and Feasibility Study:

*An Assessment of Future Roadway and Bridge Connectivity
in the vicinity of Bort Road (T-780) and Remington Road (T-760)*

ECMS Project: E02331-WO8
Report Date: September 13, 2016 (FINAL)

Prepared for: PennDOT Engineering District 1-0
Prepared by: Whitman, Requardt & Associates, LLP



This page intentionally left blank

Table of Contents

	<u>Page</u>
INTRODUCTION.....	3
BASE CONDITIONS	5
Traffic Volumes	5
Crash Reviews	5
Zoning and Environmental Reviews	5
Rail Crossing Inventories and Bridge/Structural Reviews	11
Public/Stakeholder Outreach Perspectives.....	17
SCENARIO PLANNING	18
Preliminary Scenario Screening.....	18
Final Scenario Development.....	20
Relative Impact and Cost Assessments	20
SUMMARY.....	29

List of Exhibits

	<u>Page</u>
Exhibit 1: Study Area	4
Exhibit 2: Traffic Count Sites and Related Data (2015).....	6
Exhibit 3: Average Daily Traffic Volumes (2015-2040).....	7
Exhibit 4: Crash Locations (Data Years 2010-2014)	8
Exhibit 5: Existing Land Use.....	9
Exhibit 6: Existing Zoning	9
Exhibit 7: Environmental Screening.....	10
Exhibit 8: Photo Inventory of Bort Road Bridge over CSX, plus Bort Road and NS At-Grade Crossing	12
Exhibit 9: Photo Inventory of Bort Road Bridge over I-90 and Vicinity	13
Exhibit 10: Photo Inventory of Remington Road Bridge over I-90 and Vicinity	14
Exhibit 11: Photo Inventory of Remington Road and CSX/NS At-Grade Crossing.....	15
Exhibit 12: Photo Inventory of Gulf Road Arch under CSX, plus Gulf Road and NS At-Grade Crossing	16
Exhibit 13: Preliminary Scenario Concepts	19
Exhibit 14: Alternative 1 – Minimal Maintenance Scenario	21
Exhibit 15: Alternative 2 – Bort Road Enhancement Scenario.....	22
Exhibit 16: Alternative 3 – Remington Road Enhancement Scenario	23
Exhibit 17: Alternatives Impact Matrix	24
Exhibit 18: Alternatives Cost Matrix.....	25

List of Appendices

Appendix A:	Traffic Count Data
Appendix B:	Travel Demand Model Documentation
Appendix C:	Public/Stakeholder Comment Details
Appendix D:	Maintenance, Demo, and Construction Cost Estimates
Appendix E:	Road User Cost Estimates

This page intentionally left blank

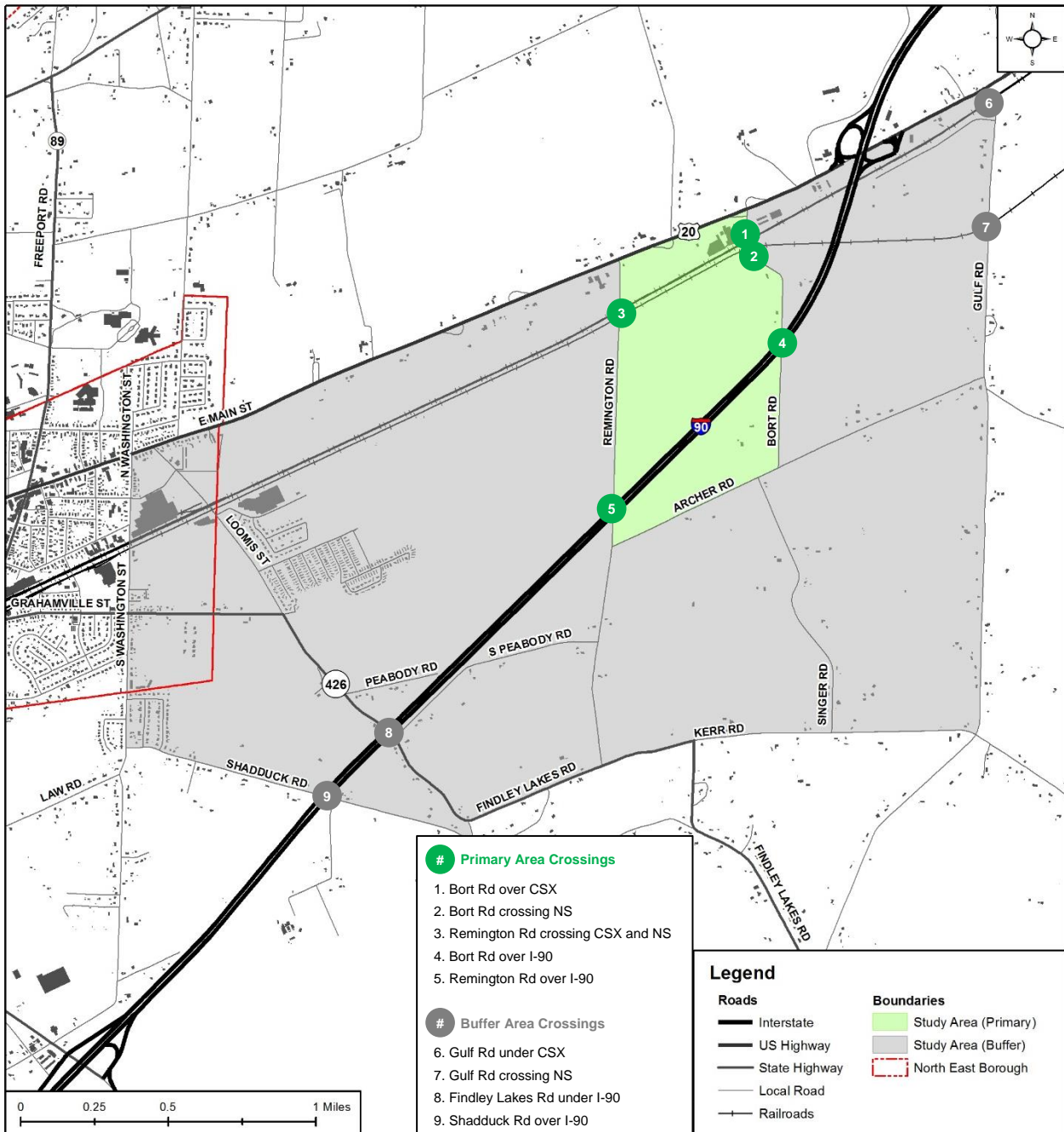
INTRODUCTION

This *North East Township Economic Analysis and Feasibility Study* has been completed for the Pennsylvania Department of Transportation (PennDOT), Engineering District 1-0. The study evaluated potential bridge closure, replacement, and maintenance scenarios focusing on an existing sub-standard bridge along Bort Road (T-780) over CSX railroad in North East Township, Erie County. Study efforts analyzed the potential impacts or effects that the various scenarios could have on broader transportation systems and land use in the localized areas surrounding the Bort Road/CSX Bridge. These efforts considered a review of various traffic and infrastructure details, land use and environmental perspectives, and public/stakeholder input. Summary insights were compiled to help describe each scenario and support future decision-making by state, county, local, and/or rail officials relative to future infrastructure planning and programming needs within the study area.

While the study's focal point was the Bort Road/CSX Bridge, the overall study area (Exhibit 1) considered transportation system and land use implications across a broader area consisting of the following:

- *Primary Study Area* – was bound west to east by Remington Road (T-760) and Bort Road (T-780), and north to south by US 20 (SR 0020) and Archer Road (T-773). This area focused on the existing Bort Road Bridge over CSX Railroad, plus the adjacent Bort Road at-grade crossing of NS Railroad. It also considered nearby at-grade crossings on Remington Road, plus existing bridges over I-90 on both Bort and Remington Roads.
- *Buffer Area* – extended west to South Washington Street (T-738), east to Gulf Road (SR 1017), and south to Findley Lake Road (SR 0426) and Kerr Road (SR 1010). The buffer area encompassed a broader view of potential railroad and interstate crossing options including the Shaddock Road (T-753) bridge over I-90, Findley Lake Road (SR 0426) underpass beneath I-90, and the Gulf Road (SR 1017) underpass beneath CSX railroad.

Exhibit 1: Study Area



BASE CONDITIONS

TRAFFIC VOLUMES

Average Daily Traffic (ADT) volumes for base year 2015 conditions within the study area were determined using a combination of historic PennDOT traffic data plus new daily counts collected by the project team. New counts (Appendix A) were collected using Automatic Traffic Recorders (ATRs) to gather at least 48 hours of weekday data at each count location (Exhibit 2). Counts were specifically scheduled for mid-October to coincide with grape harvest season to capture higher levels of traffic activity (as reported by local stakeholders) on the study area roadways.

Base Year 2015 ADT volumes were compiled for both the primary study area and buffer area (Exhibit 3). While mainline travel along US 20 was estimated at nearly 4,500 vehicles per day; other routes in the vicinity of the primary study area generally revealed fairly low volumes. Estimates included less than 400 vehicles per day each on Bort and Remington Roads, 200 vehicles per day on Archer Road, and just under 700 vehicles per day on nearby Gulf Road (the nearest available rail crossing beyond Bort and Remington Roads).

Future Year 2040 ADT volumes were also estimated to help assess potential traffic growth influences along the study area roadways (Exhibit 3). These estimates were derived using traffic growth projections from Erie County's existing countywide Travel Demand Model (TDM), coupled with the development and assessment of a more detailed project-specific TDM that was first extracted from the countywide model, and then enhanced to include additional local roadways and circulation detail within the project-specific study area (Appendix B). The *Erie County Long Range Transportation Plan* and applicable local comprehensive plans were also reviewed to ensure that future changes in land use, population, employment, or committed transportation projects within the study area were reflected in the future year models. Excluding US 20, estimates generally revealed a very nominal level of anticipated traffic growth ranging from approximately 0.15-0.76% per year (compounded), or an equivalent increase of approximately 10-12% over the 25-year period from 2015 to 2040. US 20 growth estimates were slightly higher at a rate of 0.90-0.98% per year (compounded), or an equivalent 25-year increase of up to 28%.

CRASH REVIEWS

Based on roadway and railroad crash records from 2010 through 2014, there were no notable crash patterns, trends, clusters, or frequencies that would directly relate to or influence the bridge closure, replacement, and maintenance scenarios covered by this study. A map showing the location of reportable crashes from data years 2010-2014 is included as Exhibit 4.

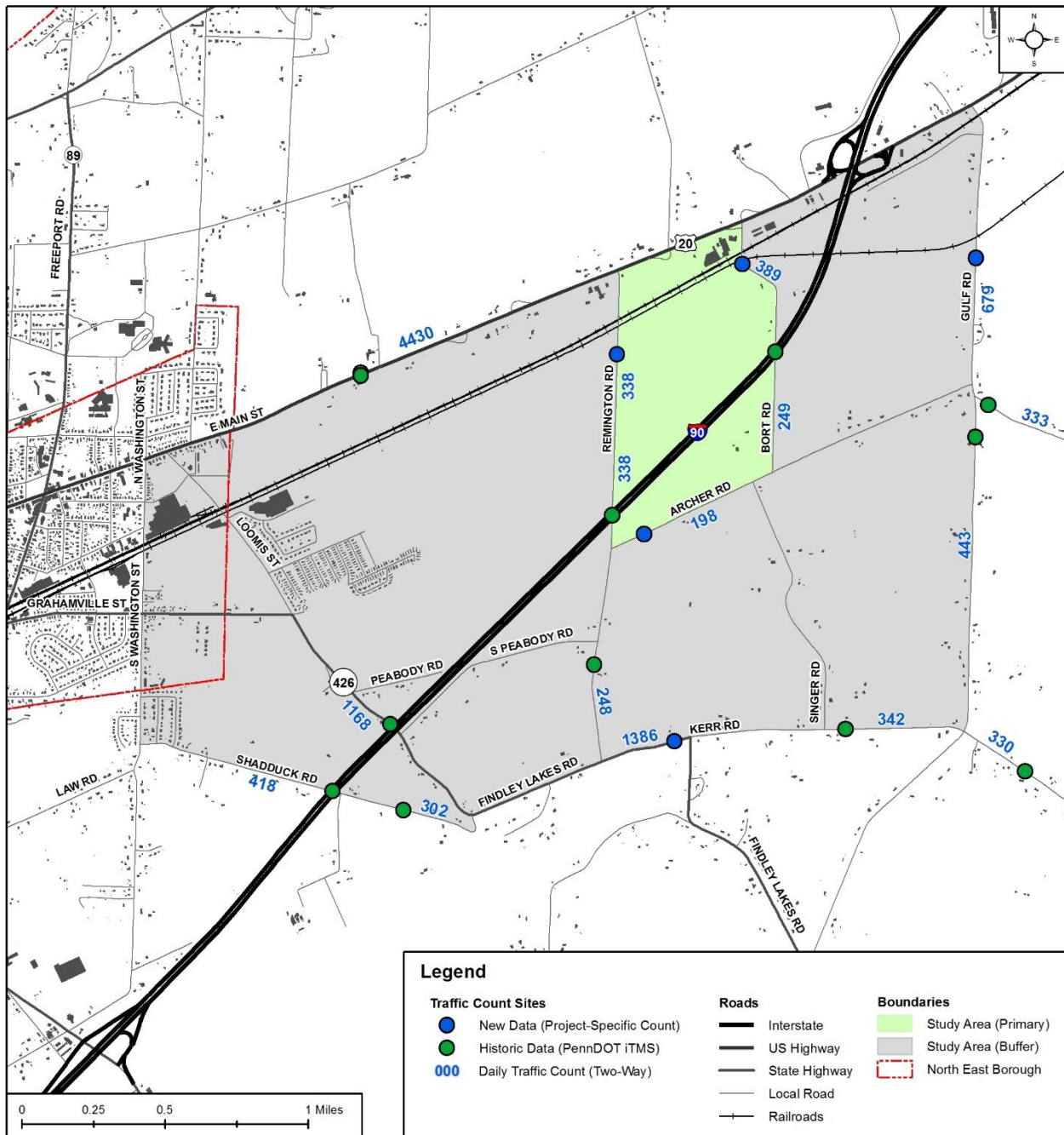
ZONING AND ENVIRONMENTAL REVIEWS

Based on data available from the Erie County Department of Planning, existing land use and zoning within the study area is predominately agriculture with a mix of other uses (Exhibit 5 and Exhibit 6). Land use south of the CSX and NS railroads is mostly zoned A-2 Agriculture, plus several residential parcels of various sizes. Land use along US 20 and north of the railroads includes a mix of industrial, commercial, and residential areas.

Some of the agricultural lands within the study area have been designated as Agricultural Security Areas and have been entered into the County's Agricultural Land Preservation program. As such, any proposed acquisition of right-of-way from any of these properties would require coordination with the County and possibly the Pennsylvania Agricultural Lands Condemnation Approval Board (ALCAB). Close coordination with the District's Environmental Manager will be imperative as concepts are refined and/or advanced to the preliminary engineering phase.

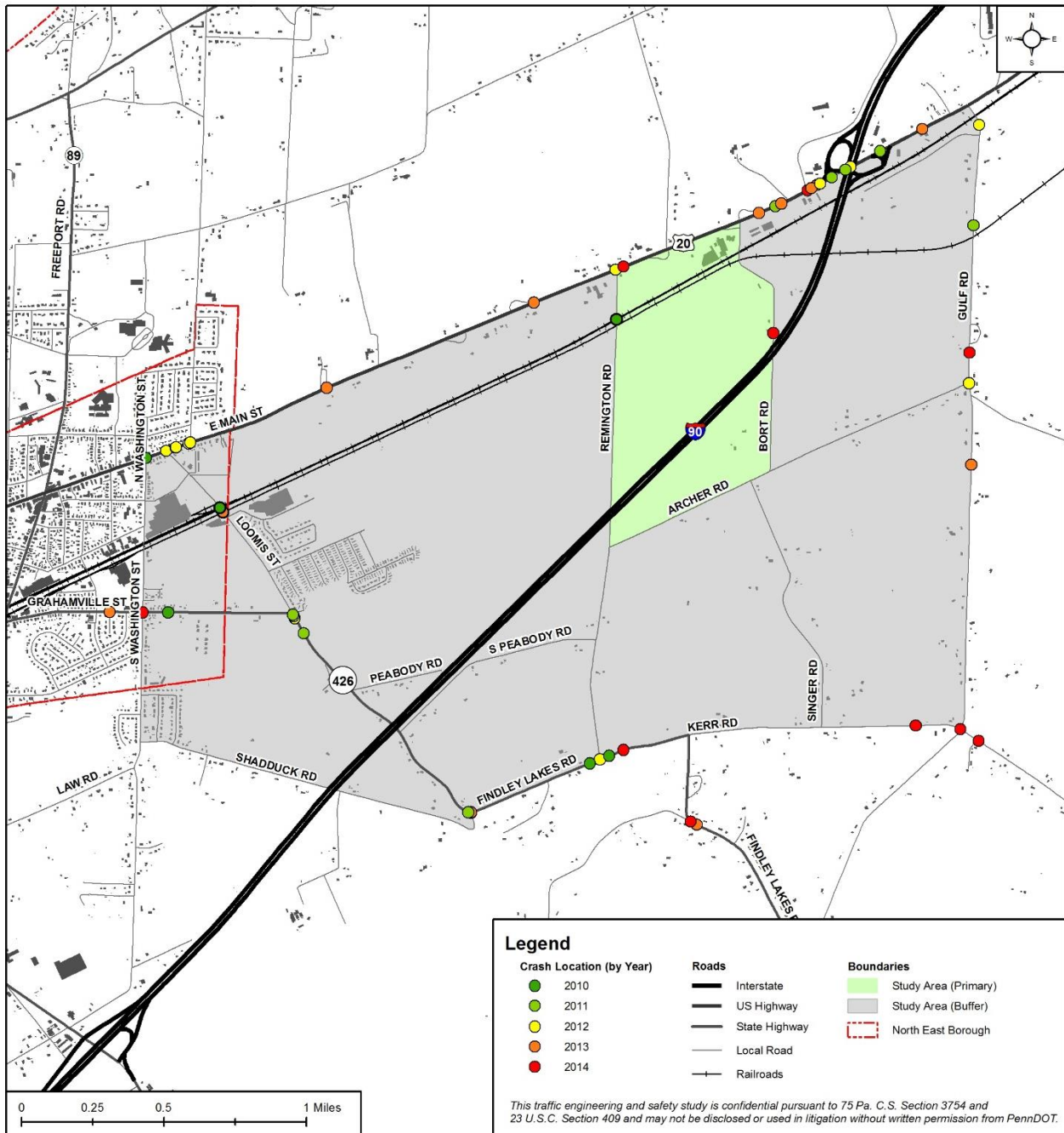
A preliminary environmental screening was also conducted to identify potential threatened, endangered, or rare plants, animals, natural communities, or geologic features within the study area. Search results from the Pennsylvania Natural Heritage Program's Pennsylvania Natural Diversity Inventory (PNDI) did not reveal any significant findings within the primary study area (Exhibit 7).

Exhibit 2: Traffic Count Sites and Related Data (2015)



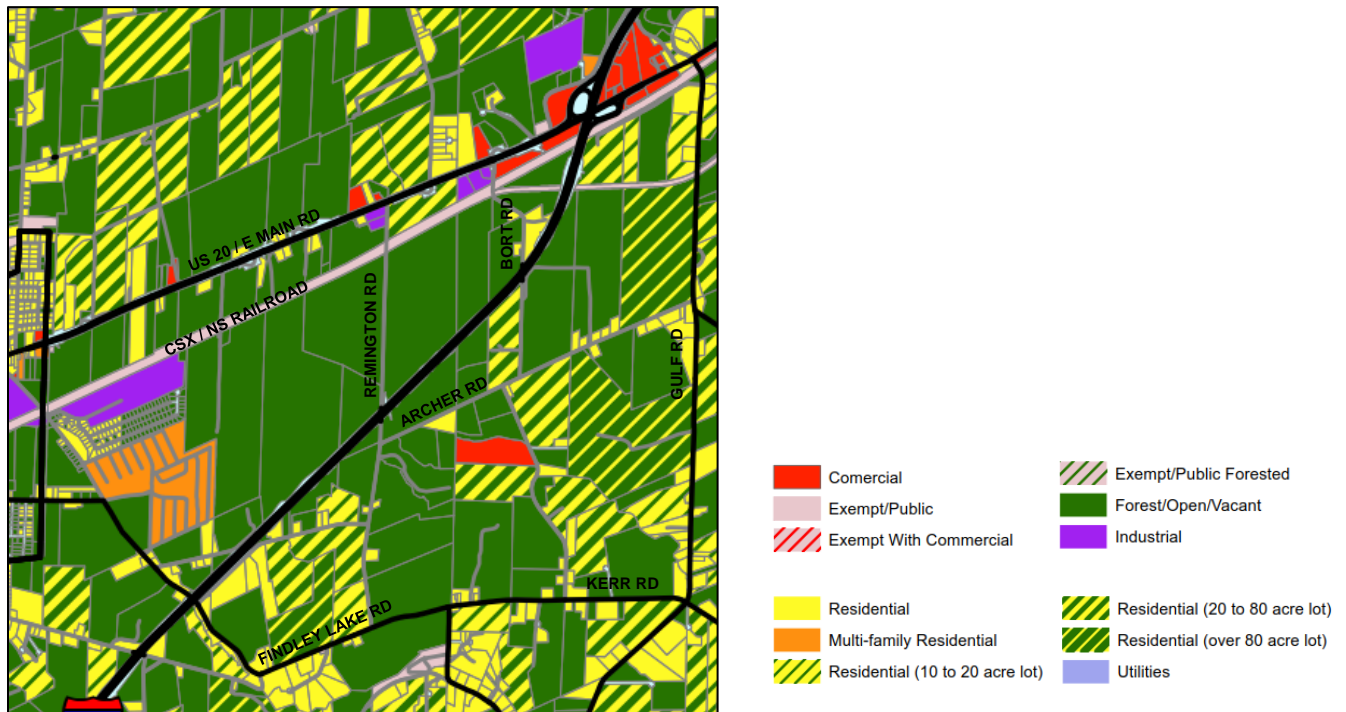
Data Sources: PennDOT Internet Traffic Monitoring System (iTMS); WRA project-specific traffic counts (October 2015)

Exhibit 4: Crash Locations (Data Years 2010-2014)



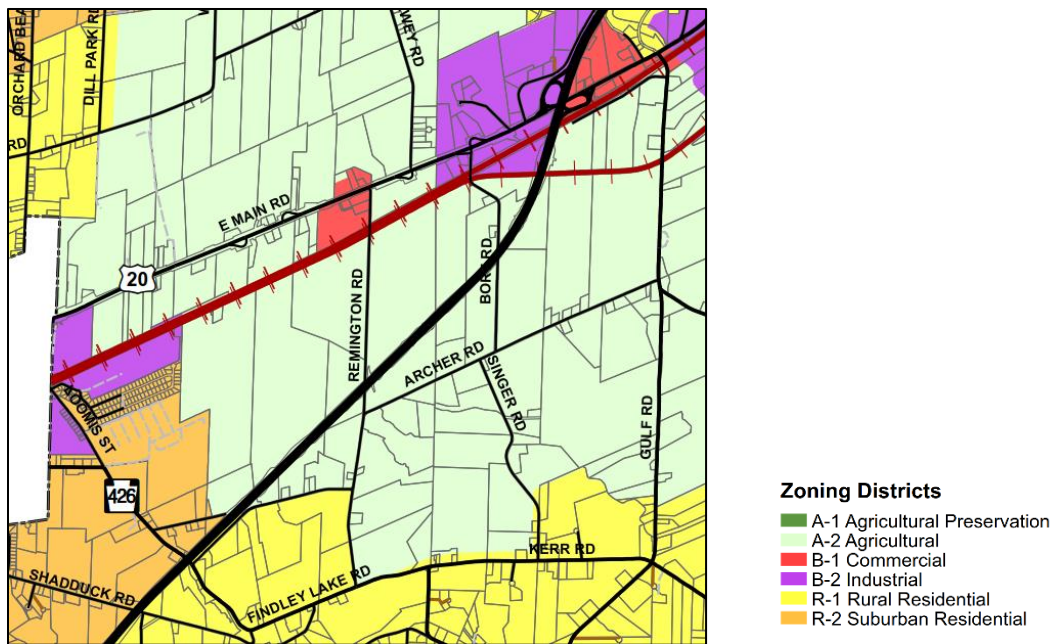
Data Sources: PennDOT Crash Data Access and Retrieval Tool (CDART); Federal Railroad Administration Office of Safety Analysis

Exhibit 5: Existing Land Use



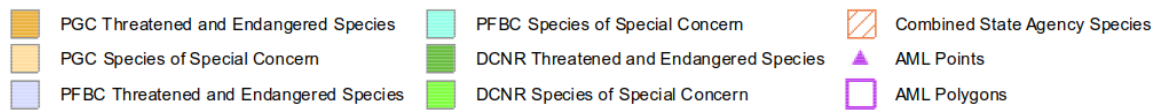
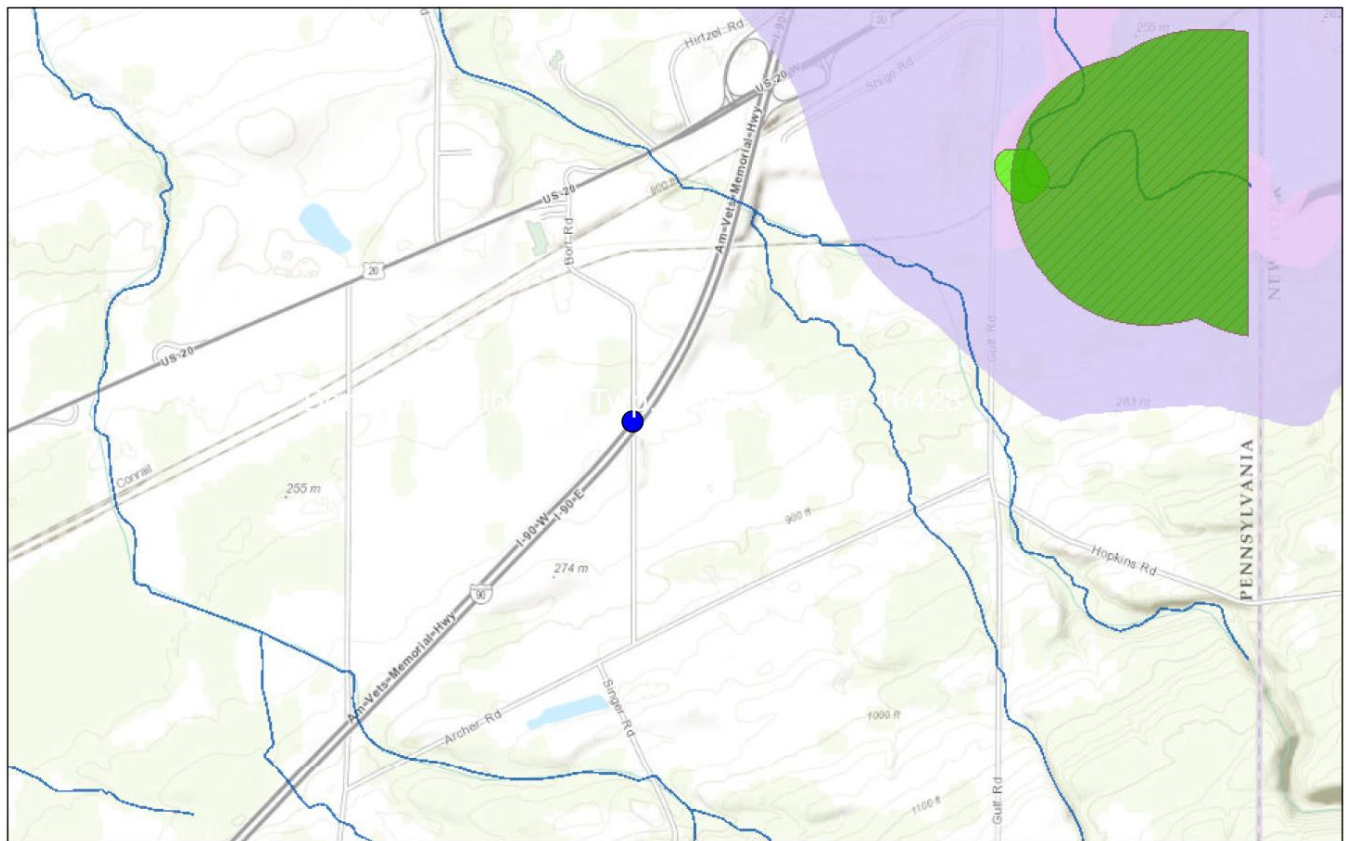
Source: Erie County Department of Planning via North East Smart Transportation Initiative Project, 2011.

Exhibit 6: Existing Zoning



Source: Erie County Department of Planning, 2013.

Exhibit 7: Environmental Screening



Source: Pennsylvania Natural Heritage Program, Pennsylvania Natural Diversity Inventory (PNDI), 2016.

RAIL CROSSING INVENTORIES AND BRIDGE/STRUCTURAL REVIEWS

Relative to the study's focal area and the functioning of the surrounding transportation system, a consideration of existing and future infrastructure conditions was exceptionally relevant for three key bridges and one arch structure within the study area, as well as other at-grade rail crossings in the vicinity. Bridge, structure, and at-grade crossing locations include:

- Bort Road Bridge over CSX
- Bort Road and NS at-grade crossing
- Bort Road Bridge over I-90
- Remington Road Bridge over I-90
- Remington Road and CSX/NS at-grade crossing
- Gulf Road concrete arch under CSX
- Gulf Road and NS at-grade crossing

General inventories and conditions at each of these locations are described below.

Bort Road Bridge over CSX, plus Bort Road and NS At-Grade Crossing

Matching Sites #1 and #2 in previous Exhibit 1, and shown in Exhibit 8 on the following page, the existing bridge is in poor condition and is currently posted with an eight-ton weight restriction. It was closed for repairs in 2013-2014, which resulted in traffic being detoured for approximately six months. Anecdotally, and following these repairs, the bridge was estimated to have a remaining lifespan of possibly 8 to 15 years.

Conrail raised this bridge in 1990 to provide more vertical clearance, and the latest bridge inspection report and field notes list existing clearance as 20.1' from top of rail to low chord on the bridge. Although double-stack rail activity has been observed utilizing the route, the existing clearance does not meet current CSX specifications requiring a minimum of 23.0'. This requirement raises the following notable issues:

- Constructing a new bridge at this location that is at least 3' higher than the existing bridge will create a conflict with the NS at-grade crossing located about 75' to the south. This conflict may make it difficult to tie-in a new modern bridge without affecting the NS tracks.
- Alternatively, designing a new bridge to span all CSX and NS tracks simultaneously may also be difficult (and costly) due to the elevation difference between the parallel railroads, the need to provide 23.0' of vertical clearance, the existing roadway geometry along Bort Road, and the proximity of existing property uses.

Exhibit 8: Photo Inventory of Bort Road Bridge over CSX, plus Bort Road and NS At-Grade Crossing



Northbound bridge approach and NS at-grade crossing



Southbound bridge approach and local business access



Existing bridge deck/railing



Existing bridge profile above CSX tracks

Bort Road Bridge over I-90

Matching Site #4 in previous Exhibit 1, and shown below in Exhibit 9, reported condition ratings for this existing structure are “6, Satisfactory” for the deck and superstructure and “5, Fair” for the substructure. It was painted in 2006, and in 2011 a semi-tractor trailer caught on fire under Span 2. However, from inspection reports there was no lasting damage caused to the structure. The existing bridge clearance of 14’-3” (and required posting of 14’-0”) over I-90 is substandard versus a required clearance of at least 16’-6” over the interstate. Raising the bridge in the future could be a potential option with the bridge remaining open.

Exhibit 9: Photo Inventory of Bort Road Bridge over I-90 and Vicinity



Southbound Bort Road bridge approach over I-90



Existing Bort Road bridge profile from eastbound I-90



Southbound Bort Road from I-90 bridge toward Archer Road



Westbound Archer Road at Bort Road intersection

Remington Road Bridge over I-90

Matching Site #5 in previous Exhibit 1, and shown below in Exhibit 10, this existing structure is in similar condition as the Bort Road over I-90 structure. Neither of these structures have significant issues condition-wise. However, similar to Bort Road, the existing bridge clearance of 14'-4" (and required posting of 14'-1") over I-90 is substandard, and raising the bridge in the future could be a potential option with the bridge remaining open.

Exhibit 10: Photo Inventory of Remington Road Bridge over I-90 and Vicinity



Southbound Remington Road bridge approach over I-90



Existing Remington Road bridge profile from eastbound I-90



Northbound Remington Road from I-90 bridge toward CSX/NS at-grade crossing



Northbound Remington Road at Archer Road intersection prior to I-90 bridge

Remington Road and CSX/NS At-Grade Crossing

Matching Site #3 in previous Exhibit 1, and shown below in Exhibit 11, this existing at-grade crossing traverses all three sets of tracks where the CSX and NS routes run closely parallel to each other. While Remington Road crosses on a very straight and direct horizontal alignment, there are various vertical changes in the roadway's geometry, largely due to the elevation difference between the CSX and NS tracks. The resulting roadway "humps" present less than ideal travel conditions, require all traffic to slow on the crossing, and introduce additional complications for large vehicle travel. These complications potentially impact farm equipment, commercial trucks, school buses, and emergency vehicles that may be forced to use Remington Road due to bridge weight restrictions and vertical constraints on the Bort/CSX Bridge to the east. Public and stakeholder concerns were also noted relative to train delays that block the at-grade crossing, including broader transportation system and safety issues in the event that a longer term incident (e.g. rail derailment) would close the crossing for an extended period of time, particularly without other unrestricted grade-separated options nearby.

Exhibit 11: Photo Inventory of Remington Road and CSX/NS At-Grade Crossing



Southbound Remington Road approach to CSX/NS crossing



Northbound Remington Road approach to CSX/NS crossing



Northbound Remington Road approaching US 20



Eastbound US 20 approaching Remington Road

Gulf Road Arch under CSX, plus Gulf Road and NS At-Grade Crossing

Matching Site #6 in previous Exhibit 1, and shown below in Exhibit 12, this location is the nearest grade-separated crossing next to the existing weight-restricted Bort/CSX Bridge. The existing concrete arch structure is in fair condition; but it is narrow (less than 2 lanes wide), has a 13'-1" height restriction, and the horizontal alignment is poor. Local motorists are familiar with these restrictions and appear to deal with the one-lane underpass with minimal issues; however, the 13'-1" vertical clearance restricts usage by trucks with box trailers. Approximately ½-mile south on Gulf Road, there is also an additional at-grade crossing of the NS tracks (Site #7 in Exhibit 1) as they divert from the CSX alignment headed east from Bort Road.

Exhibit 12: Photo Inventory of Gulf Road Arch under CSX, plus Gulf Road and NS At-Grade Crossing



Northbound Gulf Road / CSX Arch approach



Southbound Gulf Road / CSX Arch approach



Northbound Gulf Road at US 20



Northbound Gulf Road at NS at-grade crossing

PUBLIC/STAKEHOLDER OUTREACH PERSPECTIVES

This study referenced a variety of public and stakeholder outreach and coordination insights alongside the technical components noted above. Such insights helped to enhance an understanding of potential needs or impacts throughout the local area that could accompany and/or influence the study's future scenarios. Key qualitative topics relate, for example, to local land use and business operations, local traffic access needs and diversion impacts, farmland and related farming operations, emergency services, and rail/highway safety. Key stakeholders (and interview participants) included representatives of:

- PennDOT District 1-0
- North East Township Supervisors
- North East Fire Chief
- North East School District
- Arrowhead Wine Cellars
- Cevaj Farms
- Lakeview Wine Cellars
- Rahal Farms
- Rassie Farms
- Salon Merlot

Stakeholder Interviews

Through a series of initial interviews, stakeholders were presented with a handout that contained eight potential alternatives (discussed in subsequent sections of this report) that were developed from the original scope of work. The stakeholders were asked to comment on each one and provide their feedback on what impacts each alternative would have on their business/operations. A summary of their general/overview comments includes the following:

- Generally, the fruit harvesting season runs from mid-June to November and includes cherries, apples, plums, peaches, pears, apricots, blueberries, and grapes.
- The wineries have events planned throughout the entire year, not just during the summer months.
- Replacing the Bort Road Bridge over the railroad was the preferred option for most.
- A connector road between Bort Road and Remington Road did not appear to make sense, and winter maintenance would be an issue due to blowing/drifted snow.
- Removing either the Bort Road or Remington Road bridges over I-90 would create significant impacts to most of the farmers as they have barns on one side of I-90 and fields on the other. They make many trips per day between the barns and fields on tractors that have an average speed of 15 mph.

Public Meeting

In addition to the stakeholder interview process, additional input from stakeholders and members of the general public was gathered during a public meeting held on August 30, 2016, at the North East Township Building. The objective of the public meeting was to present final alternatives, discuss scenario assessments and costs, and solicit feedback on the results from the attendees. The meeting was attended by 31 participants and generated a very meaningful and productive discussion of the alternatives presented. Feedback ultimately highlighted numerous concerns and a clear opposition to a proposed connector road between Bort Road and Remington Road (included in Alternatives #1 and #3); as well as a general public, local business, and emergency services consensus that Alternative #2 (a new Bort/CSX Bridge) was the locally-preferred option among the three alternatives presented.

Comment details from both the public meeting and the stakeholder interviews were used to inform (and are intertwined with) discussions under "Scenario Assessments" in subsequent sections of this report. Detailed meeting minutes related to the public/stakeholder outreach efforts are also compiled for reference in Appendix C.

SCENARIO PLANNING

Based on a general review of transportation systems and needs within both the primary study area (including a focus on the Bort/CSX Bridge) and the surrounding buffer area, a variety of potential bridge closure, replacement, and maintenance scenarios were considered as part of this study. These future “what-if” scenarios primarily included different combinations of one or more of the following components:

- Replacement of the Bort Road Bridge over CSX (and NS) railroad
- Removal of the Bort Road Bridge over CSX railroad
- Possible future removal of the Bort Road Bridge over I-90
- Possible future removal of the Remington Road Bridge over I-90
- Construction of a new bridge structure over the CSX and NS crossings on Remington Road
- Construction of a new roadway connecting Bort Road to Remington Road south of the railroad

PRELIMINARY SCENARIO SCREENING

Considering the above components and the original scope of work for this project, a preliminary list of scenarios included existing and future baseline (or “No-Build”) conditions plus a package of eight individual “Build” scenarios involving future bridge removal/replacement options within the primary study area. These preliminary scenarios considered the following combinations:

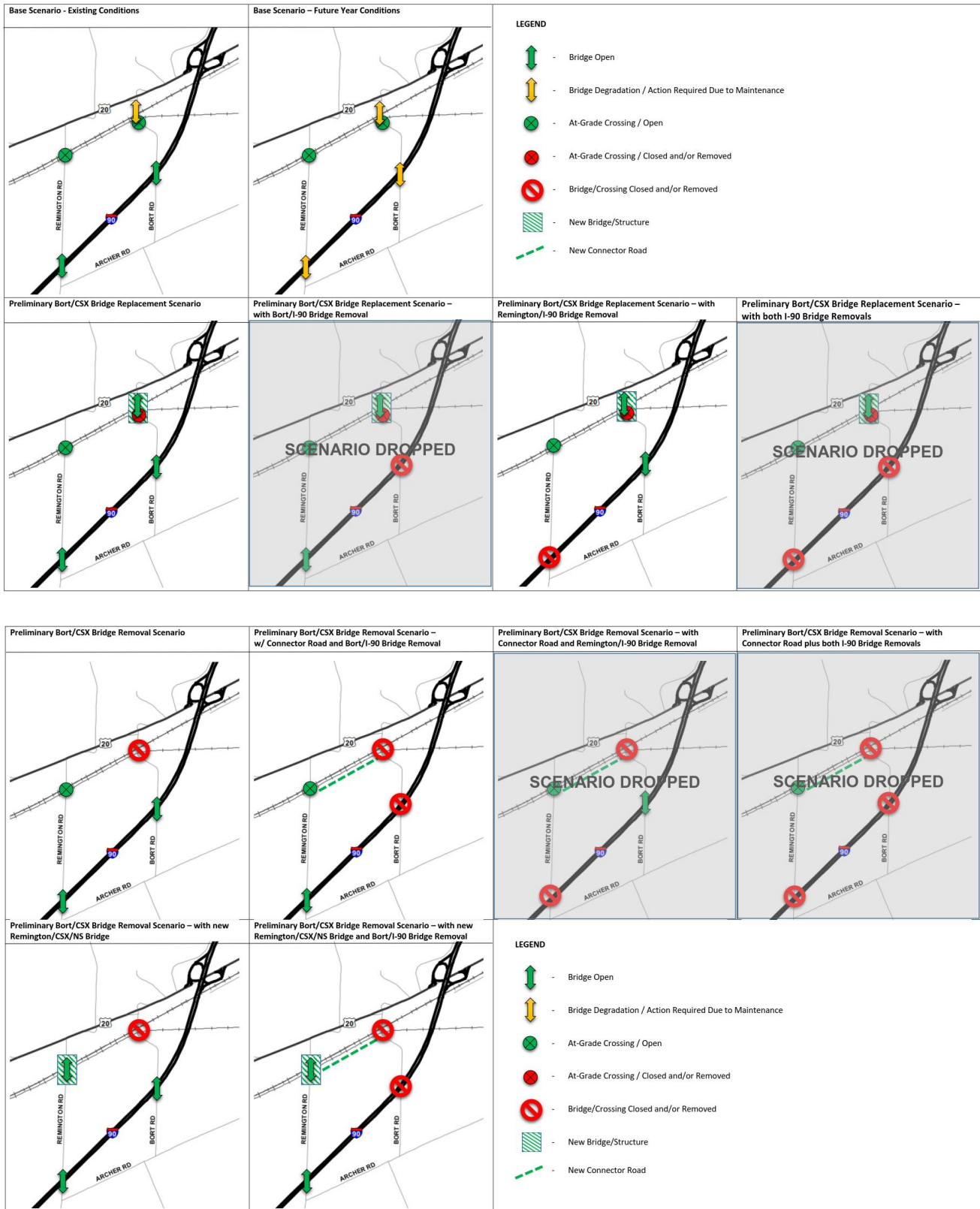
- Bort/CSX Bridge replacement
- Bort/CSX Bridge replacement, Connector Road, and one I-90 bridge removal (Remington or Bort)
- Bort/CSX Bridge replacement, Connector Road, and two I-90 bridge removals (Remington and Bort)

- Bort/CSX Bridge removal
- Bort/CSX Bridge removal, Connector Road, and one I-90 bridge removal (Remington or Bort)
- Bort/CSX Bridge removal, Connector Road, and two I-90 bridge removals (Remington and Bort)

- Bort/CSX Bridge removal, Connector Road, Remington/CSX/NS Bridge
- Bort/CSX Bridge removal, Connector Road, Remington/CSX/NS Bridge, and Bort/I-90 Bridge removal

This initial list of options (Exhibit 13) was qualitatively screened by the project team and discussed with PennDOT District 1-0 and key stakeholders to determine each options’ possible viability as a future alternative. Based on these efforts, several of the options were discounted as infeasible or highly undesirable. For example, options that would close both bridges over I-90 (on Remington and Bort) were dropped from consideration due to anticipated system-wide access, travel detour, and emergency services impacts. Options that did not appear to match or consolidate investments efficiently were also dropped from consideration – for example, investing in the Bort/CSX Bridge while eliminating the Bort/I-90 Bridge in favor of the Remington/I-90 Bridge. It was also determined that a time-based perspective would be important in the assessments – for example, to factor in an estimated remaining structural lifespan of at least 25 years at either of the existing I-90 bridges. Collectively, these considerations informed the development of three final scenarios to be investigated further.

Exhibit 13: Preliminary Scenario Concepts



FINAL SCENARIO DEVELOPMENT

Following a refinement of the preliminary scenarios described above, detailed scenario assessments were conducted for three final alternatives that included:

- **Alternative #1 – Minimal Maintenance Scenario** (Exhibit 14), which allows the Bort/CSX Bridge to close, shifts traffic to an enhanced at-grade crossing on Remington Road, and builds a Remington-Bort Connector Road if the Bort/I-90 Bridge were to be closed or removed for any reason in the long-term future.
- **Alternative #2 – Bort Road Enhancement Scenario** (Exhibit 15), which replaces the Bort/CSX Bridge (with a single bridge located slightly off the existing alignment to span both CSX and NS), maintains the Bort/I-90 Bridge, and allows for the possible removal of the Remington/I-90 Bridge in the long-term future.
- **Alternative #3 – Remington Road Enhancement Scenario** (Exhibit 16), which allows Bort/CSX Bridge to close, shifts traffic to a new grade-separated bridge on Remington Road (that spans both CSX and NS), maintains the Remington/I-90 Bridge, and builds a Remington-Bort Connector Road if the Bort/I-90 Bridge were to be closed or removed for any reason in the long-term future.

For comparison purposes, the various improvements were also viewed with respect to three separate time periods:

- **Short-Term** (≈1-5 years out) – Assumes that the condition of the existing Bort Road Bridge over CSX will allow it to remain open with routine maintenance. No other improvements are proposed.
- **Mid-Term** (≈5-10 years out) – Assumes that the Bort Road Bridge over CSX will deteriorate to a point that requires it to be closed and removed, or closed and replaced, depending on the scenario.
- **Long-Term** (≈15-25 years out) – Assumes that the condition of the existing Bort/I-90 and Remington/I-90 Bridges will allow them to remain open with routine maintenance for at least 25 years.

Relative to potential removal of the I-90 bridges, PennDOT confirmed that there were no specific plans to remove either bridge at this time. Rather these possibilities were included in the long-term assessment of possible future scenarios based on the realities of the existing bridge life-spans and future maintenance needs, alongside a goal to consolidate transportation and infrastructure assets where possible. Given this timeline, it was similarly assumed that the decision to construct a proposed connector road between Remington Road and Bort Road would only be triggered in the long-term future if or when a decision is made to remove one of the bridges over I-90.

RELATIVE IMPACT AND COST ASSESSMENTS

Quantitative/qualitative assessments of potential project impacts were completed for each of the three final alternatives. Impact assessments considered a variety of factors including environmental, farmland, business, and emergency service impacts; as well as transportation system influences related to railroad crossing infrastructure, asset consolidation, and road user costs due to traffic detours or diversions specific to each scenario. These assessments and relative levels of impacts are summarized in the Alternatives Impact Matrix (Exhibit 17).

Estimated project costs were also developed for each of the three final alternatives. Cost assessments considered existing bridge maintenance, existing bridge demolition, and/or new bridge, roadway, or related construction specific to each scenario and relative to its short-term, mid-term, and long-term needs. Relative cost assumptions for engineering, right-of-way, mobilization, maintenance and protection of traffic, drainage, utilities, erosion and sediment control, and project contingencies were also built into the cost estimations. Cost details are included in Appendices D and E, and are summarized in the Alternatives Cost Matrix (Exhibit 18).

Exhibit 14: Alternative 1 – Minimal Maintenance Scenario

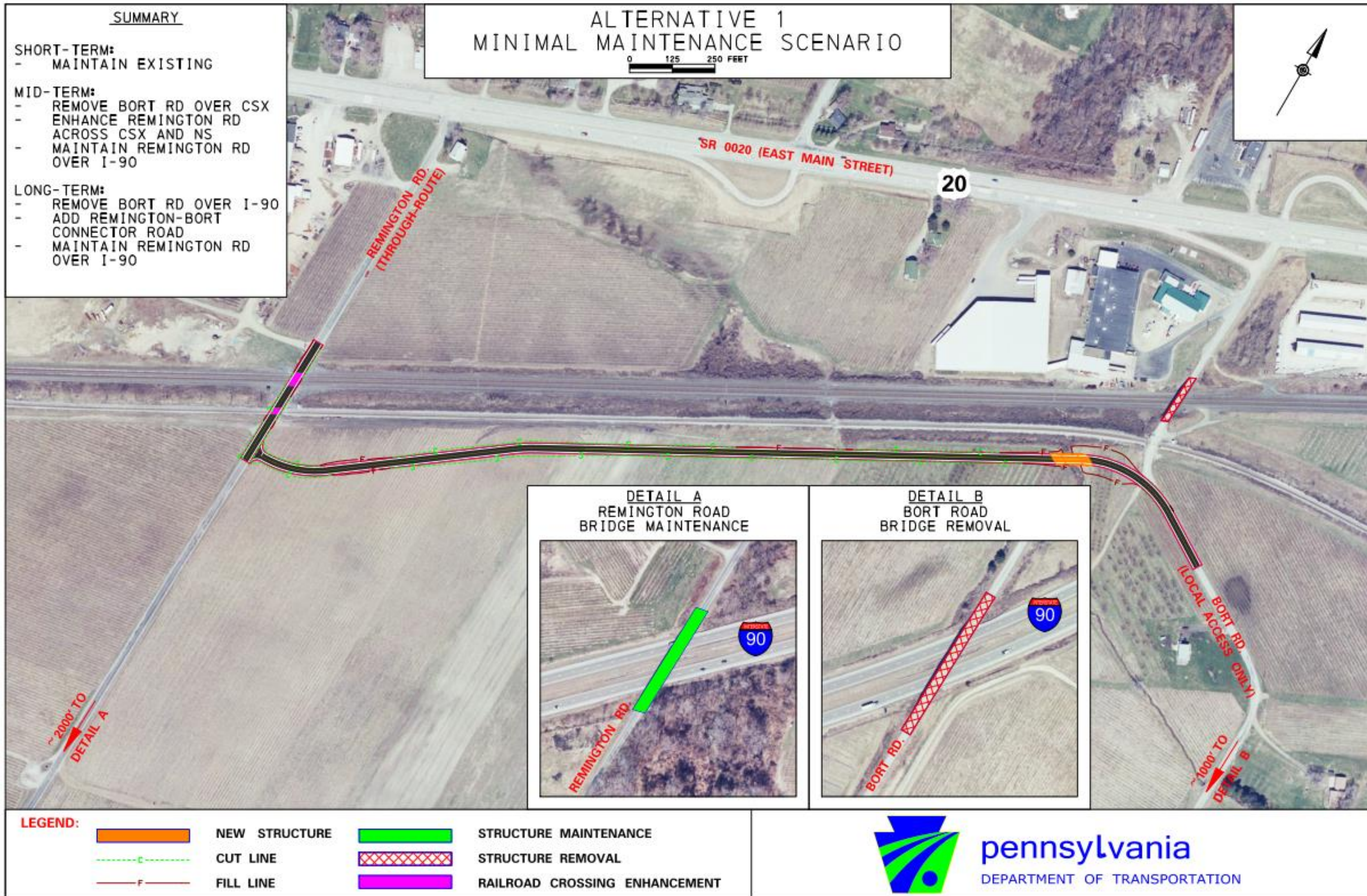


Exhibit 15: Alternative 2 – Bort Road Enhancement Scenario

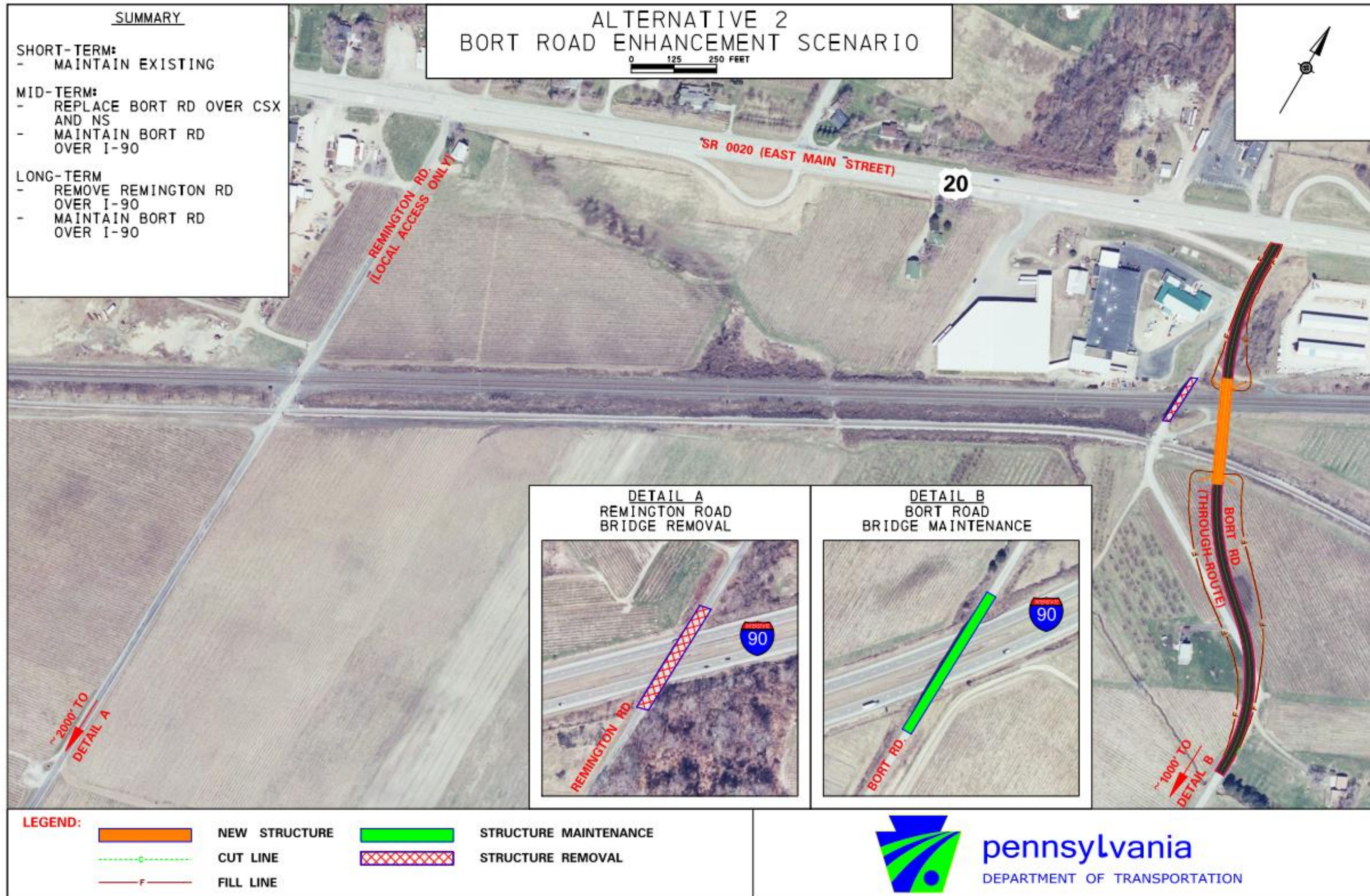


Exhibit 16: Alternative 3 – Remington Road Enhancement Scenario

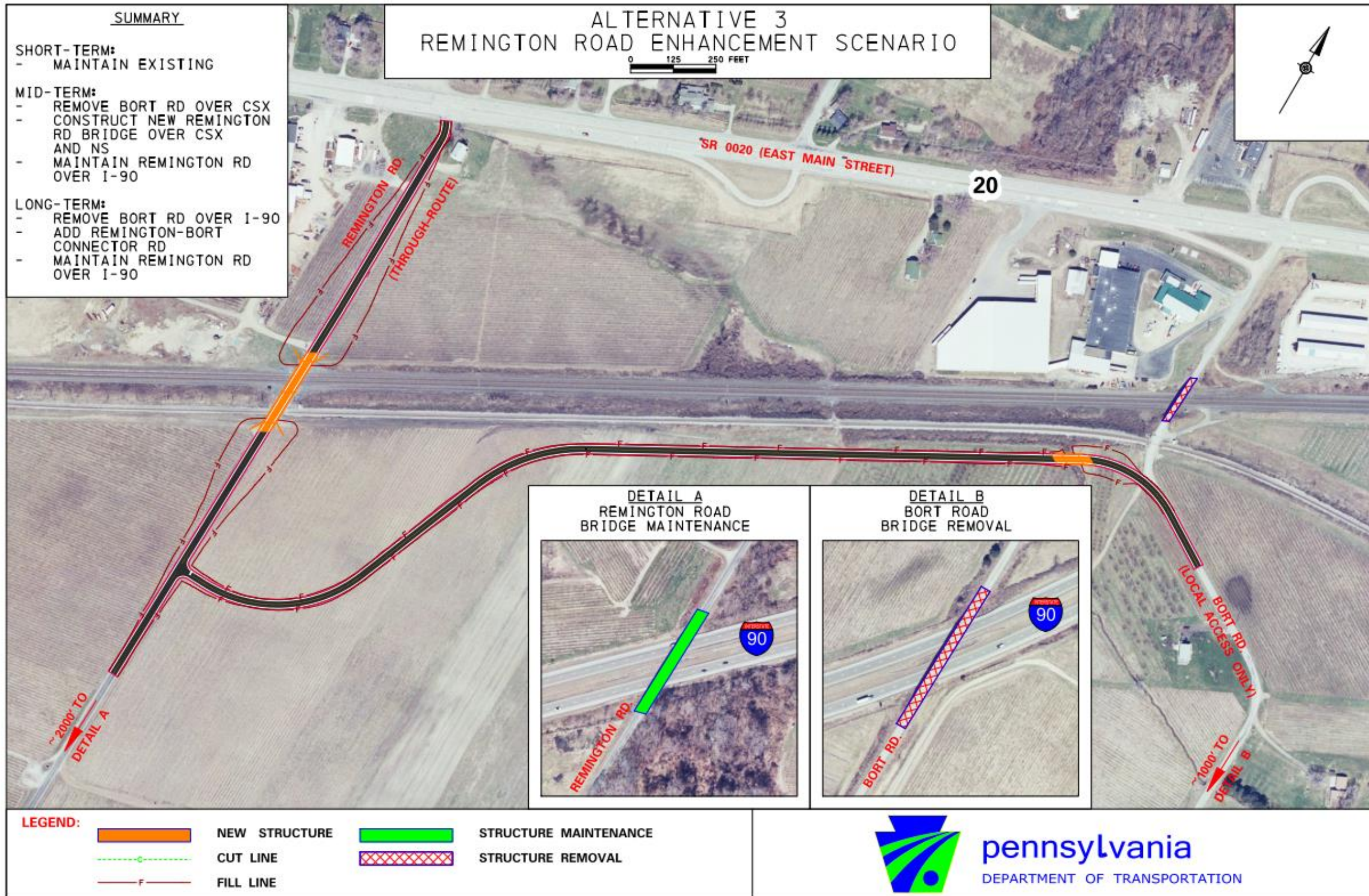


Exhibit 17: Alternatives Impact Matrix

Factor / Category	Alternative #1 – Minimal Maintenance Scenario		Alternative #2 – Bort Road Enhancement Scenario		Alternative #3 – Remington Road Enhancement Scenario	
Environmental Impacts		No anticipated wetlands, historic sites, threatened, endangered, or rare species, etc.		No anticipated wetlands, historic sites, threatened, endangered, or rare species, etc.		No anticipated wetlands, historic sites, threatened, endangered, or rare species, etc.
Farmland Impacts (acres)		6.6 acres; plus field access challenges due to Remington / Connector tie-in, and due to possible elimination of Bort / I-90		2.3 acres; plus field access or layout challenges due to new Bort / CSX / NS Bridge and fill slopes		8.1 acres; plus field access or layout challenges due to Remington / Connector tie-in and fill slopes, and due to possible elimination of Bort / I-90
RR Crossing Influence (at-grade)		1 eliminated (Bort / NS); 2 upgraded (Remington / CSX / NS)		1 eliminated (Bort / NS)		3 eliminated (Bort / NS and Remington / CSX / NS)
RR Crossing Influence (grade-separated)		No grade separated crossings available		2 new or updated grade separated crossings (Bort / CSX / NS)		2 new grade separated crossings (Remington / CSX / NS)
Asset Consolidation (# structures eliminated)		1 eliminated mid-term (Bort / CSX); 1 possibly eliminated long-term (Bort / I-90)		1 possibly eliminated long-term (Remington / I-90)		1 swap mid-term (Remington / CSX / NS in lieu of Bort / CSX); 1 possibly eliminated long-term (Bort / I-90)
Business Impacts		Arrowhead Winery, Lakeview Winery, Salon Merlot, Rassie Farms, Rahal Farms; also possible tourism/train-spotting impact		Cevaj Farms; but possible tourism/train-spotting benefit		Arrowhead Winery, Lakeview Winery, Salon Merlot, Rassie Farms, Rahal Farms; also possible tourism impact
Emergency Service Impacts		Bort detoured; local access impacted by Connector Road, plus Remington / CSX / NS at-grade crossing constraints		Remington detoured (if Remington / I-90 closed); but local access enhanced w/ Bort / CSX / NS grade-separation		Bort detoured; local access impacted by Connector Road, but w/ benefit of Remington / CSX / NS grade-separation
Maintenance, Demo, and Construction Cost		\$5.15 M		\$7.10 M		\$10.70 M
User Cost (30-Year Travel/Detour Impact)		\$2.90 M, w/ Remington / CSX / NS at-grade crossing constraint		\$0.50 M		\$2.90 M, w/ benefit of Remington / CSX / NS grade-separation
Total Scenario Cost		\$8.05 M		\$7.60 M		\$13.60 M

Table Legend: = Project Benefit; = Low Impact; = Medium Impact; = High Impact

Exhibit 18: Alternatives Cost Matrix

Cost Component	Alternative #1 – Minimal Maintenance Scenario			Alternative #2 – Bort Road Enhancement Scenario			Alternative #3 – Remington Road Enhancement Scenario		
	Short-Term	Mid-Term	Long-Term	Short-Term	Mid-Term	Long-Term	Short-Term	Mid-Term	Long-Term
Bridge Maintenance – Maintain Bort / CSX Bridge	\$25,000			\$25,000			\$25,000		
New Construction – Enhance Remington / CSX / NS at-grade RR crossing		\$1,150,000							
Bridge Demolition – Remove Bort / CSX Bridge		\$75,000			\$75,000			\$75,000	
Bridge Maintenance – Clean & paint superstructure of Remington / I-90 Bridge		\$250,000						\$250,000	
New Construction – Construct new Remington-Bort Connector Road (Alt. 1 Alignment)			\$3,000,000						
Bridge Demolition – Remove Bort / I-90 Bridge			\$250,000						\$250,000
Bridge Maintenance – Install Latex Modified Wearing Surface on Remington / I-90 Bridge			\$400,000						\$400,000
New Construction – Construct new Bort / CSX / NS Bridge					\$6,100,000				
Bridge Demolition – Remove existing Remington / I-90 Bridge						\$250,000			
Bridge Maintenance – Clean & paint superstructure of Bort / I-90 Bridge						\$250,000			
Bridge Maintenance – Install Latex Modified Wearing Surface on Bort / I-90 Bridge						\$400,000			
New Construction – Construct new Remington / CSX / NS Bridge								\$5,400,000	
New Construction – Construct new Remington-Bort Connector Road (Alt. 3 Alignment)									\$4,300,000
TOTAL Maintenance, Demo, and Construction Costs (by Time Period)	\$25,000	\$1,475,000	\$3,650,000	\$25,000	\$6,175,000	\$900,000	\$25,000	\$5,725,000	\$4,950,000
TOTAL Maintenance, Demo, and Construction Costs (by Scenario)	\$5,150,000			\$7,100,000			\$10,700,000		
30-Year Estimated Road User Cost		\$2,900,000			\$500,000			\$2,900,000	
TOTAL Life-Cycle Cost of Alternative	\$8,050,000			\$7,600,000			\$13,600,000		

Table Note: See Appendix D for detailed maintenance, demo, and construction cost estimates; see Appendix E for detailed road user cost estimates

This page intentionally left blank

Summary of Alternative #1 – Minimal Maintenance Scenario

Alternative #1 essentially reflects a “No-Build” scenario in which existing structures are permitted to degrade over time. It was assumed that routine maintenance on the Bort/CSX Bridge would be performed as needed in the short-term; but its condition will continue to decline over time, and the bridge will eventually need to be closed to traffic. In the mid-term future, it was assumed that the bridge would be removed by CSX, North East Township, and/or PennDOT; and traffic will be permanently detoured using existing local roads (i.e. Remington, Archer or Gulf Roads). As such, diversion impacts will occur for local farmers, businesses (e.g. salon/spa, wineries), and residents. This scenario, however, minimizes bridge replacement or maintenance costs while also eliminating the existing Bort/NS at-grade crossing.

In the long-term future, Alternative #1 also assumes that minimal maintenance of the Bort/I-90 Bridge could lead to the removal of the bridge at the end of its useful life, or when removal/replacement consideration is triggered by a future I-90 mainline reconstruction project or unforeseen incident (e.g. bridge damage). Removal of the bridge over I-90 would trigger the need to construct a new connector road between Remington and Bort Roads to continue to provide access to properties along Bort Road. Given these assumptions, additional long-term impacts would affect local farm operations by limiting access between fields and barns/equipment located on opposite sides of I-90. Construction of the connector road may also introduce moderate environmental impacts affecting Section 106 issues (e.g. historic site, archaeological impact), agricultural security areas, and ALCAB coordination.

Summary of Alternative #2 – Bort Road Enhancement Scenario

Alternative #2 essentially reflects a scenario in which future investments are focused on the Bort Road linkage between approximately US 20 and Archer Road. This alternative assumes that the existing Bort/CSX Bridge will be replaced in the mid-term future. However, constructing a new bridge on the existing alignment was determined to be infeasible due to vertical geometry and modern vertical clearance requirements, coupled with constraints due to the existing roadway alignment and the proximity of the existing Bort/NS at-grade crossing. As such, design concepts explored the construction of a new bridge that simultaneously spans both CSX and NS on a new alignment located slightly to the east that still ties back into Bort Road on the north side of CSX. This option would maintain the existing Bort Road intersection at US 20 and minimize the long-term impacts to local businesses, farmers, and the township. It would also enhance highway/rail safety by providing a grade-separated crossing of both CSX and NS, although this configuration would trigger additional coordination with both railroads and the Pennsylvania Public Utility Commission (PUC).

In the long-term future and given an asset consolidation focus on Bort Road, Alternative #2 also assumes that minimal maintenance of the Remington/I-90 Bridge could lead to the removal of the bridge at the end of its useful life, or when removal/replacement consideration is triggered by a future I-90 mainline reconstruction project or unforeseen incident (e.g. bridge damage). The existing Remington/I-90 Bridge currently provides a direct north-south connection between US 20 and PA 426, as well as access options to/from points west (including for emergency services in North East). Remington Road is also used by trucks accessing local farms and wineries, as the route avoids existing bridge restrictions on Bort Road, as well as existing geometric restrictions on Gulf Road at the railroad underpass. From a systems perspective, these roles would have to shift in this alternative from Remington Road onto Bort Road and the new Bort/CSX/NS Bridge, which will provide a new, safe, grade-separated crossing of the railroads for car and truck traffic along with emergency services. This concept would also increase the importance of Archer Road as a “dog-leg” connection between Remington, Bort, and Gulf Roads (i.e. the new north-south “through” link would run between US 20 and PA 426 via Bort to Archer to Remington).

Summary of Alternative #3 – Remington Road Enhancement Scenario

Alternative #3 essentially reflects a scenario in which future investments are focused on the Remington Road linkage between US 20 and PA 426. This alternative assumes removal of the existing Bort/CSX Bridge at the end of its useful life. Its role would be replaced by the construction of a new bridge on Remington Road that simultaneously spans both CSX and NS and provides a new, safe, grade-separated crossing of the railroads for car and truck traffic along with emergency services. The required fill for the new bridge may introduce moderate environmental impacts affecting Section 106 issues (e.g. historic site, archaeological impact), agricultural security areas, and ALCAB coordination.

In the long-term future and given an asset consolidation focus on Remington Road, Alternative #3 also assumes that minimal maintenance of the Bort/I-90 Bridge could lead to the removal of the bridge at the end of its useful life, or when removal/replacement consideration is triggered by a future I-90 mainline reconstruction project or unforeseen incident (e.g. bridge damage). Removal of the bridge over I-90 would trigger the need to construct a new connector road between Remington and Bort Roads to continue to provide access to properties along Bort Road. Given these assumptions, additional long-term impacts would affect local farm operations by limiting access between fields and barns/equipment located on opposite sides of I-90. Construction of the connector road, which in Alternative #3 (as compared to Alternative #1) must tie-in with Remington Road at a point farther south due to fill slopes for the new bridge, may also introduce additional environmental impacts. The Alternative #3 tie-in and connector road impact more acreage than Alternative #1, and may introduce additional constraints relative to crop/field layouts and access for farming or harvesting.

Key Public/Stakeholder Perspectives

Public/stakeholder outreach efforts were introduced in previous sections of this report, and input summaries are included in Appendix C. From these insights, key perspectives relative to discussions of the three final alternatives include the following:

- *Remington-Bort Connector Road* – Multiple public/stakeholder concerns were raised with regard to the proposed Remington-Bort Connector Road included in Alternatives #1 and #3. Specific concerns included loss of farm acreage, impacts to crop access and layout modifications that would further reduce the effective acreage remaining, construction and maintenance costs and responsibilities, additional travel distance for emergency services, and winter maintenance demands given a potential for drifting snow plus additional spray from the adjacent railroad.
- *Bort/CSX/NS Bridge* – Multiple public/stakeholder comments were provided in support of a new bridge along Bort Road, such as what was included in Alternative #2. Specific comments noted that such an option provides more direct access for local residents and businesses; provides a safer/shorter grade-separated route for use by emergency services; supports the higher levels of farm traffic and activity that directly use Bort Road (as compared to Remington Road); and avoids costs, impacts, and winter maintenance concerns related to the proposed Remington-Bort Connector Road.
- *Grade-Separated Rail Crossings* – Multiple concerns were raised with regard to ensuring a grade-separated path in the alternatives, such as what was included in Alternatives #2 and #3, as opposed to relying only on an at-grade crossing as in Alternative #1. Specifically, the potential for periodic rail crossing delays, blockages, or longer-term incidents (e.g. derailments) at the Remington Road at-grade crossing – and possibly in combination with future bridge closures on I-90 – was thought to present serious constraints for local residential, business, and emergency service access.

SUMMARY

This *North East Township Economic Analysis and Feasibility Study* provides a quantitative/qualitative assessment of at least three alternatives to address bridge closure, replacement, and maintenance needs with a focus on the existing Bort/CSX Bridge, coupled with the surrounding transportation system and other crossings of CSX and NS railroads, as well as I-90. The previous section of this report includes conceptual schematics displaying three final alternatives (Exhibit 14 through Exhibit 16) plus an Alternatives Impact Matrix (Exhibit 17), Alternatives Cost Matrix (Exhibit 18), and related discussions. Such insights were compiled to help describe each scenario and support future decision-making by state, county, local, and/or rail officials relative to future infrastructure planning and programming needs within the study area.

In addition to these assessments, key considerations for future decision-making, scenario/alternative selection, or subsequent planning & design could also include the following:

- New bridge construction over the railroads should accommodate unrestricted travel for all vehicles, including larger vehicles such as fire trucks, school buses, or snowplows.
- Whereas existing vertical clearance under the Bort/CSX bridge is listed as 20.1' from top of rail to low chord on the bridge (per bridge inspection reports and field notes), any new bridge construction over the railroads should accommodate current PennDOT and CSX specifications requiring at least 23.0' vertical clearance (per PennDOT Publication 371, Grade Crossing Manual, Appendix H).
- Future planning related to either of the study area's I-90 bridges should consider that the existing vertical clearances of 14'-3" under Bort Road and 14'-4" under Remington Road would require more than 2 additional feet to meet current 16'-6" minimum clearances above the interstate.
- From a systems perspective, decisions related to railroad crossings on Bort and/or Remington Roads should also consider asset needs relative to providing an alternate route for travel along Gulf Road and through the Gulf Road Arch under CSX, which is the next nearest grade-separated option in the local study area, but is itself an older/aging structure with both horizontal and vertical constraints.
- Future efforts may need to consider access requirements for a triangular parcel of farm property located just east of the existing Bort/CSX Bridge (and currently accessed near the existing NS at-grade crossing) that is otherwise landlocked between CSX and NS where the railroads diverge.
- Future efforts may need to consider the influence of potential tourism (i.e. train-spotting) in the area. Considerations may include, for example, pedestrian traffic that currently observes the railroads from the existing Bort/CSX Bridge, or tourism-related secondary economic benefits to area businesses.
- Future railroad coordination with CSX, NS, and the Pennsylvania PUC will be an important component of future planning and/or decision-making; and key discussions with North East Township, Erie County, and PennDOT District 1-0 should include topics related to existing or new infrastructure maintenance responsibilities, ownership, cost-sharing, or special funding opportunities (e.g. funding programs that support infrastructure that directly supports agricultural activity).

Moving forward, future actions that may result from this feasibility study could potentially take several years depending on funding availability and competing priorities (i.e. no funds are currently planned or committed to this project), as well as delays based on future design, right-of-way, railroad coordination, or construction issues. PennDOT and North East Township officials, as well as local farms, businesses, and residents, acknowledged that proactive planning – including this study – will be crucial to ensuring that future decision-making, project development and implementation, and/or additional future maintenance plans are set in place within a timeframe that ideally precedes future bridge failures or additional maintenance concerns at the existing Bort/CSX Bridge.

