



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

IN REPLY PLEASE
REFER TO OUR FILE

March 8, 2024

A-2023-3040441

TO ALL PARTIES OF RECORD

Application of the York County Board of Commissioners for approval of the alteration of the crossing where Mill Road crosses, at grade, a single track of Norfolk Southern Railway Company (DOT 592 279 T) in Upper Allen Township, Cumberland County by replacement of a bridge.

To Whom It May Concern:

By application filed with the Commission on May 5, 2023, York County seeks Commission approval to perform a full replacement of a bridge located within the public right of way of the public crossing (DOT 592 279 T) where Mill Road, crosses, at grade, a single track of Norfolk Southern Railway Company (NS) in Upper Allen Township, Cumberland County. The bridge to be replaced is located just south of the public crossing and spans the Yellow Breeches Creek and the jurisdictional limits of Upper Allen Township, Cumberland County (northern side) and Monaghan Township, York County (southern side). On the southern end of the bridge, Mill Road becomes North Grantham Road (T-913) and intersects with Al-Pat Drive (T-888) in Monaghan Township, York County. On the northern end of the structure (Mill Road) is the at-grade crossing and a parking area for Messiah College located in Upper Allen Township, Cumberland County.

On June 21, 2023, a field investigation and conference was arranged by a Commission staff engineer and held at the site of the crossing. The meeting was attended by the Pennsylvania Department of Transportation, AECOM representing NS, Messiah College, and HRG representing the applicant, York County.

At the field conference, it was noted that Mill Road is a two (2) lane bituminous paved roadway which crosses, at grade, a single track of NS having an asphalt and rubber rail seal crossing surface. The crossing is equipped with post mounted flashing lights with crossbucks, emergency notification signage, and gates on both approaches. The approach roadways have advance warning signs, faded pavement markings and faded stop lines. Vegetation was noted on the southbound approach to the crossing that was partially obscuring the existing advance warning sign, located across from the Messiah College parking area. Although no alterations are proposed at the crossing, grading for the approaches to the bridge and road widening will occur within the joint right of way for the construction of the new structure. The bridge replacement will also require a road closure, which will impact the crossing.

The existing structure is a two-span prestressed concrete non-composite adjacent box beam bridge on stone abutments with one concrete pier in the Yellow Breeches Creek. It has a paved, two-lane, bi-directional roadway surface with concrete curbs and metal rails on either side with no discernable shoulders. The out-to-out width of the structure is 22 feet 8 inches, and each span length is 53 feet. The structure has a skew of 90 degrees. Preliminary plans list the current estimated ADT of 896 and the design year ADT (2044) of 1,018 with 9% trucks. The bridge is currently posted for a weight limit of 25 tons, expect combinations of 38 tons.

At the field conference, the full bridge replacement was discussed. The proposed structure will consist of a two span continuous composite prestressed concrete spread box beam bridge and will have a total span length of 104 feet and a skew of 70 degrees. The structure will have an out-to-out width of 31 feet with a curb to curb width of 28 feet. The bridge cartway will consist of two, 10-foot-wide travel lanes with shoulders on both sides, approximately 4 foot wide, with bridge barriers and structure mounted transition metal guide rail extending along the approach roadways. Upon replacement, the bridge will be approved to carry legal loads and all restricted load posting signs will be removed. The work will require a full bridge closure, which will restrict and close traffic through the public crossing. The applicant agreed to submit a copy of the final, approved detour plans.

Since the structure is located in both York and Cumberland Counties, there is an agreement in place that dictates maintenance responsibilities (including replacement) for this structure (York Bridge No. 247, North Grantham Road). For the purposes of this Secretarial Letter, we will direct all maintenance activities and costs to York County, in accordance with their agreement.

York County agreed to perform all the work and split the costs with Cumberland County in accordance with the agreement described above. Upon completion of the proposed project, York County agreed to perform all work necessary thereafter to maintain the bridge substructure, bridge superstructure, roadway pavement, parapets, guiderails, highway approaches and the snow and ice removal from the roadway surface on the structure and on the approaches of the roadway. In addition, York County will perform bridge inspections at its sole cost and expense for this structure.

At the time of the field conference, York County was undecided if it will be necessary for the Commission to appropriate railroad property for construction of the project but will submit right-of-way plans and metes and bounds descriptions at a later date if it is deemed necessary.

York County agrees to submit final detailed structural drawings for the proposed project to the Commission for approval and the parties of record for review in this proceeding. Accordingly, it will be necessary for the York County to do so prior to the start of construction.

The Commission has tentatively established jurisdiction over those portions of the project between Stations 00+50.00 and Station 5+50.00 as shown on the preliminary drawings.

It is unclear if any utilities have existing facilities within the project limits which are affected by the proposed construction. If applicable, the non-carrier utilities will be directed

to make the necessary alterations and relocations of their facilities at their initial cost and expense.

The project will be funded by federal, state, and local funding. The estimated cost of construction of the bridge replacement is \$1,825,000.

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

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

The application of the York County Board of Commissioners is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The public crossing (DOT 592 279 T) where Mill Road crosses, at grade, a single track of Norfolk Southern Railway Company located in Upper Allen Township, Cumberland County be altered as herein directed.
3. York County, at its sole cost and expense, and prior to the start of construction, submit detailed final structural plans for the subject bridge replacement project to the parties of record for review and to this Commission for approval.
4. York County, at its sole cost and expense, and prior to the start of construction, submit final, approved detour plans for the subject bridge replacement project to all parties of record and this Commission for review.
5. York County, at its sole cost and expense, and prior to the start of construction, prepare and submit complete detailed right-of-way plans and property descriptions (metes and bounds) for any property for the Commission to appropriate to all parties for review and to the Commission for approval, if necessary.
6. York County, at its sole cost and expense, furnish all material and do all work necessary to demolish the existing bridge and construct the new proposed bridge in accordance with the approved plans and this Secretarial Letter.
7. York County, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain the detours and traffic controls that are required to properly and safely accommodate highway traffic during the time the project is being constructed.

8. Norfolk Southern Railway Company, at the sole cost and expense of York County, furnish all material and perform all work relating to its facilities which may be required as incidental to the performance of the proposed work and furnish construction engineering and inspection service, if required, as a result of the proposed work; and furnish and maintain flagmen and watchmen, as required, to protect its operations during the time the work is being performed across, above and adjacent to its tracks.

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

10. York County, at its sole cost and expense, furnish all material and do all work necessary to complete the remainder of the crossing project, including any attendant storm drainage facilities and any other ancillary features of the project, all in accordance with the approved plans and this Secretarial Letter.

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

12. The alteration of the crossing be completed on or before December 31, 2025, and that on or before said date, York County report in writing the date of actual completion of the work to this Commission and certify to the parties of record and this Commission that the work has been satisfactorily completed in accordance with the approved plans and this Secretarial Letter.

13. York County, at least thirty (30) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

14. York County pay all compensation for damages, if any, due to owners of property taken, injured, or destroyed by reason of the construction of the crossing in accordance with this Secretarial Letter.

15. Upon completion of the alteration of the crossing, Norfolk Southern Railway Company, at its sole cost and expense, furnish all material and perform all work necessary to maintain its railroad facilities at the subject crossing including the post mounted flashing light signals and gates and maintain at all times, in a smooth and satisfactory condition, the asphalt and rail seal crossing surface between the rails, and for a distance of twenty-four (24) inches beyond each outside rail, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter; and provide 10-days of advance notice to Upper Allen Township prior to doing any work in accordance with this paragraph.

16. Upon completion of the alteration of the crossing, Upper Allen Township, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its highway approach roadways to the subject crossing to points twenty-four (24) inches beyond each outside rail, and in addition, maintain the grade crossing advance warning signs, including the removal of vegetation, stop lines and pavement markings, if required, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter; and provide 10-days of advance notice to Norfolk Southern Railway Company prior to doing any work in accordance with this paragraph.

17. Upon completion of the proposed project, York County, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the bridge structure including the substructure, superstructure, roadway pavement, parapets, guiderails, bridge inspection, drainage facilities and any other ancillary features of the improvement constructed in accordance with this Secretarial Letter.

18. Upon completion of the proposed project, Upper Allen Township, Cumberland County, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its highway approaches on Mill Road to the bridge, including but not limited to roadway pavement and snow, ice, and debris removal, in accordance with this Secretarial Letter.

19. Upon completion of the proposed project, Monaghan Township, York County, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its highway approaches on North Grantham Road to the bridge, including but not limited to roadway pavement and snow, ice, and debris removal, in accordance with this Secretarial Letter.

20. Upon completion of the proposed project, York County, at its sole cost and expense, furnish all material and perform all work necessary thereafter to, and perform the snow, ice, and debris removal from the roadway surface on the structure.

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

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

23. The terms of any agreement established in accordance with this Secretarial Letter shall not preclude the Pennsylvania Public Utility Commission from taking any action necessary to protect the public interest, including but not limited to the reassignment or enforcement of any costs or responsibilities assigned or transferred as a result of this Secretarial Letter.

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

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

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

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

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

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

Very truly yours,



Rosemary Chiavetta
Secretary