



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

IN REPLY PLEASE
REFER TO OUR FILE

May 28, 2024

A-2024-3045709

TO ALL PARTIES OF RECORD

Application of Pennsylvania Department of Transportation for approval to alter two (2) public crossings by the rehabilitation of the existing bridge where State Route 0018 (Seventh Avenue) crosses, above grade, one (1) track of Norfolk Southern Railway Company (DOT 503 768 L) located in New Brighton Borough and two (2) tracks of CSX Transportation, Inc. (DOT 584 878 T) located in the City of Beaver Falls, all in Beaver County, and the allocation of costs incident thereto.

To Whom It May Concern:

This matter is before us by reason of an application filed with the Commission on January 22, 2024, by the Pennsylvania Department of Transportation (Department) seeking Commission approval to alter two (2) public crossings where State Route 0018 (Seventh Avenue) crosses, above grade, one (1) track of Norfolk Southern Railway Company (DOT 503 768 L) located in New Brighton Borough and two (2) tracks of CSX Transportation, Inc. (DOT 584 878 T) located in the City of Beaver Falls, all in Beaver County.

A field investigation and conference was arranged by a Commission staff engineer and held on April 2, 2024 at the site of the subject crossings. Representatives of the Department, AECOM (consultant engineer representing Norfolk Southern Railway Company), Colliers Engineering & Design (consultant engineer representing CSX Transportation, Inc.), the City of Beaver Falls and Widmer Engineering (consultant engineer representing the City of Beaver Falls and New Brighton Borough) attended the field conference. Although notified by letter dated February 27, 2024 and April 1, 2024 sent by electronic mail, there were no representatives of Beaver County, Columbia Gas of PA, Inc., Verizon Pennsylvania, LLC, Windstream or CenturyLink, in attendance.

The existing State Route 0018 (Seventh Avenue) bridge (NBI Structure Numbers/Bridge Keys 3449 (northbound); 3450 (southbound); also known as the New Brighton-Beaver Falls Bridge) deck carries a 28-foot wide area for travel lanes and 2-foot wide shoulders in both the northbound and southbound direction. A 6-foot wide concrete pedestrian sidewalk is separated by the travel lanes with F-shaped concrete barrier in the southbound direction. Aluminum pedestrian railing and railroad protective fencing is present on the outside edge of the pedestrian sidewalk. Concrete F-shape barriers separate the directions of travel. The bridge superstructure consists of six (6) spans (spans 1 to 6) of multiple prestressed precast concrete I-girders and five (5) spans (spans 7 to 11) of multiple steel curved I-girders. The entire structure is comprised of eleven (11) total spans of varying length for a total structure length of approximately 1,310-feet and is supported by reinforced concrete piers and abutments. Intersecting features of the bridge include one (1) track of Norfolk Southern Railway Company (DOT 503 768 L) located under span 1, the Beaver River located under span 2 through span 6, two (2) tracks of CSX Transportation, Inc. (DOT 584 878 T) located under span 8 and Seventh Avenue / Second Street located partially under spans 10 and 11 of the bridge. According to publicly available records provided by the Department, the structures are in overall poor condition based on the condition ratings of the substructure and superstructure.

The Department proposes the following scope of work for its bridge rehabilitation project: 1) hydro-demolition of the existing wearing surface and installation of a 1.25-inch thick latex modified concrete overlay of the entire surface of the deck, 2) replacement of the existing 3-inch, 3.5-inch and 4-inch movement class expansion joints, 3) concrete repairs to areas of spalling, delamination and cracking on the concrete barriers and substructure, 4) concrete beam end repairs, 5) full painting of the curved steel superstructure (spans 7 to 11), 6) cleaning and flushing of the bridge seats, scuppers and downspouts and 7) bridge barrier and joint sealing.

The existing minimum vertical (overhead) clearance with respect to the top of the track to the underside of the southbound bridge is 23-feet 2-inches and the existing minimum lateral (side) clearance with respect to the centerline of the track and the face of pier C1 is 55-feet for the Norfolk Southern Railway Company crossing (DOT 503 768 L). The existing minimum vertical (overhead) clearance with respect to the top of the track to the underside of the northbound bridge for the crossing is 23-feet 1-inch and the existing minimum lateral (side) clearance with respect to the centerline of the west track and the face of pier ST7 northbound is 21-feet for the CSX Transportation, Inc. (DOT 584 878 T) crossing. When queried as to whether any exemptions to the Commission's minimum clearance requirements would be necessary for temporary reductions during construction, the Department stated that it would not be necessary. Any reduction in clearances during temporary construction conditions that require an exemption from 52 Pa. Code §33.121 and §33.122 must be approved by the Commission prior to the start of construction, if necessary.

At the time of the field conference the Department was undecided if it would be necessary for the Commission to appropriate any property for construction of the project. The Department was advised that if it becomes necessary for the Commission to appropriate any property, they may submit detailed right-of-way plans and property descriptions (metes and bounds) for any property for the Commission to appropriate.

Light standards are attached to the existing bridge. Light standard means a street light, light pole, lamp post, street lamp, lamp standard, or other raised source of light located inside the right-of-way of a public road or highway. The Department agrees to the future maintenance of any bridge lighting and associated bridge lighting electrical costs, at its initial cost and expense.

A pedestrian stairway/walkway tower is present on the southbound side of the bridge that provides a connection from the pedestrian sidewalk on the bridge to Seventh Avenue (City of Beaver Falls roadway), below the bridge. The Department agrees to the future maintenance of the structural condition of the stairway/walkway tower and the snow, ice and debris removal from the pedestrian sidewalks and the stairway/walkway tower, at its initial cost and expense.

The Department agrees to furnish all materials and perform all work to rehabilitate the bridge structure, at their sole cost and expense. The Department agrees to maintain and inspect the entire bridge structure, exclusive of the aforementioned items, and provide for the removal of snow, ice and debris from the cartway of the bridge deck, at their sole cost and expense.

The Department agrees to prepare and submit complete detailed structure and traffic control plans for the bridge rehabilitation to each party in interest for review and to this Commission for approval, at their sole cost and expense.

Norfolk Southern Railway Company and CSX Transportation, Inc. agree to furnish and maintain watchmen, flagmen and/or inspectors that may be deemed necessary to protect and safeguard its railroad operations or facilities, at the Department's sole cost and expense. Norfolk Southern Railway Company and CSX Transportation, Inc. agree to maintain their railroad facilities, at their sole cost and expense.

The project will be funded by 80% Federal and 20% State funds with an estimated project cost of \$13,000,000.00.

Relocation of non-carrier public utilities is not expected. Non-carrier public utilities will relocate their facilities at their initial cost and expense, if required.

The Commission hereby establishes its jurisdictional limits at the subject project as the area within the confines of the railroad right-of-way and the highway right-of-way, the entire footprint of the bridge structure, bridge appurtenances, bridge embankments and an additional 100-feet from each end of the existing bridge along the roadway approaches.

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

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

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

1. The caption of the subject proceeding is hereby revised as shown herein.
2. Beaver County be made a party hereto.
3. The public crossings where State Route 0018 (Seventh Avenue) crosses, above grade, one (1) track of Norfolk Southern Railway Company (DOT 503 768 L) located in New Brighton Borough and two (2) tracks of CSX Transportation, Inc. (DOT 584 878 T) located in the City of Beaver Falls, all in Beaver County be altered as herein directed.
4. Pennsylvania Department of Transportation, 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.
5. Pennsylvania Department of Transportation, at its sole cost and expense, and prior to the start of construction, prepare and submit complete detailed structure and traffic control plans for the subject project to all parties for review and to the Commission for approval.
6. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to rehabilitate the subject bridge structure; all constructed in accordance with the approved plans and this Secretarial Letter.
7. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic control that may be necessary to properly and safely accommodate vehicular and pedestrian traffic during the time the crossings are being altered.
8. Norfolk Southern Railway Company and CSX Transportation, Inc., at Pennsylvania Department of Transportation's sole cost and expense, furnish all material and perform all work relating to its facilities which may be required as incidental to the performance of the proposed work and furnish any watchmen, flagmen, inspectors and/or engineering services that may be deemed necessary to protect the railroad's operations or facilities during the time the facilities are being altered.
9. Pennsylvania Department of Transportation pay all compensation for damages, if any, due to the owners of property taken, injured or destroyed by reason of the alteration of the crossings in accordance with this Secretarial Letter.
10. Any relocation of, changes in and/or removal of any adjacent structures, equipment or facilities of any non-carrier public utility or municipal authority, which may be required as incidental to the alteration of the crossings be made by said public utility or municipal authority at its initial cost, and in such a manner as will not interfere with the alteration of the crossings.

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

12. Pennsylvania Department of Transportation provide at least thirty (30) days advance notice of the start of work to alter the crossings to each party involved in this proceeding.

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

14. All work necessary to alter the crossings be completed in a manner satisfactory to this Commission on or before June 30, 2027, and that on or before said date, Pennsylvania Department of Transportation report in writing to this Commission the date of actual completion of the work.

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

16. 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.

17. Upon completion of the alteration of the crossing, Norfolk Southern Railway Company and CSX Transportation, Inc., at their sole cost and expense, furnish all material and perform all work necessary thereafter to maintain their respective railroad facilities at the subject crossings, existing or altered, and provide Pennsylvania Department of Transportation, New Brighton Borough and the City of Beaver Falls at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

18. Upon completion of the alteration of the crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain and inspect the entire State Route 0018 (Seventh Avenue) bridge (NBI Structure Numbers/Bridge Keys 3449 (northbound); 3450 (southbound); also known as the New Brighton-Beaver Falls Bridge) including the substructure, wingwalls, superstructure, deck, parapets, structural sidewalk components, fencing, approach slabs, roadway surface, drainage facilities and any other ancillary features and provide Norfolk Southern Railway Company, CSX Transportation, Inc, New Brighton Borough and the City of Beaver Falls at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

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

20. Upon completion of the alteration of the subject crossings, Pennsylvania Department of Transportation, at its initial cost and expense, furnish all material and perform all work necessary to maintain the structural components of the pedestrian stairway/walkway tower.

21. Upon completion of the alteration of the subject crossing, Pennsylvania Department of Transportation, at its initial cost and expense, furnish all material and perform all work for the removal of snow, ice and debris from the sidewalks on the bridge deck and the pedestrian stairway/walkway tower.

22. Upon completion of the alteration of the subject crossing, Pennsylvania Department of Transportation, at its initial cost and expense, furnish all material and perform all work necessary thereafter to maintain the bridge lighting, bridge lighting infrastructure and the electrical costs to energize said lighting.

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

24. Upon completion of the work herein directed, and upon written request from any party of record, this proceeding be scheduled for a hearing at a time and place to be determined by the Commission, for the purpose of taking testimony upon the final allocation of any remaining costs incurred by the non-carrier utility companies and other matters relevant to this proceeding.

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

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

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

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

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

Very truly yours,

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

Rosemary Chiavetta
Secretary