



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

IN REPLY PLEASE
REFER TO OUR FILE

October 2, 2024

A-2024-3050077

TO ALL PARTIES OF RECORD

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval of the construction of a new grade-separated crossing (DOT 977 020 L) where the extension of State Route 0116 (Eisenhower Drive) will cross above the track of CSX Transportation Inc., in Conewago Township, Adams 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 July 12, 2024, by Pennsylvania Department of Transportation (Department) seeking Commission approval for the construction of a new grade-separated crossing (DOT 977 020 L) where State Route 0116 (Eisenhower Drive) will cross above the track of CSX Transportation Inc. (CSXT), in Conewago Township, Adams County.

On August 5, 2024, a Commission staff engineer visited near the site of the proposed grade-separated crossing. The existing site consists of a farm field on the western side of the tracks of CSXT and a field occupied by numerous electrical pole structures and wirelines on the eastern side of the tracks of CSXT. An electrical substation was noted immediately south of the proposed site. State Route 0116 (Eisenhower Drive), generally oriented east-west, currently terminates at its intersection with High Street (T-535). At the intersection, State Route 0116 (Eisenhower Drive) is a curbed two (2) lane, bi-directional asphalt paved roadway with a posted speed limit of 25 miles per hour. In its application, the Department noted that it anticipates an average daily traffic volume of 15,983 vehicles with 8 percent trucks at the proposed crossing.

A virtual field investigation and conference was arranged by a Commission staff engineer and held on August 6, 2024. Representatives of the Department, JMT (consultant engineer representing the Department), Colliers Engineering & Design (consultant engineer representing CSXT), Conewago Township, Conewago Township Sewer Authority, Hanover Borough, Hanover Borough Water Department and FirstEnergy/Met-Ed attended the field conference. Although notified by letter dated July 18, 2024, sent by electronic mail, there were no representatives of Adams County, Huber Engineered Materials, Sprint/T-Mobile, Columbia Gas of PA Inc., Shenandoah Telecommunications Co. or Comcast of Southern Pennsylvania in attendance.

The Department proposes to create a new public above grade crossing to allow for the extension of State Route 0116 (Eisenhower Drive) westward from its current western terminus at High Street (T-535) to its new terminus at State Route 0116 (Hanover Road). The proposed highway bridge (NBI Structure Number/Bridge Key 70028; S-41894) will consist of a single span comprised of six (6) 48-inch by 42-inch pre-stressed pre-cast concrete spread box beams. An 8-inch thick composite reinforced concrete deck is proposed. Type-1 25-foot long approach slabs are proposed on both bridge approaches. The center-to-center bearing at the abutments is proposed to be 96-feet, completely spanning over the property of CSXT. The out-to-out width of the proposed bridge deck will be 52-feet 2-inches with a curb-to-curb width of 40-feet. The proposed bridge cross section consists of a 5-foot 1-inch wide raised pedestrian sidewalk, an 8-foot wide shoulder and a 12-foot wide travel lane in each direction of travel. A reinforced concrete vertical wall barrier with mounted railroad protective fencing is proposed on both outside deck edges along the raised pedestrian sidewalks. The proposed bridge is on a tangent horizontal alignment; therefore, a normal crown cross slope is proposed for the entire length of the bridge. The substructure will consist of reinforced concrete cantilever abutments with u-shaped wingwalls. The skew angle for the substructures is 90 degrees to the survey and construction baseline. The proposed bridge is being designed for all legal loads. Lighting is not proposed for the bridge and no utilities are proposed to be attached to the bridge.

The proposed minimum vertical (overhead) clearance with respect to the top of the track to the underside of the bridge is 23-feet 2-inches. The proposed minimum lateral (side) clearance is greater than 30-feet and outside of CSX right-of-way. Exemptions from the Commission's minimum overhead and side clearance requirements pursuant to 52 Pa. Code §33.121 and §33.122 are not required for the proposed bridge. Any reduction in clearances during temporary construction conditions that require an exemption from 52 Pa. Code §33.121 or §33.122 must be approved by the Commission prior to the start of construction, if necessary.

According to the Federal Railroad Administration's crossing inventory data for a nearby public crossing immediately to the south of the proposed crossing, the new crossing will be located on CSXT's Westport Branch. A total of two (2) day train movements per day at a maximum timetable speed of 10 miles per hour is noted. CSXT obtained a DOT number through the Federal Railroad Administration to inventory the proposed crossing. This crossing will be designated as DOT 977 020 L.

No party in attendance at the virtual field investigation and conference agreed to maintain the snow, ice and debris removal for the proposed sidewalks on the bridge. The sidewalks end just west of the bridge, within the area designated as a limited access roadway. Because no party agreed to maintain the sidewalks, the Department stated they would revise their proposed bridge cross section to remove the sidewalks. No party in attendance objected to the removal of the sidewalks from the proposed bridge.

The Department agrees to furnish all materials and perform all work to construct the proposed bridge at their sole cost and expense. The Department agrees to maintain and inspect the proposed bridge as well as provide for the removal of snow, ice and debris from the cartway of the bridge deck, at their sole cost and expense.

CSXT agrees to furnish and maintain watchmen, flagmen and/or inspectors that may be deemed necessary to protect and safeguard their railroad operations or facilities and make any required alterations to their facilities to accommodate the project at the Department's sole cost and expense and to maintain their railroad facilities, existing or altered, at their sole cost and expense. CSXT stated that no temporary railroad crossings would be allowed during the construction of the proposed bridge.

It will be necessary for the Commission to appropriate property for construction of the project. The Department will submit detailed right-of-way plans and property descriptions (metes and bounds) for any property for the Commission to appropriate prior to the start of construction.

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

The project will be funded by 80% Federal and 20% State funds with an estimated total project cost of \$72,144,419.00 and \$2,572,100.00 for the bridge.

Relocation of non-carrier public utilities is expected. Significant aerial utilities are located on pole lines to the north and south of the proposed bridge. Non-carrier public utilities are directed to relocate their facilities at their initial cost and expense, if required.

The Commission tentatively establishes its jurisdictional limits at the subject proposed crossing as the area within the confines of the railroad right-of-way and the highway right-of-way, along Highway Station 183+60.03 and Highway Station 184+56.03 plus an additional 100-feet beyond the aforementioned stationing along the roadway approaches, as shown on the preliminary plan included with the application, including the entire footprint of the bridge structure, bridge appurtenances and bridge embankments.

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 virtual 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 construction of the crossing 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. The crossing (DOT 977 020 L) where State Route 0116 (Eisenhower Drive) will cross, above grade, the track of CSX Transportation, Inc. located in the Conewago Township, Adams County is hereby established as a public crossing upon satisfactory completion of the work herein directed.

3. 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.
4. Pennsylvania Department of Transportation, at its sole cost and expense, and prior to the start of construction, prepare and submit complete detailed structure plans for the subject crossing to all parties for review and to the Commission for approval.
5. CSX Transportation, Inc., at the sole cost and expense of Pennsylvania Department of Transportation, furnish all material and perform all work relating to its facilities which may be required as incidental to the performance of the proposed work and furnish any watchmen, flagmen, inspectors and/or engineering services that may be deemed necessary to protect the railroad's operations or facilities during the time the facilities are being installed.
6. 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, pedestrian and railroad traffic during the time the crossing is being constructed.
7. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to construct the proposed bridge; all constructed in accordance with the approved plans and this Secretarial Letter.
8. 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 construction of the crossing in accordance with this Secretarial Letter.
9. 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 construction of the crossing be made by said public utility or municipal authority at its initial cost, and in such a manner as will not interfere with the construction of the crossing; and such relocated or altered facilities thereafter be maintained by said public utility or municipal authority at its sole cost and expense.
10. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority located beyond the limits of the highway, within the Commission's jurisdiction, which may be required as incidental to the execution of the crossing project, be made by said public utility company or municipal authority, and in such a manner as will not interfere with the construction of the project.
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 construct the crossing 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 construct the crossing be completed in a manner satisfactory to this Commission on or before December 31, 2029, 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. 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.

18. Upon completion of the construction of the subject crossing, CSX Transportation, Inc., at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the subject crossing, existing or altered, in a safe and satisfactory condition and provide Pennsylvania Department of Transportation and Conewago Township 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 construction of the subject crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to inspect and maintain the entire State Route 0116 (Eisenhower Drive) bridge (NBI Structure Number/Bridge Key 70028) including the substructure, wingwalls, superstructure, deck, parapets, railroad protective fencing and the remainder of the improvement including the roadway pavement, approach slabs, roadway surface, drainage facilities and any other ancillary features of the bridge constructed in accordance with the provisions of this Secretarial Letter and provide CSX Transportation, Inc. and Conewago Township at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

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

21. 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 cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary