



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

IN REPLY PLEASE
REFER TO OUR FILE

November 19, 2024

A-2024-3051090

TO ALL PARTIES OF RECORD

Application of Norfolk Southern Railway Company for approval to alter the public crossing (DOT 517 986 J) by the installation of a ballast retainer wall and handrail on the southern side of the bridge where South Main Street crosses, below grade, the tracks of Norfolk Southern Railway Company located in Marysville Borough, Perry County.

To Whom It May Concern:

This matter is before us by reason of an application filed with the Commission on September 10, 2024, by Norfolk Southern Railway Company (Norfolk Southern) seeking Commission approval to alter the public crossing (DOT 517 986 J) where South Main Street crosses, below grade, the tracks of Norfolk Southern located in Marysville Borough, Perry County. The Burley Road crossing (DOT 517 989 E) and the Railroad Street crossing (DOT 506 507 N) located in Penn Township originally included with this application are private crossings, not subject to Commission jurisdiction, therefore will not be addressed in this Secretarial Letter.

A field investigation and conference was arranged by a Commission staff engineer and held on October 30, 2024 at the site of the subject public crossing. Representatives of Michael Baker International (consultant engineer for Norfolk Southern), Marysville Borough (Borough), Pennoni (consultant engineer for the Borough), PPL Electric Utilities Corporation and Envision attended the field conference. Although notified by letter dated October 24, 2024, sent by electronic mail, there were no representatives of the Pennsylvania Department of Transportation, Perry County, Penn Township, Penn Township Municipal Authority, Lumen (formerly Level 3), PENCOR Services/Blue Ridge Communication, Buckeye Partners, Comcast, Veolia Water Pennsylvania Inc. or Windstream Enterprise/Wholesale in attendance.

At the public crossing (DOT 517 986 J), it was noted that the railroad structure (also known as the Rockville Bridge) was completed in 1901 and consists of 48 (forty-eight) arch spans of stone masonry generally oriented east and west. The structure generally supports two (2) tracks, with turnouts at either end of the structure that allow rail traffic to travel north and south. The westernmost arch span, crosses over South Main Street (Borough roadway). At some point after its construction, the westernmost span was widened/flared by adding a single deep girder and deck on the southern side of the bridge. In addition to Norfolk Southern freight service, the line is also utilized by Amtrak for passenger service. South Main Street is a two (2) lane, bi-directional asphalt paved roadway generally oriented north and south. A horizontal curve is present in the roadway as it approaches the crossing. The posted speed limit for the roadway is 25 miles per hour.

Norfolk Southern proposes to increase the height of the existing ballast retainer wall and wingwall on the southern side of the bridge by doweling into the existing and constructing cast-in-place concrete sections. The existing handrail in the extended areas will be removed and replaced with new handrail. The existing southernmost track (track 0) will be realigned through the crossing.

This alteration is in conjunction with a larger project to add a third mainline track from Rockville to Cove that will alleviate freight congestion, ease delays to Amtrak and expand passenger trains. The addition of a third mainline track was not requested in this application. Prior to the installation of any additional tracks, Norfolk Southern shall file the appropriate application with the Commission to alter this or any other public crossing affected.

At the field conference, the Borough expressed concerns regarding truck traffic it receives for its sewage treatment plant just north of the crossing, as well as local businesses north of the crossing. The only viable route for certain commercial vehicles is to travel on South Main Street underneath the railroad bridge crossing. Norfolk Southern stated that they will perform their work utilizing single lane closures, which will allow vehicles to continue to use this route with the assistance of a flag-person or other appropriate means.

According to the Federal Railroad Administration's crossing inventory data, the crossing is located at mile post 110.68 on the Pittsburgh Line. A total of twenty-two (22) day and eighteen (18) night freight train movements per day and 2 (two) passenger train movements per day was noted.

Norfolk Southern agrees to prepare and submit complete detailed construction plans for the new ballast retainer wall for the subject railroad bridge to each party in interest for review and to this Commission for approval, at their sole cost and expense.

Norfolk Southern agrees to furnish all materials and perform all work to modify and raise the existing ballast retainer wall, wingwall and realign its track, and any ancillary features thereof, at its sole cost and expense. Norfolk Southern agrees to maintain and inspect the railroad bridge at the public crossing, including the extended ballast retainer wall and handrail at their sole cost and expense.

The Borough agrees to maintain its roadway facilities at the subject public crossing.

The project will be funded by Passenger Service Rights Enhancement Project Grants. No cost estimate for this alteration was provided by Norfolk Southern.

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

It will not be necessary for the Commission to appropriate any property to accommodate the alterations.

The Commission hereby establishes its jurisdictional limits at the subject crossing as the area within the confines of the railroad right-of-way and the highway right-of-way.

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 alterations 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 crossing is necessary and proper for the service, accommodation, convenience or safety of the public.

The application of Norfolk Southern Railway Company is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The public crossing (DOT 517 986 J) where South Main Street crosses, below grade, the tracks of Norfolk Southern Railway Company located in the Marysville Borough, Perry County be altered as herein directed.
3. Norfolk Southern Railway Company, at its sole cost and expense, and prior to the start of construction, prepare and submit complete detailed construction plans for the subject alteration to all parties for review and to the Commission for approval.
4. Norfolk Southern Railway Company, at its sole cost and expense, furnish all material and do all work necessary to alter the public crossing (DOT 517 986 J) by reconstructing the ballast retainer wall, wingwall and handrail on the southern side of the bridge, the realignment of the southernmost track and any ancillary features thereof, all constructed in accordance with the approved plans and this Secretarial Letter.
5. Norfolk Southern Railway Company, at its 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 installed.
6. Norfolk Southern Railway Company, 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 altered.
7. Norfolk Southern Railway Company, pay all compensation for damages, if any, due to the owners of property taken, injured or destroyed by reason of the alteration of the crossing in accordance with this Secretarial Letter.
8. 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 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 alteration of the crossing; and such relocated or altered facilities thereafter be maintained by said public utility at its sole cost and expense.

9. Norfolk Southern Railway Company, 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.

10. Norfolk Southern Railway Company provide at least thirty (30) days advance notice of the start of work to alter the crossing to each party involved in this proceeding.

11. 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.

12. All work necessary to alter the crossing be completed in a manner satisfactory to this Commission on or before December 31, 2027, and that on or before said date, Norfolk Southern Railway Company report in writing to this Commission the date of actual completion of the work.

13. 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 thereafter to maintain and inspect its railroad facilities at the subject crossing, existing or altered, including the railroad bridge substructure, superstructure, ballast retainer walls and handrails, and provide Marysville Borough at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

14. Upon completion of the alteration of the subject crossing, Marysville Borough, at its sole cost and expense, furnish all material and do all work necessary to maintain its highway facilities at the crossing, in a safe and satisfactory condition, and provide Norfolk Southern Railway Company at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

15. Upon completion of the alteration of the subject crossing, Marysville Borough, at its sole cost and expense, furnish all material and perform all work necessary for the removal of snow, ice and debris from the roadway pavement at the public crossing and the approaches thereto.

16. Upon completion of the alteration 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 alteration.

17. 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.

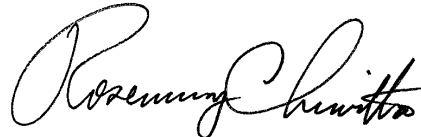
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax 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