



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120
November 22, 2024

A-2023-3043493

TO ALL PARTIES OF RECORD

Application of the Department of Transportation of the Commonwealth of Pennsylvania to replace the existing bridge where West Lackawanna Avenue crosses, above grade, two (2) tracks owned by Norfolk Southern Railway Company and operated thereon by Delaware-Lackawanna Railroad Company, Inc. (DOT 265 971 V) in the City of Scranton, Lackawanna County, and the allocation of costs incident thereto.

To Whom It May Concern:

By application filed with the Commission on October 12, 2023, and revised December 18, 2023, the Department of Transportation of the Commonwealth of Pennsylvania (Department) is seeking approval to replace the existing bridge where Lackawanna Avenue crosses, above grade, two (2) tracks owned by Norfolk Southern Railway Company (Norfolk Southern), the easternmost operated and maintained by Delaware-Lackawanna Railroad Company Inc. (DOT 265 971 V), in the City of Scranton, Lackawanna County.

A field investigation and conference was arranged by a Commission staff engineer and held at the site of the crossing on December 13, 2023. Representatives of the Department, AECOM for Norfolk Southern, and Pennsylvania American Water were in attendance. Although notified by letter dated November 15, 2023, there were no representatives from Lackawanna County, City of Scranton, PPL Electric Utilities Corporation, Verizon Pennsylvania, Inc, Pennsylvania American Water, AT&T Corp., Frontier Communications Corporation, Comcast Cable Communications, or Sprint in attendance. At the meeting it was discovered that both Pennsylvania Northeast Regional Railroad Authority and Delaware-Lackawanna Railroad Company Inc. were omitted from the party of record in the October 12, 2023, application. The Department filed an update to the application on December 18, 2023, adding both parties to the record, and provided both with a copy of the application.

At the meeting, it was noted that the existing bridge, owned by the City of Scranton, is a four (4) lane, bi-directional, paved roadway, consisting of two (2) travel lanes in each direction, with curbed, raised sidewalks on both sides, generally oriented east and west. The curb-to-curb width is noted as 50 feet, with an out-to-out width of 62 feet 6 inches. Preliminary plans describe the structure, constructed in 1972, as a prestressed concrete adjacent box beam bridge having a total span of 127 feet supported by concrete abutments and a single concrete pier. The skew angle for the substructures is 65-degrees to the roadway baseline. The structure also has four (4) concrete retaining walls, supporting the approaches, flanking both abutments. Concrete barriers topped with a metal railing cap the outer edge of the sidewalk with

additional chain link fence in the areas where the structure crosses directly over the track. Multiple light poles along the sidewalk areas are located on both sides of the existing structure. The application reported the average daily traffic over the structure as 13,583 vehicles with 5% trucks.

There are two (2) active railroad tracks beneath the structure and a remnant of a third track adjacent to abutment 2. At the field conference it was noted that the remnant track will be removed. All three (3) tracks are located on property owned by Norfolk Southern, track No 1, nearest to the existing pier, is operated on and maintained by Norfolk Southern, and track No. 2, nearest to abutment 2, is operated on and maintained by the Delaware-Lackawanna Railroad Company Inc. There is an additional Norfolk Southern track proposed and shown on the preliminary plans in the vicinity of the existing bridge pier, but this track is proposed in the future and will not be installed as part of the current application.

The Department has entered into an agreement with the City of Scranton where they will carry out the design and construction of the new structure and the City of Scranton will assume maintenance. The Department described the details of the project at the December 13, 2023, meeting, which includes the removal of the entire existing structure including the substructure, superstructure, four (4) retaining walls, and pier. Preliminary plans show the new structure as a single span, prestressed concrete adjacent box beam bridge having a span of 92 feet, as measured from the centerline of bearing of proposed abutment 1 to the centerline of bearing of proposed abutment 2, on a 75-degree skew. The bi-directional roadway will consist of four (4) 11-foot-wide travel lanes, two (2) 5-foot-wide shoulders/bike lanes, and two (2) 6 foot 8-inch-wide sidewalks with concrete curbs and 1 foot 6 inch thick concrete barriers. The total curb-to-curb width is reported as 54 feet with an out-to-out of 70 feet 4 inches. The concrete barriers will be topped with vinyl coated steel fencing on the outer edge of the sidewalks over the tracks. The structure will be supported by two concrete abutments, both having two (2) wing walls each. The existing pier will be removed to 3-feet below the finished ground level. Four existing concrete retaining walls will be rebuilt with mechanically stabilized earth retaining walls, retaining walls 1 & 2 on the western side of the structure, retaining walls 3 & 4 on the eastern side of the structure. Additionally, multiple light poles are proposed to replace the lighting on the existing structure.

Horizontal clearances of the existing structure have been reported as 11.8 feet from the centerline of track 1 to the existing pier and 39 feet 9 inches, measured from the centerline of track 2 to abutment 2. The existing minimum vertical clearance has been reported as 20 feet 3.75 inches. Both the existing horizontal and vertical clearances will remain throughout construction of the new structure. Since both the existing side clearance of 11.8 feet and the vertical clearance of 20 feet 3.75 inches are below the Commissions minimum clearance requirements, this Secretarial Letter will serve as a temporary exemption from the Commission's minimum clearance requirements until the point in time when the existing pier is demolished, and the new structure is in place as part of the subject proceeding. Preliminary plans show the proposed minimum side clearance as approximately 29 feet 10 inches, as measured from the centerline of track no. 2 to proposed abutment 2, and the proposed minimum vertical clearance for new structure as approximately 23 feet 3 inches. Both the proposed vertical and horizontal clearances will be greater than the Commissions minimum requirements.

A full detour will be required for the construction of the new structure. The Department agreed to provide a copy of the final detour plans to all parties for review.

As previously stated, the Department will carry out the design and construction of the new structure and the City of Scranton will assume maintenance after completion. This maintenance includes but is not limited to the superstructure, substructure, abutments and retaining walls. Maintenance of the superstructure also includes snow, ice and debris removal on the sidewalks and roadway, plus the lighting and poles, and their electrification.

Maintenance of the easternmost track and any appurtenant railroad facilities related to the easternmost track will be assigned to the Delaware-Lackawanna Railroad Company Inc.. Maintenance of the westernmost track and any appurtenant facilities related to the westernmost track will be assigned to Norfolk Southern Railway Company.

There are several utilities within the project area including a sewer line and Verizon facilities attached to the underside of the structure, and additional aerial power and cable facilities. Alterations required to relocate public utilities in public right-of-way will be made by the utility at its initial cost and expense.

The Department agrees to design and construct the project at its sole cost and expense. The Department agrees to reimburse the railroad for any costs incurred for providing engineering, watchman and flagman services in conjunction with the project. The bridge replacement project is estimated to cost approximately \$10,000,000 and be federally, state and locally funded.

The Commission has tentatively established jurisdiction along West Lackawanna Avenue over those portions of the project between Highway Station 144+00 and Highway 149+00 as shown on the preliminary plans.

In conjunction with the subject bridge replacement project, it may be necessary for the Commission to appropriate certain portions of railroad property to accommodate construction of the project. If required, this will be accomplished in a separate Commission Order.

The applicant has certified that a copy of the application has been served on each party in interest and none have advised that it objects to the issuance of a Secretarial Letter approving the application.

Upon full consideration of the matters involved, we determine that it is not necessary to schedule a hearing in this proceeding at this time and that the issuance of a Secretarial Letter without a hearing is proper since the Department has agreed to construct the project at its 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 the alteration of the crossing is necessary and proper for the service, accommodation, convenience or safety of the public.

The alteration of the subject crossing as proposed by the Department of Transportation of the Commonwealth of Pennsylvania is approved as herein directed:

1. The subject caption be revised as shown herein.

2. The crossing where West Lackawanna Avenue crosses, above grade, two (2) tracks owned by Norfolk Southern Railway Company, the easternmost (track no. 2) operated thereon by Delaware-Lackawanna Railroad Company Inc., in the City of Scranton Lackawanna County, be altered in accordance with the approved plans and this Secretarial Letter.

3. Department of Transportation of the Commonwealth of Pennsylvania, at its sole cost and expense, prepare and submit final signed and sealed construction plans for the subject crossing to all parties for review and to the Commission for approval prior to construction.

4. Department of Transportation of the Commonwealth of Pennsylvania, at its sole cost and expense, prepare and submit final signed and sealed structural plans for the subject crossing to all parties for review and to the Commission for approval prior to construction.

5. Department of Transportation of the Commonwealth of Pennsylvania, at its sole cost and expense, prepare and submit final, approved detour plans for the subject crossing to all parties for review prior to construction.

6. Department of Transportation of the Commonwealth of Pennsylvania, at its sole cost and expense, and prior to the start of construction, prepare and submit final 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.

7. Department of Transportation of the Commonwealth of Pennsylvania, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain all traffic controls that may be required to properly accommodate highway and pedestrian traffic during the time the crossing project is being constructed.

8. Department of Transportation of the Commonwealth of Pennsylvania, at its sole cost and expense, demolish the existing structure and construct the new structure generally in accordance with the approved plans and this Secretarial Letter.

9. The Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain any shielding/protection, as required, to safely protect the areas below the bridge structure during construction of the project.

10. That an exemption from the Commission's minimum horizontal clearance requirements of 52 Pa. Code §33.122(b) be and is hereby granted, in this particular instance, for a horizontal clearance of 11 feet 8 inches from the centerline of track no. 1 to the pier of the existing structure before and during construction until a point in time that the pier is removed as part of the subject proceeding.

11. That an exemption from the Commission's minimum vertical clearance requirements of 52 Pa. Code §33.121(a) be and is hereby granted, in this particular instance, for a vertical clearance of 20 feet 3.75 inches from the top of track to the bottom of the existing structure before and during construction until a point in time that the existing structure is removed as part of the subject proceeding.

12. Any operating railroads over the subject line, issue appropriate notice warning its employees of the restrictive clearances herein, all in accordance with its standard operation practice.

13. Norfolk Southern Railway Company, at the sole cost and expense of the Department of Transportation of the Commonwealth of Pennsylvania, furnish construction, engineering and inspection service as required as a result of the proposed work, and furnish and maintain flagmen and watchmen as required to protect its operations during the time work is being performed across, above and adjacent to its tracks.

14. Delaware-Lackawanna Railroad Company Inc., at the sole cost and expense of the Department of Transportation of the Commonwealth of Pennsylvania, furnish construction, engineering and inspection service as required as a result of the proposed work, and furnish and maintain flagmen and watchmen as required to protect its operations during the time work is being performed across, above and adjacent to its tracks.

15. 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 public right-of-way, 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.

16. Department of Transportation of the Commonwealth of Pennsylvania, 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.

17. Norfolk Southern Railway Company cooperate with the Department of Transportation of the Commonwealth of Pennsylvania and conduct their operations in the vicinity of the crossing, in a safe manner and under control during the time project is being constructed.

18. Delaware-Lackawanna Railroad Company Inc. cooperate with Department of Transportation of the Commonwealth of Pennsylvania and conduct their operations in the vicinity of the crossing, in a safe manner and under control during the time project is being constructed.

19. Department of Transportation of the Commonwealth of Pennsylvania cooperate with Norfolk Southern Railway Company so that during construction of the project, the operations and facilities of the railroad company will not be endangered or unnecessarily impeded.

20. Department of Transportation of the Commonwealth of Pennsylvania cooperate with Delaware-Lackawanna Railroad Company Inc. so that during construction of the project, the operations and facilities of the railroad company will not be endangered or unnecessarily impeded.

21. Construction of the bridge project be completed in a manner satisfactory to this Commission on or before December 31, 2026, and that on or before said date, Department of Transportation of the Commonwealth of Pennsylvania report to this Commission the date of actual completion of the work.

22. Department of Transportation of the Commonwealth of Pennsylvania, at its sole cost and expense, pay all compensation for damages due to owners of property taken, injured, or destroyed by reason of the construction of the crossing in accordance with this Secretarial Letter.

23. All costs which are to be reimbursed by the Department of Transportation consistent with this Secretarial Letter shall be reimbursed pursuant to the provisions of 23 C.F.R. Part 140, 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.

24. Upon completion of 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.

25. Upon completion of construction of the proposed project Norfolk Southern Railway Company, at its sole cost and expense, furnish all material and perform all work necessary to maintain its tracks and railroad facilities, existing or altered, located within the limits of the project, and provide the City of Scranton at least ten (10) business days advance notice when performing any work as directed by this paragraph.

26. Upon completion of construction of the proposed project Delaware-Lackawanna Railroad Company Inc., at its sole cost and expense, furnish all material and perform all work necessary to maintain its tracks and railroad facilities, existing or altered, located within the limits of the project, and provide the City of Scranton at least ten (10) business days advance notice when performing any work as directed by this paragraph.

27. Upon completion of the construction of the proposed project, City of Scranton, at its sole cost and expense, furnish all material and perform all work necessary to maintain and inspect the entire bridge including but not limited to the deck, superstructure, substructure, wing walls, retaining walls, protective fencing, structural integrity of the sidewalks, approach roadways and any other ancillary features of the improvement constructed in accordance with the provisions of this Secretarial Letter, and provide Norfolk Southern Railway Company and Delaware-Lackawanna Railroad Company Inc. at least ten (10) business days advance notice when performing any work as directed by this paragraph.

28. Upon completion of the construction of the proposed project, City of Scranton, 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, approach roadways and sidewalks.

29. Upon completion of the alteration of the subject crossing, City of Scranton, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the bridge lighting and system infrastructure, including the electrical costs to energize the bridge lighting, constructed as part of the alteration.

30. 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 any of the parties, 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.

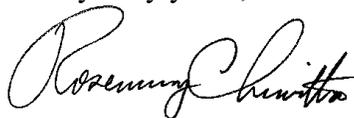
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax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