



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

March 7, 2025

IN REPLY PLEASE
REFER TO OUR FILE
A-2024-3051983

TO ALL PARTIES OF RECORD

Application of the Pennsylvania Department of Transportation for approval to alter the public crossing (DOT# 592 188 M) by the removal and replacement of the existing bridge where Seventeenth Street crosses, above grade, the tracks of Norfolk Southern Railway Company in the City of Harrisburg, Dauphin County, and the allocation of costs incident thereto.

To Whom It May Concern:

This matter is before us by reason of an application filed November 5, 2024, by the Pennsylvania Department of Transportation for approval to replace the bridge where Seventeenth Street crosses, above grade, the tracks of Norfolk Southern Railway Company (DOT# 592 188 M) in the City of Harrisburg, Dauphin County.

The existing bridge was built in 1970 and is an 86.2' long single span prestressed adjacent box beam superstructure with reinforced concrete abutments. The existing bridge carries two lanes of vehicular traffic (one lane in each direction) and spans over two sets of railroad tracks. The out-to-out existing bridge width is 54.0'. The curb-to-curb bridge width is 42.2'. Sidewalks protected by a concrete curb are present on each side of the bridge (approximately four feet wide each). Protective concrete barriers are located on each outside edge of the bridge with protective fencing mounted on top of the barrier. The existing bridge is skewed 78 degrees. The existing minimum vertical (overhead) under clearance between the top-of-rail and bottom of existing bridge is 21' - 11", with respect to the northern track. The existing horizontal (side) clearance is depicted as 24'-9" with respect to the centerline of northern track and abutment 2.

The current ADT across the structure is approximately 12,955 vehicles with 2 percent trucks. It is currently not posted for load and its overall condition is rated as fair as per the Pennsylvania Department of Transportation's website for local public bridges.

The proposed bridge is a single span P/S PA bulb-tee beam bridge with a span length of 85'-0" from centerline to centerline of bearings. Approach slabs at each end of the structure are proposed to be 25'-0" in length each. Raised curb sidewalks are being proposed on each side of the bridge, with minimum sidewalk widths being 10'-8". The proposed parapets for each outside face of the bridge will be 1'-0" wide reinforced concrete vertical barrier walls with railroad protective fencing mounted on each barrier. The barrier walls will have recessed block outs with built-in lighting for the sidewalks.

The new bridge will have two 2'-0" shoulders, two 11'-0" turning lanes, two 11'-0" median gore lanes, and two through-travel lanes (a through travel lane in each direction). The curb-to-curb width is 70'-0" and the out-to-out width of the proposed bridge will be 93'-4".

The proposed minimum horizontal (side) clearance of the new bridge is 23'-1" with respect to the face of abutment 2 and the centerline of tracks. The proposed minimum vertical (overhead) clearance between top of rail and bottom of bridge is 24'-7" with respect to the northern track. The proposed structure will meet the Commission's minimum horizontal (side) clearance requirements as set forth in Title 52 Pa. code §33.122.

No existing Commission Order or Secretarial Letter was located memorializing the existing required clearance exemption for the minimum vertical (overhead) clearance with respect to the Norfolk Southern tracks and the existing bridge structure.

The proposed bridge structure will meet the Commission's minimum vertical (overhead) clearance requirements as set forth in Title 52 Pa Code §§33.121 of 22.0 feet, from top of rails to the bottom of the bridge structure. The proposed minimum vertical clearance will be increased from the existing 21'-11" to approximately 24'-7" above top of rails.

No temporary at-grade railroad crossings will be allowed during construction. The existing substandard vertical clearance of 21' – 11" (as measured from bottom of the bridge to the top of rails) is not to be reduced during construction without written permission from Norfolk Southern Railway Company.

A 10-inch diameter ductile iron water main located inside a 18-inch diameter galvanized steel casing along with a 4-inch diameter steel gas main are proposed to be located between the beam spans and above the bottom of beams of the proposed bridge structure.

The Commission has tentatively established jurisdiction along the Seventeenth Street bridge project located at public crossing (DOT# 592 188 M) as the area within the confines of the railroad right-of-way and the highway right-of-way, the full footprint of the proposed bridge and over those portions of the project along the Seventeenth Street construction baseline between Highway Station 11+00.00 and Highway Station 13+00.00 and all area in between.

Upon receipt of the application, a field conference was arranged by a Commission staff engineer and held on February 26, 2025, to discuss the subject application. Representatives of the City of Harrisburg, Norfolk Southern Railway Company, various utility companies, and the Pennsylvania Department of Transportation were in attendance. During the conference, the proposed bridge replacement project was described in detail and discussed with the parties present. None of the parties advised that they object to the performance of the outlined work in this subject application.

Although notified of the field conference on January 21, 2024, there were no representatives in attendance from Dauphin County, Brightspeed Company, Lumen Technologies Inc, Next Mile Technologies, Frontier, or Sprint Communications.

Pennsylvania Department of Transportation stated that it will bear the cost of furnishing the material and performing the referenced work. Upon completion of construction, the City of Harrisburg has agreed to maintain the entire bridge, sidewalks, and approach roadways.

Any non-carrier public utility companies affected by this improvement project will be directed to initially bear the cost for any alteration or relocation of their facilities. Our Secretarial Letter will provide the non-carrier public utility companies with the opportunity to determine at a later date whether they will seek reimbursement for their project costs and whether a hearing is needed to resolve any remaining issues.

The Commission has exclusive jurisdiction in crossing alterations and is the final arbiter of any fees associated with a crossing application. Any conditions, including fees associated with a crossing application must be approved by the Commission.

Proof of service of a copy of the application on each party in interest has been received. None of the parties have advised that they object to the issuance of a Secretarial Letter approving the subject application.

It is anticipated that the funding for the project will be federal and/or state funds. Federal funding will be administered by the Pennsylvania Department of Transportation. The estimated cost of construction of the bridge replacement is \$8,200,000.

The parties indicated that it may not be necessary for the Commission to appropriate railroad property to accommodate the project as the railroad property may be acquired amicably. Should it become necessary for the Commission to appropriate railroad property, the Pennsylvania Department of Transportation will submit right-of-way plans with property descriptions to the Commission to be approved and appropriated at a later date by a Commission Order.

Pennsylvania Department of Transportation has not yet completed and submitted final construction plans showing the details of the subject crossing alteration. It will be necessary for the Pennsylvania Department of Transportation to submit final plans to all parties of record for review and to this Commission for approval before the start of construction.

We have considered the referenced application and find that the proposed improvement project is in the interest of convenience and public safety and should be constructed.

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 issuance of a Secretarial Letter without hearing is proper, since the applicant has agreed to construct the proposed crossing project, at its sole cost and expense, and none of the parties have expressed any objection.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code.

The application is approved as hereinafter directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The bridge where Seventeenth Street crosses, above grade, the tracks of Norfolk Southern Railway Company (DOT# 592 188 M) in the City of Harrisburg, Dauphin County, be altered by the removal and replacement of the bridge superstructure and substructure.
3. Pennsylvania Department of Transportation, at its sole cost and expense and prior to construction, prepare and submit final plans of the bridge structure to all parties for review and to the Commission for approval.
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, furnish all material and perform all work required to complete the crossing alteration project in accordance with the approved plans and this Secretarial Letter.
6. That an exemption from the Commission's vertical (overhead) clearance as set forth in Title 52 Pa Code §33.121 be granted in this instance for a minimum vertical (overhead) clearance, with respect to the tracks of Norfolk Southern Railway Company of 21'-11", from the top of rail to the bottom of the existing structure until the existing bridge structure is removed.
7. That any operating railroad, over the subject line, issues appropriate notice warning its employees of the restrictive clearance herein, all in accordance with its standard operating practice.
8. Any relocation of, changes in and/or removal of any adjacent structures, equipment or any other facilities of any public utility located within the limits of the highway right-of-way, within the limits of this Commission's jurisdiction, be made by said public utility at its initial cost and expense, and in such a manner as will not interfere with the construction of the improvement, and said relocated or altered facilities thereafter be maintained by said public utility, at its sole cost and expense.

9. Any relocation or 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 right-of-way, 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 manner as will not interfere with the construction of the project.

10. 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.

11. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain any detours or traffic controls that may be required to properly accommodate highway and pedestrian traffic during the time the crossing alteration work is being performed.

12. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work required to complete the remainder of the crossing alteration project in accordance with the approved plans and this Secretarial Letter.

13. Pennsylvania Department of Transportation, at least thirty days (30) days prior to the start of work, notify local emergency management services and all parties in interest of the actual date on which work will begin.

14. Norfolk Southern Railway Company, 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; 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.

15. The crossing alteration project be completed on or before December 31, 2036, and that on or before said date, Pennsylvania Department of Transportation report the date of actual completion of the work and certify to this Commission that the work has been completed satisfactorily in accordance with the approved plans and this Secretarial Letter.

16. Pennsylvania Department of Transportation cooperate with Norfolk Southern Railway Company so that in the construction of the crossing alteration project, the facilities of the railroad company will not be endangered or unnecessarily impeded.

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

18. The non-carrier public utility companies cooperate with the Pennsylvania Department of Transportation so that the alteration and/or relocation of their facilities will not interfere with the completion of the crossing alteration project.

19. Pennsylvania Department of Transportation pay all compensation for damages due to owners of property taken, injured, or destroyed by reason of the construction of the crossing alteration project in accordance with this Secretarial Letter.

20. Upon completion of the proposed construction, Norfolk Southern Railway Company, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its tracks, signals, wire lines, and other railroad facilities located at the subject crossing, and provide Pennsylvania Department of Transportation and the City of Harrisburg at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

21. Upon completion of the construction, the City of Harrisburg, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain and inspect the substructure and superstructure of the proposed bridge, the approach slabs, roadway wearing surface, drainage system, the structural integrity of the sidewalk, the bridge barriers, and the railroad protective fencing, all as constructed all in accordance with the approved plans and this Secretarial Letter, and provide Norfolk Southern Railway Company and Pennsylvania Department of Transportation at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

22. Upon completion of the construction, the City of Harrisburg, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain snow, ice, and debris removal on the sidewalks of the reconstructed bridge in accordance with the approved plans and this Secretarial Letter.

23. Upon completion of the alteration of the subject crossing, City of Harrisburg, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the approach roadway, bridge structure, bridge lighting and lighting infrastructure and the electrical costs to energize said lighting, constructed as part of the alteration.

24. 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.

25. 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 to the final allocation of cost, responsibility for future maintenance, or 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.

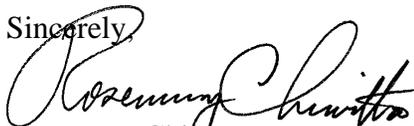
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax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

Sincerely,



Rosemary Chiavetta
Secretary