



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

IN REPLY PLEASE
REFER TO OUR FILE

November 6, 2025

A-2025-3056861

TO ALL PARTIES OF RECORD

Application of the Pennsylvania Department of Transportation for approval to alter the public crossing (DOT 051 792 L) by the replacement of the existing dual bridges where State Route 0079 (I-79) crosses, above grade, the track of Bessemer & Lake Erie Railroad Company, State Route 2014 (Scrubgrass Road) and Mill Creek, located in Findley Township, Mercer 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 August 14, 2025, by the Pennsylvania Department of Transportation (Department) seeking Commission approval to alter the public crossing (DOT 051 792 L) by the replacement dual bridges where State Route 0079 (I-79) crosses, above grade, the track of Bessemer & Lake Erie Railroad Company (B&LE), State Route 2014 (Scrubgrass Road) and Mill Creek, located in Findley Township, Mercer County, and the allocation of costs incident thereto.

A field investigation and conference was arranged by a Commission staff engineer and held on September 15, 2025, near the site of the subject crossing. Representatives of the Department, Michael Baker International (design consultant engineer for the Department), Canadian National Railway Company (parent company of B&LE) and Findley Township attended the field conference. Although notified by letter dated August 29, 2025, sent by electronic mail, there were no representatives of Jackson Township, Mercer County, Sharon Sanitary Authority, Aqua Pennsylvania, Inc., Armstrong Cable Television, Brightspeed, Columbia Gas of Pennsylvania, Inc., Crown Castle International Inc., CRS Energy, Diamond Energy, Diversified Gas and Oil, Findley Township Sewer & Water, Mercer Borough Authority, National Fuel Gas, Omni Fiber, Pennsylvania Power Company, Peoples Natural Gas Company LLC, Pinoak Energy Partners, Verizon North LLC, Zito Media Communications, LLC or West Penn Power Company in attendance. Peoples Natural Gas, Mercer Borough Authority, Crown Castle International Inc., Sharon Sanitary Authority and Aqua Pennsylvania responded to our field investigation and conference invitation stating they had no facilities involved within the project limits.

The existing State Route 0079 (I-79) dual bridges (NBI Structure Numbers/Bridge Keys 25744 [northbound] and 25745 [southbound]) were originally constructed in 1966, each carrying two (2) lanes of traffic, above grade, the track of B&LE (DOT 051 792 L), State Route 2014 (Scrubgrass Road) and Mill Creek. The existing bridge superstructures each consist of four (4) spans of multiple steel I-girders supported by reinforced concrete piers and abutments. The structures are in overall fair condition based on publicly available data provided by the Department. The northbound and southbound bridges measure 464 feet and 460 feet in length, respectively. The Department reported that the total average daily traffic at this crossing is approximately 32,412 vehicles per day with 10 to 12 percent trucks.

B&LE's track is located under the southernmost span (span-1) of the existing bridges. According to the Federal Railroad Administration's crossing inventory data, the crossing is located at mile post 68.96 on the B&LE Main Line. A total of six (6) train movements per day at a maximum timetable speed of 35 miles per hour is noted.

The Department proposes to replace the existing dual four (4) span bridges with new dual three (3) span bridges. The replacement is necessary, in part, due to the condition of the pier caps, beam splice points and inadequacy for overweight permit vehicles. The proposed three (3) span bridges will be comprised of six (6) 48-inch deep AASHTO M270 Grade 50W (weathering) steel plate I-girders spaced at 7-foot 3 inches. An 8 inch thick reinforced concrete deck with a 0.5 inch integral wearing surface is proposed. Type-3 30 foot long approach slabs are proposed on the approaches to the bridges. The span lengths of the replacement bridges as measured between the centerlines of bearings at the abutments and piers is proposed to be 135 feet, 175 feet and 135 feet. The out-to-out width of the proposed bridge decks will be 41 feet 4.5 inches with a curb-to-curb width of 38 feet. The proposed cross section for both bridges will consist of two (2) 12-foot-wide travel lanes, a 4-foot-wide shoulder adjacent to the inside (left) travel lane and a 10-foot-wide shoulder adjacent to the outside (right) travel lane. A 45 inch high reinforced concrete F-shape barrier is proposed to be constructed for the full length of each bridge on each outside edge. Barrier mounted railroad protective fencing is proposed in span-1 only. The proposed bridges are on a tangent horizontal alignment for the entire length. The substructure will consist of reinforced concrete cantilever stub abutments with U-shaped wingwalls and reinforced concrete hammerhead piers. The abutments and pier 1 of each structure will be founded on steel HP piles. The skew angle for the substructures is 70 degrees to the survey and construction centerline. The proposed bridges are being designed for all legal loads.

The Department proposes to construct the new dual bridges in two construction seasons by replacing one bridge at a time. Additionally, because the new bridges do not share the same pier footprint as the existing bridges, this will enable the Department to perform work for the new piers while the existing bridges are still in place.

The proposed minimum vertical (overhead) clearance is 22 feet 7.5 inches with respect to the top of B&LE's rail to the underside of the southbound bridge. The proposed minimum lateral (side) clearance with respect to the centerline of the track and the nearest obstruction is in excess of the Commission's minimum requirement of 12 feet. Exemptions from the Commission's minimum overhead and/or 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 and/or §33.122 must be approved by the Commission prior to the start of construction, if necessary.

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

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.

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

B&LE 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.

No significant relocation of non-carrier public utilities is expected. There are no non-carrier public utilities attached to the existing bridges or proposed to be attached to the new bridges. Non-carrier public utilities are directed to relocate their facilities at their initial cost and expense, if required.

The project will be Federally funded with an estimated project cost of \$21,751,435.00.

The Commission tentatively 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 for the entire length of both proposed bridges plus an additional 100 feet along the roadway approaches, including the entire footprint of the bridge structures, bridge appurtenances and bridge embankments.

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.

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

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

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The public crossing (DOT 051 792 L) where State Route 0079 (I-79) crosses, above grade, the track of Bessemer & Lake Erie Railroad Company, State Route 2014 (Scrubgrass Road) and Mill Creek, located in Findley Township, Mercer County be altered as 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. Pennsylvania Department of Transportation provide at least thirty (30) days advance notice of the start of work to alter the crossing to each party involved in this proceeding.
6. Bessemer & Lake Erie Railroad 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 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.
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, pedestrian and railroad traffic during the time the crossing is being altered.
8. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to demolish the existing bridges and construct the proposed bridges; all constructed in accordance with the approved plans and this Secretarial Letter.
9. Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain any shielding or protection, as required, to safely protect the areas below during the time the crossing is being altered.
10. 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 crossing in accordance with this Secretarial Letter.

11. 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 or municipal authority at its sole cost and expense.

12. 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.

13. 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.

14. 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.

15. All work necessary to alter the crossing be completed in a manner satisfactory to this Commission on or before December 31, 2030, 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.

16. 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.

17. 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.

18. 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.

19. Upon completion of the alteration of the crossing, Bessemer & Lake Erie Railroad Company, 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 the Pennsylvania Department of Transportation and Findley 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 alteration, 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 0079 (I-79) dual bridges (NBI Structure Numbers/Bridge Keys to be determined) including the substructures, wingwalls, superstructures, decks, parapets, fencing and the remainder of the improvement including the roadway pavement, approach slabs, roadway surface, drainage facilities and any other ancillary features of the alteration constructed in accordance with the provisions of this Secretarial Letter and provide Bessemer & Lake Erie Railroad Company and Findley Township 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 alteration of the subject crossing, 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 decks, constructed as part of the alteration.

22. 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.

23. 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.

Sincerely,

A handwritten signature in black ink that reads "Matthew L. Homsher". The signature is written in a cursive style with a large, stylized initial "M".

Matthew L. Homsher
Secretary