



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120
February 17, 2026

IN REPLY PLEASE
REFER TO OUR FILE

A-2012-2330212

TO ALL PARTIES OF RECORD

Petition to reopen the docketed case of the application of the Pennsylvania Department of Transportation for approval to alter the public crossing (DOT 264 077 S) by the replacement of the existing bridge where SR 6011 (Harrison Avenue) crosses, above grade, the track of Pennsylvania Northeast Regional Railroad Authority operated on by Delaware-Lackawanna Railroad, in the City of Scranton, Lackawanna County.

To Whom It May Concern:

This matter is before the Commission because of a petition filed on September 24, 2024, by the Pennsylvania Department of Transportation (Department) seeking Commission approval to reopen this closed docketed proceeding to memorialize maintenance assignments for ancillary features of the project constructed as part of the above captioned bridge replacement.

Upon receipt of the petition, a field investigation and conference was arranged by a Commission staff engineer and held on June 10, 2025, at the site of the subject crossing.

Representatives of Pennsylvania Northeast Regional Railroad Authority, Pennsylvania Department of Transportation (Department) and Delaware-Lackawanna Railroad Company were all in attendance.

At the field investigation and conference, the Department described the ancillary features of the project (engineered rock slope and retaining wall), proposed maintenance assignments for those ancillary structures and the maintenance assignments as ordered and documented by Secretarial Letters issued July 10, 2014, and April 6, 2017, for the bridge structure project captioned above.

As part of the overall bridge replacement project an engineered rock slope and retaining wall was constructed as part of the project under span 3 of the Harrison Avenue (SR 6011) bridge structure.

The retaining wall was designed and described as a rock facade wall and was as-built adjacent to and in front of abutment 2 to retain rock and soil in front of the abutment. This area was originally a rock cut area constructed when grade was established for the rail line. Upon excavation and construction of abutment 2 it became apparent that this rock cut area (near

vertical) was unstable and structurally not capable of retaining the rock and soil located in front of abutment 2.

The face of abutment 2 is approximately 22 feet from the front face of the rock facade wall and former rock cut area. The rock facade wall was constructed out of reinforced concrete with additional steel reinforcement hook bars tied into the reinforcement of the facade wall and anchored back into competent rock with an anchor system as per the submitted as-built design and construction plans. The minimum distance from the face of the rock facade wall to centerline of existing tracks is 10.6 feet

The engineered rock slope was constructed to ensure global stability of an existing embankment between pier 2 and the railroad grade under span 3 of the subject bridge. The rail grade includes two tracks of the Pennsylvania Northeast Regional Rail Authority (Authority) and an access road. The access road is protected and delineated with fencing and guiderail located on top of the rock slope on the shouldered edge of the access road. The engineered rock slope was benched into existing grade and stabilized with rock anchors and consists of partially grouted R-5, R-6 and R-7 rock.

The Department and the Pennsylvania Northeast Regional Rail Authority agreed to the following terms for maintenance of the reinforced concrete rock facade wall and the engineered rock slope.

The Department, at its sole cost and expense, agrees to furnish all material and perform all work necessary to maintain rock facade retaining wall.

The minimum horizontal (side) clearance of 10.6 feet will be maintained from the centerline of track to the face of the new rock facade wall (retaining wall). The facade wall matches the existing horizontal clearances from centerline of track to the face of the rock cut. The facade wall replaced a portion of the existing rock cut.

The new rock facade wall (retaining wall) will not meet the Commission's minimum horizontal (side) clearance requirements as set forth in Title 52 Pa Code §33.122 and will require a horizontal clearance exemption from the Commission.

The Delaware-Lackawanna Railroad Company submitted a request for the minimum horizontal (side) clearance exemption of 10.6 feet on May 6, 2021.

The Department, at its sole cost and expense, agrees to 50 percent of the cost to maintain the engineered rock slope.

The Pennsylvania Northeast Regional Rail Authority, at its sole cost and expense, agrees to 50 percent of the cost to maintain the engineered rock slope.

The Pennsylvania Northeast Regional Rail Authority and the Department agreed that should the Authority's property be affected by any failure of the engineered rock slope, that it can take immediate action to restore its facilities and seek reimbursement as negotiated above.

The Department by electronic mail submitted “as-built” structure plans detailing the engineered rock slope and rock facade retaining wall. The as-built plans were received on June 24, 2025, by a Commission staff engineer and were served to Delaware-Lackawanna Railroad Company and Pennsylvania Northeast Regional Rail Authority.

The plans are hereby identified as “AS-BUILT STRUCTURE PLANS” and consist of three-hundred and nine (309) sheets. Delaware-Lackawanna Railroad Company and Pennsylvania Northeast Regional Rail Authority did not object to the as-built plans submitted by the Department for affirmation.

The Commission has tentatively established jurisdiction over the full footprint of the engineered rock slope and rock facade retaining wall as depicted on the submitted as-built plans.

We have carefully reviewed the record in this proceeding and are of the opinion that a public hearing is not necessary as the Pennsylvania Northeast Regional Rail Authority, Delaware-Lackawanna Railroad Company and the Pennsylvania Department of Transportation mutually agreed to the terms provided herein with respect to the petition filed on September 24, 2024, by the Pennsylvania Department of Transportation.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code certifying the detailed “as-built” construction plans and granting in part the petition filed by Pennsylvania Department of Transportation establishing maintenance of the engineered rock slope and the reinforced concrete rock facade retaining wall.

THEREFORE:

1. Pennsylvania Department of Transportation having agreed to do so, at its sole cost and expense, furnish all materials and perform all work necessary to maintain the reinforced concrete rock facade retaining wall and fencing on top of the wall, all located between abutment 2 and the track of Pennsylvania Northeast Regional Rail Authority.
2. Pennsylvania Department of Transportation, having agreed to do so at a 50 percent shared cost and expense, furnish all materials and perform all work necessary to maintain the engineered rock slope, fencing and guiderail on top of the engineered rock slope, all located between the track of Pennsylvania Northeast Regional Rail Authority and Pier 2.
3. Pennsylvania Northeast Regional Rail Authority, having agreed to do so at a 50 percent shared cost and expense, furnish all materials and perform all work necessary to maintain the engineered rock slope, fencing and guiderail on top of the engineered rock slope, all located between the track of Pennsylvania Northeast Regional Rail Authority and Pier 2.
4. Pennsylvania Northeast Regional Rail Authority and the Pennsylvania Department of Transportation agreed that if the Pennsylvania Northeast Regional Rail Authority property is affected by any failure of the engineered rock slope, that it can take immediate action to restore its facilities and seek reimbursement as agreed above.

5. That an exemption from the Commission's horizontal (side) clearance as set forth in Title 52 Pa. Code §33.122 be granted in this instance for a minimum horizontal (side) clearance of 10.6 feet, with respect to the centerline of tracks to the face of the reinforced concrete rock facade wall.

6. That any operating railroad, over the subject line, issues appropriate notice warning its employees of the restrictive clearances herein, all in accordance with its standard operating practice.

7. The detailed "as-built" construction plans submitted to the Commission by the Pennsylvania Department of Transportation detailing the reinforced concrete rock facade retaining wall and engineered rock slope are certified as the correct plans and are hereby affirmed.

8. In all respects not inconsistent herewith, our previous Secretarial Letters, remain in full force and effect.

9. The proceeding, at Docket A-2012-2330212, be and is hereby marked "CLOSED".

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.

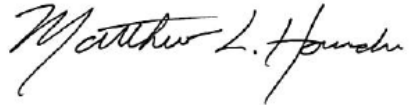
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax 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 cursive script that reads "Matthew L. Homsher". The signature is written in black ink and is positioned centrally below the word "Sincerely,".

Matthew L. Homsher
Secretary