



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

IN REPLY PLEASE
REFER TO OUR FILE

March 27, 2026

A-2024-3052077

TO ALL PARTIES OF RECORD

Application of Westmoreland County for approval to alter the public crossing (DOT 507 913 W) by the replacement of the bridge where West Broadway Avenue/Fourth Street formerly crossed, above grade, the tracks of Norfolk Southern Railway Company located in North Irwin Borough, Westmoreland County.

To Whom It May Concern:

This matter is before us by reason of an application filed with the Commission on November 13, 2024, by Westmoreland County seeking Commission approval to alter the public crossing (DOT 507 913 W) by the replacement of the bridge where West Broadway Avenue/Fourth Street formerly crossed, above grade, the tracks of Norfolk Southern Railway Company located in North Irwin Borough, Westmoreland County.

In a previous Commission proceeding, the subject bridge was demolished due to structural safety concerns. On July 14, 2014, the Pennsylvania Department of Transportation (Department) notified the Commission that a bridge inspection revealed a safety concern regarding the condition of the subject bridge. As a result, North Irwin Borough (Borough) closed the subject bridge to all vehicular and pedestrian traffic. A formal proceeding was opened by the Commission on September 15, 2014, docketed at M-2014-2442631. By Secretarial Letter dated September 16, 2014, the Commission affirmed the action taken by the Borough to close the subject bridge to all vehicular and pedestrian traffic and directed Norfolk Southern Railway Company (Norfolk Southern) to provide engineering studies and/or analyses to determine the condition and disposition of the subject bridge and to determine, if possible, any remedial action necessary to safely reopen the subject bridge to the public and report its findings to the Commission. By petition received September 16, 2022, Norfolk Southern sought Commission approval to demolish the subject bridge superstructure and piers in lieu of bearing the cost to make additional repairs to the subject bridge which would be removed as part of a future bridge replacement project sponsored by Westmoreland County. By Secretarial Letter dated October 24, 2022, the Commission granted the petition of Norfolk Southern to demolish the superstructure and piers of the existing bridge. By electronic mail dated March 6, 2023, Norfolk Southern notified a Commission staff engineer that on or about April 17, 2023, the demolition work would be completed.

In its application, the County states that the previously demolished West Broadway Avenue/Fourth Street bridge (NBI Structure Number/Bridge Key 37005) was originally constructed circa 1900 by the Pennsylvania Railroad Company as part of a land deal with the Borough. The Borough vacated a portion of Fourth Street to permit the Pennsylvania Railroad Company to relocate its tracks to their current location. In exchange, the Pennsylvania Railroad Company agreed to build and maintain the bridge over the relocated tracks.

The original bridge consisted of a (3) three span steel continuous girder-floorbeam-stringer system. The superstructure consisted of two continuous riveted built-up steel girders with steel floorbeams and timber stringers with a timber deck. The structure length was 145-feet with a clear roadway width of 22-feet 6-inches curb-to-curb. The structure had two (2) lanes of travel and a single sidewalk. The superstructure was supported by stone masonry abutments and two (2) 2-column steel bents. Westmoreland County reported that the average daily traffic at this crossing prior to its closure was approximately 500 vehicles per day.

A field investigation and conference was arranged by a Commission staff engineer and held on December 2, 2024, at the site of the subject crossing. Representatives of Westmoreland County (County), SAI (consultant engineer of record for the County), Markosky (consultant project manager for the County), North Irwin Borough, AECOM (consultant engineer representing Norfolk Southern), Pennsylvania Department of Transportation and West Penn Power attended the field conference. Although notified by letters dated November 21, 2024 and November 25, 2024, sent by electronic mail, there were no representatives of North Irwin Borough Municipal Authority, Municipal Authority of Westmoreland County, Comcast Cable, Verizon, Lumen, or Peoples Gas in attendance.

The County proposes to install a new bridge on generally the same alignment as the previously demolished bridge. The proposed single span bridge will be comprised of four (4) 60-inch deep plate I-girders with an 8-inch thick composite reinforced concrete deck. The center-to-center bearing at the abutments is proposed to be 118-feet. The out-to-out width of the proposed bridge deck will be 34-feet with a curb-to-curb width of 32-feet. The proposed bridge cross section consists of a 4-foot wide left shoulder, two (2) 11-foot wide travel lanes and an additional 6-foot wide right shoulder. A 12-inch thick reinforced concrete vertical wall barrier with mounted railroad protective fencing is proposed on both outside deck edges. The proposed bridge is on a curved horizontal alignment; therefore, a superelevated cross slope is proposed for the entire length of the bridge. The substructure will consist of reinforced concrete abutments with u-shaped wingwalls. The skew angle for the substructure is 90-degrees to the roadway centerline.

The proposed minimum vertical (overhead) clearance with respect to the top of the southernmost track to the underside of the bridge is 31-feet 9-inches. The proposed minimum lateral (side) clearance with respect to the centerline of the northernmost track and the slope wall for abutment two, as scaled off from the Type, Size & Location (TS&L) plan submitted with the County's application is approximately 18-feet. Exemptions from the Commission's minimum overhead and 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 §33.122 must be approved by the Commission prior to the start of construction, if necessary.

According to the Federal Railroad Administration's crossing inventory data, the crossing is located at mile post 331.98 on the Pittsburgh Line. A total of twenty-three (23) day, twenty (20) night and two (2) switching train movements per day is noted. In addition to freight service by Norfolk Southern, National Railroad Passenger Corporation (Amtrak) also utilizes the line for passenger service and operates a total of (4) four passenger trains per day. Train speeds range between 40 miles per hour and 60 miles per hour with a maximum timetable speed of 79 miles per hour.

The County agrees to prepare and submit complete detailed detour plans and structure plans for the proposed bridge to each party in interest for review and to this Commission for approval, at their sole cost and expense.

At the time of the field conference, the County stated that it should not be necessary for the Commission to appropriate any property for construction of the project. The County 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 County agrees to furnish all materials and perform all work to construct the proposed bridge at their sole cost and expense. The County agrees to maintain and inspect the proposed bridge.

Relocation of non-carrier public utilities is expected. Aerial utilities are located on pole lines on the western side of the proposed bridge, parallel with the roadway. Non-carrier public utilities are directed to relocate their facilities at their initial cost and expense, if required. Additionally, the proposed bridge is being designed to accommodate a water main between beam 1 and beam 2. The County is working with the Municipal Authority of Westmoreland County on an agreement for this bridge occupancy.

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, along Highway Station 11+62.33 and Highway Station 12+84.67 plus an additional 100-foot beyond the aforementioned stationing along the roadway approaches, as shown on the TS&L included with the application, including the entire footprint of the bridge structure, bridge appurtenances and bridge embankments.

The project will be funded by a mix of Federal, State and Local funds with an estimated project cost of \$4,500,000.00.

In light of ongoing litigation in other docketed proceedings involving railroad protection services (railroad flagging), a Commission staff engineer provided a query letter on March 24, 2025 to all parties by electronic mail outlining the language the Commission proposed to use regarding railroad flagging in this proceeding. Norfolk Southern, by and through its legal counsel, filed a Petition for Reconsideration from Staff Action on April 14, 2025 regarding the query letter. By Order adopted May 22, 2025, the Commission referred this matter to the Office of Administrative Law Judge, where it was consolidated with the other pending proceedings. After hearing, the Commission, by Order adopted March 26, 2026, denied Norfolk Southern's Petition for Reconsideration from Staff Action and affirmed the language contained in the March 24, 2025 query letter.

Norfolk Southern is directed 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 County's sole cost and expense and to maintain their railroad facilities, existing or altered, at their sole cost and expense.

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 Westmoreland County is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The public crossing (DOT 507 913 W) where West Broadway Avenue/Fourth Street crosses, above grade, the tracks of Norfolk Southern Railway Company located in the North Irwin Borough, Westmoreland County be altered as herein directed.
3. Westmoreland County, 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. Westmoreland County, at its sole cost and expense, and prior to the start of construction, prepare and submit complete detailed detour plans and structure plans for the subject crossing to all parties for review and to the Commission for approval.
5. Norfolk Southern Railway Company, at the sole cost and expense of Westmoreland County, 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. Westmoreland County, 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. Westmoreland County, 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.
8. Westmoreland County, at its sole cost and expense, furnish all material and do all work necessary to construct the proposed bridge in accordance with the approved plans and this Secretarial Letter.
9. Westmoreland County, 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.

10. 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.

11. 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.

12. Westmoreland County, 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.

13. Westmoreland County provide at least thirty (30) days advance notice of the start of work to alter the crossing to each party involved in this proceeding.

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, 2028, and that on or before said date, Westmoreland County report in writing to this Commission the date of actual completion of the work.

16. 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.

17. 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.

18. 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 its railroad facilities at the subject crossing, existing or altered, in a safe and satisfactory condition and provide North Irwin Borough and Westmoreland County at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

19. Upon completion of the construction of the alteration, Westmoreland County, at its sole cost and expense, furnish all material and perform all work necessary thereafter to inspect and maintain the entire West Broadway Avenue/Fourth Street bridge (NBI Structure Number/Bridge Key to be determined) including the substructure, wingwalls, superstructure, deck, bearings, joints, parapets and fencing, all in accordance with the approved plans and the provisions of this Secretarial Letter and provide Norfolk Southern Railway Company and North Irwin Borough 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, North Irwin Borough, at its sole cost and expense, furnish all material and perform all work necessary to maintain the approach roadways to the crossing in a safe, smooth and satisfactory condition and maintain the drainage facilities constructed as part of the alteration, all in accordance with the approved plans and the provisions of this Secretarial Letter and provide Norfolk Southern Railway Company and Westmoreland County 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, North Irwin 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 cartway of the bridge deck and the approaches thereto, 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 cursive script that reads "Matthew L. Homsher". The signature is written in black ink and is positioned below the word "Sincerely,".

Matthew L. Homsher
Secretary