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C-00913256
A-00111016
6/12/97
Harrisburg

Pennsylvania Department of Transportation
Statement No. 1 PUC Nos. A-00111016 and C-00913256
Hearing Dates: June 1997

WPH

1 Q. Please state your name and business address.
2 A. Harvey I. Cassell. My Business Address is 555 Walnut
3 Street-7th Floor, Harrisburg, PA 17101-1900.

4 Q. By whom are you employed?
5 A. The Pennsylvania Department of Transportation.

6 Q. In what capacity?
7 A. As a Central Office Grade Crossing Engineer.

8 Q. How long have you been so employed?
9 A. For more than ⁵ 3 years.

10 Q. Where did you work prior to your current job? For how long?
11 A. Prior to my present position, I was employed by the Public
12 Utility Commission for more than 3 years. Prior to that I
13 worked for a private engineering consultant firm for 31
14 years.

15 Q. What are your duties and responsibilities?
16 A. As a Central Office Grade Crossing Engineer my duties
17 include providing policy and procedures to the eleven (11)
18 District Grade Crossing Engineers throughout the State for
19 all rail/highway matters, acting as a liaison with the
20 Public Utility Commission for rail/highway matters involving
21 the Public Utility Commission, and administering the
22 Federally funded Rail/Highway Safety Program for the
23 Commonwealth.

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1 Q. Are you registered in the State of Pennsylvania as a
2 Professional Engineer?
3 A. Yes.
4 Q. Are you familiar with the application and the complaint
5 before the Commission today?
6 A. Yes.
7 Q. Are you familiar with the Stipulation of Settlement between
8 Conrail and the Department?
9 A. Yes.
10 Q. Does the Department recommend the adoption of the
11 Stipulation of Settlement?
12 A. Yes. It is the Department's opinion that this Stipulation
13 of Settlement adequately addresses the Department's safety
14 concerns at the crossings of Conrail with state highways and
15 is consistent with the Governor's Policy on structure
16 preservation.
17 Q. Are you authorized to testify on behalf of the Commonwealth
18 of Pennsylvania, Department of Transportation?
19 A. Yes.
20 Q. Did you prepare or cause to be prepared Exhibit 1?
21 A. Yes.
22 Q. Will you please describe Exhibit 1?
23 A. Exhibit 1 is a portion of a Type 10 map for Lancaster County
24 which shows all crossings which are part of this proceeding.
25 Q. Did you prepare Exhibit 2?
26 A. Yes.

1 Q. Will you please describe Exhibit 2?

2 A. Exhibit 2 is a one page document which provides general
3 information which has been used to answer questions on all
4 crossings.

Pennsylvania Department of Transportation
Statement No. 1 PUC Nos. A-00111016 and C-00913256

1 Crossing No. 1
2 S.R.: 2009
3 AAR No.: 518 184 M
4 Mile Post: 4.03
5

6 Q. (9)

7 Excluding the crossings disposed of in the Commission Order
8 adopted, Pennsylvania Department of Transportation
9 (Department) submit testimony as to which crossings involve
10 its highways and describe the general location of each
11 crossing, including the name and termini of each highway
12 involved.

13 A. Crossing No. 1 is a masonry arch over the East Branch of the
14 Octorara Creek and S. R. 2009, locally known as Noble Road.
15 The subject crossing is located at Segment 0300 and Offset
16 0618. The highway was formerly identified as L. R. 36009
17 and the crossing was at Station 689+06. The creek is the
18 boundary between West Sadsbury Township in Chester County
19 and Sadsbury Township in Lancaster County. S. R. 2009 runs
20 from the Village of Fairmount in Little Brittain Township
21 through Colerain, Bart and Sadsbury Townships to S. R. 0372
22 in Christiana Borough. The subject crossing is located at
23 Mile Post 4.03. and its AAR No. is 518 184 M.

1 Q.(10)

2 Department submit testimony describing in detail the type,
3 width of paving, alignment, grade and general physical
4 condition of its highway approaches to, through and beyond
5 each crossing.

6 A. S. R. 2009 is a two lane asphalt paved highway through and
7 adjacent to the subject crossing. The roadway width is 16
8 feet. The horizontal alignment through the crossing is on a
9 tangent and the vertical alignment is mostly flat. The
10 general physical condition of the approach roadways is fair.

11

12 Q.(11)

13 Department submit testimony as to the approximate class and
14 volume of vehicular and pedestrian traffic normally using
15 its highway at each crossing and projected future volumes.

16 A. The maintenance function code for S. R. 2009 is identified
17 as a "D" which is a collector highway with an average daily
18 traffic (ADT) of 730 vehicles of which 8% are trucks. The
19 projected future ADT for the year 2015 is 1,100 vehicles.
20 The Department does not have any records pertaining to
21 pedestrian traffic at this structure.

1 Q. (12)

2 Department submit testimony regarding the number, location,
3 nature, cause and frequency of any accidents that may have
4 occurred on its highway at each crossing.

5 A. The Department's accident records do not indicate any
6 reportable accidents at this crossing.

7
8 Q. (13)

9 Department submit testimony indicating whether, in its
10 opinion, each crossing is adequate to accommodate safely the
11 class and volume of traffic normally using its highway at
12 each location, and submit testimony describing the general
13 nature, extent and estimate of costs of all work which it
14 deems necessary or advisable to provide a safe and
15 convenient highway at each location following the rail line
16 removal, and state the reasons therefore.

17 A. Yes, the crossing is adequate to safely accommodate the
18 traffic at this location. S. R. 2009 at the subject crossing
19 has a horizontal clearance of 27.7 feet between the face of
20 the existing arch and the guiderail on the eastern side of
21 the roadway and a minimum vertical clearance of 21'-6" at
22 the edge of the paved roadway. The Department agrees that
23 the existing structure can be abolished in place. The
24 Department also agrees to do the work, at its sole cost and
25 expense, at Crossing No. 1 as described in Conrail Exhibit
26 "A". The estimated cost to perform the safety related

1 modifications is \$20,000.00.

2 Q. (14)

3 Department submit testimony as to its present obligation
4 with respect to maintenance of the existing bridge
5 structures and submit into evidence copies of past orders or
6 actions of this Commission, or its predecessor, which may
7 have dealt with the construction, alteration or
8 reconstruction of the subject crossing.

9 A. The Department has no present maintenance responsibilities
10 with respect to the existing railroad over highway bridge.
11 The Department does not have any record of any prior
12 Commission orders.

13
14 Q. (15)

15 Department submit testimony as to what work it will agree to
16 perform, what costs it will agree to assume, and what
17 portion of the completed improvement it will agree to
18 maintain in the event the Commission orders the crossings
19 abolished and the structure removed in whole or in part, or
20 orders any other improvements at the crossings.

21 A. The Department agrees to perform work as indicated in the
22 answer for question 13. The Department agrees to continue
23 to maintain the roadway at the subject crossing and the
24 highway approaches thereto. The Department does not agree
25 to maintain any portion of the structure in the future.

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1 Crossing No. 4
2 S.R.: 2021
3 AAR No.: 518 188 P
4 Mile Post: 6.35
5
6

7 Q. (9)

8 Excluding the crossings disposed of in the Commission Order
9 adopted, Pennsylvania Department of Transportation
10 (Department) submit testimony as to which crossings involve
11 its highways and describe the general location of each
12 crossing, including the name and termini of each highway
13 involved.

14 A. Crossing No. 4 is a steel girder bridge over S. R. 2021,
15 locally known as White Oak Road. The subject crossing is
16 located at Segment 0020 and Offset 1321. The highway was
17 formerly identified as L. R. 36079 and the crossing was at
18 Station 41+70. S. R. 2021 in Lancaster County extends from
19 S. R. 2009 in Sadsbury Township, to S. R. 0372 at the
20 Village of Smyrna. The subject crossing is located at Mile
21 Post 6.35 and its AAR No. is 518 188 P.

1 Q. (10)

2 Department submit testimony describing in detail the type,
3 width of paving, alignment, grade and general physical
4 condition of its highway approaches to, through and beyond
5 each crossing.

6 A. S. R. 2021 is a two lane asphalt paved highway through and
7 adjacent to the subject crossing. The roadway width is 16
8 feet. The horizontal alignment through the crossing is on a
9 tangent and the vertical alignment is mostly flat. The
10 general physical condition of the approach roadways is fair
11 to poor.

12
13 Q. (11)

14 Department submit testimony as to the approximate class and
15 volume of vehicular and pedestrian traffic normally using
16 its highway at each crossing and projected future
17 volumes.

18 A. The maintenance function for S. R. 2001 is identified as an
19 "E" which is a local access highway with an average daily
20 traffic (ADT) of 589 vehicles of which 29% are trucks. The
21 projected future ADT for the year 2015 is 890 vehicles. The
22 Department does not have any records pertaining to
23 pedestrian traffic at this structure.

1 Q. (12)

2 Department submit testimony regarding the number, location,
3 nature, cause and frequency of any accidents that may have
4 occurred on its highway at each crossing.

5 A. The Department's accident records do not indicate any
6 reportable accidents at this crossing.

7

8 Q. (13)

9 Department submit testimony indicating whether, in its
10 opinion, each crossing is adequate to accommodate safely the
11 class and volume of traffic normally using its highway at
12 each location, and submit testimony describing the general
13 nature, extent and estimate of costs of all work which it
14 deems necessary or advisable to provide a safe and
15 convenient highway at each location following the rail line
16 removal, and state the reasons therefore.

17 A. No. The crossing is not adequate to accommodate the highway
18 traffic. S. R. 2021 at the subject crossing has a
19 horizontal clearance of 30.2 feet between the front faces of
20 existing abutments and a minimum vertical clearance of 13'-
21 11" at the edge of the paved roadway. The Department agrees
22 to the demolition of the existing structure in accordance
23 with Conrail Exhibit "A"^{6B}.

1 Q. (14)

2 Department submit testimony as to its present obligation
3 with respect to maintenance of the existing bridge
4 structures and submit into evidence copies of past orders or
5 actions of this Commission, or its predecessor, which may
6 have dealt with the construction, alteration or
7 reconstruction of the subject crossing.

8 A. The Department has no present maintenance responsibilities
9 with respect to the existing railroad over highway bridge.
10 The Department does not have any record of any prior
11 Commission orders.

12

13 Q. (15)

14 Department submit testimony as to what work it will agree to
15 perform, what costs it will agree to assume, and what
16 portion of the completed improvement it will agree to
17 maintain in the event the Commission orders the crossings
18 abolished and the structure removed in whole or in part, or
19 orders any other improvements at the crossings.

20 A. The Department does not agree to perform any work or bear
21 any costs for the removal of the subject structure. In
22 accordance with Conrail Exhibit "A"^{6 B}, Conrail will remove the
23 structure within two years of the entry of the order. The
24 Department agrees to continue to maintain the roadway at the
25 subject crossing and the highway approaches.

Pennsylvania Department of Transportation
Statement No. 1 PUC Nos. A-00111016 and C-00913256

1 Crossing No. 7
2 S.R.: 0896
3 AAR No.: 518 191 X
4 Mile Post: 8.22
5

6 Q.(9)

7 Excluding the crossings disposed of in the Commission Order
8 adopted, Pennsylvania Department of Transportation
9 (Department) submit testimony as to which crossings involve
10 its highways and describe the general location of each
11 crossing, including the name and termini of each highway
12 involved.

13 A. Crossing No. 7 is a new bridge, built in 1985, to carry
14 S. R. 0896, locally known as Georgetown Road, over Conrail's
15 tracks. The subject crossing is located at Segment 0100 and
16 Offset 3335. The highway was formerly identified as L. R.
17 36081 and the crossing was at Station 266+48. S. R. 0896
18 in Lancaster County extends in an northerly direction from
19 the Village of Octorara near the Lancaster/Chester County
20 line to S. R. 0340 in the Village of Smoketown in East
21 Lampeter Township. The subject crossing is located at Mile
22 Post 8.22 and its AAR No. is 518 191 X.

1 Q.(10)

2 Department submit testimony describing in detail the type,
3 width of paving, alignment, grade and general physical
4 condition of its highway approaches to, through and beyond
5 each crossing.

6 A. S. R. 0896 is a two lane asphalt paved highway over and
7 adjacent to the subject crossing. The roadway width is 20
8 feet. The horizontal alignment through the crossing is on a
9 tangent and the vertical alignment is on a relatively
10 flat crest vertical curve. The general physical condition
11 of the approach is very good.

12

13 Q.(11)

14 Department submit testimony as to the approximate class and
15 volume of vehicular and pedestrian traffic normally using
16 its highway at each crossing and projected future
17 volumes.

18 A. The maintenance function code for S. R. 0896 is identified
19 as a "D" which is a collector highway with an average daily
20 traffic (ADT) of 2,815 vehicles of which 8% are trucks. The
21 projected future ADT for the year 2015 is 4,230 vehicles.
22 The Department does not have any records pertaining to
23 pedestrian traffic at this structure.

1 Q. (12)

2 Department submit testimony regarding the number, location,
3 nature, cause and frequency of any accidents that may have
4 occurred on its highway at each crossing.

5 A. The Department's accident records indicate that four (4)
6 reportable accidents occurred at this crossing area. Of
7 these four accidents, one involved a fixed object. The
8 remaining accidents involved vehicles only.

9

10 Q. (13)

11 Department submit testimony indicating whether, in its
12 opinion, each crossing is adequate to accommodate safely the
13 class and volume of traffic normally using its highway at
14 each location, and submit testimony describing the general
15 nature, extent and estimate of costs of all work which it
16 deems necessary or advisable to provide a safe and
17 convenient highway at each location following the rail line
18 removal, and state the reasons therefore.

19 A. Yes. The crossing is adequate to accommodate the highway
20 traffic. S. R. 0896 is a new structure over the former
21 railroad and has a clear distance between curb lines of 30.0
22 feet. The crossing is adequate to safely accommodate
23 vehicular traffic now and in the foreseeable future. No
24 work is presently required.

1 Q. (14)

2 Department submit testimony as to its present obligation
3 with respect to maintenance of the existing bridge
4 structures and submit into evidence copies of past orders or
5 actions of this Commission, or its predecessor, which may
6 have dealt with the construction, alteration or
7 reconstruction of the subject crossing.

8 A. The Department has assumed the total maintenance
9 responsibilities and costs for the subject crossing by
10 executing an agreement with Conrail dated May 10, 1990. In
11 exchange for assuming Conrail's costs associated with the
12 maintenance responsibilities, Conrail conveyed \$48,768 to
13 the Department. An order issued by the Public Utility
14 Commission at Docket A-00105671 was adopted June 14, 1990
15 (entered June 21, 1990). Department Exhibit 3 is a copy of
16 this order.

1 Q. (15)

2 Department submit testimony as to what work it will agree to
3 perform, what costs it will agree to assume, and what
4 portion of the completed improvement it will agree to
5 maintain in the event the Commission orders the crossings
6 abolished and the structure removed in whole or in part, or
7 orders any other improvements at the crossings.

8 A. The Department agrees to maintain the structure and the
9 highway approaches thereto at the subject crossing. The
10 Department also agrees to bear the costs for the maintenance
11 of the highway approaches and for the entire structure in
12 accordance with the letter agreement between the Department
13 and Conrail dated May 10, 1990.

Pennsylvania Department of Transportation
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1 Crossing No. 10
2 S.R.: 2015
3 AAR No.: 518 196 G
4 Mile Post: 11.68

5
6 Q.(9)

7 Excluding the crossings disposed of in the Commission Order
8 adopted, Pennsylvania Department of Transportation
9 (Department) submit testimony as to which crossings involve
10 its highways and describe the general location of each
11 crossing, including the name and termini of each highway
12 involved.

13 A. Crossing No. 10 is a masonry arch over S. R. 2015, locally
14 known as Pumping Station Road. The subject crossing is
15 located at Segment 0090 and Offset 0000. The highway was
16 formerly identified as L. R. 36086 and the crossing was at
17 Station 202+56. S. R. 2015 in Lancaster County begins at S.
18 R. 0472 west of the Village of Kirkwood in Colerain Township
19 and extends in a northerly direction through Providence
20 and Strasburg Townships to S. R. 0741 in the Borough of
21 Strasburg. The subject crossing is located at Mile Post
22 11.68 and its AAR No. is 518 196 G.

1 Q. (10)

2 Department submit testimony describing in detail the type,
3 width of paving, alignment, grade and general physical
4 condition of its highway approaches to, through and beyond
5 each crossing.

6 A. S. R. 2015 is a two lane asphalt paved highway through and
7 adjacent to the subject crossing. The roadway width is 16
8 feet. The horizontal alignment through the crossing is on a
9 tangent and the vertical alignment is on a slight upgrade
10 from south to north. The general physical condition of the
11 approach roadways is fair to poor.

12

13 Q. (11)

14 Department submit testimony as to the approximate class and
15 volume of vehicular and pedestrian traffic normally using
16 its highway at each crossing and projected future
17 volumes.

18 A. The maintenance function code for S. R. 2015 is identified
19 as a "D" which is a collector highway with an average daily
20 traffic (ADT) of 238 vehicles of which 9% are trucks. The
21 projected future ADT for the year 2015 is 360 vehicles.
22 The Department does not have any records pertaining to
23 pedestrian traffic at this structure.

1 Q.(12)

2 Department submit testimony regarding the number, location,
3 nature, cause and frequency of any accidents that may have
4 occurred on its highway at each crossing.

5 A. The Department's accident records do not indicate any
6 reportable accidents at this crossing.

7
8 Q.(13)

9 Department submit testimony indicating whether, in its
10 opinion, each crossing is adequate to accommodate safely the
11 class and volume of traffic normally using its highway at
12 each location, and submit testimony describing the general
13 nature, extent and estimate of costs of all work which it
14 deems necessary or advisable to provide a safe and
15 convenient highway at each location following the rail line
16 removal, and state the reasons therefore.

17 A. No. The crossing is not adequate to accommodate the highway
18 traffic. S. R. 2015 at the subject crossing has a
19 horizontal clearance of 29.5 feet between the sides of the
20 existing arch at the roadway level and a minimum vertical
21 clearance of 12'-4" at the edge of the paved roadway. The
22 Department agrees to the demolition of the existing
23 structure in accordance with Conrail Exhibit ^{6B} "A".

24
25

1 Q. (14)

2 Department submit testimony as to its present obligation
3 with respect to maintenance of the existing bridge
4 structures and submit into evidence copies of past orders or
5 actions of this Commission, or its predecessor, which may
6 have dealt with the construction, alteration or
7 reconstruction of the subject crossing.

8 A. The Department has no present maintenance responsibilities
9 with respect to the existing railroad over highway bridge.
10 The Department does not have any record of any prior
11 Commission orders.

12 Q. (15)

13 Department submit testimony as to what work it will agree to
14 perform, what costs it will agree to assume, and what
15 portion of the completed improvement it will agree to
16 maintain in the event the Commission orders the crossings
17 abolished and the structure removed in whole or in part, or
18 orders any other improvements at the crossings.

19 A. The Department does not agree to perform any work or bear
20 any costs for the removal of the subject structure. In
21 accordance with the terms of Conrail Exhibit "A",^{G B} Conrail
22 will remove the structure within two years of the entry of a
23 final order. The Department agrees to continue to maintain
24 the roadway at the subject crossing and the highway
25 approaches.

Pennsylvania Department of Transportation
Statement No. 1 PUC Nos. A-00111016 and C-00913256

1 Crossing No. 12
2 S.R.: 0372
3 AAR No.: 518 198 V
4 Mile Post: 13.32
5

6 Q.(9)

7 Excluding the crossings disposed of in the Commission Order
8 adopted, Pennsylvania Department of Transportation
9 (Department) submit testimony as to which crossings involve
10 its highways and describe the general location of each
11 crossing, including the name and termini of each highway
12 involved.

13 A. Crossing No. 12 is a new bridge, built in 1984, to carry
14 S. R. 0372, locally known as State Street, over Conrail's
15 tracks. The subject crossing is located at Segment 0230 and
16 Offset 0000. The highway was formerly identified as L. R.
17 00344 and the crossing was at Station 578+47. S. R. 0372
18 in Lancaster County extends in an easterly direction from
19 the Norman Wood Bridge over the Susquehanna River at the
20 York/Lancaster County line to the Chester/Lancaster County
21 line in Christiana Borough. The subject crossing is located
22 at Mile Post 13.32 and its AAR No. is 518 198 V.

1 Q.(10)

2 Department submit testimony describing in detail the type,
3 width of paving, alignment, grade and general physical
4 condition of its highway approaches to, through and beyond
5 each crossing.

6 A. S. R. 0372 is a two lane asphalt paved highway over and
7 adjacent to the subject crossing. The roadway width is 25
8 feet. The horizontal alignment through the crossing is on a
9 tangent and the vertical alignment is on a crest vertical
10 curve. The general physical condition of the approach
11 is very good.

12

13 Q.(11)

14 Department submit testimony as to the approximate class and
15 volume of vehicular and pedestrian traffic normally using
16 its highway at each crossing and projected future
17 volumes.

18 A. The maintenance function code for S. R. 0372 is identified
19 as a "C" which is a minor arterial highway with an average
20 daily traffic (ADT) of 4,396 vehicles of which 9% are
21 trucks. The projected future ADT for the year 2015 is 6,600
22 vehicles. There is a sidewalk on the subject bridge but the
23 Department does not have any records pertaining to
24 pedestrian traffic at this structure.

1 Q.(12)

2 Department submit testimony regarding the number, location,
3 nature, cause and frequency of any accidents that may have
4 occurred on its highway at each crossing.

5 A. The Department's accident records indicate that one (1)
6 reportable accident occurred at this location. A vehicle
7 hit a fixed object.

8

9 Q.(13)

10 Department submit testimony indicating whether, in its
11 opinion, each crossing is adequate to accommodate safely the
12 class and volume of traffic normally using its highway at
13 each location, and submit testimony describing the general
14 nature, extent and estimate of costs of all work which it
15 deems necessary or advisable to provide a safe and
16 convenient highway at each location following the rail line
17 removal, and state the reasons therefore.

18 A. Yes. The crossing is adequate to accommodate the highway
19 traffic. S. R. 0372 is a new structure over the former
20 railroad and has a clear distance between curb lines of 31.0
21 feet. The crossing is adequate to safely accommodate
22 vehicular traffic now and in the foreseeable future. No
23 work is presently required.

1 Q. (14)

2 Department submit testimony as to its present obligation
3 with respect to maintenance of the existing bridge
4 structures and submit into evidence copies of past orders or
5 actions of this Commission, or its predecessor, which may
6 have dealt with the construction, alteration or
7 reconstruction of the subject crossing.

8 A. The Department was assigned maintenance responsibilities at
9 the Public Utility Commission proceeding at Docket No. A-
10 00104032, order adopted February 19, 1987 (entered February
11 23, 1987). Paragraph 8 of the order directed the Department
12 to maintain the entire structure and the highway approaches
13 thereto at the Department's initial cost and expense.
14 Paragraph 9 of the order directed that Conrail reimburse the
15 Department for 50% of the actual costs incurred by the
16 Department to maintain the entire structure exclusive of the
17 costs to maintain the reinforced concrete bridge deck,
18 sidewalk, parapets and the cost of snow and ice removal from
19 the bridge. Department Exhibit 4 is a copy of this order.
20 The Department agrees to assume the entire cost of
21 maintenance of the structure in accordance with Conrail
22 Exhibit "A"^{bB}.

1 Q. (15)

2 Department submit testimony as to what work it will agree to
3 perform, what costs it will agree to assume, and what
4 portion of the completed improvement it will agree to
5 maintain in the event the Commission orders the crossings
6 abolished and the structure removed in whole or in part, or
7 orders any other improvements at the crossings.

8 A. The Department agrees that the subject crossing can be
9 abolished with the structure in place. The Department also
10 agrees, at its sole cost and expense, to maintain the entire
11 structure and the highway approaches thereto in accordance
12 with Conrail Exhibit ^{6B}~~A~~.

Pennsylvania Department of Transportation
Statement No. 1 PUC Nos. A-00111016 and C-00913256

1 Crossing No. 14

2 S.R.: 2019

3 AAR No.: 518 200 U

4 Mile Post: 13.83

5
6 Q.(9)

7 Excluding the crossings disposed of in the Commission Order
8 adopted, Pennsylvania Department of Transportation
9 (Department) submit testimony as to which crossings involve
10 its highways and describe the general location of each
11 crossing, including the name and termini of each highway
12 involved.

13 A. Crossing No. 14 is a masonry arch over S. R. 2019, locally
14 known as Church Street. The subject crossing is located at
15 Segment 0010 and Offset 0958. The highway was formerly
16 identified as L. R. 36023 and the crossing was at Station
17 9+79. S. R. 2019 in Lancaster County begins at S. R. 0372
18 in Quarryville Borough and extends in a northerly direction
19 to S. R. 0222 near the Village of New Providence in
20 Strasburg Township. The subject crossing is located at Mile
21 Post 13.83 and its AAR No. is 518 200 U.

1 Q.(10)

2 Department submit testimony describing in detail the type,
3 width of paving, alignment, grade and general physical
4 condition of its highway approaches to, through and beyond
5 each crossing.

6 A. S. R. 2019 is a two lane asphalt paved highway through and
7 adjacent to the subject crossing. The roadway width is 20
8 feet. The horizontal alignment through the crossing is on a
9 tangent and the vertical alignment is mostly flat. The
10 general physical condition of the approach roadways is
11 fair.

12
13 Q.(11)

14 Department submit testimony as to the approximate class and
15 volume of vehicular and pedestrian traffic normally using
16 its highway at each crossing and projected future
17 volumes.

18 A. The maintenance function code for S. R. 2019 is identified
19 as a "D" which is a collector highway with an average daily
20 traffic (ADT) of 695 vehicles of which 13% are trucks. The
21 projected future ADT for the year 2015 is 1,040 vehicles.
22 The Department does not have any records pertaining to
23 pedestrian traffic at this structure.

1 Q.(12)

2 Department submit testimony regarding the number, location,
3 nature, cause and frequency of any accidents that may have
4 occurred on its highway at each crossing.

5 A. The Department's accident records do not indicate any
6 reportable accidents at this crossing.

7 Q.(13)

8 Department submit testimony indicating whether, in its
9 opinion, each crossing is adequate to accommodate safely the
10 class and volume of traffic normally using its highway at
11 each location, and submit testimony describing the general
12 nature, extent and estimate of costs of all work which it
13 deems necessary or advisable to provide a safe and
14 convenient highway at each location following the rail line
15 removal, and state the reasons therefore.

16 A. Yes, the crossing is adequate to safely accommodate the
17 traffic at this location. S. R. 2019 at the subject
18 crossing has a horizontal clearance of 24.2 feet between
19 existing curb lines. The minimum vertical clearance is 14'-
20 8" at the curb line. The Department agrees that the
21 crossing can be abolished with the structure in place. The
22 Department also agrees to do work, at its sole cost and
23 expense at Crossing No. 14 as described in Conrail Exhibit
24 ^{6B} "A". The estimated cost to perform the safety related
25 modifications is \$10,000.00

1 Q. (14)

2 Department submit testimony as to its present obligation
3 with respect to maintenance of the existing bridge
4 structures and submit into evidence copies of past orders or
5 actions of this Commission, or its predecessor, which may
6 have dealt with the construction, alteration or
7 reconstruction of the subject crossing.

8 A. The Department was assigned maintenance responsibilities at
9 the Public Utility Commission proceeding for Docket No.
10 A-00074631 adopted March 20, 1950. Paragraph 18 directed
11 the Department, at its sole cost and expense, to maintain
12 properly the remainder of the improvement not being
13 maintained by the Pennsylvania Railroad Company (a Conrail
14 predecessor). Paragraph 17 directed the Pennsylvania
15 Railroad Company to maintain the substructure and
16 superstructure of the subject bridge. Department Exhibit 5
17 is a copy of this order.

1 Q. (15)

2 Department submit testimony as to what work it will agree to
3 perform, what costs it will agree to assume, and what
4 portion of the completed improvement it will agree to
5 maintain in the event the Commission orders the crossings
6 abolished and the structure removed in whole or in part, or
7 orders any other improvements at the crossings.

8 A. The Department agrees to perform the work indicated in the
9 answer for question 13. The Department agrees to continue
10 to maintain the roadway, including the curbs and drainage,
11 at the crossing and the approaches thereto and will continue
12 to abide by any prior Public Utility Commission order. The
13 Department does not agree to maintain any portion of the
14 structure in the future.

Pennsylvania Department of Transportation
Statement No. 1 PUC Nos. A-00111016 and C-00913256

1 Crossing No. 16
2 S.R.: 0222
3 AAR No.: 518 202 H
4 Mile Post: 14.62
5
6

7 Q. (9)

8 Excluding the crossings disposed of in the Commission Order
9 adopted, Pennsylvania Department of Transportation
10 (Department) submit testimony as to which crossings involve
11 its highways and describe the general location of each
12 crossing, including the name and termini of each highway
13 involved.

14 A. Crossing No. 16 is a masonry arch over S. R. 0222, locally
15 known as Beaver Valley Pike. The subject crossing is
16 located at Segment 0320 and Offset 0204. The highway was
17 formerly identified as L. R. 136 and the crossing was at
18 Station 778+66. S. R. 0222 in Lancaster County begins at
19 the Pennsylvania/Maryland line south of the Village of New
20 Texas Lyles and extends in a northerly direction to the
21 Lancaster/Berks County line near Adamstown. The subject
22 crossing is located at Mile Post 14.62 and its AAR No. is
23 518 202 H.

1 Q.(10)

2 Department submit testimony describing in detail the type,
3 width of paving, alignment, grade and general physical
4 condition of its highway approaches to, through and beyond
5 each crossing.

6 A. S. R. 0222 is a two lane concrete paved highway through and
7 adjacent to the subject crossing. The roadway width is 24
8 feet. The horizontal alignment consists of a 90° curve on
9 the south approach and is on a tangent through the crossing
10 and on the north approach. The vertical alignment is mostly
11 flat. The general physical condition of the approach
12 roadways is good.

13
14 Q.(11)

15 Department submit testimony as to the approximate class and
16 volume of vehicular and pedestrian traffic normally using
17 its highway at each crossing and projected future
18 volumes.

19 A. The maintenance function code for S. R. 0222 is identified
20 as a "D" which is a collector highway with an average daily
21 traffic (ADT) of 8,677 vehicles of which 8% are trucks. The
22 projected future ADT for the year 2015 is 13,020 vehicles.
23 The Department does not have any records pertaining to
24 pedestrian traffic at this structure.

1 Q. (12)

2 Department submit testimony regarding the number, location,
3 nature, cause and frequency of any accidents that may have
4 occurred on its highway at each crossing.

5 A. The Department's accident records indicate that thirteen
6 (13) reportable accidents occurred at this crossing area.
7 Of these accidents, six (6) involved a fixed object. The
8 remaining accidents involved vehicles only.

9
10 Q. (13)

11 Department submit testimony indicating whether, in its
12 opinion, each crossing is adequate to accommodate safely the
13 class and volume of traffic normally using its highway at
14 each location, and submit testimony describing the general
15 nature, extent and estimate of costs of all work which it
16 deems necessary or advisable to provide a safe and
17 convenient highway at each location following the rail line
18 removal, and state the reasons therefore.

19 A. No. The crossing is not adequate to accommodate the highway
20 traffic. S. R. 0222 at the subject crossing has a
21 horizontal clearance of 24.0 feet between the sides of the
22 existing arch at the roadway level. The minimum vertical
23 clearance is 10'-0" at a point 10'-0" from the centerline of
24 the roadway. The Department's opinion is that the existing
25 masonry arch over S. R. 0222 does not provide adequate

1 horizontal and vertical clearances to provide safe passage
2 for motor vehicles through this arch. The Department agrees
3 to the demolition of the existing structure in accordance
4 with Conrail Exhibit ^{6B} "A".

5 Q. (14)

6 Department submit testimony as to its present obligation
7 with respect to maintenance of the existing bridge
8 structures and submit into evidence copies of past orders or
9 actions of this Commission, or its predecessor, which may
10 have dealt with the construction, alteration or
11 reconstruction of the subject crossing.

12 A. The Department has no present maintenance responsibilities
13 with respect to the existing railroad over highway bridge.
14 The Department does not have any record of any prior
15 Commission orders.

1 Q.(15)

2 Department submit testimony as to what work it will agree to
3 perform, what costs it will agree to assume, and what
4 portion of the completed improvement it will agree to
5 maintain in the event the Commission orders the crossings
6 abolished and the structure removed in whole or in part, or
7 orders any other improvements at the crossings.

8 A. The Department does not agree to perform any work or bear
9 any costs for the removal of the subject structure. Conrail
10 will bear the cost of the removal of the structure in
11 accordance with Conrail Exhibit "A". The Department agrees
12 to continue to maintain the roadway at the subject crossing
13 and the highway approaches thereto.

Pennsylvania Department of Transportation
Statement No. 1 PUC Nos. A-00111016 and C-00913256

1 Crossing No. 17
2 S.R.: 3016
3 AAR No.: 518 203 P
4 Mile Post: 15.00
5
6

7 Q. (9)

8 Excluding the crossings disposed of in the Commission Order
9 adopted, Pennsylvania Department of Transportation
10 (Department) submit testimony as to which crossings involve
11 its highways and describe the general location of each
12 crossing, including the name and termini of each highway
13 involved.

14 A. Crossing No. 17 is a bridge built by the railroad in 1905 to
15 carry the highway, now designated as S. R. 3016 and locally
16 known as Fairview Road, over the tracks of a predecessor of
17 Conrail. The subject crossing is located at Segment 0040
18 and Offset 0000. The highway was formerly identified as L.
19 R. 36172 and the crossing was at Station 78+65. S. R. 3016
20 in Lancaster County begins at S. R. 0222 just north of
21 Quarryville Borough and extends in a westerly direction
22 until it terminates at T-506 (Cinder Road). The subject
23 crossing is located at Mile Post 15.00 and its AAR No. is
24 518 203 P.

1 Q.(10)

2 Department submit testimony describing in detail the type,
3 width of paving, alignment, grade and general physical
4 condition of its highway approaches to, through and beyond
5 each crossing.

6 A. S. R. 3016 is a two lane asphalt paved highway over and
7 adjacent to the subject crossing. The roadway width is 14
8 feet. The horizontal alignment through the crossing is on
9 a reverse curve and the vertical alignment is on a crest
10 vertical curve. The general physical condition of the
11 approach roadways is poor.

12
13 Q.(11)

14 Department submit testimony as to the approximate class the
15 volume of vehicular and pedestrian traffic normally using
16 its highway at each crossing and projected future
17 volumes.

18 A. The maintenance function code for S. R. 3016 is identified
19 as an "E" which is a local access highway with an average
20 daily traffic (ADT) of 1,004 vehicles of which 14% are
21 trucks. The projected future ADT for the year 2015 is 1,510
22 vehicles. The Department does not have any records
23 pertaining to pedestrian traffic at this structure.

1 Q.(12)

2 Department submit testimony regarding the number, location,
3 nature, cause and frequency of any accidents that may have
4 occurred on its highway at each crossing.

5 A. The Department's accidents records do not indicate any
6 reportable accidents at this crossing.

7

8 Q.(13)

9 Department submit testimony indicating whether, in its
10 opinion, each crossing is adequate to accommodate safely the
11 class and volume of traffic normally using its highway at
12 each location, and submit testimony describing the general
13 nature, extent and estimate of costs of all work which it
14 deems necessary or advisable to provide a safe and
15 convenient highway at each location following the rail line
16 removal, and state the reasons therefore.

17 A. No. The crossing is not adequate to accommodate the highway
18 traffic. S. R. 3016 at the subject crossing passes over the
19 railroad on a pony truss which provides 19.0 feet clear
20 between the curb lines. Each highway approach has a sharp
21 horizontal curve at the end of the subject bridge. The
22 vertical alignment on each highway approach is also
23 ascending rapidly toward the bridge. Both the horizontal
24 and vertical alignments are very poor and dangerous for
25 vehicular traffic. There is no load restriction posted at

1 the bridge. The Department's opinion is that the sight
2 distances are not adequate for either the horizontal or
3 vertical alignments. The Department agrees to remove the
4 existing structure and to realign the highway at its sole
5 cost and expense, in accordance with Conrail Exhibit ^{6B} "A".
6 The estimated cost to do the work is \$750,000.00.
7

8 Q. (14)

9 Department submit testimony as to its present obligation
10 with respect to maintenance of the existing bridge
11 structures and submit into evidence copies of past orders or
12 actions of this Commission, or its predecessor, which may
13 have dealt with the construction, alteration or
14 reconstruction of the subject crossing.

15 A. The Department has no present maintenance responsibilities
16 with respect to the existing highway over railroad bridge.
17 The Department does not have any record of any prior
18 Commission orders. However, the Department will maintain
19 the structure until it is removed in accordance with Conrail
20 Exhibit ^{6B} "A".
21
22
23
24
25

1 Q. (15)

2 Department submit testimony as to what work it will agree to
3 perform, what costs it will agree to assume, and what
4 portion of the completed improvement it will agree to
5 maintain in the event the Commission orders the crossings
6 abolished and the structure removed in whole or in part, or
7 orders any other improvements at the crossings.

8 A. The Department agrees to maintain the existing structure
9 until it is removed and to do the work indicated in the
10 answer to question 13 at its sole cost and expense.

Pennsylvania Department of Transportation
Statement No. 1 PUC Nos. A-00111016 and C-00913256

1 Crossing No. 18
2 S.R.: 3015
3 AAR No.: 518 204 W
4 Mile Post: 15.91
5

6 Q.(9)

7 Excluding the crossings disposed of in the Commission Order
8 adopted, Pennsylvania Department of Transportation
9 (Department) submit testimony as to which crossings involve
10 its highways and describe the general location of each
11 crossing, including the name and termini of each highway
12 involved.

13 A. Crossing No. 18 is a new bridge, built in 1984, to carry
14 S. R. 3015, locally known as Cinder Road, over Conrail's
15 tracks. The subject crossing is located at Segment 0010 and
16 Offset 0000. The highway was formerly identified as L. R.
17 36015 and the crossing was at Station 561+00. This portion
18 of S. R. 3015 consists of only the bridge over Conrail's
19 tracks. The subject crossing is located at Mile Post 15.91
20 and its AAR.No. is 518 204 W.

1 Q. (10)

2 Department submit testimony describing in detail the type,
3 width of paving, alignment, grade and general physical
4 condition of its highway approaches to, through and beyond
5 each crossing.

6 A. S. R. 3015 is a two lane asphalt paved highway over and
7 adjacent to the subject crossing. The roadway width is 24
8 feet. The horizontal alignment through the crossing is on a
9 tangent and the vertical alignment is mostly flat. The
10 general physical condition of the approach roadways is very
11 good.

12
13 Q. (11)

14 Department submit testimony as to the approximate class and
15 volume of vehicular and pedestrian traffic normally using
16 its highway at each crossing and projected future volumes.

17 A. The highway (T-506, Cinder Road), which includes the highway
18 approaches to the subject crossing, was turned back to
19 Providence Township. Only the bridge remains as the
20 Department's responsibility as S. R. 3015. Therefore, there
21 is no maintenance function code for S. R. 3015. The average
22 daily traffic (ADT) is 456 vehicles of which 9% are trucks.
23 The projected future ADT for the year 2014 is 680 vehicles.
24 The Department does not have any records pertaining to
25 pedestrian traffic at this structure.

1 Q.(12)

2 Department submit testimony regarding the number, location,
3 nature, cause and frequency of any accidents that may have
4 occurred on its highway at each crossing.

5 A. The Department's accident records do not indicate any
6 reportable accidents at this crossing.

7

8 Q.(13)

9 Department submit testimony indicating whether, in its
10 opinion, each crossing is adequate to accommodate safely the
11 class and volume of traffic normally using its highway at
12 each location, and submit testimony describing the general
13 nature, extent and estimate of costs of all work which it
14 deems necessary or advisable to provide a safe and
15 convenient highway at each location following the rail line
16 removal, and state the reasons therefore.

17 A. Yes. The crossing is adequate to safely accommodate
18 vehicular traffic. S. R. 3015 is a new structure over the
19 former railroad and has a clear distance between curb lines
20 of 28.5 feet. No work is presently required.

1 Q. (14)

2 Department submit testimony as to its present obligation
3 with respect to maintenance of the existing bridge
4 structures and submit into evidence copies of past Orders or
5 actions of this Commission, or its predecessor, which may
6 have dealt with the construction, alteration or
7 reconstruction of the subject crossing.

8 A. The Department was assigned maintenance responsibilities at
9 the Public Utility Commission proceeding at Docket No.

10 A-00104797, order adopted September 1, 1988 (entered
11 September 8, 1988). Paragraph 10 of the order directed the
12 Department, at its initial cost and expense, to maintain the
13 entire structure exclusive of snow removal, application of
14 anti-skid and deicing materials and street cleaning.

15 Paragraph 11 of the order directed that Conrail reimburse
16 the Department for 50% of the cost of maintaining the
17 substructure and superstructure excluding the maintenance
18 cost of the concrete deck and parapets. Department Exhibit
19 6 is a copy of this order. The Department agrees to assume
20 Conrail's share of the cost of the maintenance of the
21 existing structure in accordance with Conrail Exhibit ^{6B} "A".

1 Q.(15)

2 Department submit testimony as to what work it will agree to
3 perform, what costs it will agree to assume, and what
4 portion of the completed improvement it will agree to
5 maintain in the event the Commission orders the crossings
6 abolished and the structure removed in whole or in part, or
7 orders any other improvements at the crossings.

8 A. The Department agrees that the crossing can be abolished
9 with the structure in place. The Department agrees to the
10 maintenance responsibilities as indicated in the answer for
11 question 14.

Pennsylvania Department of Transportation
Statement No. 1 PUC Nos. A-00111016 and C-00913256

1 Crossing No. 19
2 S.R.: 3018
3 AAR No.: 518 205 D
4 Mile Post: 16.75
5

6 Q. (9)

7 Excluding the crossings disposed of in the Commission Order
8 adopted, Pennsylvania Department of Transportation
9 (Department) submit testimony as to which crossings involve
10 its highways and describe the general location of each
11 crossing, including the name and termini of each highway
12 involved.

13 A. Crossing No. 19 is a new bridge, built in 1984, to carry
14 S. R. 3018, locally known as Truce Road (formerly
15 Rawlingsville Road), over Conrail's tracks. The subject
16 crossing is located at Segment 0130 and Offset 0000. The
17 highway was formerly identified as L. R. 36015 and the
18 crossing was at Station 428+42. This portion of S. R. 3018
19 consists of only the bridge over Conrail's tracks. The
20 subject crossing is located at Mile Post 16.75 and its AAR
21 No. is 518 205 D.

1 Q. (10)

2 Department submit testimony describing in detail the type,
3 width of paving, alignment, grade and general physical
4 condition of its highway approaches to, through and beyond
5 each crossing.

6 A. S. R. 3018 is a two lane asphalt paved highway over and
7 adjacent to the subject crossing. The roadway width is 24
8 feet. The horizontal alignment through the crossing is on a
9 tangent and the vertical alignment is mostly flat. The
10 general physical condition of the approach roadways is very
11 good.

12
13 Q. (11)

14 Department submit testimony as to the approximate class and
15 volume of vehicular and pedestrian traffic normally using
16 its highway at each crossing and projected future volumes.

17 A. The highway (T-505, Truce Road), which includes the highway
18 approaches to the subject crossing, was turned back to
19 Providence Township. Only the bridge remains as the
20 Department's responsibility as S. R. 3018. Therefore, there
21 is no maintenance function code for S. R. 3018. The average
22 daily traffic (ADT) is 1,900 vehicles of which 9% are
23 trucks. The projected future ADT for the year 2014 is 2,850
24 vehicles. The Department does not have any records
25 pertaining to pedestrian traffic at this structure.

1 Q. (12)

2 Department submit testimony regarding the number, location,
3 nature, cause and frequency of any accidents that may have
4 occurred on its highway at each crossing.

5 A. The Department's accident records do not indicate any
6 reportable accidents at this crossing.

7
8 Q. (13)

9 Department submit testimony indicating whether, in its
10 opinion, each crossing is adequate to accommodate safely the
11 class and volume of traffic normally using its highway at
12 each location, and submit testimony describing the general
13 nature, extent and estimate of costs of all work which it
14 deems necessary or advisable to provide a safe and
15 convenient highway at each location following the rail line
16 removal, and state the reasons therefore.

17 A. Yes. The crossing is adequate to safely accommodate
18 vehicular traffic. S. R. 3018 is a new structure over the
19 former railroad and has a clear distance between curb lines
20 of 28.5 feet. No work is presently required.

1 Q.(14)

2 Department submit testimony as to its present obligation
3 with respect to maintenance of the existing bridge
4 structures and submit into evidence copies of past Orders or
5 actions of this Commission, or its predecessor, which may
6 have dealt with the construction, alteration or
7 reconstruction of the subject crossing.

8 A. The Department was assigned maintenance responsibilities at
9 the Public Utility Commission proceeding at Docket No.
10 A-00104797 order adopted September 1, 1988 (entered
11 September 8, 1988). Paragraph 10 of the order directed the
12 Department, at its initial cost and expense, to maintain the
13 entire structure exclusive of snow removal, application of
14 anti-skid and deicing materials and street cleaning.
15 Paragraph 11 of the order directed that Conrail reimburse
16 the Department for 50% of the cost of maintaining the
17 substructure and superstructure excluding the maintenance
18 cost of the concrete deck and parapets. Department Exhibit 6
19 is a copy of this order. The Department agrees to assume
20 Conrail's share of the costs for maintenance of the existing
21 structure in accordance with Conrail Exhibit "A"^{6B}.

1 Q. (15)

2 Department submit testimony as to what work it will agree to
3 perform, what costs it will agree to assume, and what
4 portion of the completed improvement it will agree to
5 maintain in the event the Commission orders the crossings
6 abolished and the structure removed in whole or in part, or
7 orders any other improvements at the crossings.

8 A. The Department agrees the crossing can be abolished with the
9 structure in place. The Department also agrees to the
10 maintenance responsibilities as indicated in the answer for
11 question 14.

Pennsylvania Department of Transportation
Statement No. 1 PUC Nos. A-00111016 and C-00913256

1 Crossing No. 23
2 S.R.: 0272 NB
3 AAR No.: 518 209 F
4 Mile Post: 19.48
5
6

7 Q. (9)

8 Excluding the crossings disposed of in the Commission Order
9 adopted, Pennsylvania Department of Transportation
10 (Department) submit testimony as to which crossings involve
11 its highways and describe the general location of each
12 crossing, including the name and termini of each highway
13 involved.

14 A. Crossing No. 23 is a masonry and concrete arch over S. R.
15 0272 Northbound (NB), locally known as Lancaster Pike. The
16 subject crossing is located at Segment 0390 and Offset 0000.
17 The highway was formerly identified as L. R. 36007 and the
18 crossing was at Station 766+76 NBL. S. R. 0272 in Lancaster
19 County begins at the Lancaster/Chester County line south of
20 the Village of Oak Hill and extends in a general northerly
21 direction to its terminus at S. R. 0222 (U.S. 222) in West
22 Lampeter Township. The subject crossing is located at Mile
23 Post 19.48 and its AAR No. is 518 209 F.

1 Q.(10)

2 Department submit testimony describing in detail the type,
3 width of paving, alignment, grade and general physical
4 condition of its highway approaches to, through and beyond
5 each crossing.

6 A. S. R. 0272 NB is a two lane concrete paved highway through
7 and adjacent to the subject crossing. The roadway width is
8 24 feet. The horizontal alignment on the south approach and
9 through the crossing is on a tangent with a gradual curve to
10 the left on the north side of the crossing. The vertical
11 alignment is on a down grade from south to north. The
12 general physical condition of the approach roadways is
13 good.

14
15 Q.(11)

16 Department submit testimony as to the approximate class and
17 volume of vehicular and pedestrian traffic normally using
18 its highway at each crossing and projected future volumes.

19 A. The maintenance function code for S. R. 0272 NB is
20 identified as a "B" which is a principal arterial highway
21 with an average daily traffic (ADT) of 4,651 vehicles of
22 which 6% are trucks. The projected future ADT for the year
23 2015 is 6,980 vehicles. The Department does not have any
24 records pertaining to pedestrian traffic at this structure.

1 Q. (12)

2 Department submit testimony regarding the number, location,
3 nature, cause and frequency of any accidents that may have
4 occurred on its highway at each crossing.

5 A. The Department's accident records indicate that one (1)
6 reportable accident occurred at this crossing area, and this
7 accident involved a fixed object.

8 Q. (13)

9 Department submit testimony indicating whether, in its
10 opinion, each crossing is adequate to accommodate safely the
11 class and volume of traffic normally using its highway at
12 each location, and submit testimony describing the general
13 nature, extent and estimate of costs of all work which it
14 deems necessary or advisable to provide a safe and
15 convenient highway at each location following the rail line
16 removal, and state the reasons therefore.

17 A. Yes, the crossing is adequate to safely accommodate traffic
18 at this location. S.R. 0272 NB at the subject crossing has
19 a horizontal clearance of 39.5 feet between the sides of the
20 existing arch at the roadway level and a minimum vertical
21 clearance of 16'7" at the curb line. The Department agrees
22 that the existing crossing can be abolished with the
23 structure remaining in place. The Department also agrees to
24 do work, at its sole cost and expense, at Crossing No. 23 as
25 described in Conrail Exhibit "A"⁶⁸. The estimated cost to
26 perform the rehabilitation and safety related modifications
27 is \$280,000.00.

1 Q. (14)

2 Department submit testimony as to its present obligation
3 with respect to maintenance of the existing bridge
4 structures and submit into evidence copies of past Orders or
5 actions of this Commission, or its predecessor, which may
6 have dealt with the construction, alteration or
7 reconstruction of the subject crossing.

8 A. The Department was assigned maintenance responsibilities at
9 the Public Utility Commission proceeding for Docket No.
10 A-00080721 adopted July 26, 1954, order (entered August 13,
11 1954). Paragraph 18 of the order directed the Pennsylvania
12 Railroad Company, a predecessor to Conrail, to maintain the
13 existing masonry arch at its sole cost and expense.
14 Paragraph 19 of the order directed the Department to
15 maintain the remainder of the crossing improvement,
16 including the newly constructed concrete box culvert at its
17 sole cost and expense. Department Exhibit 7 is a copy of
18 this order. At another Public Utility Commission proceeding
19 at Docket No. A-00094447 adopted November 18, 1968, The
20 Pennsylvania Railroad Company, a Conrail predecessor, was
21 directed in Paragraph 24 to continue the maintenance of its
22 existing stone arch structures at both crossings at its
23 sole cost and expense. Paragraph 25 directed the
24 Department, at its sole cost and expense, to maintain the
25 remainder of the project including the approaches, roadway,
26 and drainage facilities through the existing stone arch
27 structures. Department Exhibit 8 is a copy of this order.

1 Q.(15)

2 Department submit testimony as to what work it will agree to
3 perform, what costs it will agree to assume, and what
4 portion of the completed improvement it will agree to
5 maintain in the event the Commission orders the crossings
6 abolished and the structure removed in whole or in part, or
7 orders any other improvements at the crossings.

8 A. The Department agrees to perform work as indicated in the
9 answer to question 13. The Department agrees to continue
10 to maintain the roadway at the subject crossing and the
11 highway approaches thereto and will continue to abide by any
12 prior Public Utility Commission orders, excluding any
13 maintenance responsibility for curbs and sidewalks. The
14 Department will replace the curbs and sidewalks with paved
15 shoulders for safety purposes. The Department does not
16 agree to maintain any portion of the rail-highway structure
17 in the future.

Pennsylvania Department of Transportation
Statement No. 1 PUC Nos. A-00111016 and C-00913256

1 Crossing No. 24
2 S.R.: 0272 SB
3 AAR No.: 518 210 A
4 Mile Post: 19.61
5

6 Q. (9)

7 Excluding the crossings disposed of in the Commission Order
8 adopted, Pennsylvania Department of Transportation
9 (Department) submit testimony as to which crossings involve
10 its highways and describe the general location of each
11 crossing, including the name and termini of each highway
12 involved.

13 A. Crossing No. 24 is a masonry arch over S. R. 0272 Southbound
14 (SB), locally known as Lancaster Pike. The subject crossing
15 is located at Segment 0391 and Offset 0000. The highway was
16 formerly identified as L. R. 36007 and the crossing was at
17 Station 767+36 SBL and prior to that was L. R. 36025 with
18 the crossing located at Station 48+42. S. R. 0272 in
19 Lancaster County begins at the Lancaster/Chester County line
20 south of the Village of Oak Hill and extends in a general
21 northerly direction to its terminus at S. R. 0222 (U.S. 222)
22 in West Lampeter Township. The subject crossing is located
23 at Mile Post 19.61 and its AAR No. is 518 210 A.

1 Q. (10)

2 Department submit testimony describing in detail the type,
3 width of paving, alignment, grade and general physical
4 condition of its highway approaches to, through and beyond
5 each crossing.

6 A. S. R. 0272 SB is a two lane concrete paved highway through
7 and adjacent to the subject crossing. The roadway width is
8 24 feet. The horizontal alignment through the crossing is
9 on a horizontal curve curving to the left in the direction
10 of travel. The vertical alignment is on an up grade from
11 north to south. The general physical condition of the
12 approach roadways is good.

13
14 Q. (11)

15 Department submit testimony as to the approximate class and
16 volume of vehicular and pedestrian traffic normally using
17 its highway at each crossing and projected future volumes.

18 A. The maintenance function code for S. R. 0272 SB is
19 identified as a "B" which is a principal arterial highway
20 with an average daily traffic (ADT) of 4,651 vehicles of
21 which 7% are trucks. The projected future ADT for the year
22 2015 is 6,980 vehicles. The Department does not have any
23 records pertaining to pedestrian traffic at this structure.

1 Q.(12)

2 Department submit testimony regarding the number, location,
3 nature, cause and frequency of any accidents that may have
4 occurred on its highway at each crossing.

5 A. The Department's accident records indicate that ten (10)
6 reportable accidents occurred at this crossing area. Of
7 these ten accidents, six (6) involved a fixed object. The
8 remaining accidents involved vehicles only.

9
10 Q.(13)

11 Department submit testimony indicating whether, in its
12 opinion, each crossing is adequate to accommodate safely the
13 class and volume of traffic normally using its highway at
14 each location, and submit testimony describing the general
15 nature, extent and estimate of costs of all work which it
16 deems necessary or advisable to provide a safe and
17 convenient highway at each location following the rail line
18 removal, and state the reasons therefore.

19 A. Yes, the crossing is adequate to safely accommodate the
20 traffic at this location. S. R. 0272 SB at the subject
21 crossing has a horizontal clearance of 48.4 feet between the
22 sides of the existing arch at the roadway level and a
23 minimum vertical clearance of 22'-7" at the edge of the
24 paved roadway. The Department agrees that the crossing can
25 be abolished with the structure remaining in place. The
26 Department also agrees to do work, at its sole cost and
27 expense, at Crossing No. 24 as described in Conrail Exhibit

1 ^{OB}
"A". The estimated cost to perform the safety related
2 modifications is \$10,000.00.
3

4 Q. (14)

5 Department submit testimony as to its present obligation
6 with respect to maintenance of the existing bridge
7 structures and submit into evidence copies of past Orders or
8 actions of this Commission, or its predecessor, which may
9 have dealt with the construction, alteration or
10 reconstruction of the subject crossing.

11 A. The Department was assigned maintenance responsibilities at
12 the Public Utility Commission proceeding for Docket No.
13 A-00094447 adopted November 18, 1968, The Pennsylvania
14 Railroad Company, a Conrail predecessor, was directed in
15 Paragraph 24 to continue the maintenance of its existing
16 stone arch structures at both crossings at its sole cost and
17 expense. Paragraph 25 directed the Department, at its sole
18 cost and expense, to maintain the remainder of the project
19 including the approaches, roadway, and drainage facilities
20 through the existing stone arch structures. Department
21 Exhibit 8 is a copy of this order.
22
23
24
25
26
27

1 Q.(15)

2 Department submit testimony as to what work it will agree to
3 perform, what costs it will agree to assume, and what
4 portion of the completed improvement it will agree to
5 maintain in the event the Commission orders the crossings
6 abolished and the structure removed in whole or in part, or
7 orders any other improvements at the crossings.

8 A. The Department agrees to perform work as indicated in the
9 answer for question 13. The Department agrees to continue
10 to maintain the roadway at the subject crossing and the
11 highway approaches thereto and to abide by any prior orders
12 of the Commission. The Department does not agree to
13 maintain any portion of the structure in the future.

Pennsylvania Department of Transportation
Statement No. 1 PUC Nos. A-00111016 and C-00913256

1 Crossing No. 27

2 S.R.: 0324

3 AAR No.: 518 213 V

4 Mile Post: 23.04

5
6 Q.(9)

7 Excluding the crossings disposed of in the Commission Order
8 adopted, Pennsylvania Department of Transportation
9 (Department) submit testimony as to which crossings involve
10 its highways and describe the general location of each
11 crossing, including the name and termini of each highway
12 involved.

13 A. Crossing No. 27 is a masonry arch over S. R. 0324, locally
14 known as Marticville Road. The subject crossing is located
15 at Segment 0090 and Offset 0250. The highway was formerly
16 identified as L. R. 332 and the crossing was at Station
17 218+17. S. R. 0324 in Lancaster County begins at S. R. 3038
18 in the Village of Pequea, Martic Township and extends in a
19 northeasterly direction to where it intersects S. R. 0222
20 north of the Village of Engleside in the City of Lancaster.
21 The subject crossing is located at Mile Post 23.04 and its
22 AAR No. is 518 213 V.

1 Q. (10)

2 Department submit testimony describing in detail the type,
3 width of paving, alignment, grade and general physical
4 condition of its highway approaches to, through and beyond
5 each crossing.

6 A. S. R. 0324 is a two lane asphalt paved highway through and
7 adjacent to the subject crossing. The roadway width is 18
8 feet. The horizontal alignment has a 90° curve in the
9 northeastern quadrant on the north approach of S. R. 0324;
10 and after passing through the existing arch in a southerly
11 direction, S. R. 0324 has a curve to the right on the south
12 approach. S. R. 3019 in the area of the subject crossing
13 runs parallel to the railroad and approaches the subject
14 crossing from an easterly direction. S. R. 3019 intersects
15 S. R. 0324 on the south approach immediately south of the
16 crossing. If one travels westward on S. R. 3019 and goes
17 northward on S. R. 0324, it would be necessary to make a 90°
18 turn to pass through the subject crossing and another 90°
19 turn after going through the existing arch, a total of a
20 180° change in direction. The vertical alignment of S. R.
21 0324 is on a down grade from north to south; for S. R. 3019
22 the vertical alignment is down grade from east to west. The
23 general physical condition of the approach roadways is fair.

1 Q. (11)

2 Department submit testimony as to the approximate class and
3 volume of vehicular and pedestrian traffic normally using
4 its highway at each crossing and projected future volumes.

5 A. The maintenance function code for S. R. 0324 is identified
6 as a "D" which is a collector highway with an average daily
7 traffic (ADT) of 2,052 vehicles of which 9% are trucks. The
8 projected future ADT for the year 2015 is 3,080 vehicles.
9 The Department does not have any records pertaining to
10 pedestrian traffic at this structure.

11
12 Q. (12)

13 Department submit testimony regarding the number, location,
14 nature, cause and frequency of any accidents that may have
15 occurred on its highway at each crossing.

16 A. The Department's accident records indicate that one (1)
17 reportable accident occurred at this crossing area, and this
18 accident involved a fixed object.

1 Q.(13)

2 Department submit testimony indicating whether, in its
3 opinion, each crossing is adequate to accommodate safely the
4 class and volume of traffic normally using its highway at
5 each location, and submit testimony describing the general
6 nature, extent and estimate of costs of all work which it
7 deems necessary or advisable to provide a safe and
8 convenient highway at each location following the rail line
9 removal, and state the reasons therefore.

10 A. No. The crossing is not adequate to accommodate the highway
11 traffic. S. R. 0324 at the subject crossing has a
12 horizontal clearance of 24.0 feet between the vertical sides
13 of the existing arch. The minimum vertical clearance is
14 12'-0" at a point 10'-0" from the centerline of the roadway.
15 The Department's opinion is that the existing masonry arch
16 over S. R. 0324 does not provide adequate horizontal or
17 vertical clearance. The Department agrees to the demolition
18 of the existing structure and to provide the detour plans
19 and effectuate the detour necessary for the removal of the
20 structure in accordance with Conrail Exhibit "A"^{6B}. The
21 Department has completed an investigation for a betterment
22 project in the area of the crossing which included the
23 realignment of S.R. 0324. If S.R. 0324 is realigned, the
24 structure can stay in place since it would no longer cross
25 over S.R. 0324. The Department does not agree to maintain
26 any portion of the structure in the future. The Department
27 will maintain the roadway at its sole cost and expense

1 regardless of whether or not the roadway is relocated. . . .

2
3 Q.(14)

4 Department submit testimony as to its present obligation
5 with respect to maintenance of the existing bridge
6 structures and submit into evidence copies of past Orders or
7 actions of this Commission, or its predecessor, which may
8 have dealt with the construction, alteration or
9 reconstruction of the subject crossing.

10 A. The Department has no present maintenance responsibilities
11 with respect to the existing railroad over highway bridge.
12 The Department does not have any record of any prior
13 Commission orders.

14
15 Q.(15)

16 Department submit testimony as to what work it will agree to
17 perform, what costs it will agree to assume, and what
18 portion of the completed improvement it will agree to
19 maintain in the event the Commission orders the crossings
20 abolished and the structure removed in whole or in part, or
21 orders any other improvements at the crossings.

22 A. The Department does not agree to perform any work or bear
23 any costs for the removal of the subject structure. The
24 Department agrees to continue to maintain the roadway at the
25 subject crossing and the highway approaches thereto. The
26 Department does not agree to maintain any portion of the
27 structure in the future. If S.R. 0324 is realigned, the

1 Department agrees to do work associated with the said . . .
2 realignment as described in the answer to question 13 and
3 agrees to maintain the realigned S.R. 0324 at its sole cost
4 and expense.

WJH

REBUTTAL TESTIMONY

- 1 Q. Would you please state your name?
- 2 A. Michael Keiser, P.E.
- 3 Q. By whom are you employed?
- 4 A. I am employed by the Pennsylvania Department of Transportation.
- 5 Q. What is your business address?
- 6 A. 2140 Herr Street, Harrisburg, PA.
- 7 Q. In what capacity are you so employed?
- 8 A. I am a Consultant Liaison Engineer for District 8-0.
- 9 Q. What are some of your responsibilities as a Consultant Liaison with District 8-0?
- 10 A. I manage the design of projects that are done by consulting firms that work for the
- 11 Department.
- 12 Q. Is District 8 the PennDOT District that encompasses a number of counties including
- 13 Dauphin, Lancaster and York Counties.
- 14 A. Yes.
- 15 Q. Are you authorized to testify on behalf of the Department of Transportation in today's
- 16 proceeding?
- 17 A. Yes, I am.

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1 Q. In your job as a consultant liaison, are you familiar with the enhancement projects that are
2 in through District 8-0?

3 A. Yes, I am.

4 Q. Are you specifically familiar with the enhancement project involving Conrail 's
5 abandoned line known as the Enola Secondary?

6 A. Yes, I am.

7 Q. How are you familiar with that project?

8 A. This specific enhancement project is one that I manage so I was involved with the process
9 of setting up the reimbursement agreement, working to develop the engineering
10 agreement, helping to define the project scope and working with the sponsor to answer
11 their questions and concerns.

12 Q. Was enhancement funding approved for a trail project involving the Enola Secondary?

13 A. Yes.

14 Q. When was the funding approved?

15 A. In the summer of 1994.

16 Q. Is this a grant program?

17 A. No, it is not a grant program. It is a reimburseable program. The program was setup to
18 provide federal funding with a matching fund of 20% provided by the sponsor.

19 Q. How much money was approved for the project involving a trail on the Enola Secondary?

20 A. \$500,000.00 of federal funds were approved.

21 Q. How much would the sponsor have to come up with as a match in order to get the
22 \$500,000.00.

- 1 A. At a minimum, it would be \$125,000.00.
- 2 Q. Who was the sponsor of the project that was approved for funding?
- 3 A. The sponsor was Friends of the Atglen-Susquehanna Trail, also known as FAST.
- 4 Q. Does the enhancement program put any conditions on the sponsor before the sponsor can
5 receive funding?
- 6 A. Yes, we need to execute a reimbursement agreement. When that is executed we obviously
7 consider that the terms of the agreement are met. The agreement states that they have
8 the matching funds on hand and have obtained any other permits that they need above and
9 beyond what the Department requires.
- 10 Q. Was an agreement ever executed between the Commonwealth of Pennsylvania and FAST?
- 11 A. An agreement was not executed.
- 12 Q. Was there any indication at anytime during discussions with FAST or during application
13 process as to what FAST intended to use for the matching funds necessary to receive the
14 enhancement money?
- 15 A. Yes, on many occasions, and it is included in the application, the matching funds was
16 considered the monetary value of the right of way that was to be donated by Conrail to
17 FAST.
- 18 Q. Is enhancement money still available for this project?
- 19 A. Yes.
- 20 Q. Is the money tied to one particular sponsor?
- 21 A. No. The money is tied to a particular project which would provide a trail on the Enola
22 Branch. If a sponsor step forward that would have the matching funds and wants to

1 provide a trail project, I think the Department would look at that as it occurred.

2 Q. Has FAST actually received any of the enhancement monies approved?

3 A. No, they have not.

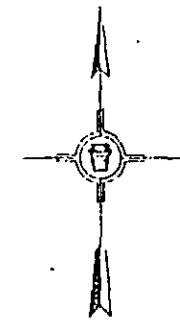
4 Q. Does the Department have an opinion as to whether or not this project is still viable?

5 A. Yes, this project is still viable.



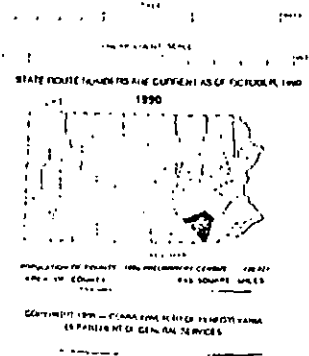
LEGEND

- Indicates the rail/highway crossing at a State Route
 - ◇ Indicates the rail/highway crossing at a Township/Borough road
- Number beside the ○ or ◇ indicates the PUC crossing number assigned to each rail/highway intersection



**GENERAL HIGHWAY MAP
LANCASTER COUNTY
PENNSYLVANIA**

PREPARED BY THE
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
CARTOGRAPHIC INFORMATION DIVISION
IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION



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PA. DEPT. OF TRANSPORTATION
 EXHIBIT NO. 1
 P.U.C. NO. A-001106; C-009325
 DATE OF HEARING 6/12/1961
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- The Average Daily Traffic (ADT) values were taken from the Department's Roadway Management System (RMS) dated April 6, 1995 except for Crossings 18 and 19 which were from the Department's Bridge Management System (BMS) dated May 9, 1994. The projected future volumes for highway traffic is estimated to have an increase in traffic of 2% per year.
- Maintenance Function Code
 - A Interstate highways
 - B Other expressways and Principal Arterial highways
 - C Minor Arterial highways
 - D Collector highways
 - E Local Access highways
- General physical condition - Subjective opinion of the structural and ride qualities of the pavement.
(Scale is Very good, Good, Fair and Poor.)
- The Department's reportable accident data reflects a search of the last fifteen (15) years. The reportable accident data is for the crossing area which includes 100 feet on either side of each subject crossing.
- The data used to answer portions of Question 13 was obtained from the Department's Bridge Management System (BMS).
- The Department's minimum vertical clearance is: 14'-6" for collectors and local roads; and 16'-6" for arterials and limited access freeways.

INDEXED

JUN 23 1997

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PA. DEPT. OF TRANSPORTATION

EXHIBIT NO. 2

P.B.C. NO. A-00111016
C-00913256

DATE OF HEARING June 11, 1997

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 14, 1990

Commissioners Present:

- Bill Shane, Chairman
- William H. Smith, Vice-Chairman
- Joseph Rhodes, Jr.
- Frank Fischl
- David W. Rolka

DOCKETED
JUN 23 1997

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Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval of the alteration of the crossing where State Highway Route 36081 (T.R. 896) crosses above the grade of the tracks of Consolidated Rail Corporation, in Bart Township, Lancaster County, and the allocation of the costs and expenses incident thereto.

DOCUMENT

A-00105671

DOCKETED
AUG - 1 1990

O R D E R

BY THE COMMISSION:

We adopt as our action the Recommended Decision of Administrative Law Judge George M. Kashi dated April 4, 1990; THEREFORE,

IT IS ORDERED:

1. That Consolidated Rail Corporation pay to Pennsylvania Department of Transportation, a sum or sums of money equal to \$170,000.00 as Conrail's share of the total project cost incurred by the Department for the materials provided and the work performed to construct the improvement project in accordance with the Commission's Order entered on January 14, 1985.
2. That Pennsylvania Department of Transportation bear the remaining \$494,653.72 incurred by it for the materials provided and the work performed to construct the improvement project in accordance with the Commission's Order entered on January 14, 1985.
3. That the costs, if any, incurred by any non-carrier utilities in this proceeding be borne by said utilities.
4. That upon completion of the improvement and its opening to public use, Pennsylvania Department of Transportation, at its initial cost and expense, provide all materials and do all work necessary to maintain the entire substructure and superstructure of the subject structure, excluding any subsequent bituminous wearing surface that may be placed on the bridge deck, in a safe and satisfactory condition.

5. That upon completion of the improvement and its opening to public use, Pennsylvania Department of Transportation, at its sole cost and expense, provide all materials and do all work necessary to maintain any subsequent bituminous wearing surface that may be placed on the bridge deck, so that the bridge deck surface is kept in a smooth and satisfactory condition.

6. That upon completion of the improvement and its opening to public use, Pennsylvania Department of Transportation, at its sole cost and expense, provide all materials and do all work necessary to maintain the highway approaches to the subject bridge and to remove snow, ice and debris from the surface of the roadway on the bridge and on the highway approaches thereto, all in a safe and satisfactory condition.

7. That upon completion of the improvement and its opening to public use, Consolidated Rail Corporation, at its sole cost and expense, furnish all materials and do all work necessary to maintain its facilities at the crossing, in a safe and satisfactory condition.

8. That Consolidated Rail Corporation, when and as billed, pay to Pennsylvania Department of Transportation a sum or sums of money equal to fifty percent (50%) of the actual costs incurred by Pennsylvania Department of Transportation for the materials furnished and work performed in accordance with paragraph 4 of this Order.


9. That Pennsylvania Department of Transportation bear the remaining fifty percent (50%) of the actual costs incurred by it in accordance with paragraph 4 of this Order.

10. That upon completion of the improvement and its opening to public use, the Commonwealth Telephone Company and Pennsylvania Power & Light Company, each, at its sole cost and expense, furnish all materials and do all work necessary to maintain its respective facilities at the subject crossing, in a safe and satisfactory condition.

11. That upon completion of the improvement and its opening to public use, the non-carrier utilities involved, if any, other than Commonwealth Telephone Company and Pennsylvania Power & Light, each, at its sole cost and expense, furnish all materials and do all work necessary to maintain its respective facilities at the subject crossing, in a safe and satisfactory condition.

12. That this Order, insofar as it places the costs of the project on the parties involved, is without prejudice to their right to recover the said costs from others in accordance with any lawful agreements.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 14, 1990

ORDER ENTERED: JUN 2 : 1990

EXHIBIT NO. 4

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

P.U.C. NO. A-0011016
C-00913056

DATE OF HEARING June 11, 1987

Public Meeting held February 19, 1987

Commissioners Present:

- Linda C. Taliaferro, Chairman
- Frank Fischl
- Bill Shane

DOCUMENT FOLDER

Application of the Department of Transportation for approval of the abolition of the crossing where State Highway Route 344 (East State Street) crosses above the grade of the tracks of Consolidated Rail Corporation, and the construction of a crossing, in lieu thereof, where the same highway, relocated as proposed, will cross above the grade of the same tracks of said corporation, all in the Borough of Quarryville, Lancaster County

A-00104032

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ORDER

BY THE COMMISSION:

We adopt as our action the Recommended Decision of Administrative Law Judge Robert D. Myers dated December 24, 1986, and that Exceptions be denied; THEREFORE,

IT IS ORDERED:

1. That the Commission establish jurisdiction in the proceeding over the entire project from Survey Station 574+00 to Station 589+00.
2. That the Pennsylvania Department of Transportation having agreed to do so, pay to the Consolidated Rail Corporation a sum or sums of money equal to \$22,057.96 for work performed and services rendered by Consolidated Rail Corporation in compliance with Commission order in this proceeding.
3. That Quarryville Borough, having agreed to do so, bear its cost incurred in altering its facilities in accordance with Commission order in this proceeding.

DOCKETED
JUN 23 1987

DOCUMENT FOLDER

4. That Pennsylvania Department of Transportation bear all costs for all damages due to owners for property taken, injured, or destroyed by reason of the construction of the crossing improvement in accordance with Commission Order adopted August 13, 1982.

5. That each non-carrier public utility company bear all costs incurred by it for work performed and services rendered in public right-of-way in compliance with Commission Order in this proceeding.

6. That Lancaster County bear any costs incurred by it, if any, in this proceeding.

7. That Pennsylvania Department of Transportation, having agreed to do so, bear all of the remaining costs incurred by it in constructing the improvement in accordance with the Commission Order of August 13, 1982 in this proceeding.

8. That Pennsylvania Department of Transportation, at its initial cost and expense, furnish all material and do all work necessary to maintain the sub and superstructure of the bridge, and the highway approaches thereto, including snow and ice removal from the sidewalk on the structure, on the highway approaches, and on the structure itself.

9. That Consolidated Rail Corporation pay to Pennsylvania Department of Transportation a sum or sums of money equal to 50% of the actual costs incurred to maintain the sub and superstructure of the bridge exclusive of the costs to maintain the reinforced concrete bridge deck, sidewalk, parapets and the cost of snow and ice removal from the bridge.

10. That Quarryville Borough, at its sole cost and expense, furnish all material and do all work necessary to maintain the sidewalk and curbs on the westerly highway approach to the structure, including snow and ice removal.

11. That each non-carrier public utility, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its respective facilities within the limits of the improvement.

12. That Consolidated Rail Corporation at its sole cost and expense, furnish all material and do all work necessary, thereafter, to maintain its facilities in a safe and satisfactory condition.

15. That this order, insofar as it places the cost of the improvement on the parties involved, is without prejudice to their right to recover the said costs from others in accordance with any lawful agreements between them.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: February 19, 1987

ORDER ENTERED: February 23, 1987

FILED
2017 FEB 23 1987

In re: Application of DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA - For approval of (1) the alteration of the crossing where Church Street (State Highway Route 36023) crosses below the grade of two tracks of The Pennsylvania Railroad Company; (2) the alteration of the crossing at grade where the same highway is crossed by a siding track of said company adjacent to property of the Lancaster County Farm Bureau; and (3) the alteration of the crossing at grade where the same highway is crossed by a main track of said company approximately 20 feet west of Beaver Creek, all in the Borough of Quarryville, Lancaster County, and the allocation of the costs and expenses incident thereto.

O R D E R

BY THE COMMISSION, MARCH 20, 1950:

State Highway Route 36023 (North Church Street) extends in a general northerly direction a distance of approximately two miles from a point of junction with State Highway Route 344 (State Street) in the Borough of Quarryville, Lancaster County to a point of junction with State Highway Route 136, in Providence Township, Lancaster County, and at a point in the Borough of Quarryville, at or about State Highway Survey Station 9/77, about 950 feet north of State Street, crosses under the grade of two tracks and right of way of the Atglen and Susquehanna Branch of The Pennsylvania Railroad Company; at a point about 982 feet northerly therefrom or at or about State Highway Survey Station 19/59 the highway crosses at grade an industrial siding track of the said railroad company leading to property of Lancaster County Farm Bureau; and at a point 376 feet further north or at about State Highway Survey Station 23/35 the highway crosses at grade the single main track of the Quarryville Branch of the said railroad company.

Department of Highways of the Commonwealth of Pennsylvania proposes to improve the grade and alignment of that portion of State Highway Route 36023, approximately 0.7 of a mile in length which extends in a general northerly direction from a point of junction with State Highway Route 344, through the Borough of Quarryville,

EXHIBIT
APPLICATION

a point in the present highway about 1,500 feet northeast of the crossing of the highway at grade, across the main track of the Quarryville Branch of The Pennsylvania Railroad Company. The improvement, constructed as proposed, will involve the alteration of the crossing where the highway crosses below the grade of two tracks of the Atglen and Susquehanna Branch of The Pennsylvania Railroad Company, at or about State Highway Survey Station 9/77; the alteration of the crossing at grade where the highway crosses at grade the industrial siding track of the railroad company at or about State Highway Survey Station 19/59; and the alteration of the crossing at grade where the highway crosses a single track of the said railroad at or about State Highway Survey Station 23/35.

In the instant application, Department of Highways seeks our approval of the alteration of the crossing below grade, the alteration of the two crossings at grade, and the allocation of the costs and expenses incident thereto.

The existing crossing below grade at State Highway Survey Station 9/77 has a traveled macadam surfaced roadway width of 16 feet. The bridge carrying two tracks of The Pennsylvania Railroad Company over the highway is of stone masonry arch construction with a minimum vertical clearance above the roadway of 16 feet and a horizontal clearance between abutments of 38 feet. The present roadway approaches to the structure are on flat grades.

The crossing at grade on State Highway Survey Station 19/59, at which neither advance warning signs or cross-buck railroad warning signs are installed, has a traveled macadam surfaced roadway width of 16 feet.

The existing crossing at grade at State Highway Survey Station 23/35, which is presently protected by cast iron, oval-shaped railroad warning signs and non-reflectorized advance warning signs, has a traveled macadam surfaced roadway width of 16 feet.

improve the existing highway by widening and resurfacing the present macadam traveled surface of 18 feet and to provide 6-foot shoulders in cut and 8-foot shoulders in fill sections.

The general plan provides for paving the crossing below grade at State Highway Survey Station 9/77 with a macadam surface for a width of 24 feet between concrete curbs. The plan also provides for the construction of a 36-inch storm sewer west of the highway through the underpass and a minor change in the gradient of the southerly approach to the crossing below grade. The alteration of this crossing below grade as proposed will not involve a reduction in the minimum vertical clearance over the highway.

The general plan shows that the approaches to each of the crossings at grade will be graded to a width varying from 32 feet to 34 feet and paved with macadam for a width of 18 feet.

The record shows that the average traffic normally using the highway at the site of the crossings involved in this proceeding consists of 367 passenger cars and 83 trucks, or a total of 450 vehicles. Daily railroad traffic on the Atglen and Susquehanna Branch of The Pennsylvania Railroad Company at the site of the crossing below grade consists of 44 freight trains operating at a speed of about 40 miles per hour. Railroad traffic at the site of the industrial siding crossing at grade consists of approximately two freight movements operated across the highway two days a week at a maximum speed of five miles per hour. Railroad traffic at the site of the Quarryville Branch main track crossing at grade consists of two freight movements operated three days per week, at a speed of about 15 miles per hour.

A detailed estimate of the cost of constructing the portions of the improvement located between State Highway Survey stations 8/80 and 10/72, between State Highway Survey stations 19/54.91 and 19/54.25 and between State Highway Survey stations 23/03 and 23/55, which are the portions of the improvement over which this Commission

will assume jurisdiction as a highway-railroad crossing improvement, was submitted of record as applicant's Exhibit No. 2. This estimate totals \$8,615 and is made up of the following principal items:

Highway Work

Stations 8/80 to 10/72

Grading	\$ 410	
Drainage	4,040	
Paving including curbing	2,850	
Contingencies	<u>700</u>	
Subtotal		\$8,000

Stations 19/54.91 to 19/64.25

Reflector-type adv. railroad signs	\$ 35	
Subtotal		35

Stations 23/06 to 23/55

Grading	\$ 100	
Drainage	75	
Paving	320	
Reflector-type adv. railroad signs	35	
Contingencies	<u>50</u>	
Subtotal		<u>580</u>
Total Cost		\$8,615

The above estimated cost does not include the cost of installing reflector-type cross-buck railroad crossing warning signs or the cost of any necessary rehabilitation of track at the crossings at grade involved in this proceeding. A witness for The Pennsylvania Railroad Company testified that it agrees to the alteration of the crossings; that it will install reflector-type cross-buck railroad warning signs at the crossings at grade, and that it agrees to rehabilitate its track where the highway crosses at grade its Quarryville Branch at State Highway Survey Station 23/35 by installing ties, rails, guard timbers and ballast, and will raise the track approximately four inches, all at a cost of approximately \$1,500. The record tends to show that property damages will not result from the alteration of the crossing as proposed.

The record shows that it will not be necessary for this Commission to lay out and establish any new highway, to vacate any existing highway, or to appropriate any property for the purpose of the proposed crossing alterations.

A witness, testifying in behalf of Department of Highways, stated that the department will, at its sole cost and expense, furnish all material and do all work necessary to construct the approaches to the crossings and to grade and pave the highway, install drainage facilities and construct curbs through the underpass at State Highway Survey Station 9/77; that it will furnish and erect reflector-type advance railroad crossing warning signs on the approaches to the crossings at grade, and will grade, install drainage and pave the crossing area at the crossing at grade, at State Highway Survey Station 23/35.

A witness, testifying for Department of Highways, stated that the plans as submitted provide for the highway to meet the present elevation of the railroad track at State Highway Survey Station 23/35 and any change in its elevation would mean considerable added expense to the department in providing additional fill on the approaches as well as the redesigning of a proposed new bridge to be constructed across a stream approximately 20 feet northeast of the crossing at grade. We are of the opinion that the elevation of the track should be raised, and will so order.

A witness, testifying in behalf of The Pennsylvania Railroad Company, stated that since the improvement is a highway widening project and is not improving any safety features at the crossings, the railroad company will not agree to pay the cost of paving the crossing at grade where the highway is crossed by the privately-owned industrial siding track leading to property of the Lancaster County Farm Bureau. This siding is connected with the track of the railroad company and is a facility of the railroad company and this Commission does not have jurisdiction over non-utilities, accordingly The Pennsylvania Railroad Company will be directed to furnish certain materials and do certain work necessary in connection with the alteration and future maintenance of the siding crossing without prejudice of its right to recover from the industry served by the siding part or all of the costs so incurred in accordance with any lawful agreement or understanding between the parties.

The record shows that, upon completion of the improvement,

The Pennsylvania Railroad Company agrees to maintain the bridge structure at State Highway Survey Station 9/77; the crossing paving and the standard reflector-type cross-buck railroad crossing signs at the two crossings at grade, and that Department of Highways agrees to maintain the remainder of the improvement, exclusive of the maintenance of any drainage pipe to be placed under the railroad tracks or which may now be under the railroad tracks at the sites of the two crossings at grade.

Upon full consideration of the matters and things involved, we find and determine that the alteration of the crossing where State Highway Route 36023 (North Church Street) crosses under the grade of two tracks of the Atglen and Susquehanna Branch of The Pennsylvania Railroad Company at or about State Highway Survey Station 9/77; the alteration of the crossing at grade at or about State Highway Survey Station 19/59 where the highway crosses an industrial siding track leading to property of Lancaster County Farm Bureau, and the alteration of the crossing at grade at or about State Highway Survey Station 23/35 where the highway crosses the single main track of the Quarryville Branch of The Pennsylvania Railroad Company, all in the Borough of Quarryville, Lancaster County, and all in accordance with plan submitted at the hearing of October 20, 1949 as applicant's Exhibit No. 1, revised to provide for raising the track of the railroad company four inches at the crossing at or about State Highway Survey Station 23/35, are necessary or proper for the service, accommodation, convenience or safety of the public; THEREFORE,

IT IS ORDERED:

1. That the instant application be and is hereby approved.
2. That the crossing below grade at or about State Highway Survey Station 9/77 where State Highway Route 36023 (North Church Street) is crossed by two tracks of the Atglen and Susquehanna Branch of The Pennsylvania Railroad Company be altered; that the existing crossing at grade at or about State Highway Survey Station 19/59 where the highway crosses an industrial siding track leading to

property of Lancaster County Park Bureau be altered; and that the existing crossing at grade at or about State Highway Survey Station 23/35 where the highway crosses the single main track of the Quarryville Branch of The Pennsylvania Railroad Company be altered, all in the Borough of Quarryville, Lancaster County, and all in accordance with the plan submitted at the hearing of October 20, 1949 as applicant's Exhibit No. 1, revised to provide for raising the track of the railroad company four inches at the crossing at or about State Highway Survey Station 23/35, which said plan is attached hereto and made part hereof and as herein revised is hereby approved, except in so far as it may relate to the division of work or the allocation of the costs and expenses incident to the construction or maintenance of the improvement.

3. That The Pennsylvania Railroad Company furnish all material and do all work required to make any necessary renewals or replacements of its rails, ties or other track facilities, and to adjust the elevation of each rail to conform with the grade of the highway as shown on the approved plan preparatory to the paving of the crossing at grade at State Highway Survey Station 19/59, herein ordered altered, and to raise its track four inches at the crossing at grade at or about State Highway Survey Station 23/35, herein ordered altered.

4. That The Pennsylvania Railroad Company furnish all material and do all work necessary to pave the crossing, herein ordered altered, at State Highway Survey Station 19/59, with bituminous concrete or other suitable material, solid between the rails and for a distance of at least 24 inches outside of each rail for the width of roadway of at least 34 feet measured at right angles to the center line of the highway at the crossing; said crossing to be constructed so as to provide a smooth, solid surface between the outside of the railroad and the adjoining highway surface and with flangeway not over 2-1/2 inches in width.

5. That The Pennsylvania Railroad Company furnish all material and do all work necessary to install a reflector-type cross-buck railroad crossing warning sign at a proper location on each side of the crossings at grade at State Highway Survey Station 19/59 and at State Highway Survey Station 23/35, herein ordered altered.

6. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Pennsylvania Railroad Company, located within the limits of any highway, which may be required as incidental to the execution of the improvement herein ordered, be made by said public utility, at its sole cost and expense, and in such a manner as will not interfere with the construction of the improvement.

7. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Pennsylvania Railroad Company, located beyond the limits of any highway, which may be required as incidental to the execution of the improvement herein ordered, be made by said utility in such a manner as will not interfere with the construction of the improvement.

8. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to pave the crossing, at or about State Highway Survey Station 23/35, with bituminous concrete or other suitable material solid between the rails and for a distance of at least 24 inches outside of each rail for a width of roadway of at least 34 feet measured at right angles to the center line of the highway at the crossing; said crossing to be constructed so as to provide a smooth solid surface between the outside of the railhead and the adjoining highway surface and with flangeways not over 2-1/2 inches in width.

9. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to install any facilities required to drain properly the highway at the sites of each of the crossings, herein ordered altered.

10. That the Department of Highways, at its sole cost and expense, furnish all material and do all work required to install a reflector-type advance railroad crossing warning sign at a proper location along the highway on each side of the crossing at grade at or about State Highway Survey Station 19/59, and of the crossing at or about State Highway Survey Station 23/35, herein ordered altered.

11. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain such detours as may be required to accommodate properly highway traffic during the time the improvement is being constructed.

12. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to complete the remainder of the crossing alterations in accordance with the approved plan.

13. That all work necessary to complete the improvement herein ordered be done in a manner satisfactory to this Commission and be fully completed on or before August 1, 1951, and that on or before said date Department of Highways and The Pennsylvania Railroad Company, herein required to do work, each certify to this Commission the date of actual completion of its respective portion and at the earliest practicable time, subsequent to said date of completion, submit to this Commission a detailed statement of the actual cost incurred by it in furnishing material and in performing work in compliance with this order.

14. That The Pennsylvania Railroad Company pay any money to which it may be entitled as compensation for damages for any of its property taken, injured or destroyed by reason of the alteration of each of the crossings, in accordance with this order.

15. That Department of Highways pay all compensation for damages due to the owners, exclusively of The Pennsylvania Railroad Company, for property taken, injured or destroyed by reason of the alteration of each of the crossings, in accordance with this order.

16. That a member of the train crew, equipped with a red flag during daylight hours and with a red lantern and a white lantern during the hours of darkness, precede each and every movement of each locomotive, car or train across the highway at the site of the crossing at or about State Highway Survey Station 19/59, herein ordered altered, and properly warn the traveling public of the approach of such locomotive, car or train.

17. That, upon completion of the improvement herein ordered and its opening to public use, The Pennsylvania Railroad Company furnish all material and do all work necessary thereafter to maintain the substructure and superstructure of the bridge carrying the two tracks of its Atglen and Susquehanna Branch over the grade of the highway at or about State Highway Survey Station 9/77, to maintain the portion of any drainage facilities constructed in accordance with this order and extending under the track of either of the crossings at grade, herein ordered altered, to maintain the cross-buck railroad crossing warning signs installed in accordance with this order on each side of each of the crossings at grade, herein ordered altered, and to maintain at all times in a smooth and proper condition the crossing paving located between the rails and for a distance of at least 24 inches outside of each rail at each of the crossings at grade, herein ordered altered.

18. That, upon completion of the improvement herein ordered and its opening to public use, Department of Highways, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain properly the remainder of the improvement constructed in compliance with this order.

19. That this order, in so far as it imposes the cost of the alteration and maintenance of the crossing at or about State Highway Survey Station 19/59 on The Pennsylvania Railroad Company, is without prejudice to the railroad company's right to recover from any

industry served by the siding track any of the costs so incurred in accordance with any lawful understanding or agreement between them.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

John L. Higgins, Jr.
Chairman

ATTEST:

A. H. Miller
Secretary

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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held October 28, 1983

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cowley

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval of the reconstruction of two crossings where (1) AAR No. 518 205D, State Highway Route 36015 (Rawlinsville Avenue) and (2) AAR No. 518 204W, State Highway Route 36015 (Cinder Road) cross above the grade of the tracks of The Enola Branch of Consolidated Rail Corporation and Consolidated Rail Corporation tracks, respectively, all in Providence Township, Lancaster County, and the allocation of the costs and expenses incidental thereto.

A-00104797

DOCKETED
NOV 18 1983

ORDER

BY THE COMMISSION:

This matter is before us upon application filed on June 20, 1983, by Pennsylvania Department of Transportation seeking Commission approval to reconstruct the crossings, where State Highway Route 36015 (Rawlinsville Avenue) and State Highway Route 36015 (Cinder Road) each cross above the grade of the tracks of Consolidated Rail Corporation's electrified Enola Branch in Providence Township, Lancaster County.

In its application, Pennsylvania Department of Transportation states that it proposes to reconstruct the highway and replace the existing bridges carrying State Highway Route 36015 above the grade of the two electrified tracks as shown on the department's Exhibit No. 1.

The existing bridge carrying State Highway Route 36015 (Rawlinsville Avenue) is a single span steel pony truss bridge identified as Consolidated Rail Corporation O.H. 16.75. This bridge provides a roadway width of 18 feet six inches and a minimum vertical clearance of 22 feet four inches over Consolidated Rail Corporation's track. Pennsylvania Department of Transportation proposes to replace the existing structure at the same location with a three-span composite pre-stressed

DOCUMENT

concrete box beam bridge to provide a clear roadway width of 28 feet six inches and an actual vertical clearance of 23 feet eleven inches over Consolidated Rail Corporation's electrified track.

The existing bridge carrying State Highway Route 36015 (Cinder Road) is a single span steel pony truss bridge identified as Consolidated Rail Corporation O.H. 15.91. This bridge provides a roadway width of 18 feet 11 inches and a minimum vertical clearance of 20 feet six inches over Consolidated Rail Corporation's track. Pennsylvania Department of Transportation proposed to replace the existing structure at the same location with a three-span composite pre-stressed concrete box beam bridge to provide a clear roadway width of 28 feet six inches and an actual vertical clearance of 23 feet nine inches over Consolidated Rail Corporation's electrified track.

A field conference, arranged by a Commission staff engineer and held at the site of the crossings on August 12, 1983, was attended by representatives of Pennsylvania Department of Transportation, Pennsylvania Power & Light Company, Commonwealth Telephone Company, Lancaster County, Consolidated Rail Corporation and Amtrak.

At the conference, Pennsylvania Department of Transportation stated that right-of-way plans, detailed construction plans, and detailed bridge plans would be available in the near future. Both bridges will not be reconstructed at the same time so that one of the bridges can be used as a detour during the time the other is being rebuilt. Both structures are posted for a restricted weight limit of eight tons.

Pennsylvania Department of Transportation states that it agrees to reconstruct the two structures at its initial cost with the request that a hearing be scheduled upon completion of the project to allocate the costs. The project is scheduled for letting on November 15, 1983 and expected to be completed by December, 1985. The project will require an appropriation of Consolidated Rail Corporation's right-of-way.

Consolidated Rail Corporation has no objection to the proposed project. Consolidated Rail Corporation will be required to relocate, at both crossings, its communication and signal line estimated to cost \$13,902.00. Pennsylvania Department of Transportation agrees that this cost should be at the initial expense of the department.

Although, the rail line is owned and operated by Consolidated Rail Corporation, Amtrak maintains the electrification facilities. Amtrak has no objection to the project but does estimate \$29,674.00 for work at each crossing to accommodate the proposed project. Pennsylvania Department of Transportation also agrees that these costs should be at the initial expense of the department.

Both Commonwealth Telephone Company and Pennsylvania Power & Light Company have facilities which will require relocation to accommodate

the improvement. Neither company has any objection to the project and both agree to relocate at their initial expense.

None of the parties object to the reconstruction of the bridges as proposed by Pennsylvania Department of Transportation or the issuance of a Commission order without public hearing.

The record having been certified to this Commission, we issue this order approving this application pursuant to Section 335(a) of the Public Utility Code (66 Pa. C.S. §335(a)) and find that the reconstruction of the crossings is necessary and proper for the service, accommodation, convenience or safety of the public; **THEREFORE,**

IT IS ORDERED:

1. That the application be and is hereby approved.
2. That the crossings, where State Highway Route 36015 (Cinder Road) and where State Highway Route 36015 (Rawlinsville Avenue) cross above the grade of two electrified tracks of Consolidated Rail Corporation's Enola Branch in Providence Township, Lancaster County, be reconstructed.
3. That Pennsylvania Department of Transportation, at its initial cost and expense, within sixty days of the date of service hereof, prepare and submit to all parties for examination and to this Commission for approval, its final detailed construction and bridge plans.

4. That in accord with the provisions of Section 2702 of the Public Utility Code, 66 Pa. C.S. §2702, the following described properties be and are hereby severally taken and appropriated for the purpose of the improvement in accordance with the approved right-of-way plan and that Numbered Paragraph 4 of this order, together with a copy of said right-of-way plan, shall be recorded by the Recorder of Deeds of Lancaster County, and shall be indexed under the name or names of the record owners of said property, grantor(s), and to the Commonwealth of Pennsylvania, grantees, at the initial cost and expense of Department of Transportation of the Commonwealth of Pennsylvania, applicant herein.

Consolidated Rail Corporation, Property Owner
15 North 32nd Street
Philadelphia, PA 19104

ALL THOSE CERTAIN tracts of land, situated in Providence Township, Lancaster County, bounded and described as follows, to wit:

TRACT NO. 1

(Required Right of Way)

D.H. Bridge 15.91 Cinder Road

Beginning at a point on the northerly side of Legislative Route 36015, said point being at the intersection of the northerly legal right of way line of Legislative Route 36015 and the southerly right of way line of the Consolidated Rail Corporation distant sixteen and five tenths (16.5) feet northerly and measured at a right angle from the right of way centerline at or about Station 560+00 thereof; thence in a northwesterly direction along the southerly right of way line of the Consolidated Rail Corporation to a point on the northerly required right of way line of Legislative Route 36015 distant forty-five (45) feet northerly and measured at a right angle from the right of way centerline at or about Station 560+04.5 thereof; thence in an easterly direction along the said required right of way line to a point distant thirty (30) feet northerly and measured at a right angle from the right of way centerline at or about Station 560+30 thereof; thence in a northeasterly direction along said required right of way line to a point distant thirty (30) feet northerly and measured at a right angle from the right of way centerline at or about Station 561+50 thereof; thence in a northeasterly direction along said required right of way line to a point being on the northern right of way line of the Consolidated Rail Corporation distant thirty five (35) feet northerly and measured at a right angle from the right of way centerline at or about Station 562+04 thereof; thence in a southeasterly direction along said northerly right of way line of the Consolidated Rail Corporation to a point on the legal right of way line of Legislative Route 36015 distant sixteen and five tenths (16.5) feet northerly and measured at a right angle from the right of way centerline at or about Station 562+02.3 thereof; thence in a southwesterly direction along said legal right of way line to a point and place of beginning and containing sixty-eight thousandths (0.068) acres of land more or less.

TRACT NO. 2

(Required Right of Way)

O.H. Bridge 15.91 Cinder Road

Beginning at a point on the southerly side of Legislative Route 36015, said point being the intersection of the southerly required right of way line of Legislative Route 36015 and the southerly right of way line of the Consolidated Rail Corporation distant thirty (30) feet southerly and measured at a right angle from the right of way centerline at or about Station 559+93.5 thereof; thence in a northwesterly direction along said southerly right of way line of the Consolidated Rail Corporation to a point on the southerly legal right of way line of Legislative Route 36015 distant sixteen and five-tenths (16.5) feet southerly and measured at a right angle from the right of way centerline at or about Station 559+95.5 thereof; thence in a northeasterly direction along said legal right of way line to a point on the northerly right of way line of the Consolidated Rail Corporation distant sixteen and five tenths (16.5) feet southerly and measured at a right angle from the right of way centerline at or about Station 561+96 thereof; thence in a southeasterly direction along said northerly right of way line to a point on the southerly required right of way line of Legislative Route 36015 distant thirty (30) feet southerly and measured at a right angle from the right of way centerline at or about Station 561+94 thereof; thence in a southwesterly direction along said required right of way line to a point and place of beginning and containing sixty-one thousandths (0.061) acres of land more or less.

TRACT NO. 3

(Required Right of Way)

O.H. Bridge 16.75 Rawlinsville Road

Beginning at a point on the northerly side of Legislative Route 36015, said point being at the intersection of the northerly legal right of way line of Legislative Route 36015 and the southerly right of way line of the Consolidated Rail Corporation distant sixteen and five tenths (16.5) feet northerly and measured at a right angle from the right of way centerline at or about Station 427+23 thereof; thence in a northwesterly direction along said southerly Consolidated Rail Corporation right of way line to a point on the northerly required right of way line distant thirty-five (35) feet northerly and measured at a right angle from the right of way centerline at or about Station 427+28.5 thereof; thence in a northeasterly direction along said required right of way line to a point distant thirty-five (35) feet northerly and measured at a right angle from the right of way centerline at or about Station 429+30 thereof; thence in a northeasterly direction along said required right of way line to a point on the northerly right of way line of the Consolidated Rail Corporation distant twenty-two (22) feet northerly and measured at a right angle from the right of way centerline

at or about Station 431+19 thereof; thence in a southeasterly direction along said Consolidated Rail Corporation northerly right of way line to a point on the Legislative Route 36015 northerly legal right of way line distant sixteen and five tenths (16.5) feet northerly and measured at a right angle from the right of way centerline at or about Station 431+17.5 thereof; thence in a southwesterly direction along said northerly legal right of way line to a point and place of beginning and containing one hundred forty thousandths (0.140) acres of land more or less.

TRACT NO. 4

(Required Right of Way)

O.H. Bridge 16.75 Rawlinsville Road

Beginning at a point on the southerly side of Legislative Route 36015, said point being the intersection of the southerly required right of way line of Legislative Route 36015 and the southerly right of way line of the Consolidated Rail Corporation distant thirty-five (35) feet southerly and measured at a right angle from the right of way centerline at or about Station 427+28 thereof; thence in a northwesterly direction along said southerly right of way line to a point being the southerly legal right of way line of Legislative Route 36015 distant sixteen and five tenths (16.5) feet southerly and measured at a right angle to the right of way centerline at or about Station 427+33 thereof; thence in a northeasterly direction along said legal right of way line to a point on the northerly right of way line of the Consolidated Rail Corporation distant sixteen and five tenths (16.5) feet southerly and measured at a right angle from the right of way centerline at or about Station 429+41 thereof; thence in a southeasterly direction along said northerly right of way line to a point on the southerly required right of way line of Legislative Route 36015 distant thirty-five (35) feet southerly and measured at a right angle from the right of way centerline at or about Station 429+36 thereof; thence in a southwesterly direction along said southerly required right of way line to a point and place of beginning and containing eighty-four thousandths (0.084) acres of land more or less.

The above four (4) tracts of land shown are designated and delineated on Sheet Nos. 3, 5, 6 and 8 of the Department of Transportation's Drawings Authorizing Acquisition of Right of Way for Legislative Route 36015 Section B01 R/W as part of Parcel No. 2, became legally vested in Consolidated Rail Corporation by deed of Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees of the Property Penn Central Transportation Company, Debtor, executed November 28, 1978 and recorded March 30, 1980 in Deed Book Volume U-75, Page No. 1 in the Lancaster County Courthouse.

5. That Pennsylvania Department of Transportation, upon Commission approval of its detailed construction and bridge plans, at its initial cost and expense, furnish all material and do all work necessary to reconstruct the bridges and the highway approaches thereto in accordance with the approved plan.

6. That Consolidated Rail Corporation and Amtrak, in cooperation with each other, at the initial expense of Pennsylvania Department of Transportation, furnish all material and do all work necessary to alter or relocate their facilities to accommodate the proposed project in accordance with the approved plan.

7. That Consolidated Rail Corporation and/or Amtrak, at the initial expense of Pennsylvania Department of Transportation, provide such watchmen, flagmen, inspection, electrical clearancemen and/or engineering services as may be deemed necessary by the corporations to protect their operation and facilities during the time the structures are being reconstructed.

8. That any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any public utility, other than Consolidated Rail Corporation or Amtrak, located within the limits of any highway within the limits of this Commission's jurisdiction, be made by said public utility, at its initial cost and expense, and in such manner as will not interfere with the construction of the improvement.

9. That any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any public utility, other than Consolidated Rail Corporation or Amtrak, located beyond the limits of any highway within the limits of this Commission's jurisdiction, be made by said public utility in such manner as will not interfere with the construction of the improvement.

10. That Pennsylvania Department of Transportation, at its initial cost and expense, furnish all material and do all work necessary to complete the remainder of the project, including any drainage facilities in accordance with the approved plan.

11. That Pennsylvania Department of Transportation, at its initial cost and expense, furnish, mark and maintain detours necessary to accommodate vehicular traffic during the time the crossings are being reconstructed.

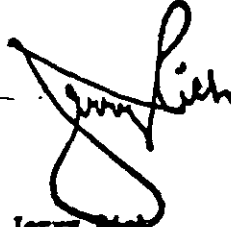
12. That all work necessary to complete the reconstruction of the bridges be done in a manner satisfactory to this Commission on or before December 31, 1985, and that on or before said date, Pennsylvania Department of Transportation, Consolidated Rail Corporation, Amtrak, Commonwealth Telephone Company, and Pennsylvania Power & Light Company each report to this Commission the date of actual completion of its respective portion; and, at the earliest practicable time subsequent to

said date of completion submit to this Commission a detailed statement of the actual costs incurred by it in furnishing material and performing work in compliance with this order.

13. That Pennsylvania Department of Transportation, at its initial cost and expense, pay all compensation for damages due to the owners for property taken, injured or destroyed by reason of the reconstruction of the crossings in accordance with this order.

14. That upon completion of the construction of the improvement, this proceeding be scheduled for hearing, at a time and place to be set by this Commission, for the purpose of taking testimony upon the final allocation of costs and expenses incident to the reconstruction of the crossings, the final allocation of costs incurred by non-carrier utility companies, future maintenance, damages for railroad right-of-way, and other matters relevant to this proceeding.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: October 28, 1983

ORDER ENTERED: NOV 16 1983

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 1, 1988

Commissioners Present:

Bill Shans, Chairman
William H. Smith, Vice Chairman
Linda C. Tiliaferro, Commissioner
Joseph Rhodes, Jr., Commissioner
Frank Fischl, Commissioner

DOCUMENT
FOLDER

Application of Department of Transportation of the Commonwealth of Pennsylvania for approval of the reconstruction of two (2) crossings where (1) AAR No 518 205 D, State Highway Route 36015 (Rawlinsville Avenue) and (2) AAR No. 518 204 W, State Highway Route 36015 (Cinder Road) cross above the grade of the tracks of the Erola Branch of Consolidated Rail Corporation and Consolidated Rail Corporation tracks, respectively, all in Providence Township, Lancaster County, and the allocation of the costs and expense incident thereto.

A-00104797

DOCKETED
SEP 16 1988

ORDER

BY THE COMMISSION:

We adopt as our action the Recommended Decision of Administrative Law Judge Edward R. Casey dated June 2, 1988, and that Exceptions be denied; THEREFORE,

IT IS ORDERED:

1. That the Commission establish its jurisdictional limits for Rawlinsville Avenue from Highway Station 422+75 to station 432+25 and for Cinder Road from highway station 556+60 to station 565+50 both having a width equal to the highway right-of-way.
2. That Pennsylvania Department of Transportation bear 100% of the costs for design and right-of-way phases for the project.
3. That Pennsylvania Department of Transportation, if it has not already done so, pay to National Railroad Passenger Corporation a sum, or sums of money equal to \$14,797 for the costs incurred by AMTRAK in furnishing materials and performing work in relocating or altering Consolidated Rail Corporation's electric catenary wire facilities as necessary to allow the project to be constructed.

4. That Pennsylvania Department of Transportation and Pennsylvania Power and Light Company bear cost in accordance with the terms and conditions of their agreement.

5. That Commonwealth Telephone bear 100% of its costs in furnishing all materials and performing all work necessary to relocate or alter its facilities within the Commission's jurisdictional limits and in accordance with the previous Commission Order issued in this proceeding.

6. That Pennsylvania Department of Transportation bear 70% of the total construction costs incurred by it in constructing the improvements as listed in its Exhibit No. 3 submitted at the hearing.

7. That Consolidated Rail Corporation, pay a sum or sums of money equal to \$215,222.43 to Pennsylvania Department of Transportation as Consolidated Rail Corporation's share of costs of the total construction costs incurred by Pennsylvania Department of Transportation in constructing the improvements as listed in PennDOT's Exhibit No. 3 submitted at the hearing.

8. That Pennsylvania Department of Transportation, if it has not already done so, pay to Consolidated Rail Corporation a sum or sums of money equal to 100% of the costs incurred by Consolidated Rail Corporation in altering or relocating its communication and signal line, providing coordination and inspection, and flag protection in accordance with the previous Commission order.

9. That Pennsylvania Department of Transportation, bear 100% of the right-of-way damages, due to the owners of property, including Consolidated Rail Corporation, taken, injured or destroyed by reason of the reconstruction of the crossings.

10. That Pennsylvania Department of Transportation, at its initial cost and expense, furnish all material and perform all work necessary to maintain the entire sub and superstructure of the Rawlinsville Avenue and Cinder Road rail-highway crossing structures exclusive of snow removal, application of salt-sand and de-icing materials and street cleaning.

11. That Consolidated Rail Corporation, reimburse Pennsylvania Department of Transportation for 50% of the cost of maintaining the sub and superstructure of the Rawlinsville Avenue and Cinder Road rail-highway crossing bridges including the maintenance cost of the concrete decks and parapets.

12. That Pennsylvania Department of Transportation (1) bear the remaining 50% of the cost of maintaining the sub and superstructure of the Rawlinsville Avenue and Cinder Road rail-highway crossing bridges and (2) bear 100% of the cost to maintain the concrete decks and parapets.

13. ~~Consolidated Rail Corporation~~, at its own expense, furnish all material and perform all work necessary to ~~maintain the sub and superstructure of the Rawlinsville Avenue and Cinder Road rail-highway crossing bridges~~

approaches to the bridges carrying Reslinville Avenue and Cinder Road over the tracks of Consolidated Corporation.

14. That Providence Township, perform snow removal, application of anti-ice and de-icing materials and street cleaning on the subject bridges in accordance with the terms and conditions of its agreement with Pennsylvania Department of Transportation.

15. That Consolidated Rail Corporation, at its sole cost and expense, furnish all material and perform all work to maintain its tracks, communication and signal facilities and other railroad appurtenances within the Commission's jurisdictional limits in a safe and satisfactory manner.

16. That Pennsylvania Power and Light Company and Commonwealth Telephone Company, at their sole cost and expense, furnish all materials and perform all work to maintain their respective facilities within the Commission's jurisdictional limits in a safe and satisfactory manner.

17. That this Order insofar as it places the costs of the project on the parties involved is without prejudice to their right to recover the said costs from others in accordance with any lawful agreements between the parties.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 1, 1988

ORDER ENTERED: SEP 08 1988

Application Docket No. 80721

EXHIBIT NO. 7

P.U.C. NO. A-8011016
P-88913856

DATE OF HEARING June 11, 1954

In re: Application of DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA - For approval of the alteration of the crossing where State Highway Route 36007 crosses below the grade of tracks of The Pennsylvania Railroad Company, in Providence Township, Lancaster County, and the allocation of the costs and expenses incident thereto.

ORDER

BY THE COMMISSION, JULY 26, 1954:

At a point in Providence Township, Lancaster County, about eight miles southerly from the City of Lancaster and about 390 feet south of its junction with State Highway Route 36025, State Highway Route 36007 and a branch of Huber Run pass through a single span stone and concrete arch structure supporting the two main tracks, embankment and roadbed of the Atglen and Susquehanna Branch of The Pennsylvania Railroad Company.

Department of Highways, applicant herein, alleges that the existing highway underpass is dangerous and inadequate and in order to eliminate the unsatisfactory condition, proposes to reconstruct the highway through and adjacent to the existing highway underpass.

In the instant application, Department of Highways seeks our approval of the alteration of the existing crossing, below grade, and the allocation of the costs and expenses incident thereto.

State Highway Route 36007 forms a part of Pennsylvania Traffic Route 72 which extends in a general northerly direction from its junction with U.S. Traffic Route 222 at a point in Fulton Township, Lancaster County, just north of the Pennsylvania-Maryland State line, north to Smithville, Lancaster, Manheim and Lebanon to a junction with Pennsylvania Traffic Route 423 in Union Township, Lebanon County, about seven miles north of Conestoga. The record of testimony shows that State Highway Route 36007 through and adjacent to the existing highway underpass is of two-lane construction. The northerly approach to the

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[Signature]

RECORD

existing crossing, ~~low grade, which is paved with bituminous macadam~~ to a width of 22 feet, is located on a 5-degree horizontal curve and on a 1.6% grade ascending toward the crossing. The southerly highway approach which is also paved with bituminous macadam to a width of 22 feet is located on a 3-degree horizontal curve and on a 3.95% grade descending toward the crossing. ~~The existing steel and concrete arch bridge, which carries the highway and the adjacent stream, is a single span structure having a clear width of approximately 40 feet, measured at right angles to the center line of the highway and a total length of approximately 250 feet measured along the center line of the highway. The highway and the stream channel, together with the stone masonry retaining wall separating the two, occupy the entire width of the 250-foot long underpass. This underpass provides vertical clearances over the existing highway varying from 18'7" to 23'5".~~

The bridge, including the retaining wall which separates the highway and the stream channel was constructed by The Pennsylvania Railroad Company in 1903 to carry facilities of the railroad company across the stream and the public highway and is presently maintained by the carrier.

The highway which is presently maintained by Department of Highways carries an average volume of traffic of 2,490 passenger cars and 440 trucks daily. It is estimated that the future traffic on this road will average 4,550 vehicles daily. Traffic on the two main line tracks of The Pennsylvania Railroad Company at the location of the existing crossing, below grade, consists of approximately 33 freight train movements daily at a maximum speed of 40 miles per hour.

In order to utilize the entire area within the highway underpass for highway purposes, the Applicant proposes to remove the existing roadbed, highway paving and retaining wall from within the underpass and to reconstruct the highway superimposed upon a new drainage structure, constructed as proposed, to carry the stream longitudinally beneath the

ner highway.

The general plan, prepared by Department of Highways and submitted of record at the hearing held in this proceeding on April 27, 1954 as applicant's Exhibit No. 1, shows the manner in which Department of Highways proposes to construct the improvement.

The highway will be reconstructed from a point about 965 feet south of the existing underpass at or about State Highway Survey Station 754/00 to a point in the existing highway at or about State Highway Survey Station 772/00 located about 585 feet north of the northerly end of the existing underpass. According to applicant's Exhibit No. 1, a new reinforced concrete box culvert having a clear height of six feet and a clear width of 16 feet will be constructed approximately along the center line of the highway for the full length of the underpass. The stream will be placed in the new box culvert; the entire area within the underpass filled and graded to an elevation slightly above the top surface of the new box structures and a new two-lane pavement 28 feet in width constructed over the new bridge structure. Curbs and sidewalk areas will be provided along each side of the roadway pavement. The new construction will provide a minimum vertical clearance of approximately 15'6" measured from the surface of the highway to the underside of the existing arch ring. According to the general plans, the reconstruction of State Highway Route 36007, as proposed, will require the alteration of a short section of State Highway Route 36025 at its junction with the aforesaid state highway and will require the construction of a new short span bridge to carry the reconstructed portion of State Highway Route 36025 over a branch of Huber Run.

Plan No. S-705-75, prepared by Department of Highways and submitted of record at the hearing held in this proceeding on April 27, 1954 as applicant's Exhibit No. 2, shows the details of the new bridge to be constructed to carry State Highway Route 36025 over the stream channel. According to this plan, the bridge will consist of a reinforced concrete arch structure having a clear span of approximately 16

feet and a clear roadway approximately 36 feet in width.

Plan No. L-755 consisting of one sheet, which was prepared by Department of Highways and submitted of record at the hearing held in this proceeding on April 27, 1954 as part of Exhibit No. 2, shows the details of the reinforced concrete box culvert to be constructed within the limits of the existing highway underpass.

According to a detailed estimate prepared by Department of Highways and submitted of record at the hearing held in this proceeding on April 27, 1954 as applicant's Exhibit No. 3, the construction of the proposed improvement, exclusive of the cost of making any necessary incidental alterations to facilities of public utilities is estimated to cost \$148,180. This detailed estimate is made up of the following principal items:

Grading	\$ 24,400
Drainage	101,300
Pavement	20,400
Guard fence	<u>2,080</u>
Total improvement	\$148,180

It appears that the construction of the improvement as proposed will require no alterations of the tracks, wire lines and other facilities of The Pennsylvania Railroad Company. However, it is the position of the railroad company that it will be necessary for the carrier to maintain a bridge inspector to observe the progress of the work and to insure safety and continuity of its train operations during the time the box culvert is being constructed in and adjacent to the existing underpass. The railroad company contends that Department of Highways should bear the cost of this service.

In addition to the above items of work, the construction of the improvement, as proposed, will also require alteration, relocation or replacement of existing facilities of the Pennsylvania Power & Light Company presently located within the limits of the existing state highway. This work has been estimated by Pennsylvania Power & Light Company to cost approximately \$1,350.

The construction of the improvement, as proposed by Department of Highways, will require the appropriation by the Commission of several parcels of property. Detailed descriptions of all properties necessary for the construction of the improvement were prepared by Department of Highways and submitted of record at the hearing held in this proceeding on April 27, 1954 as applicant's Exhibit No. 4. Department of Highways has estimated damages for property which may be taken, injured or destroyed by reason of the construction of the improvement at \$5,000.

Department of Highways has agreed of record, at its sole cost and expense, to furnish all material and do all work necessary to complete the construction of the entire improvement, exclusive of the cost of altering the facilities of The Pennsylvania Railroad Company and other public utilities and exclusive of the cost of watchman and inspection services required and furnished by the railroad company. Department of Highways has also agreed to pay all damages incurred by reason of the construction of the improvement.

The record shows that Department of Highways has filed an application with the Bureau of Public Roads for approval of the use of Federal funds with which to finance the construction of the improvement and that, in event the application is not approved by the Bureau of Public Roads or in event Department of Highways subsequently determines not to use Federal funds on this project, State funds will be used to finance the construction of the improvement.

The record clearly establishes the necessity for the construction of the crossing improvement, as proposed by Department of Highways, and no objections thereto were filed of record at the hearing held in this proceeding.

Upon full consideration of the matters and things involved, we find and determine that the alteration of the existing crossing, below grade, at a point in Providence Township, Lancaster County, about eight miles south of the City of Lancaster and about 390 feet south of the junction of State Highway Route 36007 and State Highway Route 36025

~~where State Highway Route 36007 crosses the two main tracks of~~

Atglen and Susquehanna Branch of The Pennsylvania Railroad Company, all in accordance with the general construction plan, prepared by Department of Highways and submitted of record at the hearing held in this proceeding on April 27, 1954 as applicant's Exhibit No. 1, is necessary or proper for the service, accommodation, convenience or safety of the public; THEREFORE,

IT IS ORDERED:

1. That the instant application be and is hereby approved.
2. That the existing crossing, below grade, at a point in Providence Township, Lancaster County, about eight miles south of the City of Lancaster and about 390 feet south of the junction of State Highway Route 36007 and State Highway Route 36025, where State Highway Route 36007 crosses the two main tracks of the Atglen and Susquehanna Branch of The Pennsylvania Railroad Company, be altered, all in accordance with the general construction plan prepared by Department of Highways and submitted of record at the hearing held in this proceeding on April 27, 1954 as applicant's Exhibit No. 1, which said plan is attached hereto, made part hereof, and is hereby approved, except insofar as it may relate to the division or work, the deletion of work, and to the allocation of the costs and expenses incident to the construction and maintenance of the improvement.
3. That plan Nos. ^S_A 705-75 consisting of sheets 1 and 2 and Plan No. L-755 consisting of one sheet, which were prepared by Department of Highways and submitted of record at the hearing held in this proceeding on April 27, 1954 as applicant's Exhibit No. 2, and which show the details of the new reinforced concrete arch bridge to be constructed to carry State Highway Route 36025 over a branch of Huber Run and the reinforced concrete box culvert to carry the said stream through the existing underpass be and are hereby approved.

4. That, in accord with the provisions of Section 409 of the Public Utility Law, P. L. 1053, as amended by No. 388, approved the 25th day of May, 1945, P. L. 1012, the following described properties be and are hereby taken and appropriated for the purpose of the improvement in accordance with the approved plan filed of record at Application Docket No. 80721 with Pennsylvania Public Utility Commission at Harrisburg, Pennsylvania, and that numbered Paragraph 4 of this order shall be recorded in its entirety by the Recorder of Deeds of Lancaster County, and shall be indexed under the name or names of the record owners of such property at the sole cost and expense of Department of Highways, applicant herein.

1. The Pennsylvania Railroad Company, record owner
30th Street Station
Philadelphia, Penna.

ALL THOSE CERTAIN tracts of land situated in Providence Township, Lancaster County, bounded and described as follows, to wit:

TRACT NO. I

Beginning at a point on the southwesterly side of State Highway Route 36007, Section 2, said point being on the southwesterly legal right of way line and distant fifteen (15) feet southwesterly from the construction center line at or about Station 762/66 thereof and measured at right angles thereto; thence in a northwesterly direction along the southeasterly right of way line of The Pennsylvania Railroad Company to a point distant thirty (30) feet southwesterly and measured at right angles from the construction center line at or about Station 762/91 thereof; thence in a southwesterly direction along the southeasterly right of way line of The Pennsylvania Railroad Company to a point distant thirty-five (35) feet southwesterly and measured at right angles from the construction center line at or about Station 762/94 thereof; thence in a northwesterly direction along the required limit of slope line to a point distant thirty-five (35) feet southwesterly and measured at right angles from the construction center line at or about Station 763/54 thereof; thence in a northeasterly direction along the required right of way line to a point distant thirty (30) feet southwesterly and measured at right angles from the construction center line at or about Station 763/58 thereof; thence in a northeasterly direction along the required right of way line to a point distant nineteen and eight tenths (19.8) feet southwesterly and measured at right angles from the construction center line at or about Station 763/56 thereof; thence in a southwesterly direction along the legal right of way line to a point distant fifteen (15) feet southwesterly and measured at right angles from the construction center line at or about Station 762/97 thereof; thence in a southeasterly direction along the legal

5. That, in accord with the provisions of Section 409 of the Public Utility Law, § 27, P.L. 1053, as amended by Act No. 339, approved the 25th day of May, 1945, P.L. 1012, the following described properties, together with all buildings and structures or parts thereof, of any description or use whatsoever, erected or located thereon, be and are hereby severally taken and appropriated for the purpose of the improvement in accordance with the approved plans filed of record at Application Docket No. 80721 with Pennsylvania Public Utility Commission at Harrisburg, Pennsylvania, and that numbered Paragraph 5 of this order shall be recorded in its entirety by the Recorder of Deeds of Lancaster County, and shall be indexed under the name or names of the record owners of such property at the sole cost and expense of Department of Highways, applicant herein.

1. Fred C. and Mabel S. Eshelman, record owners
R. D. No. 1
New Providence, Perma.

ALL THAT CERTAIN tract of land situated in Providence Township, Lancaster County, bounded and described as follows, to wit:

Beginning at a point on the southwesterly side of State Highway Route 36007, Section 2, said point being on the southwesterly required right of way line and distant thirty (30) feet southwesterly from the construction center line at or about Station 754/00 thereof and measured at right angles thereto; thence in a northwesterly direction along the required limit of slope line to a point distant forty-five (45) feet southwesterly and measured at right angles from the construction center line at or about Station 754/50 thereof; thence in a northeasterly direction to a point on the southwesterly legal right of way line distant twenty-five (25) feet southwesterly and measured at right angles from the construction center line at or about Station 754/50 thereof; thence in a southeasterly direction along the southwesterly legal right of way line to a point distant twenty-five (25) feet southwesterly and measured at right angles from the construction center line at or about Station 764/00 thereof; thence in a southwesterly direction to a point and the place of beginning and containing two hundredths (0.02) of an acre of land, more or less.

The above tract of land is a portion of real estate which became legally vested in Fred C. and Mabel S. Eshelman by deed of O. E. Martin heirs, dated February 14, 1952 and recorded February 14, 1952 in Deed Book N. Vol. 15, page 1 in the Lancaster County Courthouse.

MORE
TRACTS

6. ~~Department of Highways~~, at its ~~sole cost and expense~~, furnish all material and do all work necessary ~~to remove the existing~~ ~~highway crossing, embankment and related work supporting structure~~ ~~existing~~ ~~and to~~ ~~construct the new~~ ~~highway~~ highway embankment, roadbed and paving in lieu thereof,

7. That ~~Department of Highways~~, at its ~~sole cost and expense~~, furnish all material and do all work necessary to ~~construct the~~ ~~highway crossing~~ ~~below grade~~, below grade, in accordance with the approved plans.

8. That Department of Highways furnish all material and do all work necessary to establish and maintain such temporary routes or detours as may be required to accommodate properly, highway traffic during the time the crossing improvement is being constructed in accordance with this order.

9. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to effect the vacation and relocation, removal or demolition of any nonutility structures, including occupied dwellings located upon property necessary for the construction of the crossing improvement in accordance with this order.

10. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Pennsylvania Railroad Company, located within the limits of any highway, which may be required as incidental to the execution of the improvement herein ordered, be made by said public utility, at its sole cost and expense, and in such a manner as will not interfere with the construction of the improvement.

11. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Pennsylvania Railroad Company, located beyond the limits of any highway, which may be required as incidental to the execution of the improvement herein ordered, be made by said public utility in such

a manner as will not interfere with the construction of the improvement.

12. That The Pennsylvania Railroad Company furnish all material and do all work required to make any necessary alterations of its tracks, signals, wire lines and other facilities located on its right of way and, in addition, furnish and maintain any bridge and building inspectors required to insure safety and continuity of its train operations during the time Department of Highways is constructing the new reinforced concrete box drainage structure within and adjacent to the existing arch bridge.

13. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to complete the remainder of the crossing improvement in accordance with the approved plans.

14. That all work necessary to complete the improvement herein ordered be done in a manner satisfactory to this Commission and be fully completed on or before December 31, 1950, and that on or before said date Department of Highways and The Pennsylvania Railroad Company, herein required to do work, each report to this Commission the date of actual completion of its respective portion and at the earliest practicable time, subsequent to said date of completion, each submit to this Commission a detailed statement of the actual cost incurred by it in furnishing material and in performing work in compliance with this order.

15. That The Pennsylvania Railroad Company pay any money to which it may be entitled as compensation for damages for any of its property taken, injured or destroyed by reason of the construction of the improvement in accordance with this order.

16. That Department of Highways pay all compensation for damages due to the owners, exclusive of The Pennsylvania Railroad Company for property taken, injured or destroyed by reason of the construction of the crossing improvement in accordance with this order.

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17. That Department of Highways pay The Pennsylvania Railroad Company, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to the actual cost of material furnished and work done by the said railroad company in the construction of the crossing improvement in accordance with this order, including the cost of bridge and building inspection services rendered by the said railroad company during the time Department of Highways is constructing the new reinforced concrete box drainage structure in and adjacent to the existing bridge.

18. That, upon completion of the improvement herein ordered and its opening to public use, The Pennsylvania Railroad Company, at its sole cost and expense, furnish all material and do all work necessary thereafter, to maintain its altered facilities, including the existing masonry arch bridge carrying the tracks and facilities of the railroad company over the existing stream and over the state highway.

19. That, upon completion of the improvement herein ordered constructed and its opening to public use, Department of Highways, at its ~~expense~~, furnish all material and do all work necessary thereafter to maintain the remainder of the crossing improvement, including the new reinforced concrete box drainage structure constructed in accordance with this order.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Leopoldowitz
Chairman

ATTEST:

Walter
Acting Secretary

Application Docket No. 94447

EXHIBIT NO. 8

P.U.C. NO. A-6011016
C-00913256DATE OF HEARING June 11/2, 1997

In re: Application of DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA - For approval of (1) the alteration of the crossing where State Highway Route 36007 crosses below the grade of the tracks of Pennsylvania New York Central Transportation Company, in Providence Township; (2) the alteration of the crossing where State Highway Route 36025 crosses below the grade of the same tracks of said company, in Providence Township; and (3) the alteration of the crossing, at grade, where State Highway Route 36007 crosses the track of Pennsylvania New York Central Transportation Company, in Pequea Township, all in Lancaster County, and the allocation of the costs and expenses incident thereto.

O R D E R

BY THE COMMISSION, NOVEMBER 18, 1968:

Department of Highways of the Commonwealth of Pennsylvania proposes to relocate, widen, and improve a north-south section of State Highway Route 36007 (State Traffic Route 272) in Providence, Pequea, and West Lampeter Townships, Lancaster County, by reconstructing the existing two lane roadway into a four lane nonlimited access divided highway in order to better serve the increased traffic demands of the traveling public.

State Highway Route 36007 begins at the Pennsylvania-Maryland State line near the village of Pleasant Grove in Fulton Township and extends in a general northerly direction for 20.71 miles to its northerly terminus at State Highway Route 136 (U.S. Traffic Route 222) in the village of Hollinger, West Lampeter Township, all in Lancaster County. The portion of the highway involved in this proceeding is Section 5 which is approximately six miles in length and is the northernmost portion of State Highway Route 36007.

At separate locations approximately 700 feet apart, near the southerly terminus of the project in Providence Township, Lancaster County, State Highway Route 36007 northbound (Crossing No. 1) and State Highway

Route 36007 southbound (Crossing No. 2), constructed as proposed, will cross below the grade of two tracks of the Atglen and Susquehanna Branch of Pennsylvania New York Central Transportation Company (now Penn Central Company) by means of two existing stone arch structures which currently provide vehicular passage under the tracks for existing State Highway Routes 36007 and 36025. At a third crossing, located just south of the village of Willow Street at approximate Survey Station 868+40, State Highway Route 36007 will cross, at grade, a single track of the Quarryville Branch of Penn Central Company in Pequea Township, Lancaster County.

In this application, Department of Highways seeks Commission approval for the alteration of two crossings, below grade, one crossing, at grade, and the allocation of costs and expenses incident thereto.

Daily vehicular traffic currently using the highway is 9,800 and the department estimates an increase to 19,500 by the year 1988.

Rail traffic on the two tracks of the Atglen and Susquehanna Branch of Penn Central Company, at Crossings Nos. 1 and 2, consists of 20 freight trains daily in each direction at maximum speeds of 50 miles an hour on Track No. 1 and 40 miles an hour on Track No. 2. These tracks are sometimes used as detour routes and may, at times, carry passenger service. Rail traffic on the single track of the Quarryville Branch of Penn Central Company, at Crossing No. 3, consists of two freight trains daily at maximum speeds of 15 miles an hour.

Drawings prepared by the applicant and admitted at the hearing held July 16, 1968, as Department of Highways' Exhibit No. 1, consist of 13 sheets of right-of-way plans. These drawings show that this section of highway has been established by the Commonwealth as and for the lines, widths, grades, and locations shown thereon. All property has been condemned except for the areas between Survey Stations 761+00 and 768+50 northbound, (Crossing No. 1); and between 760+11 and 769+00 southbound (Crossing No. 2); and between Penn Central Company's right-of-way lines at Crossing No. 3, which are the portions over which the Commission will assume jurisdiction as railroad-highway crossing projects.

The plan discloses that the estate to be acquired by the Commonwealth encompasses a surface easement unlimited in vertical dimension except in those areas, if any, where the detail plan designates an exception. Where the estate acquired is limited to an aerial easement and a surface easement unlimited in vertical dimension for the accommodation of piers and other appurtenances, notes on the plan impose certain limitations on the use of the property beneath the area affected by the aerial easement. However, the plan shows that these notes shall not be construed as limiting or interfering in any way with the present and future operation, use, maintenance, repair, renewal, change, addition, betterment or alteration of the railroad and its supporting facilities.

Construction drawings, consisting of 13 sheets, showing the manner in which the department proposes to construct the project, were admitted at the hearing as Department of Highways' Exhibit No. 2. According to these drawings, the northbound and southbound approaches to the proposed crossings, below grade, (Crossings Nos. 1 and 2) will separate approximately 3,700 feet south of the undergrade crossings and converge approximately 1,600 feet north of the undergrade crossings, being approximately 700 feet apart at the point where the northbound and southbound lanes pass through the existing stone arch structures.

Each approach roadway provides a 24-foot wide pavement with a 10 foot paved shoulder on the outside lane, and an 8 foot wide shoulder on the inside lane, 4 feet of which will be paved. Since, in the southerly portion of the improvement, the existing roadway is being used for the northbound lanes, pavement materials differ in that a 3-inch bituminous surface course on a 9-inch bituminous base course will be used for the northbound roadway approaches and either an 8-inch or a 9-inch reinforced cement concrete pavement on either an 11-inch or 10-inch stone base course will be used for the new southbound approach lanes. Paving through the underpass structures is the same as the approaches and minimum horizontal clearances between springing point of arches and the edge of pavement is

8 feet 2-1/2 inches and 7 feet 5 inches for the northbound lanes (Crossing No. 1) and 13 feet 2 inches and 7 feet 5 inches for the southbound lanes (Crossing No. 2). Vertical clearances at pavement edges are greater through the stone arches than the 14 foot 6 inch minimum required by department standards.

Both northbound and southbound approaches to the proposed crossing, at grade, (Crossing No. 3) where State Highway Route 36007 crosses a single track of the Quarryville Branch of Penn Central Company are similar to Crossings Nos. 1 and 2, described herein, except that the southbound lanes will be paved with bituminous material over the existing roadway and the new northbound lanes will be paved with reinforced cement concrete, and that the northbound and southbound roadways are shown converged with a 20-foot paved median area between inside edges of pavements with a double faced steel median barrier at the center line of the median.

Applicant's Exhibit No. 3 is a preliminary plan showing a proposed 22-foot by 7-foot reinforced concrete box culvert which will carry Huber Run under and longitudinal to the southbound lane of State Highway Route 36007 through the existing stone arch structure at Crossing No. 2. This new box culvert will replace the existing open stream bed channel which is now formed by an existing retaining wall, running longitudinally through the arch, and the inside face of the stone arch. The existing retaining wall, which also supports the roadbed of State Highway Route 36025, will be removed to provide room for the new box culvert.

Applicant's Exhibit No. 4 is a preliminary plan showing a proposed extension to an existing 16-foot by 6-foot reinforced concrete box culvert running under, and longitudinal to, the northbound lanes of State Highway Route 36007, through the existing stone arch structure at Crossing No. 1, to provide adequate drainage through the underpass.

Applicant's Exhibit No. 5 is a preliminary plan showing a proposed 22-foot by 7-foot reinforced concrete box culvert, carrying State Highway Route 36025 over Huber Run, located approximately 400 feet south of Crossing No. 2 and approximately 200 feet southwest of the new intersection between

the southbound lanes of State Highway Route 36027 and State Highway Route 36025. The roadway on the proposed box culvert is shown as 44 feet face to face of guard rails with 24-foot paved bituminous approaches and 10-foot shoulders on each side.

The cost of constructing the portions of the project over which we are currently limiting our jurisdiction is estimated by the department, in its Exhibit No. 6, at \$359,490 and is itemized as follows:

Crossing No. 1

Northbound Lane Station 761+00 to Station 768+50

Grading	\$ 4,000.00	
Drainage	2,850.00	
Pavement	15,050.00	
Box culvert extension	5,000.00	
Roadside development	1,400.00	
Engineering and contingencies	<u>4,245.00</u>	
Subtotal		\$ 32,545.00

Crossing No. 2

Southbound Lane Station 760+11 to Station 769+00

Grading	\$ 15,250.00	
Drainage	3,350.00	
Pavement	49,300.00	
Box culvert 22 feet by 7 feet	133,000.00	
Box culvert 22 feet by 7 feet (36025)	70,000.00	
Guard fence	3,800.00	
Roadside development	2,100.00	
Engineering and contingencies	<u>41,520.00</u>	
Subtotal		\$ 318,320.00

Crossing No. 3

Station 868+13 to Station 868+57

Grading	\$ 350.00	
Drainage	1,200.00	
Pavement	3,250.00	
Guard fence	1,500.00	
Crossing paving	1,200.00	
Engineering and contingencies	<u>1,125.00</u>	
Subtotal		<u>\$ 8,625.00</u>

Grand Total \$359,490.00

It is anticipated by the department that the funds used to finance the proposed improvement will be part State and part Federal.

Department of Highways agrees to construct the highway improvement in accordance with the plans submitted as its Exhibits Nos. 2, 3, 4, and 5,

including the paving of the crossing, at grade. Its witness suggested that Penn Central Company furnish construction inspectors when the department's contractor is working within railroad right of way at the undergrade crossings. It was also suggested that at the crossing, at grade, Penn Central Company rehabilitate its track in the crossing area; adjust the elevation of its rails to conform to the proposed grade line of the highway; install automatically operated flashing light railroad crossing warning signals on cantilever masts set 2 feet outside the highway shoulder line; furnish watchmen, flagmen and inspectors while work is being done on or adjacent to the track; and proposed that any noncarrier utility company should be required to make any necessary alterations or relocation of its facilities affected by the proposed improvement.

The department agrees to assume the cost of the proposed highway improvement, including the paving of the crossing area, at grade, and to reimburse Penn Central Company the actual cost of inspection, flagman, and watchman services required in connection with the work at the crossings. It further agrees to reimburse Penn Central Company 50 per cent of the actual cost of material furnished and work performed in installing flashing light railroad crossing warning signals on cantilever masts at the grade crossing but suggested that the carrier should be required to rehabilitate its track at the crossing at its own expense. The cost of watchman and flagman services need not be certified by the Commission.

The department's witness also suggested that noncarrier utility companies located on public right of way should be required to make any necessary alterations or relocations to its facilities at its own expense but agreed to reimburse noncarrier utility companies for such work if on private right of way.

No detours are anticipated by the department during construction of the improvement; however, if it should become necessary to provide any temporary routes, the department will establish and maintain them.

The department agrees to maintain the highway approaches to the undergrade structures (Crossings Nos. 1 and 2), the drainage facilities through the undergrade structures, the box culvert carrying State Highway Route 36025 over Huber Run, the highway approaches to the crossing, at grade, (Crossing No. 3) to a line 24 inches outside of each rail and the drainage facilities at Crossing No. 3, except the 30-inch pipe under the carrier's track on the east side of the highway, which, in the department's opinion, should be maintained by Penn Central Company. It suggested, further, that Penn Central Company should also be required to continue maintenance of its stone arch undergrade structures, the paving at Crossing No. 3 to a line 24 inches outside of each rail, and the automatic flashing light railroad crossing warning signals on cantilever masts. Any noncarrier utility company involved should be required to maintain its altered or relocated facilities.

It will not be necessary for this Commission to lay out and establish any new highway to permit the construction of the improvement, since the proposed highway has been legally laid out and established by Department of Highways. It will, however, be necessary for the Commission to appropriate certain properties for the purpose of construction of the portions of the project over which we have assumed jurisdiction. Descriptions of these properties were prepared by the applicant and admitted at the hearing held on July 16, 1968, as Department of Highways' Exhibit No. 7. Property damages, exclusive of railway operating right of way, are estimated at \$8,500 and will be assumed by the department. The applicant avers that the carrier should release damages for any of its operating right-of-way property appropriated for the project.

Penn Central Company has no objection to the construction of the improvement but suggests that, since the railroad fill at these crossings is a micaceous silt which is unstable when wet, extreme caution should be exercised when excavating for the box culverts in, through, and around the existing stone arch structures (Crossings Nos. 1 and 2) in order not to disturb existing arch foundations and not to impede drainage, because previous slides have occurred at this location. The carrier's witness also suggested that, since the base of the proposed box culvert at

Crossing No. 2 will be at a lower elevation than the existing arch footings, sheet piling should be used during construction to protect the stone arch foundations. This witness noted that the roadway elevation within the arch is being raised approximately 4 feet and cautioned that any future inadequacies in vertical clearance will be due to this construction.

Crossing No. 3, at grade, is presently protected with standard crossbuck railroad crossing warning signs and is flagged by a member of the train crew in advance of and during each movement. The carrier's witness recommended that cantilevered automatic flashing light railroad crossing warning signals be installed to protect the traveling public using this crossing, at grade.

It will be necessary for Penn Central Company to perform flagging, engineering, and inspection on this project during construction, and, in addition, it will be necessary to relocate railroad communication and signal lines, which are estimated by the carrier's witness to cost \$2,500, and, if so ordered, to install automatic protection at Crossing No. 3 at an estimated cost of \$17,000. This witness testified further that installation of welded rail at this crossing, at grade, will be necessary to rehabilitate the crossing and will cost approximately \$2,300.

Penn Central Company agreed to perform the necessary work mentioned heretofore but does not agree to bear any expense pertaining thereto, and, in addition, suggested it be reimbursed for preliminary engineering expenses already incurred in dealing with the department since May 9, 1967. The railroad company agreed to waive damages for its operating right of way taken for the construction of the improvement.

The carrier agreed, at its sole cost and expense, to maintain its relocated and rehabilitated facilities but suggests that the maintenance of the two existing stone arch underpass structures (Crossings Nos. 1 and 2), requiring access from the highway proper, be maintained by Department of Highways. It further agreed to accept concrete paving material in the proposed crossing area (Crossing No. 3) but cautioned that care should

be exercised in placing reinforcement steel during construction so that the steel will not shunt out the automatic flashing light circuits, if ordered installed.

Upon full consideration of the matters and things involved, we find and determine that the alterations of the railroad-highway crossings, as above described, are necessary or proper for the service, accommodation, convenience, or safety of the public; THEREFORE,

IT IS ORDERED:

1. That this application be and is hereby approved.
2. That (1) the crossing, below grade, where ~~State Highway Route 36007~~, reconstructed as proposed for northbound traffic, crosses beneath two tracks of the Atglen and Susquehanna Branch of Penn Central Company (Crossing No. 1) in Providence Township; that (2) the crossing, below grade, where ~~State Highway Route 36025~~, reconstructed as proposed for ~~State Highway Route 36007 southbound traffic~~, crosses beneath the same tracks of Penn Central Company (~~Crossing No. 2~~) in Providence Township; and that (3) the crossing, at grade, where State Highway Route 36007, reconstructed as proposed, crosses the track of the Quarryville Branch of Penn Central Company in Pequea Township; all in Lancaster County, be altered; generally in accordance with the plan admitted at the hearing held July 16, 1968, as Department of Highways' Exhibit No. 1, which plan is attached hereto, made part hereof and is hereby approved, except insofar as it may relate to the division of work, the deletion of work, or to the allocation of the costs and expenses incident to the construction and maintenance of the improvement.

3. That Department of Highways, within 90 days from date of service of this order, submit to all parties of record for examination and to this Commission for approval completed construction plans generally in accordance with its Exhibit No. 2 admitted at the hearing held July 16, 1968.

4. That Department of Highways, within 90 days from the date of service of this order and before any work is performed on the reinforced concrete box culvert structures, (Crossings Nos. 1 and 2) prepare and submit to Penn Central Company for examination and to this Commission for approval completed construction plans providing for the construction of the box culvert structures generally in accordance with its Exhibits Nos. 3, 4, and 5 admitted at the hearing held July 16, 1968.

5. That in accord with the provisions of Section 409 of the Public Utility Law of 1937, P.L. 1053, as amended and supplemented, 66 P.S. 1179, the following described properties be and are hereby severally taken and appropriated for the purpose of the improvement in accordance with the plan attached hereto and that numbered paragraph 5 of this order, together with a copy of said plan, shall be recorded by the Recorder of Deeds of Lancaster County and shall be indexed under the name or names of the record owners of said properties, grantor(s), and to the Commonwealth of Pennsylvania, grantee, at the sole cost and expense of Department of Highways of the Commonwealth of Pennsylvania, applicant herein.

1. Francis X. and Helen L. Kirchner, record owners
New Providence
Pennsylvania 17560

ALL THAT CERTAIN tract of land, together with all buildings, structures or parts thereof of any description or use whatsoever, erected or located thereon, situated in Providence and Pequea Townships, Lancaster County, bounded and described as follows, to wit:

Beginning at a point on the southwesterly side of the northbound lane of State Highway Route 36007, said point being on the southwesterly legal right-of-way line distant thirteen (13) feet southwesterly and measured at right angles from the northbound survey and construction base line at or about Station 761+00 thereof; thence in a southwesterly direction to a point on the southwesterly required right-of-way line distant one hundred forty (140) feet southwesterly and measured at right angles from the said base line at or about Station 761+00 thereof; thence in a northwesterly direction along the required right-of-way line to a point distant one hundred forty (140) feet southwesterly and measured at right angles from the said base line at or about Station 761+50 thereof; thence in a northwesterly direction along the required right-of-way line to a point on the southeasterly right-of-way line of Penn Central Company distant fifty (50) feet southwesterly and measured at right angles from the said base line at or about Station 762+94 thereof; thence in a northeasterly direction along the southeasterly right-of-way line of Penn Central Company to a point on the southwesterly legal right-of-way line distant twenty-seven (27) feet southwesterly and measured at right angles from the said base line at or about Station 762+87 thereof; thence in a southeasterly direction along the legal right-of-way line to a point distant twenty-seven (27) feet southwesterly and measured at right angles from the said base line at or about Station 762+43 thereof; thence in a northeasterly direction along the legal right-of-way line to a point distant thirteen (13) feet southwesterly and measured at right angles from the said base line at or about Station 762+43 thereof; thence in a southeasterly direction along the legal right-of-way line to a point and place of beginning and containing four tenths (0.4) of an acre of land, more or less.

6. That Department of Highways, at its sole cost and expense, construct two new reinforced concrete box culverts (Crossing No. 2) and extend one existing box culvert (Crossing No. 1), together with required roadway paving, both through and on approaches to two existing stone arch structures where State Highway Route 36007, northbound and southbound, crosses beneath two tracks of Penn Central Company; and pave Crossing No. 3, at grade, where State Highway Route 36007 crosses a track of Penn Central Company, including the highway approaches and drainage facilities pertaining thereto, all in accordance with the approved plans.

7. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to install a standard reflectorized advance railroad crossing warning sign at a proper location on each approach to Crossing No. 3, at grade.

8. That Penn Central Company, at its sole cost and expense, furnish all material and do all work necessary to rehabilitate its track structure at Crossing No. 3, including all necessary renewals and replacements of its rails and other track material, and to adjust the elevation of its rails to conform to the grade of the highway as shown on the approved plan.

9. That Penn Central Company furnish and maintain watchmen and flagmen to protect its operations and facilities during the time highway approaches are being constructed adjacent to its track; and in addition, furnish construction inspectors as required to observe the progress of the work during the time the improvement is being constructed over, under, and adjacent to its tracks, and such engineering services as may be required to insure the safety of its facilities, including its stone arch structures, which may be affected by the design and construction of the railroad-highway crossing projects.

10. That Penn Central Company, within 60 days from date of service of this order, prepare and submit to Department of Highways for examination and to this Commission for approval, a complete circuit and location plan and an estimate of cost for the installation of cantilevered automatically operated flashing light railroad crossing warning signals extending to the center of dual traffic lanes at Crossing No. 3.

11. That Penn Central Company furnish all material and do all work necessary to install cantilevered automatically operated flashing light railroad crossing warning signals at Crossing No. 3 in accordance with the approved plan.

12. That any relocation of, changes in, or removal of any adjacent structures, equipment, or other facilities of any public utility, other than Penn Central Company, located within the limits of any highway within the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the project, be made by said utility, at its sole cost and expense, and in such manner as will not interfere with the construction of the project and said relocated or changed facilities thereafter be maintained by the respective utility.

13. That any relocation of, changes in, or removal of any adjacent structures, equipment, or other facilities of any public utility, other than Penn Central Company, located beyond the limits of any highway within the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the project, be made by said utility in such manner as will not interfere with the construction of the project and said relocated or changed facilities thereafter be maintained by the respective utility.

14. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to effect the vacation, relocation, removal, or demolition of any nonutility structures, including occupied dwellings, located upon property required for the purpose of the improvement.

15. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours that may be required to accommodate properly highway traffic during the time the improvement is being constructed.

16. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to complete the remainder of the railroad-highway crossing projects in accordance with the approved plans.

17. That the construction of the proposed railroad-highway crossing projects be completed in a manner satisfactory to this Commission on or before July 1, 1971, and that on or before said date Penn Central Company and Department of Highways each report to this Commission the date of actual completion of its respective portion and at the earliest practicable time subsequent to said date of completion, submit to this Commission a detailed statement of the actual cost incurred by it in furnishing material and in performing work in compliance with this order.

18. That Department of Highways cooperate with Penn Central Company so that in the construction of the railroad-highway crossing projects the operation of the facilities of the company will not be endangered or unnecessarily impeded.

19. That during the time the railroad-highway crossing projects are being constructed over and adjacent to its tracks, Penn Central Company cooperate with Department of Highways and conduct its operations in the vicinity of the crossings in a safe manner and under control.

20. That Penn Central Company pay any money to which it may be entitled as compensation for any of its operating right-of-way property taken, injured, or destroyed by reason of the construction of the crossing project in accordance with this order.

21. That Department of Highways, at its sole cost and expense, pay all compensation for damages due to the owners, exclusive of Penn Central Company, as hereinabove provided, for property taken, injured, or destroyed by reason of the construction of the crossing projects in accordance with this order.

22. That Department of Highways pay Penn Central Company a sum or sums of money equal to the actual cost of watchman and flagman services rendered by said company to protect its operations and facilities contingent solely upon the work and operations of Department of Highways and/or its contractor(s), during the time the alteration of the crossings are in progress over, under, and adjacent to its tracks.

23. That Department of Highways pay Penn Central Company, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to 75 per cent of the actual cost of material furnished and work performed by the company in compliance with numbered paragraphs 9, 10, and 11 of this order; exclusive of the cost of watchman and flagman services reimbursed to the company in accordance with numbered paragraph 22 of this order; provided, however, if Federal funds are used to finance all or part of the cost of the improvement, said reimbursement to the company by Department of Highways may include items of work and expense incurred by the company such as are eligible for payment under the rules, regulations, and administrative orders of the Bureau of Public Roads covering grade crossing projects undertaken with Federal funds appropriated for use on this project; the salvage value of material recovered or temporarily used to be deducted from the actual cost of that portion of the work done and material furnished by the company at the expense of Department of Highways.

24. That upon completion of the construction of the railroad-highway crossing projects and their opening to public use, ~~Penn Central Company~~, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its facilities at the altered crossing, at grade, including the crossing paving to within 24 inches outside of each rail and the new drainage culvert installed under its track east of Crossing No. 3, and to continue maintenance of its existing stone arch structures at Crossings Nos. 1 and 2.

25. That upon completion of the construction of the railroad-highway crossing projects and their opening to public use, Department of Highways, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the remainder of the railroad-highway crossing project including the approaches, roadway, and drainage facilities through the existing stone arch structures (Crossings Nos. 1

and 2) and the approaches to Crossing No. 3 to line 24 inches outside each rail.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

(signed) George I. Bloom

Chairman

ATTEST:

Secretary

RECEIVED
JUL 11 1911