

LAW OFFICES
NAUMAN, SMITH, SHISSLER & HALL, LLP

RECEIVED
18TH FLOOR

200 NORTH THIRD STREET
P.O. Box 8401-34

HARRISBURG, PENNSYLVANIA 17108-0840

SECRETARY'S BUREAU
TELEPHONE

(717) 236-3010

TELEFAX

(717) 234-1925

SPENCER G. NAUMAN, JR.
J. STEPHEN FEINOUR
CRAIG J. STAUDENMAIER
BENJAMIN C. DUNLAP, JR.

DENNIS E. BOYLE
JODI A. BEIERSCHMITT
L. RENÉE LIEUX

COUNSEL
DAVID C. EATON
JOHN C. SULLIVAN

DIRECT E-MAIL ADDRESS
N55H0N55H.COM

April 18, 2001

HAND DELIVERED

James McNulty, Prothonotary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

- Re:** CSX Double Stack Clearance Project:
- A-00114082 - Chester Pike, Borough of Darby (AAR 140 644M)
 - A-00114083 - 68th Street, Philadelphia (AAR 140 637 C)
 - A-00114084 - 65th Street, Philadelphia (AAR 140 635 N)
 - A-00114085 - Cemetery Street, Philadelphia (AAR 140 634 G)
 - A-00114086 - Lindbergh Boulevard, Philadelphia (AAR 140 629K)
 - A-00114087 - Pine Street, Borough of Darby (AAR 140 643 F)
 - A-00114088 - Clifton Avenue, Borough of Conningdale (AAR 140 645 U)
 - A-00114089 - Woodland Avenue, Philadelphia (AAR 140 632 T)
 - A-00114090 - 61st Street, Philadelphia (AAR 140 633 A)
 - A-00114213 - Pedestrian Bridge No. 87F (AAR 140 636 V)

Dear Sir:

I enclose an original and three (3) copies of the "Petition for a Further Extension of Time" for filing in the above matter. In accordance with the accompanying Certificate of Service we have provided a copy to all active parties of record. Please timestamp the additional copy provided and return to our messenger.

Sincerely yours,

RECEIVED

DOCUMENT
FOLDER

Judy A. Imes
Judy A. Imes, Legal Assistant to
Benjamin C. Dunlap, Jr., Esquire

APR 18 2001

PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

/jai
Enclosures

cc: All Parties of Record
Janet Scagnelli, Esquire
Charles E. Gullakson

SRB

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CSX Double Stack Clearance Project:

- A-00114082 - Chester Pike, Borough of Darby (AAR 140 644M)
- A-00114083 - 68th Street, Philadelphia (AAR 140 637 C)
- A-00114084 - 65th Street, Philadelphia (AAR 140 635 N)
- A-00114085 - Cemetery Street, Philadelphia (AAR 140 634 G)
- A-00114086 - Lindbergh Boulevard, Philadelphia (AAR 140 629K)
- A-00114087 - Pine Street, Borough of Darby (AAR 140 643 F)
- A-00114088 - Clifton Avenue, Borough of Conningdale (AAR 140 645 U)
- A-00114089 - Woodland Avenue, Philadelphia (AAR 140 632 T)
- A-00114090 - 61st Street, Philadelphia (AAR 140 633 A)
- A-00114213 - Pedestrian Bridge No. 87F (AAR 140 636 V)

PETITION FOR A FURTHER EXTENSION OF TIME

CSX Transportation, Inc. ("CSXT"), by and through its attorneys, Nauman, Smith, Shissler & Hall, LLP, files this Petition for a Further Extension of Time to perform the work ordered in the above-referenced proceedings, pursuant to 52 Pa. Code § 1.15, based upon the following:

RECEIVED
APR 15 11 34 AM '01
SECRETARY'S BUREAU

1. The Secretarial Letters in each of the above-referenced matters exempted CSXT from the Commission's minimum overhead and horizontal clearance requirements of 52 Pa. Code §33.121 and §33.122 at the following crossings:

- Chester Pike, Borough of Darby (S.R. 0013) (A-00114082)
- 68th Street, Philadelphia (AAR 140 637 C) (A-00114083)
- 65th Street, Philadelphia (AAR 140 635 N) (A-00114084)
- Cemetery Street, Philadelphia (AAR 140 634 G) (A-00114085)
- Lindbergh Boulevard, Philadelphia (AAR 140 629 K) (A-00114086)
- Pine Street, Borough of Darby (AAR 140 643 F) (A-00114087)
- Clifton Avenue, Borough of Collingdale (AAR 140 645 U) (A-00114088)
- Woodland Avenue, (AAR 140 632 T) (A-00114089)

RECEIVED

DOCUMENT
FOLDER

DOCKETED

APR 18 2001

APR 18 2001

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

61st Street, Philadelphia (AAR 140 633 A) (A-00114090)
Pedestrian Bridge No. 87F (AAR 140 636 V) (A-00114213)

2. The Secretarial Letters also provided that CSXT, at its initial cost and expense, furnish all material and do all work necessary to alter the crossings by lowering the tracks to the specified requirements at the grade-separated crossings by December 30, 1998.

3. CSXT could not initially proceed with the aforementioned work, as it experienced unanticipated construction delays and was unable to complete the work on schedule.

4. On June 8, 1999, the Commission by Secretarial Letter granted CSXT's petition for an extension of time until December 30, 1999.

5. On December 21, 1999, CSXT filed a petition requesting an extension of time until December 30, 2000, to complete the aforementioned work, as CSXT was involved in arbitration with one of the contractors and was concentrating on the acquisition and incorporation of Consolidated Rail Corporation properties into its corporate structure.

6. On April 21, 2000, and July 19, 2000, the Commission by Secretarial Letters granted CSXT's petition for an extension of time until December 30, 2000.

7. Due to the recent transaction among CSXT and Consolidated Rail Corporation, unanticipated increased levels of train traffic on the respective lines has made scheduling of the projects more complex and time consuming than expected. Since the projects will

have a temporary impact on train operations on the respective lines, postponing completion of the work is desired to allow full integration of CSXT and former Consolidated Rail Corporation operations so as to not adversely affect customers. In addition, postponing completion will allow funding and resources to continue to be focused on completing this integration.

8. CSXT requests an extension of time until December 31, 2005, to complete the work ordered in each proceeding.

9. An extension of time until December 31, 2005, to complete the work in these proceedings would also permit CSXT to coordinate its track lowering project at the Lindbergh Boulevard crossing with the Pennsylvania Department of Transportation's proposed reconstruction of the bridge at this crossing, which it is CSXT's understanding will take PennDOT several years to complete. PennDOT currently has an application before the Commission for approval to reconstruct the Lindbergh Boulevard bridge, which is docketed to A-00116321.

10. The work ordered in each proceeding is not safety related and is solely to accommodate double-stack container traffic on the rail line in the future. Thus, a five-year extension of time will have no effect on the public interest, safety or well-being.

11. CSXT requests that each respective Secretarial Letter be modified as follows:

(a) The Secretarial letter, dated February 25, 1998, at docket A-00114082 and A-00114088, be modified by extending the completion date stated in Paragraph 7 to December 31, 2005.

(b) The Secretarial letter, dated April 28, 1998, at docket A-00114083, be modified by extending the completion date stated in Paragraph 7 to December 31, 2005.

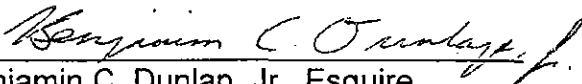
(c) The Secretarial letter, dated April 21, 1998, at docket A-0011484, A-00114085, A-00114086, A-00114089, and A-00114090, be modified by extending the completion date stated in Paragraph 7 to December 31, 2005.

(d) The Secretarial letter, dated March 4, 1998, at docket A-00114087, be modified by extending the completion date stated in Paragraph 7 to December 31, 2005.

(e) The Secretarial letter, dated April 29, 1998, at docket A-00114213, be modified by extending the completion date stated in Paragraph 7 to December 31, 2005.

WHEREFORE, CSX Transportation, Inc. respectfully requests that it be granted an extension of time until December 31, 2005, to complete the altering of the subject crossings by lowering the tracks.

Respectfully Submitted:
NAUMAN, SMITH, SHISSLER & HALL, LLP

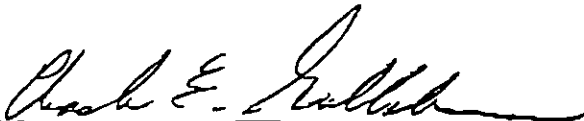
By 
Benjamin C. Dunlap, Jr., Esquire
Supreme Court I.D. #66283

200 North Third Street, 18th Floor
P.O. Box 840
Harrisburg, PA 17108-0840
(717) 236-3010
Attorney for CSX Transportation, Inc.

Date: April 18, 2001

VERIFICATION

I, **Charles E. Gullakson, Assistant Chief Engineer - Public Improvements, CSX Transportation, Inc.**, in the foregoing proceeding, make the following statement subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authority, and do state that as Assistant Chief Engineer - Public Improvements for CSX Transportation, Inc., I am authorized to make this statement on behalf of CSX Transportation, Inc., and that the facts set forth in the foregoing "**Petition for a Further Extension of Time**" are true and correct to the best of my knowledge, information and belief.



Charles E. Gullakson

Date: April 12, 2001

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CSX Double Stack Clearance Project:

- A-00114082 - Chester Pike, Borough of Darby (AAR 140 644M)
- A-00114083 - 68th Street, Philadelphia (AAR 140 637 C)
- A-00114084 - 65th Street, Philadelphia (AAR 140 635 N)
- A-00114085 - Cemetery Street, Philadelphia (AAR 140 634 G)
- A-00114086 - Lindbergh Boulevard, Philadelphia (AAR 140 629K)
- A-00114087 - Pine Street, Borough of Darby (AAR 140 643 F)
- A-00114088 - Clifton Avenue, Borough of Conningdale (AAR 140 645 U)
- A-00114089 - Woodland Avenue, Philadelphia (AAR 140 632 T)
- A-00114090 - 61st Street, Philadelphia (AAR 140 633 A)
- A-00114213 - Pedestrian Bridge No. 87F (AAR 140 636 V)

RECEIVED
501 APR 18 PM 1:34
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I served one (1) copy of the "Petition for a Further Extension of Time" of CSX Transportation, Inc., in the above action, this day by depositing the same in the United States mail, postage prepaid, in Harrisburg, Pennsylvania, addressed to:

City of Philadelphia Water Department
Aramark Tower
1101 Market Street, 5th Floor
Philadelphia, PA 19107-2994

William D. Pickering, P.E.
PennDOT
555 Walnut Street, 7th Floor
Harrisburg, PA 17101-1900

Donald W. Dunlevy
State Legislative Director
United Transportation Union
230 State Street, 2nd Floor
Harrisburg, PA 17101

Scott T. Wyland, Esquire
Janet L. Miller, Esquire
Malatesta, Hawke & McKeon
100 North Tenth Street
P. O. Box 1778
Harrisburg, PA 17105-1778

Vincent Walsh, Esquire
SEPTA
Legal Department
1234 Market Street, 5th Floor
Philadelphia, PA 19107

Karyn Gordon
PECO Energy Co.
2301 Market Street
P. O. Box 8699
Philadelphia, PA 19101-8699

AT&T Communications Inc.
FLOC 21W54; Promenade 2
1200 Peachtree Street, NE
Atlanta, GA 30309

James Wood, OSP Engineer
Worldcom Network Services Inc.
6929 North Lakewood Avenue
Suite 1, MD 2.2-409A
Tulsa, OK 74117

Philadelphia Suburban Water Co.
Attn: Thomas Kiely
762 West Lancaster Avenue
Bryn, Mawr, PA 19010

Suburban Cable
2319 York Road
Jamison, PA 18929

Richard Tinucci, Esquire
Borough of Sharon Hill
P. O. Box 81
Media, PA 19063

Gerald T. Clark, Senior Attorney
City of Philadelphia
One Parkway Building, 16th Floor
1515 Arch Street
Philadelphia, PA 19102-1595

Fincourt Shelton, Esquire
Borough of Darby - Solicitor
6 North 9th Street
Darby, PA 19023

Sammy M. Hoelscher
Restoration & Upgrades
MCI Telecommunications
2270 Lakeside Boulevard
Richardson, TX 75082

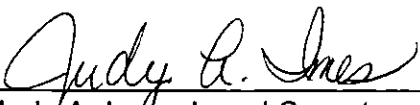
MCI Telecommunications Corp.
Attn: Fiber Security
700 Western Parkway
Cherry, NC 27513

Barry Dozor, Esquire
Borough of Collingdale
725 MacCade Boulevard
Collingdale, PA 19023

Water Revenue Bureau
City of Philadelphia
Municipal Services Building
1401 John F. Kennedy Boulevard
Philadelphia, PA 19102-1663

Glen C. Romano, Esquire
Philadelphia Gas Works
800 West Montgomery Avenue
Philadelphia, PA 19122

Gina M. D'Alfonso
Pennsylvania Department of
Transportation
Office of Chief Counsel
P. O. Box 8212
Harrisburg, PA 17105-8212



Judy A. Imes, Legal Secretary to
Benjamin C. Dunlap, Jr., Esquire

Date: April 18, 2001.

COMMONWEALTH OF PENNSYLVANIA

DATE: April 18, 2001

SUBJECT: A-00114082; A-00114083; A-00114084; A-00114085;
A-00114086; A-00114087; A-00114088; A-00114089;
A-00114090; A-00114213;

TO: Bureau of Transportation and Safety-Rail Division

FROM: James J. McNulty, Secretary

LAF

CSX DOUBLE STACK CLEARANCE PROJECT:

- A-00114082 - Chester Pike, Darby Borough (AAR 140 644M)
- A-00114083 - 68th Street, Philadelphia (AAR 140 637 C)
- A-00114084 - 65th Street, Philadelphia (AAR 140 635 N)
- A-00114085 - Cemetery St, Philadelphia (AAR 140 634 G);
- A-00114086 - Lindbergh Blvd, Philadelphia (AAR 140 629K)
- A-00114087 - Pine Street, Darby Borough (AAR 140 643 F)
- A-00114088 - Clifton Avenue, Conningdale Borough
(AAR 140 645 U)
- A-00114089 - Woodland Ave, Philadelphia (AAR 140 632 T)
- A-00114090 - 61st Street, Philadelphia (AAR 140 633 A)
- A-00114213 - Pedestrian Bridge No. 87F (AAR 140 636 V)

Attached is copy of a Petition for Further Extension of Time, filed by CSX Transportation, Inc., in the above entitled proceedings.

This matter is assigned to your Bureau for appropriate action.

Attachment

cc: TSL

laf

DOCKETED

APR 18 2001

**DOCUMENT
FOLDER**

SRB

LAW OFFICES

PIERCE & HUGHES
A PROFESSIONAL CORPORATION

17 VETERANS SQUARE
P. O. BOX 604
MEDIA, PA 19063
(610) 566-9111
TELEFAX (610) 566-0191

New Jersey Office:

SOCIETY HILL OFFICE PARK
1874 ROUTE 70 EAST, SUITE #4
CHERRY HILL, NJ 08003
(856) 424-9034 • TELEFAX (856) 424-6977

PAUL GORDON HUGHES
MICHAEL P. PIERCE*

CHARLENE BOGAN
MARY C. COOK
PA & NJ LEGALS
*MEMBER PA & NJ BAR

PA P.U.C.
SECRETARY'S BUREAU

2001 JUN -5 AM 9:08

RECEIVED

DOCUMENT
OLDER

May 31, 2001

James McNulty, Prothonotary
Pennsylvania Public Utility Commissioner
P. O. Box 3265
Harrisburg, PA 17105-3265

RE: CSX Double Stack Clearance Project:

- A-00114082 - Chester Pike, Borough of Darby (AAR 140 644 M)
- A-00114083 - 68th Street, Philadelphia (AAR 140 637 C)
- A-00114084 - 65th Street, Philadelphia (AAR 140 635 N)
- A-00114085 - Cemetery Street, Philadelphia (AAR 140 634 G)
- A-00114086 - Lindbergh Blvd, Philadelphia (AAR 140 629 K)
- A-00114087 - Pine Street, Borough of Darby (AAR 140 643 F)
- A-00114088 - Clifton Avenue, Collingdale (AAR 140 645 U)
- A-00114089 - Woodland Avenue, Philadelphia (AAR 140 632 T)
- A-00114090 - 61st Street, Philadelphia (AAR 140 633 A)
- A-00114213 - Pedestrian Bridge No. 87 F (AAR 140 636 V)

Dear Mr. McNulty:

I am enclosing the original and three (3) copies of my Entry of Appearance on behalf of the Borough of Darby relative to the above-captioned matter for filing. Kindly provide me with a time-stamped copy of the same in the self-addressed, stamped envelope enclosed herein.

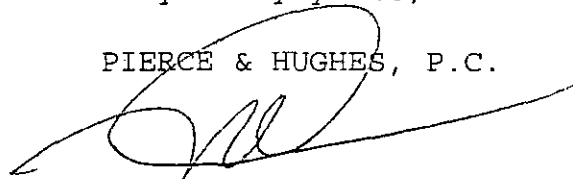
54

James McNulty
May 31, 2001
Page Two

Thank you for your kind attention in this regard.

Very truly yours,

PIERCE & HUGHES, P.C.

A handwritten signature in black ink, appearing to read 'M.P. Pierce', written over the printed name below.

MICHAEL P. PIERCE

MPP:mcc

Enclosure

cc: Counsel and/or Parties of Record

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
2001 JUN -5 AM 9:08
SECRETARY'S BUREAU
PA P.U.C.

IN RE: CSX Double Stack Clearance Project:

- A-00114082 - Chester Pike, Borough of Darby (AAR 140 644 M)
- A-00114083 - 68th Street, Philadelphia (AAR 140 637 C)
- A-00114084 - 65th Street, Philadelphia (AAR 140 635 N)
- A-00114085 - Cemetery Street, Philadelphia (AAR 140 634 G)
- A-00114086 - Lindbergh Blvd, Philadelphia (AAR 140 629 K)
- A-00114087 - Pine Street, Borough of Darby (AAR 140 643 F)
- A-00114088 - Clifton Avenue, Collingdale (AAR 140 645 U)
- A-00114089 - Woodland Avenue, Philadelphia (AAR 140 632 T)
- A-00114090 - 61st Street, Philadelphia (AAR 140 633 A)
- A-00114213 - Pedestrian Bridge No. 87 F (AAR 140 636 V)

ENTRY OF APPEARANCE

DOCKETED
JUN 12 2001

Please enter my appearance for the BOROUGH OF DARBY in the above-captioned matter.

PIERCE & HUGHES, P.C.

DATE: _____

5/31/01



MICHAEL P. PIERCE, ESQUIRE
ATTORNEY I.D. NO. 43852

17 VETERANS SQUARE
P. O. BOX 604
MEDIA, PA 19063
(610) 566-9111
(610) 566-0191 (Telefax)

SOLICITOR
BOROUGH OF DARBY

**DOCUMENT
FOLDER**