



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

A-00114084

April 21, 1998

TO ALL PARTIES

**DOCKETED**  
MAY 16 1998

Application of CSX Transportation, Inc., for the alteration of the crossing and exemption from statutory vertical and horizontal clearance requirements in connection with modification of its tracks to improve vertical clearance for double-stack container traffic under overhead Bridge No. 88A, 65th Street, (SR 3004) (AAR 140 635 N) in the City of Philadelphia.

**DOCUMENT  
FOLDER**

To Whom It May Concern:

At a location in the City of Philadelphia, two tracks of CSX Transportation, Inc. (CSX) cross, below grade, 65th Street (SR 3004).

CSX, by application filed June 23, 1997, seeks Commission approval to alter the crossing and requests an exemption under 52 Pa. Code §33.121 and §33.122 that provides the minimum overhead clearance above railroad tracks shall be 22 feet and the minimum horizontal clearance from centerline of track shall be 12 feet. CSX proposes to lower the tracks under the bridge to improve vertical clearance to accommodate double-stack container traffic. The present vertical clearances are 17.9 feet and 18.5 feet on the north and south tracks respectively. The proposed clearance for the north and south tracks will be 20.83 feet and 20.79 feet respectively. The existing and proposed horizontal clearances are 6.60 feet on the north track and 7.30 feet on the south track.

A field investigation and conference was arranged by a Commission staff engineer and held at the site of the crossing on July 14, 1997. All parties of record were notified of the conference and representatives of the following were in attendance:

CSX Transportation, Inc. (Applicant)  
Pennsylvania Department of Transportation  
Philadelphia Electric Company  
City of Philadelphia

Although notified by letter dated July 1, 1997, there were no representatives of Bell Atlantic-PA, United Transportation Union, AT&T Communications, Inc., MCI Telecommunications Corporation, Worldcom Network Services, Inc., Philadelphia Gas

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Works, Southeastern Pennsylvania Transportation Authority, Texas Eastern, Columbia Gas Company of PA, Philadelphia Suburban Water Company, Suburban Cable TV Company, Inc., or Buckeye Pipeline Company, Inc., in attendance.

At the field conference, no party objected to the alteration of the crossing or the Commission granting an exemption from its minimum overhead and horizontal clearance requirements. CSX will be directed to perform the work at its initial cost and expense. To ensure public safety during construction, Pennsylvania Department of Transportation will be directed to inspect the bridge components in the vicinity of the excavation area at its initial cost and expense.

Worldcom Network Services, Inc. has facilities along the railroad track which might need to be relocated to accommodate construction. Worldcom and any other non-carrier utilities, affected by the proposed crossing alteration, will be directed to alter or relocate their facilities to accommodate construction, at their initial cost and expense.

City of Philadelphia has an existing sixteen inch water main along the east side of the bridge which needs to be relocated. CSX has agreed to relocate the water facility at its initial cost and expense

The Commission establishes its jurisdictional limits at the crossing as the area within the confines of the railroad right-of-way and highway right-of-way.

Inasmuch as none of the parties offered any objection to the alteration of the crossing or the Commission granting an exemption from its minimum overhead and horizontal clearance requirements, we find that a Secretarial letter can be issued approving the alteration of the crossing and granting exemptions as requested. Upon completion of the construction, if any party requests a hearing, it will be necessary to schedule a hearing for the purpose of taking testimony from all of the parties upon the final allocation of the costs incurred by the parties.

The Commission issues this Secretarial letter in accordance with Section 2702 of the Public Utility Code and finds that the alteration of the crossing and granting of an exemption from the Commission's minimum overhead and horizontal clearance requirements are necessary and proper for the service, accommodation, convenience or safety of the public.

The application is hereby approved as hereinafter directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The crossing where CSX Transportation, Inc., crosses, below grade, 65th Street, (SR 3004) in the City of Philadelphia, be altered by lowering the two tracks to achieve 20.83 feet and 20.79 feet overhead clearance, for the north and south tracks respectively generally in accordance with the sketch plan attached to the railroad's application.

3. An exemption from the Commission's minimum overhead and horizontal clearance requirements of 52 Pa. Code §33.121 and §33.122 be and is hereby granted , in this

particular instance, for a vertical clearance of 20.79 feet and horizontal clearance of 6.60 feet at the subject crossing as indicated in the application.

4. CSX Transportation, Inc., at its initial cost and expense, furnish all material and do all work necessary to alter the crossing by lowering the tracks to the specified requirements at the grade-separated crossing.

5. Pennsylvania Department of Transportation, at its initial cost and expense, furnish any engineering services or construction inspectors necessary to protect and safeguard the bridge components at 65th Street during the time the crossing is being altered.

6. Any relocation of, changes in and/or removal of any adjacent structures equipment or any facilities of City of Philadelphia, which may be required as incidental to the alteration of the crossing, be made by CSX Transportation, Inc., at its initial cost and expense, and in such a manner as will not interfere with the alteration of the crossing; and such relocated or altered facilities thereafter be maintained by City of Philadelphia at its sole cost and expense.

7. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any public utility, other than CSX Transportation, Inc., located within the limits of the highway, within the Commission's jurisdiction, which may be required as incidental to the alteration of the crossing, be made by said public utility at its initial cost and expense, and in such manner as will not interfere with the alteration of the crossing, and such relocated or altered facilities thereafter be maintained by said public utility at its sole cost and expense.

8. All work necessary to complete the alteration of the crossing be done in a manner satisfactory to this Commission on or before December 30, 1998, and that on or before said date, CSX Transportation, Inc., report to this Commission the date of actual completion of the work.

9. CSX Transportation, Inc., pay all compensation for damages, if any, due to owners of property taken, injured or destroyed by reason of the alteration of the crossing in accordance with this Secretarial letter.

10. CSX Transportation, Inc., at least ten (10) days prior to the start of work, notify all parties to this proceeding of the anticipated date on which work will begin.

11. Upon completion of the alteration of the subject crossing, CSX Transportation, Inc., at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the railroad facilities at the subject crossing.

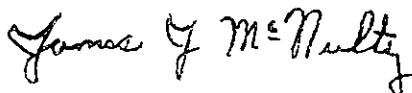
12. Any operating railroad, over the subject line, issue appropriate notice warning its employees of the restrictive clearances herein, all in accordance with its standard operating practice.

13. Upon completion of the alteration of the crossing, and if requested by any party of record, a formal hearing be held to elicit testimony from all of the affected parties relative to the actual costs incurred as a result of the alteration of the crossing directed herein, prior to the issuance of a final order or Secretarial letter by the Commission upon the allocation of costs incurred by the parties.

14. This letter is without prejudice to the right of any party to recover part or all of any costs incurred by said party in compliance with the provisions of this Secretarial letter, in accordance with any lawful agreement between it and any other party.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5.44, file a petition with the Commission within ten (10) days of the date of this letter.

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in dark ink and is positioned above the printed name and title.

James J. McNulty  
Secretary