

APPEARANCE SHEET

ALJ HEARING REPORT

Docket No. A-00114362

Case Name Application of Southeastern Pennsylvania Transportation Authority ("SEPTA")

Location Philadelphia, PA

Date March 10, 1999

ALJ Fordham

CHECK THOSE BLOCKS WHICH APPLY:

Prehearing held YES NO

Hearing held YES NO

Testimony taken YES NO

Transcript due YES NO

Hearing concluded YES NO

Further hearing needed YES NO

Estimated add'l days _____

RECORD CLOSED YES NO

Briefs to be Filed YES NO

BENCH DECISION YES NO

DOCUMENT FOLDER

Reporting Firm Sargent's

DATE 3/24/99

DATE _____

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PA PUC

DOCKETED
MAR 18 1999

REMARKS: Stipulation of Settlement to be submitted in 2 weeks

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
PLEASE PRINT CLEARLY
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

NAME and TELEPHONE NUMBER	ADDRESS	APPEARING FOR
Benjamin C. Dunlap, Jr. Nauman, Smith, Skissler & Hall Telephone No. (717) 276-3010	200 N. Third Street P.O. Box 840 City Harrisburg State PA Zip 17108	Consolidated Rail Corp. (Conrail)
Eugene N. Cipriani Assistant Deputy Counsel Telephone No. (215) 580-7318	1234 Market Street - 5th Floor City Philadelphia State PA Zip 19107-3189	Southeastern Pennsylvania Transportation Authority ("SEPTA")
Telephone No. _____	City _____ State _____ Zip _____	_____

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

[Signature]
REPORTER

SRB

NAME and TELEPHONE NUMBER	ADDRESS			APPEARING FOR
Telephone No.				
Telephone No.	City	State	Zip	
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SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY
1234 Market Street, Philadelphia, PA 19107-3780

SEPTA STATEMENT NO. 1
FOR HEARING ON MARCH 10, 1999

Application of Southeastern : Docket No.
Pennsylvania Transportation : A-00114362
Authority ("SEPTA") for an :
Exemption from the following :
provisions of Subchapter C of :
the 52 Pa. Code to Permit the :
Construction of New High Level :
Platforms (§33.122(f)) associated :
with the New Eastwick Station, :
Located in the City of :
Philadelphia, Pennsylvania :

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MAR 29 1999

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IDENTIFICATION OF SEPTA'S WITNESS:

Q. Please state your full name:

A. Albert B. Brooke, R.A.

Q. By whom are you employed, and in what capacity? Please also include the business address and department in which you work.

A. I am employed by the Southeastern Pennsylvania Transportation Authority, with principal offices at 1234 Market Street, Philadelphia, Pennsylvania, 19107-3780. I am the Director of Engineering in the Bridges and Buildings Department.

Q. How long have you been employed in this capacity?

A. I have been employed by SEPTA for 21 years. I have been employed in this capacity for 8 years.

Q. Are you a Registered Architect licensed to practice in the State of Pennsylvania?

A. Yes, I am.

Q. In the course of your duties, have you familiarized yourself with the subject of the subject proceeding?

A. Yes, I have.

Q. Did that process of familiarization include a site visit? When, and for what purpose?

A. Yes. I was at the site for the PUC field conference in November 1997. I have made several site visits independently since then.

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**SEPTA STATEMENT NO. 1 FOR
HEARING ON MARCH 10, 1999**

- Q. Have you either prepared this testimony yourself, or supervised its preparation by others?
- A. Yes, I have prepared it in consultation with SEPTA counsel, Eugene N. Cipriani.
- Q. Are you authorized to testify in SEPTA's behalf in this matter?
- A. Yes, I am.

QUESTIONS AND PROCEDURE

1. Q. Southeastern Pennsylvania Transportation Authority (SEPTA) submit testimony as to the exact corporate name and address of owner and operator using the rail line involved.

A. The name of the rail line in question is the "Airport High Speed Line." The railroad right-of-way at the subject crossing is owned by the City of Philadelphia. The exact corporate names of the operators using the rail line located at the subject crossing are the Southeastern Pennsylvania Transportation Authority ("SEPTA") and Consolidated Rail Corporation ("Conrail"). The address for SEPTA is 1234 Market Street, Philadelphia, PA 19107-3780. The address for the Conrail Law Department is Two Commerce Square, 2001 Market Street, 16-A, P.O. Box 41416, Philadelphia, PA 19101-1416.

2. Q. SEPTA submit testimony stating the number of tracks located at the site of the station; state the volume, class and approximate speed of all trains currently operated daily over these tracks. State whether any changes in current operations are contemplated in the foreseeable future.

A. There are two (2) tracks under electric catenary located adjacent to the new Eastwick Station.

SEPTA operates seventy-four (74) passenger trains daily on this line at an approximate speed of seventy-nine (79) miles per hour. Conrail also operates approximately two (2) freight trains daily on this line at an approximate speed of forty (40) miles per hour. There have been no changes to this operation. While no changes in SEPTA operations are anticipated soon, Conrail has been sold and the new operator or operators may change the volume of freight trains operating on the line.

**SEPTA STATEMENT NO. 1 FOR
HEARING ON MARCH 10, 1999**

3. SEPTA submit a plan of the general area of the site showing, among other things, the location of the site in relation to adjacent highways and rail lines.

SEPTA submits the attached three sheets of the new station as Exhibits 1, 2 and 3 in response to this question.

4. SEPTA submit testimony stating the current minimum horizontal dimensions between the station platform and the trains passing through the station area.

The current minimum horizontal dimensions between the mini high-level station platform and the trains passing through the station area is seven feet zero inches (7'0") from the center line of the nearest track. The low level platform, only eight inches above the top of the rail is five feet one inch (5'1") from the center line of the nearest track.

5. SEPTA submit testimony as to whether the station is adequate in its physical dimensions to safely accommodate the class and volume of the trains using the rail line at the subject location and, if not, submit testimony describing the general nature, extent and estimated cost of work or changes, if any, which it deems advisable to provide such adequate dimensions.

The station is adequate in its physical dimensions to safely accommodate the class and volume of the SEPTA and Conrail trains using the rail line at the subject location.

6. SEPTA state whether it will agree to prepare plans to perform the work it believes is necessary at the site if the Commission determines that the work is necessary and if so, what period of time will be required to prepare such plans.

SEPTA would agree to prepare plans if the Commission requires it. SEPTA anticipates that if additional work is required, depending on what it is, it could take up to one (1) year to complete the plans.

**SEPTA STATEMENT NO. 1 FOR
HEARING ON MARCH 10, 1999**

7. SEPTA state whether it will agree to perform and assume the costs of the work it believes is necessary at the site of the station if the Commission determines such work is necessary and, if not, which party or parties should, and state the reasons therefor.

SEPTA would agree to perform and assume the costs of the work the Commission believes is necessary at the site of the station. However, SEPTA believes such additional work is unnecessary because there is sufficient clearance for current trains and train traffic in the foreseeable future.

10. Q. Query whether any party of record, or any other party, desires to submit any additional relevant testimony.

A. SEPTA does not wish to provide additional relevant testimony.

11. Q. Query whether any party in interest has any knowledge of any non-carrier public utility that should be made a party to this proceeding.

A. SEPTA is not aware of any other non-carrier public utility that should be made a party to this proceeding.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PHILADELPHIA STATE OFFICE BUILDING
1400 SPRING GARDEN STREET
PHILADELPHIA, PENNSYLVANIA 19130

(215) 560-2105
May 18, 1999

IN REPLY PLEASE
REFER TO OUR FILE

Eugene N. Cipriani, Esquire
Assistant Deputy Counsel
Southeastern Pennsylvania
Transportation Authority
1234 Market Street, 5th Floor
Philadelphia, PA 19107-3780

Benjamin C. Dunlap, Esquire
Nauman, Smith, Shissler & Hall
200 North Third Street
P.O. Box 840
Harrisburg, PA 17108-0840

Re: Application of Southeastern Pennsylvania Transportation
Authority, A-00114362

Dear Counsel:

A hearing in the above referenced matter was held on March 10, 1999. Prior to the hearing SEPTA and Conrail prepared a stipulation of settlement. The presiding officer granted the request to submit SEPTA Exhibit 5, the stipulation of settlement, two weeks after the hearing. Subsequently, Messrs. Cipriani and Dunlap called the presiding officer and stated that they were revising the stipulation. Consequently, an extension was granted.

Please submit SEPTA Exhibit 5 on or before June 2, 1999.

Sincerely,

Cynthia Williams Fordham

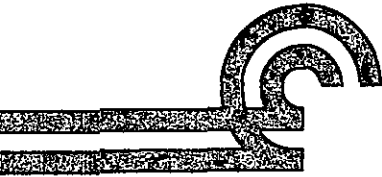
CYNTHIA WILLIAMS FORDHAM
Administrative Law Judge

cc: File Room

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SCOTT K. WASSERKRUG
ASSOCIATE GENERAL COUNSEL
CONRAIL LAW DEPARTMENT
(215) 209-4997 4819 (FAX)
Scott.Wasserkrug@Conrail.com

059585

June 11, 1999

James J. McNulty, Secretary
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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Dear Secretary McNulty:

As you are aware Norfolk Southern and CSX are railroads that have taken over Conrail assets. As of this date, my name should be removed from the service list for all Conrail PUC matters and should be replaced with:

Randal S. Noe, Esquire
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-9241
Phone: 757-533-4887
Fax: 757-664-5119

Exceptions to the above are as follows:

- 1) Matters relating to 49th Street A-115212, and Yardley Borough A-110167 are CSX matters and should be referred to:

Wanda Poynter-Cole, Esquire
CSX Transportation, Inc.
120 North Charles Street
Suite 200
Baltimore, MD 21201-3814
Phone: 410-613-6112
Fax: 410-613-6214

- 2) Matters relating to Eastwick Station A-114362, and 61st Street M-970954 remain Conrail matters and should be referred to:

Jonathan M. Broder, Esquire
Conrail Law Department
2001 Market Street, 16-A
Philadelphia, PA 19101-1416

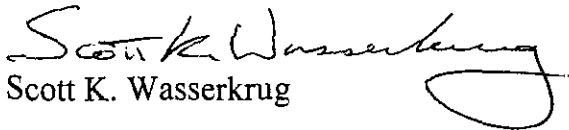
Phone: 215-209-5020

Fax: 215-209-4817

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Thank you.

Very truly yours,


Scott K. Wasserkrug

DOCKETED
JUN 17 1999

cc: Robert B. D'Zuro
Jonathan M. Broder
Randal S. Noe
Wanda Poynter-Cole
David A. Salapa
Gina M. D'Alfonso

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