

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Complaint Docket No. 14290

TOWNSHIP OF UPPER CHICHESTER

v.
THE BALTIMORE AND OHIO RAILROAD COMPANY, DEPARTMENT
OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA and
COUNTY OF DELAWARE.

ORDER

BY THE COMMISSION, JANUARY 3, 1949:

At a point in the Village of Boothwyn, Upper Chichester Township, Delaware County, about 200 feet south of State Highway Route 23010 (Bethel Road) State Highway Route 599 and State Highway Application 1136 are carried across and above the grade of the two main tracks of The Baltimore and Philadelphia Railroad Company (operated by The Baltimore and Ohio Railroad Company) by means of a steel and reinforced concrete bridge approximately 130 feet in length.

In the instant complaint, Upper Chichester Township, Delaware County, alleges that, due to the absence of a sidewalk on the easterly side of the vehicular roadway, the existing bridge is dangerous and inadequate.

The record shows that the existing crossing above grade was constructed in 1941 and 1942 in accordance with the provisions of the Commission order issued August 28, 1940 at C. 11400. The existing bridge is composed of one steel I-beam span 46 feet in length over the tracks of the railroad company and two adjacent reinforced concrete spans each 42 feet in length. The superstructure is supported at each end upon reinforced concrete abutments and at two intermediate points upon reinforced concrete piers. According to the record, the bridge provides a concrete vehicular roadway 24 feet in width and one concrete sidewalk five feet in width along the westerly side thereof. The bridge and the highway approaches thereto are located on straight horizontal alignment. However, the bridge is located at the summit of a vertical curve.

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The existing crossing above grade, including alteration of the facilities of the railroad company, was completed at a total cost of \$60,837.44. Under the provisions of the Commission order of August 28, 1940, the railroad company bore \$24,829.19; the County of Delaware bore \$5,000; and Department of Highways of the Commonwealth of Pennsylvania bore the remainder of the construction costs of the improvement. In addition to the above construction costs, the order of August 28, 1940 required the County of Delaware to pay all damages estimated at \$10,000 and the Township of Upper Chichester to reimburse the said county a sum of \$1,000 to apply on the damages paid by the county. The record does not show the actual amount paid by the county for damages but does show that the township paid the county the sum of \$1,000 in accordance with the order.

Under the provisions of said order of August 28, 1940, The Baltimore and Ohio Railroad Company is required to maintain the entire new bridge, exclusive of the roadway wearing surface, and Department of Highways is required to maintain the remainder of the improvement.

The complainant contends that a hazardous condition exists at this location by reason of the fact that no sidewalk is constructed along the easterly side of the bridge. Twelve accidents, one fatal, have occurred at this location since the opening of the existing bridge to public use. According to testimony of witnesses appearing in behalf of the complainant, more than 125 new buildings have been erected on the northerly side of the tracks since the opening of the bridge to public use and the section of the township lying north of the bridge has grown in importance to such extent that formal request has been made to the Court to establish a new ward in this location. Furthermore, a new post office has been constructed on the easterly side of the highway just south of the bridge. The complainant contends that all this development has resulted in a great increase in both vehicular and pedestrian traffic over the bridge. A traffic survey made on March 22, 1948, shows that a total of 2,595 vehicles and 771 pedestrians used the bridge during the 12-hour period between 6 a.m. and 6 p.m. Another survey made on

May 14, 1948, shows that during the same period 3,291 vehicles and 753 pedestrians used the bridge. During the school season, approximately 200 children cross the bridge daily to attend the public schools located on the southerly side of the tracks. The only athletic fields in the village are located on the northerly side of the tracks, and during athletic events a large number of spectators, including children, cross the bridge on foot.

Due to the fact that the new post office is located at the southerly end of the existing bridge and on the easterly side of the highway and the only sidewalk on the bridge is located on the opposite side of the highway, many pedestrians, including small children, cross the highway just south of the bridge. As a result of the sharp vertical curve upon which the bridge is constructed, the sight distance is obstructed making it hazardous to cross the highway at the post office. The contentions of the complainant that a new sidewalk should be constructed along the easterly side of the existing bridge in order to alleviate the hazardous condition appear well founded.

The respondent, Department of Highways, contends that the construction of a new sidewalk on the easterly side of the bridge will not completely remedy the hazardous condition and, that to do so, would require the construction of approximately 200 to 250 feet of sidewalk along the easterly side of the northerly highway approach. Department of Highways estimates that the construction of the sidewalk on the bridge would cost approximately \$27,500 and on the easterly highway approaches approximately \$2,500 or a total of \$30,000 for the improvement. Department of Highways further contends that, should the Commission order the construction of the improvement, no costs should be assessed against it. Department of Highways bases its position upon the allegation that the construction of the said sidewalk is solely for the benefit of the local municipality.

The respondent railroad company submitted no testimony to refute the complainant's contention as to the hazardous condition

presently existing at this location and the necessity for constructing a new sidewalk on the bridge. The witness for the railroad company stated of record that the question of public necessity is a matter for the Commission to determine.

The railroad company estimates that the construction of the new sidewalk on the bridge would cost approximately \$12,500 and the cost of the sidewalks on the approaches, exclusive of property damages, would cost approximately \$2,000. The railroad company contends that, in event the Commission sustains the complaint and directs the construction of the improvement, the Township of Upper Chichester and the County of Delaware should be assessed a greater portion of the cost than was allocated against them by the Commission in its order of August 28, 1940.

The respondent, County of Delaware, agrees with the complainant as to the necessity for correcting the alleged hazard but contends that no portion of the cost thereof should be allocated against the county.

Upon full consideration of the matters and things involved, we find and determine that the existing crossing above grade, at a point in the Village of Boothwyn, Upper Chichester Township, Delaware County, about 200 feet south of State Highway Route 23010 (Bethel Road) where State Highway Route 599 and State Highway Application 1136 cross the two main tracks of The Baltimore and Philadelphia Railroad Company (operated by The Baltimore and Ohio Railroad Company) is inadequate to accommodate properly the volume and class of vehicular and pedestrian traffic normally using the highway at this location and that the alteration of the said crossing by the construction of an additional sidewalk thereon is necessary or proper for the service, accommodation, convenience or safety of the public; THEREFORE,

IT IS ORDERED:

1. That the complaint be and is hereby sustained.
2. That the existing crossing above grade, at a point in the Village of Boothwyn, Upper Chichester Township, Delaware County, about 200 feet south of State Highway Route 23010 (Bethel Road),

where State Highway Route 599 and State Highway Application 1136 cross the two main tracks of The Baltimore and Philadelphia Railroad Company (operated by The Baltimore and Ohio Railroad Company) be altered by the construction of an additional sidewalk along the easterly side thereof.

3. That The Baltimore and Ohio Railroad Company furnish all material and do all work necessary to construct an additional sidewalk along the easterly side of the existing crossing above grade; said sidewalk to provide a reinforced concrete surface having a clear width of at least five feet.

4. That, within 90 days of the date of service of this order, The Baltimore and Ohio Railroad Company prepare and submit to all parties in interest for examination and to this Commission for approval complete plans showing the details of the additional sidewalk structure, herein ordered constructed on the existing bridge.

5. That Upper Chichester Township, Delaware County, at its sole cost and expense, furnish all material and do all work necessary to construct a sidewalk not less than five feet in width along the easterly side of each highway approach to the existing crossing above grade, herein ordered altered.

6. That Department of Highways, at its sole cost and expense, furnish all material and do all work required to make any necessary alterations of its guard fence, drainage structures or other facilities preparatory to the construction of the sidewalk on the approaches in accordance with this order.

7. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Baltimore and Ohio 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.

8. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Baltimore and Ohio 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.

9. That The Baltimore and Ohio Railroad Company, at its sole cost and expense, furnish all material and do all work required to make any necessary alterations to its tracks, signals, wire lines and other facilities located on its right of way and, in addition, maintain flagmen or watchmen to protect its train movements during the time the additional sidewalk is being constructed across its tracks and during the time alterations are being made to the facilities on its right of way in accordance with this order.

10. 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, 1949, and that on or before said date The Baltimore and Ohio Railroad Company, Department of Highways, and Upper Chichester Township, Delaware County, notify this Commission of 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.

11. That Upper Chichester Township, Delaware County, pay The Baltimore and Ohio Railroad Company, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to 15 per cent of the actual cost incurred by the said railroad company in furnishing material and doing work necessary to construct the additional sidewalk in accordance with this order.

12. That the County of Delaware pay The Baltimore and Ohio Railroad Company, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to 25 per cent of the actual cost incurred by said railroad company in furnishing material and doing work necessary to construct the additional

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sidewalk in accordance with this order.

13. That Department of Highways pay The Baltimore and Ohio Railroad Company, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to 30 per cent of the actual cost incurred by the said railroad company in furnishing material and doing work necessary to construct the additional sidewalk in accordance with this order.

14. That The Baltimore and Philadelphia Railroad Company and The Baltimore and Ohio Railroad Company each 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.

15. That Upper Chichester Township, Delaware County, pay all compensation for damages due to the owners, exclusive of The Baltimore and Philadelphia Railroad Company and The Baltimore and Ohio Railroad Company for property taken, injured or destroyed by reason of the construction of the crossing improvement in accordance with this order.

16. That, upon completion of the construction of the improvement herein ordered and its opening to public use, The Baltimore and Ohio Railroad Company, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its altered facilities and the entire substructure and superstructure of the existing bridge, exclusive of the roadway wearing surface on the superstructure, but including the sidewalks on the bridge and the concrete stairway leading from the said bridge to the grade of the tracks below.

17. That, upon completion of the construction of the improvement herein ordered and its opening to public use, Upper Chichester Township, Delaware County, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the concrete sidewalks constructed on the approaches to the existing crossing above grade, in accordance with this order.

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 the remainder of the crossing improvement, including the roadway wearing surface on the superstructure of the existing bridge.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

John Higgins Jr.
Chairman

ATTEST:

A. Walter
Secretary

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4	3/4"	3/4"	3/8"	2	5	AI		4	ANGLES	AI
22	3/4"	4	Bolts	0	2	BI	3" Hd, Hex Nut	22	BOLTS	BI
8	2"	5	Wedge Bolt	1	0	ABI	3" Hd, Hex Nut	8	ANCHOR BOLTS	ABI
48	3/4"	4	Washers			WI	4" Hk, 1" Hole	48	WASHERS	WI

3 Ply Tarpaper on north half of joint only

CERTIFIED CORRECT PLANS

W. S. J. [Signature]
 Engineer

Approved by: [Signature] Director, Bureau of Transportation
 PENNA. PUBLIC UTILITY COMMISSION

Attest: [Signature] J. C. Walters
 MAY 2 1949

**VIEW B-B
 GENERAL NOTES:**

- Specifications:**
- Workmanship, except shop painting, AREA Specifications for Steel Railway Bridges, 1948.
 - Baltimore and Ohio Railroad System "General Specifications for Steel Railway Bridges, 1922," Paragraphs 110 to 114 and 251 to 281 and Blast plates and railing to be of structural steel in accordance with A.S.T.M. Spec. A7-46.
 - Welding to be in accordance with American Welding Society Specs. "Welded Highway and Railway Bridges" 1947. The electric arc process and coated electrodes shall be used.
 - Shop Paint: One coat after completion of welding (20 lbs red lead to the gallon of paint).
 - Concrete to be in accordance with B. & O. R.R. Co. "Standard Spec for Concrete, Plain and Reinforced" dated Feb. 11, 1943, Rev. July 1, 1944. Concrete to be Class B. Reinforcing Bars to be deformed bars of Intermediate Grade Billet Steel.
 - Surfaces of contact between old and new masonry to be thoroughly cleaned and wetted before placing new concrete. New concrete to be thoroughly bonded to old masonry with 2" x 2'-0" long dowels placed 1'-0" min. into pres. masonry. One dowel to each 4 sq. ft. of common surface.
 - All exposed edges of concrete to be chamfered 1/4" x 1/4" unless otherwise noted.
 - All exposed surfaces of concrete to have a smooth, dense and hard finish.
 - Field Paint for Railing: Two coats, B. & O. Sand Color.
 - Field Paint for Blast Plates: Two coats, Black.

**THE BALTIMORE & OHIO RAILROAD
 THE BALTIMORE & PHILADELPHIA RAILROAD CO.
 BALTO. DIV. - EAST MAIN LINE
 BRIDGE NO. 75-A BOOTHWYN, PA.**

PROPOSED SIDEWALK

SCALE: 1/8", 1/4", 1/2" = 1'-0" JANUARY 25, 1949

OFFICE OF ENGINEER OF BRIDGES
 BALTIMORE, MD.

DRAWING No. 37638A

W. S. J.
 OF BRIDGES

C.R.
 V.F.W.T. 2-23-49

RECEIVED
FILE ROOM
JAN 13 1949
P. U. C.
OK-FILE-H.B.M.

This.....12.....day of...*January*.....194..9...
the undersigned hereby acknowledges receipt of copy
of the order rendered by the Commission in Complaint
Docket No.14290.....under date of*January 3, 1949*.....
and accepts service thereof in behalf of...*the County*
.....*of Collier*.....

.....*Edman H.P. Murphy*.....
County Solicitor

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RECEIVED
FILE ROOM
JAN 13 1949
P. U. C.
OK-FILE-H.B.M.

RECEIVED
JAN 13 1949
Hearing Office
Public Utility Com.

This.....twelfth.....day of.....January.....1949.....
the undersigned hereby acknowledges receipt of copy
of the order rendered by the Commission in Complaint
Docket No. **14290**.....under date of **January 3, 1949**..
and accepts service thereof in behalf of **the**.....
.....**Towship of Upper Chichester**.....

.....*Arthur S. Smith*.....
Solicitor, Township of Upper Chichester

RECORD
FOLDER

RECEIVED
FILE ROOM
JAN 13 1949
P. U. C.
OK-FILE-H.B.M.

RECEIVED
JAN 13 1949
P. U. C.

This....12th.....day of...January,....1949...
the undersigned hereby acknowledges receipt of copy
of the order rendered by the Commission in Complaint
Docket No...14290...under date of...January 3, 1949..
and accepts service thereof in behalf of.....
The Baltimore and Ohio Railroad Company.....

George C. Doering
.....
(s) George C. Doering,
General Attorney

RECORD
FOLDER

RECEIVED
FILE ROOM
JAN 13 1949
P. U. C.
OK-FILE-H.B.M.