

1 **DEPARTMENT OF TRANSPORTATION'S TESTIMONY**
2 **DOCKET NO. C-20054822**
3 **HEARING STATEMENT NO. 2**
4 **HEARING DATE: July 25-26, 2017**

5 **Q. Please state your name and business address.**

6 A. Rodney Rehnert and my business address is 1002 Hamilton Street, Allentown,
7 Pennsylvania 18101.

8 **Q. By whom are you employed and in what capacity?**

9 A. I am employed by the Pennsylvania Department of Transportation (“Department”) as the
10 District Grade Crossing Administrator for District 5-0.

11 **Q. How long have you been employed by the Department and in what other capacities**
12 **have you been employed?**

13 A. I started with the Department in September of 1999. I have held the positions of District
14 Archivist, Highway Drafter, Assistant Project Manager and Project Manager.

15 **Q. Please generally describe your duties as the District Grade Crossing Administrator.**

16 A. The District Grade Crossing Administrator is responsible for setting up safety projects
17 under the Section 130 program, acting as liaison between the Department and the railroads
18 for highway and bridge projects, maintaining the grade crossing inventory for the
19 Commonwealth, and acting as liaison between the Department and the PUC.

20 **Q. What is the Section 130 program?**

21 A. The Section 130 program refers to the Federal Grade Crossing Safety Program. The
22 program distributes funds to the Department to use on Grade Crossing Safety Projects.
23 Currently the program is limited to abolition of crossings and installation of new lights and
24 gates or upgrades to existing lights and gates. Additional funds can be used on an at-grade

1 surface at a reduced amount of the actual cost if done in conjunction with improvement to
2 the warning devices.

3 **Q. What about your duties as a Project Manager?**

4 A. The Project Manager over sees the project in the design phase. The Project Manager makes
5 sure the project clears environmental criteria, right of way criteria and the Plan,
6 Specification and Estimate (“PS&E”) package is completed.

7 **Q. What is your educational background?**

8 A. I attended Lincoln Technical Institute, Allentown Campus and achieved an Associate
9 Degree in Architectural Design.

10 **Q. Are you authorized to testify in this proceeding on behalf of Department?**

11 A. Yes.

12 **Q. Are you familiar with the crossing which is the subject of today’s proceeding?**

13 A. Yes.

14 **Q. What was your involvement in proceeding?**

15 A. As Project Manager, this project was transferred to me just before the Drainage Design
16 Feasibility Study was completed and then through a promotion in October 2011, I became
17 the District Grade Crossing Administrator.

18 **Q. What was your involvement as Project Manager?**

19 A. As Project Manager, I was tasked with getting McCormick Taylor, Inc. under contract for
20 the remaining design work for the repairs needed. I also had to make sure the
21 environmental, right of way and the utility clearances were obtained. I also circulated all
22 the plans for the project for review and signatures. When this was done, I had to obtain the
23 funding for construction and submit the project for advertising.

1 **Q. What is your involvement as the District Grade Crossing Administrator?**

2 A. As the District Grade Crossing Administrator, I was tasked with submitting all of the plans
3 to the Pennsylvania Public Utility Commission and parties of interest, obtaining plan
4 approvals from the Commission and notifying the Commission when construction was
5 finished.

6 **Q. When was the last time that you visited the site?**

7 A. March 18, 2016.

8 **Q. Can you identify the highway involved at the crossing?**

9 A. Yes. South Lehigh Avenue is a local road that runs from the north at Cherry Street to the
10 south at Franklin Street in the West Catasauqua section of Whitehall Township. South
11 Lehigh Avenue is a one-way street running north from Bridge Street and is a two-way
12 street running to the south of Bridge Street.

13 **Q. Please describe what has been marked for identification purposes as Department**
14 **Exhibit B.**

15 A. Department Exhibit B is a location map based on a cut out of a Department type 10 general
16 highway map for Lehigh County. The location map identifies the DOT number for the
17 crossing, BMS number for the bridge, the state route on the bridge, name of the street on
18 the bridge, and the township and county for where the crossing is located. The location
19 map also identifies the location of the Retaining Wall.

20 **Q. What is BMS?**

21 A. The Department's Bridge Management System which is a computer database that stores
22 all inspection, inventory, and maintenance information for bridges.

23

1 **Q. Does Exhibit B accurately depict the location of the subject crossing and South Lehigh**
2 **Avenue Retaining Wall?**

3 A. Yes.

4 **Q. Has the Department ever performed a traffic count on the Race Street Bridge?**

5 A. Yes.

6 **Q. What year was that study performed?**

7 A. 2012.

8 **Q. What was the daily volume of vehicular and pedestrian traffic per the traffic count?**

9 A. The average daily traffic count was 18,527 vehicles. We do not have a pedestrian count for
10 the bridge.

11 **Q. Please describe what has been marked for identification purposes as Department**
12 **Exhibit C.**

13 A. Department Exhibit C is the traffic count data sheet is a report from the 2012 traffic count.
14 This is a breakdown of traffic data collected over a 48-hour period and then averaged out
15 to a 24-hour period.

16 **Q. What is the current estimated use for the year 2017?**

17 A. The current estimated average daily traffic count is 18,821 vehicles.

18 **Q. Does the Department have an estimate of future use?**

19 A. No.

20 **Q. Does the Department have a daily volume of vehicular and pedestrian traffic for**
21 **South Lehigh Avenue?**

22 A. No. The Department only does traffic counts on state routes and this project did not warrant
23 a traffic count or study for South Lehigh Avenue.

1 **Q. Is the highway-rail crossing subject to any prior PUC Orders?**

2 A. Yes.

3 **Q. Please describe what has been marked for identification purposes as Department**
4 **Exhibits D and what has been previously admitted as Township Exhibit H.**

5 A. Department Exhibit D is PUC Order at complaint docket No. C-20054822 dated July 25,
6 2007. This Order is for the complaint filed by Whitehall Township against R.J. Corman
7 Railroad Company for the condition of the Retaining Wall. This Order was issued in the
8 current proceeding.

9 Township Exhibit H is PUC Order at complaint docket No. 16444 dated July 2, 1956. This
10 Order was for the reconstruction and realignment of the bridge and the westerly approach.

11 **Q. Please describe the South Lehigh Avenue in the vicinity of the subject crossing.**

12 A. South Lehigh Avenue is a Township road. South Lehigh Avenue is constructed with a
13 bituminous surface and has concrete curbing on both sides of the roadway. The right of
14 way width is 33 feet and narrows to 23 feet just beyond the area of the Retaining Wall. On
15 the north side of Race Street, South Lehigh Avenue is a one-way street. This section is
16 supported by the Retaining Wall in question on the eastern side and has sidewalks and
17 housing on the western side. The direction of traffic is toward the north away from Race
18 Street. On the south side of Race Street, Lehigh Avenues traffic runs in both directions.
19 The west side of South Lehigh Avenue has a single sidewalk that runs in front of the only
20 house on that side of the street. This residence is on the South West corner of Race Street
21 and South Lehigh Street. The east side an empty lot full of trees and shrubs. South Lehigh
22 Avenue also intersects with Bridge Street on the western side. Bridge Street is a one-way

1 street with traffic heading east towards where it intersects with South Lehigh Avenue and
2 Race Street.

3 **Q. Was South Lehigh Avenue always a Township road?**

4 A. No.

5 **Q. By what means what was South Lehigh Avenue transferred to the Township?**

6 A. Legislative Act.

7 **Q. Please identify what has been previously admitted in this proceeding as Department**
8 **Exhibit A and what has been marked for identification purposes as Department**
9 **Exhibits E, F, and G.**

10 A. Department Exhibit A is the Act Number 229 from 1976, which removed South Lehigh
11 Avenue, formerly State Highway Route 39093, from the state route system. Department
12 Exhibit E is copy of correspondence from the Department of Highways to the Whitehall
13 Township stating that the Township has maintenance responsibilities for South Lehigh
14 Avenue. Department Exhibit F is a copy of Whitehall Township's municipal resolution
15 involving the transfer of South Lehigh Avenue. Department Exhibit G is the municipal
16 road data processing report from 1976.

17 **Q. Can you explain Exhibit G?**

18 A. Exhibit G shows the total mileage of roadways in Whitehall Township as of December 9,
19 1976, and lists the streets which were transferred to the Township by means of Legislation.

20 **Q. Where is South Lehigh Avenue on this list?**

21 A. On page 2, third street from the top.

22 **Q. Are you aware of any other documents regarding the transfer of South Lehigh**
23 **Avenue from the State to the Township?**

24 A. No.

1 **Q. Please describe the Retaining Wall.**

2 A. The Retaining Wall extends north and south off of the Race Street Bridge abutment. The
3 total length of the wall, with the abutment, is 538 feet. The abutment portion of the structure
4 supports the bridge and the wall part of the structure supports South Lehigh Avenue above.

5 **Q. When was the South Lehigh Avenue Retaining Wall constructed?**

6 A. According to the testimony at the prior hearing and the Commission Order at Docket C-
7 16444 (Township Exhibit H), a portion of the existing Retaining Wall was originally built
8 in 1910 by Lehigh Valley Railroad as part of their expansion from two to four tracks at this
9 location. 40.5 feet of earth was excavated towards South Lehigh Avenue to achieve this.
10 According to the 2007 Order which is Department Exhibit D, the 1910 portion of the
11 Retaining Wall was a gravity-type concrete wall. In 1956, the Department of Highways
12 reconstructed the 1910 bridge by raising the deck surface seven feet and realigning the road
13 surface. In doing so the Race Street Bridge abutment and the Retaining Wall were both
14 raised to the present height. The 1956 portion of the concrete wall was placed directly on
15 top of the original 1910 wall.

16 **Q. Can you describe the work that the Commission ordered the Department to perform**
17 **in its 2007 Order, Department Exhibit D?**

18 A. The Commission ordered the Department to: (1) perform a drainage study to determine if
19 improper drainage was contributing the Retaining Wall's deterioration and to recommend
20 a plan to repair the issue; (2) take the necessary preliminary steps to repair the drainage
21 system and the Retaining Wall; and (3) to repair the drainage system and the Retaining
22 Wall.

23

1 **Q. Did the Department conduct the drainage study as ordered by the Commission?**

2 A. Yes.

3 **Q. Please identify what has been marked for identification purposes as Department**
4 **Exhibit H.**

5 A. Department Exhibit H is the Drainage Design Feasibility Study that was prepared by
6 McTish, Kunkel & Associates for the Department dated October 2008 and revised January
7 2009.

8 **Q. Did the Department forward a copy of the Drainage Design Feasibility Study to the**
9 **Commission and Parties of Record?**

10 A. Yes, as required by the 2007 Commission Order, the Department forwarded copies of the
11 Drainage Design Feasibility Study to the Commission and the parties of record on January
12 23, 2009.

13 **Q. Are you aware of any objections raised by the parties or the Commission to the**
14 **Department's Drainage Design Feasibility Study?**

15 A. No.

16 **Q. Did McTish, Kunkel and Associates produce any other reports to assist the**
17 **Department in repairing the drainage system and Retaining Wall?**

18 A. Yes, McTish, Kunkel and Associates produced a Type Size & Location ("TS&L") Report
19 and Plan.

20 **Q. Please identify what has been marked for identification purposes as Department**
21 **Exhibit I.**

22 A. Exhibit I is the TS&L Report and Plan dated December 10, 2008, revised January 22, 2009.

23

1 **Q. Does the TS&L Report contain any photographs of the Retaining Wall?**

2 A. Yes.

3 **Q. Do those photographs accurately depict the conditions of the Retaining Wall prior to**
4 **the Department's repairs?**

5 A. Yes.

6 **Q. What is a TS&L Report and Plan?**

7 A. The TS&L Report and Plan is the Type, Size and Location Report and Plan. This Report
8 and Plan consists of the project's description, existing structure history, current condition
9 information, proposed rehabilitation options, right of way information, utilities information
10 and recommendations.

11 **Q. Please identify what has been marked for identification purposes as Department**
12 **Exhibit J.**

13 A. Exhibit J is a screen shot from the Department's Engineering and Construction
14 Management System, ECMS, of the work order for McTish, Kunkle & Associates to
15 conduct the Drainage Design Feasibility Study and TS&L Report and Plan.

16 **Q: Is this an accurate screen out of the Department's ECMS page for the subject project?**

17 A: Yes.

18 **Q. What was the cost to the Department to obtain this Drainage Design Feasibility Study**
19 **and TS&L Report and Plan?**

20 A. \$36,871.52.

21 **Q. Can you describe the stormwater drainage system involved here?**

22 A. The drainage system for South Lehigh Avenue running next to the Retaining Wall on the
23 north side of the Race Street Bridge collects water from the following Township streets:

1 Cedar Lane, Fairview Street and South Lehigh Avenue itself. South Lehigh Avenue has
2 four inlets to collect this water all of which flows to the east. The drainage pipes from South
3 Lehigh Avenue and Bridge Street meet in the middle of the intersection of South Lehigh
4 Street, Bridge Street, and Race Street. From this point the water is transported down behind
5 and then under the abutment of the Race Street Bridge to an inlet on the former RJ Corman
6 property. From this point, it is piped directly to the Lehigh River. The drainage system is
7 further described on page 5 of the Drainage Design Feasibility Study, Department Exhibit
8 H. The Department does not own or maintain this drainage system. It is a part of South
9 Lehigh Avenue and is owned by Whitehall Township.

10 **Q. How were the stormwater drainage facilities described in Department Exhibit H?**

11 A. The stormwater drainage facilities are described on page 5 of the study. According to the
12 Drainage Design Feasibility Study, the four inlets on South Lehigh Avenue all appeared to
13 be antiquated. The inlet on the north side, north of the Race Street Bridge, of South Lehigh
14 Avenue next to the wall was very aged with multiple deep cracks, collected sediment to
15 the point water was obscured from flowing out and had drainage pipe separation.
16 According to the Drainage Design Feasibility Study, the condition of the drainage facilities
17 allowed water to escape and seep down behind the Retaining Wall. A longitudinal crack
18 between the pavement and the curb line on the north side of South Lehigh Avenue was
19 allowing a significant amount of water to travel down behind the Retaining Wall.

20 **Q. What was the conclusion of the Drainage Design Feasibility Study?**

21 A. The Study concluded that “stormwater flows from both the roadway surface and within the
22 drainage system have played a contributory role in the deterioration and damage to the
23 structural retaining wall along South Lehigh Avenue.”

1 **Q. And which party to this proceeding would have been responsible for the South Lehigh**
2 **Avenue drainage system at the time the Study was conducted?**

3 A. Whitehall Township.

4 **Q. Why?**

5 A. The drainage system collects water from various Township streets and the drainage system
6 itself is contained within the Township's right of way.

7 **Q. Did the Department take the necessary steps to design the repairs to the Township's**
8 **drainage system and the Retaining Wall?**

9 A. Yes.

10 **Q. What design work did this entail?**

11 A. The work performed by McCormick Taylor was to design repairs to the roadway, drainage
12 system and the Retaining Wall.

13 **Q. Please identify what has been marked for identification purposes as Department**
14 **Exhibits K and L.**

15 A. Exhibit K is the construction plan for the Retaining Wall and Exhibit L is the structure plan
16 for the Retaining Wall rehabilitation.

17 **Q. What is the total length of the Retaining Wall?**

18 A. The total length of the Retaining Wall, including the abutment section, is 538 feet. With a
19 survey station set at 0+00 on the Race Street Bridge abutment, the wall extends off the
20 abutment to the south from Station 0+24 South to 0+88 South for a total of 64 feet. To the
21 north, the wall extends off the abutment from Station 0+50 North to 4+50 North for a total
22 of 400 feet. The abutment section of the Retaining Wall is 74 feet.

23

1 **Q. Which Department Exhibit shows the stationing?**

2 A. The structure plan, Department Exhibit L.

3 **Q. Did the Department submit these constructions plans for review by the Commission**
4 **and the various parties to this proceeding?**

5 A. Yes, plans were submitted on March 15, 2013 and the Commission approved the plans on
6 April 15, 2013.

7 **Q. Are you aware of any objections raised by the parties or the Commission to the**
8 **Department's construction plans?**

9 A. No.

10 **Q. Please identify what has been marked for identification purposes as Department**
11 **Exhibit M.**

12 A. Exhibit M is a screen shot of the ECMS page for the design work. This was used for
13 McCormick Taylor, Inc. to design the repairs to the drainage system and Retaining Wall.

14 **Q: Is this an accurate screen shot of the Department's ECMS page for the subject**
15 **project?**

16 A: Yes.

17 **Q. What was the cost of the design work conducted by McCormick Taylor, Inc.?**

18 A. \$ 248,086.06.

19 **Q. Did the Department acquire any right of way to complete the ordered repairs?**

20 A. Yes.

21 **Q. Please identify what has been marked for identification purposes as Department**
22 **Exhibit N.**

23 A. Exhibit N is right of way plan for State Route 1004-LRW R/W and South Lehigh Avenue.

1 **Q. Who did the Department acquire right of way from?**

2 A. The Department acquired right of way from Liberty Home Development Corporation
3 LTD., Coplay-Whitehall Sewer Authority, and R. J. Corman Railroad Company/Allentown
4 Lines, Inc.

5 **Q. What type of interests did the Department acquire?**

6 A. The Department acquired a temporary construction easement from all three properties
7 owners and required right of way for township road, South Lehigh Avenue, from R.J.
8 Corman Railroad Company/Allentown Lines, Inc. and Coplay-Whitehall Sewer Authority.

9 **Q. Please identify what has been marked for identification purposes as Department**
10 **Exhibit O.**

11 A. Exhibit O is a screen shot from the Right of Way Management system showing the
12 settlement information for the 3 property takes for the Retaining Wall repairs.

13 **Q. Is this an accurate screen shot of the Department's Right of Way Office page for the**
14 **subject project?**

15 A: Yes.

16 **Q. What did the Department pay in right of way damages?**

17 A. \$ 19,400.00.

18 **Q. Did the Department take the necessary steps to repair Whitehall Township's drainage**
19 **system?**

20 A. Yes.

21 **Q. Did the Department take the necessary steps to repair the Retaining Wall?**

22 A. Yes, in fact the Department went above simply repairing the Retaining Wall as ordered by
23 the Commission. The Department rehabilitated portions of the existing Retaining Wall by

1 placing a new retaining wall, which acts as a buttress, in front of portions of the existing
2 structure. The new buttress portion of the Retaining Wall are indicated by the Type B and
3 Type C repairs shown on Department Exhibit L.

4 **Q. Why did the Department go above what it was initially ordered to do?**

5 A. The Type B and C repairs were necessary because of the extent of the deterioration to the
6 initial 1910 portion of the Retaining Wall. The Type B repairs were recommended by the
7 TS&L Report and Plan, Department Exhibit I. The Type C repairs were included on the
8 structure plans, Department Exhibit L.

9 **Q. Please describe the repairs performed to the drainage system and the Retaining Wall.**

10 A. For the drainage system repairs, the two eastern most inlet boxes on South Lehigh Avenue
11 were replaced along with the 18-inch pipe that connected them together. For the Retaining
12 Wall, there were three different types of repairs done. The first is a Type A concrete repair.
13 This consisted of cutting out deteriorated concrete and replacing it with a steel reinforced
14 mesh and refilling the affected area with new concrete. The second repair type is a Type B
15 concrete repair. This consisted of removing the deteriorated concrete, drilling in steel
16 dowels to the existing wall, attaching a steel rebar skeleton to the dowels and pouring a
17 new concrete wall in front of the effected original wall. This was done to a height of the
18 grade of South Lehigh Avenue. The third type is a Type C repair. The Type B and Type C
19 repairs are the same except the Type C repair did not go to the height of the grade of Lehigh
20 Avenue; whereas, the Type B repair did.

1 **Q. Can you indicate the locations of the different types of repairs on Department Exhibit**
2 **L?**

3 A. Yes, the locations of the Type A, B, and C repairs can be found on pages 3 through 6 of
4 the structure plan, Department Exhibit L.

5 **Q. Does Department Exhibit I give specific descriptions of the repair types?**

6 A. Yes, the Type A and B repairs are described on pages 3 and 4 of the TS&L Report and
7 Plan. The Type B repairs are further described on pages 7A and 8A of the structure plan,
8 Department Exhibit L. The Type C repairs are described on page 9 of the structure plan,
9 Department Exhibit L.

10 **Q. Was any other work performed?**

11 A. Yes. All the weep holes were cleaned out and extended where needed.

12 **Q. What are weep holes?**

13 A. Weep holes are holes that run from the face of the wall to the back side of the wall. Their
14 purpose is to relieve hydraulic pressure by allowing any water that gets behind the wall to
15 drain out.

16 **Q. Please describe what has been marked for identification purposes as Department**
17 **Exhibit P.**

18 A. Exhibit P is a collection of photos taken of the wall during a site visit after construction
19 was completed.

20 **Q. When were these photographs taken?**

21 A. March 18, 2016.

22 **Q. Were these photographs taken by you or at your direction?**

23 A. The photos were taken by me.

1 **Q. Do these photographs accurately represent the condition of the Retaining Wall on**
2 **March 18, 2016?**

3 A. Yes.

4 **Q. What was the length of the repairs to the wall?**

5 A. The repair lengths to the wall are as follows: Type A repairs were 313 lineal feet; Type B
6 repairs were 198 lineal feet; and Type C repairs were 27 lineal feet.

7 **Q. Is this shown on any of the Department's exhibits?**

8 A. Yes. Department Exhibit L.

9 **Q. Who performed these repairs?**

10 A. Road-Con, Inc. of West Chester, PA.

11 **Q. Please identify what has been marked for identification purposes as Department**
12 **Exhibit Q.**

13 A. Exhibit Q is a ECMS screen shot of the final construction costs.

14 **Q: Is this an accurate screen shot of the Department's ECMS page for the subject**
15 **project?**

16 A: Yes.

17 **Q. What was the total cost of construction?**

18 A. \$ 1,506,017.85.

19 **Q. What portion of the construction costs are associated with repairing the South Lehigh**
20 **Avenue drainage system?**

21 A. \$ 90,080.60 of the total construction costs were devoted solely to repairing the South
22 Lehigh Avenue drainage system.

1 **Q. Please describe what has been marked for identification purposes as Department**
2 **Exhibit R.**

3 A. Exhibit R is a screen shot from the ECMS system for the work order under Open End
4 Agreement E02179. The work order covered Construction Support Services by
5 McCormick Taylor, Inc.

6 **Q: Is this an accurate screen shot of the Department's ECMS page for the subject**
7 **project?**

8 A: Yes.

9 **Q. What about construction support services?**

10 A. \$ 15,432.54.

11 **Q. And what does construction support services entail?**

12 A. Construction support services is a service provided by the design team during the
13 construction phase of the project. This allows the design team to be asked questions by the
14 contactor or inspection staff. It also allows the design team to make any field modifications
15 to the design if needed.

16 **Q. What was the total cost to the Department to comply with the Commission's 2007**
17 **Order?**

18 A. Drainage Design Feasibility Study and TS&L Report and Plan	
19 by McTish, Kunkel and Associates:	\$ 36,871.52
20 Design work by McCormick Taylor, Inc.:	\$ 248,086.06
21 Construction support services by McCormick Taylor, Inc.:	\$ 15,432.54
22 Right-of-way acquisition by the Department:	\$ 19,400.00
23 <u>Construction work performed by Road Con, Inc.:</u>	<u>\$ 1,506,017.85</u>

1 Total Repairs Costs \$ 1,825,807.97

2 **Q. Does the Department agree to assume the costs associated with the 2007 Commission**
3 **Order?**

4 A. No.

5 **Q. Which party does the Department believe should be allocated the cost associated with**
6 **the 2007 Commission Order?**

7 A. Whitehall Township.

8 **Q. Why?**

9 A. The deterioration of the wall was caused by lack of maintenance of the Township's
10 drainage system. Furthermore, the repairs performed by the Department benefit the
11 Township. The Township's drainage facilities were repaired and the Retaining Wall
12 supports South Lehigh Avenue, a Township road.

13 **Q. Which party is presently responsible for maintenance of the Retaining Wall?**

14 A. The Department, by Orders of the Commission at Dockets No. C-16444 and C-20054822.

15 **Q. Does the Department agree to assume future maintenance of the Retaining Wall**
16 **supporting South Lehigh Avenue?**

17 A. No.

18 **Q. Which party should be ordered to perform future maintenance to the Retaining Wall**
19 **supporting South Lehigh Avenue?**

20 A. Whitehall Township.

21 **Q. Why?**

22 A. The Retaining Wall supports the Township's roadway, South Lehigh Avenue.

1 **Q. Does the Department allocate any liquid fuels money to the Township for South**
2 **Lehigh Avenue?**

3 A. Yes.

4 **Q. And what may the Township use those funds for?**

5 A. Acceptable expenditures for Municipal Liquid Fuels Taxes can be found in Section 2.7.1
6 of Department Publication 9, POLICIES AND PROCEDURES FOR THE
7 ADMINISTRATION OF THE COUNTY LIQUID FUELS TAX ACT OF 1931 and Act
8 44 of 2007 AND THE LIQUID FUELS TAX ACT 655 DATED 1956 AND AS
9 AMENDED.

10 **Q. Can you describe what has been marked for identification purposes as Department**
11 **Exhibit S?**

12 A. Exhibit S is chapter 2 of Department Publication Number 9

13 **Q. Would maintenance of a retaining wall be an acceptable expenditure of liquid fuel**
14 **funds?**

15 A. Yes, liquid fuel funds can be used so long as the retaining wall supports the local
16 municipality's roadway. The Retaining Wall at issue here does support South Lehigh
17 Avenue.

18 **Q. Did the repairs of the South Lehigh Avenue drainage system and Retaining Wall**
19 **impact any non-carrier public utilities?**

20 A. No.

21 **Q. Does this conclude your direct testimony?**

22 A. Yes.