

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 28, 1980

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

Great Bend Township

C-79081404

v.

Consolidated Rail Corporation, et al.

O R D E R

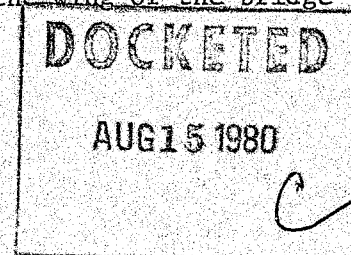
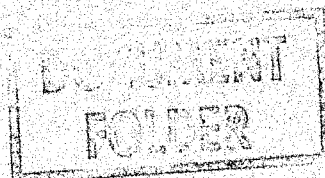
BY THE COMMISSION:

HISTORY

Great Bend Township filed with the Commission on September 6, 1979, a complaint against Consolidated Rail Corporation (ConRail), the Pennsylvania Department of Transportation and Susquehanna County, alleging that respondents had failed to properly maintain a bridge, carrying Township Road 821 (old U.S. Route 11) over and above the tracks of ConRail situated in Great Bend Township, Susquehanna County, located approximately two (2) miles south of the Hallstead - Great Bend Township border. The complaint alleged that the southwest wing wall of the bridge had a shearing and horizontal crack and that a spalling of the wall had occurred.

Hearings in this matter were held at Montrose on November 1, 1979 before Administrative Law Judge Thomas J. Jones who, by initial decision issued February 14, 1980, directed ConRail to prepare at its initial cost and expense, and submit to the parties of record and to the Commission for approval, within six (6) months of the date of service of the Commission order, detailed plans for reconstruction of the southwest wing wall of the bridge which will eliminate a horizontal crack and concrete spalling condition, and to remove any unsound concrete in the lower portion of the wing wall. ALJ Jones directed that the repairs be completed on or before December 31, 1981.

Commission Trial Staff filed exceptions to the initial decision with the Commission on February 29, 1980, arguing (i) that the relatively minor scope of the work required to reconstruct the wing of the bridge



does not require a six (6) month period for plan preparation - that a three (3) month period is sufficient - and (ii) that the relatively minor remedial reconstruction work required to perform the subject bridge repair can be completed in substantially less than the sixteen (16) month period directed in the initial decision.

CONCLUSION

Upon consideration of the exceptions of Commission Trial Staff and our review of the record relative to the nature and extent of the work required to reconstruct the one wing of the bridge, we conclude that the time period for plan preparation and for completion of the bridge repair work should be reduced in accordance with the recommendation of Trial Staff. Accordingly we will modify Ordering Paragraphs No. 2 and 10 of the initial decision by requiring that detailed plans for the reconstruction of the southwest wing wall be submitted by ConRail within three (3) months from the date of service of this order and that the actual reconstruction work be completed by ConRail on or before July 1, 1981; THEREFORE,

IT IS ORDERED:

1. That the exceptions of Commission Trial Staff to the initial decision issued on February 14, 1980 are hereby granted.

2. That Ordering Paragraph No. 2 of the initial decision is amended to read:

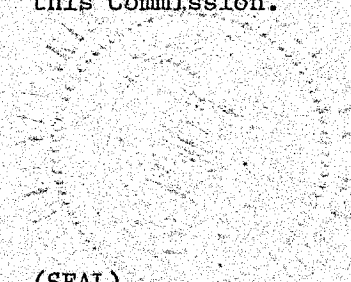
"2. That Consolidated Rail Corporation, at its initial cost and expense, within three (3) months of the date of service of this order, prepare and submit to all parties of record and to this Commission for review and approval, detailed plans for the reconstruction of the southwest wing wall so as to eliminate the horizontal crack and the spalling condition of the concrete in the wing wall of the bridge carrying Township Route 821 above the grade of the tracks of Consolidated Rail Corporation in the Township of Great Bend, Susquehanna County. Said plan shall provide for removal of any unsound concrete in the lower portion of the wing wall. The determination of soundness of the concrete will be through acceptable engineering practices."

3. That Ordering Paragraph No. 10 of the initial decision is amended to read:

"10. That the repairs be completed in a manner satisfactory to this Commission on or before July 1, 1981, and that on or before that date, Consolidated Rail Corporation report to this Commission the actual date of completion of work, and at the earliest practical time subsequent to said date of completion, submit to this Commission a detailed statement of the actual costs incurred in furnishing material and performing work in accordance with this order."

4. That except as herein modified, the initial decision of Administrative Law Judge Thomas J. Jones is adopted as the decision of this Commission.

BY THE COMMISSION,



William P. Thierfelder

William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: March 28, 1980

ORDER ENTERED: **AUG 14 1980**