



September 15, 1978

E-54-7.75

RECEIVED

SEP 19 1978

SECRETARY'S OFFICE  
Public Utility Commission



Mr. C. J. McElwee, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, Pa. 17120

Re: C-20235 OH #7.75  
Primos Ave., Folcroft

Dear Mr. McElwee:

In accordance with the P.U.C. order issued in the subject proceeding by Helen B. O'Bannon on August 29, 1978, Amtrak, on Wednesday, Sept. 13, 1978 inspected the bridge carrying Primos Ave. in the Borough of Folcroft over the tracks of the National Railroad Passenger Corp.

The inspection did not reveal any changes in the condition of the structural members of the bridge. It was noted however, that the deck was recently surfaced with about 1" of bituminous material.

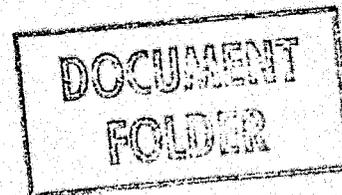
Amtrak will continue to perform the monthly inspection of this bridge and report the findings thereof to the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "A. B. Smythe". The signature is written in a cursive, slightly slanted style.

A. B. Smythe, P. E.  
Asst. Chief Engineer, Structures

cc: W. S. Armentrout  
P. C. Peterson  
K. W. Walker  
D. E. Auerbach



Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

OCT 2 1978

SECRETARY'S OFFICE  
Public Utility Commission

Borough of Folcroft

vs.

Penn Central Transportation  
Company, Department of  
Transportation of the Common-  
wealth of Pennsylvania, County  
of Delaware and Southeastern  
Pennsylvania Transportation  
Authority

COMPLAINT

DOCKET

NO. 20235

PETITION FOR MODIFICATION OF ORDER OF  
THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW COMES, the Department of Transportation of the Commonwealth of Pennsylvania and petitions for modification of the Commission's Order entered October 20, 1977, as follows:

1. That the name and address of your petitioner is the Department of Transportation of the Commonwealth of Pennsylvania (PennDOT), Harrisburg, Pennsylvania 17120.

2. That the names and address of counsel for the petitioner are Herbert G. Zahn, Assistant Attorney General, and George D. Wenick, Assistant Attorney General, Office of Chief Counsel, Department of Transportation, Harrisburg, Pennsylvania 17120.

**DOCKETED**  
COMPLAINT DOCKET  
OCT 4 1978

**DOCUMENT  
FOLDER**

3. That on October 20, 1977, your Honorable Commission entered an Order in this proceeding which provided, inter alia, that PennDOT prepare and submit to the Commission detailed construction plans providing for the reconstruction of the subject crossing and right-of-way plans and detailed construction plans providing for the construction of the highway approaches to said crossing, on or before September 30, 1978.

4. That because of PennDOT's dire financial position many of its employees have been furloughed, including its bridge design engineers who had been working on the said ordered plans which are at present in the preliminary stage of design.

5. That PennDOT is financially unable to replace or recall the aforesaid bridge design engineers or independent consulting engineers for said work.

6. That PennDOT hopes to be able to complete said plans and cost estimates on or before September 30, 1980.

7. That the Commission Order of August 29, 1978 entered in this proceeding directs National Railroad Passenger Corporation to perform monthly inspections of the subject structure, which inspections should insure that such structure will not present a safety hazard to the traveling public.

WHEREFORE, PennDOT respectfully requests your Honorable Commission to modify paragraphs 1 and 2 of the Order dated May 13, 1975, as originally modified by Paragraph B of the Order dated October 20, 1977 as follows:

"1. That Department of Transportation of the Commonwealth of Pennsylvania, on or before September 30, 1980, prepare and submit to this Commission and to each party of record, detailed construction plans providing for the reconstruction of the existing crossing where Primos Avenue (State Highway Route 420) crosses, above grade, the tracks of National Railroad Passenger Corporation, generally in accordance with either the department's Exhibit No. 2 or its Exhibit No. 3, admitted at the hearing in this proceeding held April 24, 1974."

"2. That Department of Transportation, on or before September 30, 1980, prepare and submit to this Commission and to each party of record, right-of-way plans and detailed construction plans, providing for the construction of the highway approaches to said Primos Avenue crossing, above grade, generally in accordance with the department's Exhibits Nos. 1, 4 and 5, admitted at the hearing in this proceeding held April 24, 1974 and/or February 25, 1975."

Respectfully submitted,

  
George D. Wenick  
Assistant Attorney General



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
HARRISBURG 17120  
Office of Chief Counsel



September 29, 1978

IN REPLY REFER TO

**RECEIVED**

OCT 2 1978

SECRETARY'S OFFICE  
Public Utility Commission

C. J. McElwee, Secretary  
Pennsylvania Public Utility Commission  
North Office Building  
Harrisburg, Pennsylvania 17120

Re: Complaint Docket No. 20235  
Delaware County

Dear Mr. McElwee:

Enclosed for filing with the Commission are the original and two (2) copies of Petition for Modification of Order of the Pennsylvania Department of Transportation, in the above-captioned matter.

I hereby certify that a copy of said Petition has been sent to all parties of record.

Very truly yours,

A handwritten signature in dark ink, appearing to read "G. D. Wenick", is written over the typed name.

George D. Wenick  
Assistant Attorney General

220/GDW:rmm  
Enclosures

cc: K. W. Walker, P.E., Chief Utility Engineer  
District #6-0  
Parties of Record - Page 2

**DOCUMENT  
FOLDER**

PARTIES OF RECORD

D. F. Sullivan, Deputy Chief  
Engineer - NEC  
National Railroad Passenger Corporation  
Northeast Corridor Operations  
1617 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103

Carl Helmetag, Jr., General Counsel  
Trustees of Penn Central Transportation Company  
3100 Industrial Valley Bank Building  
1700 Market Street  
Philadelphia, Pennsylvania 19103

Edward H. Huss, Staff Counsel  
Southeastern Pennsylvania Transportation Authority  
2028 PSFS Building  
Philadelphia, Pennsylvania 19107

David E. Auerbach, Solicitor  
Borough of Folcroft  
Legal Arts Building  
Media, Pennsylvania 19063

Joseph A. Damico, Jr., Solicitor  
Borough of Glenolden  
Chamber of Commerce Building  
Baltimore Pike  
Media, Pennsylvania 19063

Francis P. Connors, Solicitor  
County of Delaware  
107 West Third Street  
Media, Pennsylvania 19063

J. T. Sullivan, Chief Engineer  
Consolidated Rail Corporation  
1528 Walnut Street  
Philadelphia, Pennsylvania 19102

October 3, 1978

C. 20235

George D. Wenick, Assistant  
Attorney General  
Office of Chief Counsel  
Pennsylvania Department of Transportation  
Harrisburg, Pennsylvania 17120

Borough of Folcroft

v.

Penn Central Transportation Company, Department of Transportation of the  
Commonwealth of Pennsylvania, County of Delaware, Southeastern Pennsylvania  
Transportation Authority, Consolidated Rail Corporation and National  
Railroad Passenger Corporation

---

Dear Mr. Wenick:

Receipt is acknowledged of your letter dated September 29,  
1978, enclosing an original and two copies of a petition filed on behalf  
of Pennsylvania Department of Transportation for modification of the  
Commission's order issued October 20, 1977 in the above entitled proceeding.

We note your statement that a copy of the petition was sent to  
all parties of record.

The petition will receive the Commission's attention, and you  
will be further advised.

Very truly yours,

for C. J. McElwee  
Secretary



BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BOROUGH OF FOLCROFT : COMPLAINT DOCKET  
VS. : NO. 20235

PENN CENTRAL TRANSPORTATION  
COMPANY, DEPARTMENT OF  
TRANSPORTATION OF THE COMMON-  
WEALTH OF PENNSYLVANIA, COUNTY  
OF DELAWARE AND SOUTHEASTERN  
PENNSYLVANIA TRANSPORTATION  
AUTHORITY

RECEIVED  
NOV 1 1978  
SECRETARY'S OFFICE  
Public Utility Commission

ANSWER TO PETITION

TO THE HONORABLE, the PENNSYLVANIA PUBLIC UTILITY COMMISSION:

And now comes the Borough of Folcroft and files the following Answer to Petition for Modification of Order of the Pennsylvania Department of Transportation.

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied. It is denied the reason PennDot has failed to proceed was because of the reasons set forth in paragraph 4. To the contrary, PennDot has taken the position that they just do not want to proceed on this project. Further, if PennDot had a legitimate excuse with regard to this matter they would and should have filed a Petition prior to the present time. PennDot has just waited until the end of the period expecting that the PUC will just go along with them. Strict proof is demanded.
5. Denied. When PennDot was ordered to do the work by the Commission, they should have at that time taken the necessary steps to have the financing available to complete the work.
6. Denied. It is denied that PennDot has any hopes of completing the plans and cost estimates on or before

ECKELL, SPARKS, VADINO  
AUERBACH & MONTE  
A PROFESSIONAL CORPORATION  
LEGAL ARTS BUILDING  
FRONT & LEMON STS.  
MEDIA, PA. 19063

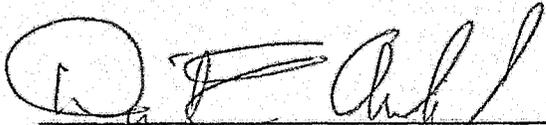
EXHIBIT

DOCKETED  
COMPLAINT DOCKET  
NOV 13 1978

September 30, 1980. To the contrary, PennDot will continue to attempt to delay this matter for as long as possible.

7. Denied as stated. The problem will not be resolved by the Commission's order of August 29, 1978, but only by the building of the new bridge. PennDot should be made to live up to its responsibilities as set forth by the Commission's prior orders.

WHEREFORE, the Borough of Folcroft respectfully requests that this Petition be denied.



DAVID E. AUERBACH, ESQUIRE  
Attorney for Borough of Folcroft



ECKELL, SPARKS, VADINO, AUERBACH & MONTE

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
LEGAL ARTS BUILDING  
FRONT AND LEMON STREETS  
MEDIA, PENNSYLVANIA 19063

DELAWARE COUNTY

MURRAY S. ECKELL  
W. DONALD SPARKS  
DAVID E. AUERBACH  
JOSEPH L. MONTE, JR.  
RONALD J. KLIMAS  
THOMAS L. KELLY  
J. ERIC STEDJE  
NICHOLAS J. EMPER

NICHOLAS D. VADINO, JR.  
(1961-1977)

October 31, 1978

REPLY TO:  
P.O. BOX 319  
MEDIA, PA. 19063  
—  
AREA CODE 215  
565-3700

C. J. McElwee, Secretary  
Pennsylvania Public Utility Commission  
North Office Building  
Harrisburg, Pennsylvania 17120

RE: Complaint Docket No. 20235  
Delaware County

Dear Mr. McElwee:

Enclosed herewith please find an original and two copies of the Answer to Petition with respect to the above matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

*David E. Auerbach*  
DAVID E. AUERBACH

DEA/rmf

Enclosures

RECEIVED  
NOV 01 1978  
SECRETARY'S OFFICE  
Public Utility Commission

RECEIVED  
NOV 01 1978

November 5, 1978

O'BANNON

G. 20235

David E. Auerbach  
Eckell, Sparks, Vadino, Auerbach & Monte  
Legal Arts Building  
Front and Lemon Streets  
Media, Pennsylvania 19063

Borough of Folcroft

v.

Penn Central Transportation Company, Department of Transportation of the  
Commonwealth of Pennsylvania, County of Delaware, Southeastern Pennsylvania  
Transportation Authority, Consolidated Rail Corporation and National  
Railroad Passenger Corporation

Dear Mr. Auerbach:

Receipt is acknowledged of your letter dated October 31, 1978,  
enclosing an original and two copies of the answer to the petition  
submitted by Pennsylvania Department of Transportation in the above  
entitled proceeding.

The answer will receive the Commission's attention.

Very truly yours,

for C. J. McElwee  
Secretary

cc: Bureau of Rail Transportation - w/copy of answer  
Office of Administrative Law Judge - w/copy of answer  
Law Bureau - w/copy of answer

CKG:jek

RECEIVED  
NOV 13 1978

November 24, 1973

G. 20235

A. B. Smythe, P.E.  
Assistant Chief Engineer, Structures  
National Railroad Passenger Corporation  
Northeast Corridor Operations  
1617 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103



Borough of Folcroft

v.

Penn Central Transportation Company, Department of Transportation  
of the Commonwealth of Pennsylvania, County of Delaware, South-  
eastern Pennsylvania Transportation Authority, Consolidated Rail  
Corporation and National Railroad Passenger Corporation

Dear Mr. Smythe:

Receipt is acknowledged of your letter dated November 14, 1973 advising that Amtrak inspected the bridge carrying Primos Avenue over Amtrak in the Borough of Folcroft; said inspection did not reveal any significant changes in the structure that would affect its load carrying capacity of 20 tons and that during the inspection, it was noted that vehicles in excess of the posted limit are still using the bridge in the above entitled proceeding.

We note your statement that a copy is being sent to PennDOT and the Borough of Folcroft.

Your letter will receive the Commission's attention.

Very truly yours,

for C. J. McElwee  
Secretary

cc: Bureau of Rail Transportation - w/copy of letter  
Office of Administrative Law Judge - w/copy of letter  
Law Bureau - w/copy of letter

CKG:jl

November 14, 1978  
E-54-7.78

RECEIVED

NOV 21 1978

SECRETARY'S OFFICE  
Public Utility Commission



Mr. C. J. McElwee, Secretary  
Commonwealth of Pennsylvania  
Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120

Re: OH 7.78 - Primos Ave.  
P.U.C. C-20235

Dear Mr. McElwee:

In accordance with the order issued by Commissioner O'Bannon in the subject action, on Friday, Nov. 10, 1978, Amtrak inspected the bridge carrying Primos Ave. over Amtrak in the Borough of Folcroft.

The inspection did not reveal any significant changes in the structure that would affect its load carrying capacity of 2½ TONS. During the inspection, it was noted that vehicles in excess of the posted limit are still using the bridge.

By copy of this letter, we are notifying PennDOT and the Borough of Folcroft of the results of our inspection.

Very truly yours,

A. B. Smythe, P. E.  
Asst. Chief Engineer, Structures

cc: W. S. Armentrout  
H. Zahn  
D. E. Auerbach

RHC/ec

DOCKETED  
COMPLAINT DOCKET  
NOV 21 1978