

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Complaint Docket No. 20235

BOROUGH OF FOLCROFT

v.

PENN CENTRAL TRANSPORTATION COMPANY, DEPARTMENT OF  
TRANSPORTATION OF THE COMMONWEALTH OF PENNSYLVANIA,  
COUNTY OF DELAWARE AND SOUTHEASTERN PENNSYLVANIA  
TRANSPORTATION AUTHORITY

ORDER

BY THE COMMISSION, JUNE 25, 1974:

This matter is before us upon the complaint of Borough of Folcroft, filed January 16, 1974, alleging that hazardous and inadequate conditions exist at the crossings of Folcroft Avenue and Primos Avenue above the grade of the electrified tracks of Penn Central Transportation Company, in the borough of Folcroft, Delaware County, and requesting that respondent railroad company undertake immediate repairs to the structures, to determine and post load limits, and take steps necessary to replace the inadequate bridges with modern structures.

Folcroft Avenue, a borough street partly in the borough of Folcroft and partly in the borough of Sharon Hill, extends generally in a southeasterly direction, a distance of approximately 3,500 feet from its junction with State Highway Route 180 (Chester Pike) to its junction with State Highway Route 420 (Hook Road). Approximately 1,500 feet from its junction with State Highway Route 180, Folcroft Avenue crosses above the grade of four main line tracks of Penn Central Transportation Company.

Approximately 900 feet west of Folcroft Avenue, and parallel thereto, Primos Avenue (State Highway Route 420), partly in the borough of Folcroft and partly in the borough of Glenolden, extends a distance of approximately 3,500 feet

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From its junction with State Highway Route 180 (Chester Pike) to its junction with Delmar Avenue, at which point State Highway Route 420 makes a right angle turn on to Hook Road. Approximately 1,500 feet from its junction with State Highway Route 180, Primos Avenue crosses above the grade of four main line tracks of Penn Central Transportation Company. Folcroft Avenue, in the vicinity of the crossing, is paved between curbs with bituminous material for a width of 30 feet, with both approaches to the crossing, above grade, transitioning to meet the bridge cartway width of 15 feet. The existing bridge is a single span through plate girder bridge with a timber plank deck overlaid with a bituminous wearing surface between timber curbs. A sidewalk four feet in width, surfaced with bituminous material, is on the outside of each girder. The girders, with a span of 62 feet and 18 feet apart, are supported by stone abutments. The bridge provides a horizontal clearance of approximately 9 feet 6 inches between the center line of the outside tracks and the face of the adjacent abutments, and a vertical clearance of 13 feet 1 inch from top of rail to bottom of the deck, with a electrified trolley wire height of 17 feet 6 inches. The highway approaches, on tangent alignment, have grades that are steep ascending toward the bridge, with a change in grade being accomplished within the short length of the bridge.

State Highway Route 420 (Primos Avenue), in the vicinity of the crossing, is graded for an approximate width of 24 feet, with the center portion being paved with bituminous material for a width of 22 feet, with both approaches to the crossing transitioning to meet the bridge cartway width of 16 feet 8 inches. The existing bridge, totaling 116 feet

9 inches in length, is a five span structure consisting of two nominal 15-foot spans on each end of the bridge with the center span being a through plate girder span 58 feet in length. The bridge deck is composed of timber planks overlaid with bituminous material, between timber curbs. A sidewalk five feet in width, and surfaced with bituminous material, is located outside the girder on the north side of the bridge. The bridge provides a horizontal clearance of approximately 9 feet 9 inches from the center of each outside track to the face of the adjacent bent, and a clearance of 17 feet 7 inches from top of rail to the overhead electrified trolley wire. The highway approaches, on tangent alignment, have grades that are steep ascending towards the bridge, with a change in grade being accomplished within the length of the bridge.

A hearing on this proceeding was held April 24, 1974, with the complainant, respondents and other interested parties being represented, and presenting testimony.

Mr. Stafford C. Walker, Senior Civil Engineer for Penn Central Transportation Company, testified at the hearing, that the line of railroad in this proceeding consists of four electrified tracks of the main line of The Philadelphia, Baltimore and Washington Railroad Company, operated by Penn Central Transportation Company, as lessee. The company operates an average of 24 freight trains each day at a maximum authorized speed of 50 miles an hour, and 102 passenger trains each day at a maximum authorized speed of 90 miles an hour on the outside tracks, and 100 miles an hour on the inside tracks.

Mr. Howard A. Sellers, Civil Engineer for Pennsylvania Department of Transportation, testified at the hearing that the current average daily volume of traffic on State Highway

involved in this proceeding, limited traffic on the bridges poor approach sight distance at each crossing, above grade, Mr. Damon testified that the narrow cartway and

grade, involved in this proceeding. and pedestrian traffic at either of the two crossings, above accumulated any data concerning the present and future highway Folcroft, testified at the hearing that the borough had not Mr. H. Gilroy Damon, Engineer for Borough of

the maintenance of the bridge decks. Avenue, the problem remaining on the instant complaint was load limit signs and a promise of a new bridge at Primos With the installation of guard fence, posting of railroad was in the department's capital improvement program.

carry Primos Avenue above the grade of the tracks of the advised by Department of Transportation that a new bridge to Mr. Clark also stated that the borough had been Avenue to warn trucks of the restricted area.

weight limit sign on Hook Road sufficiently ahead of Primos However, it was requested that the department install a approaches to said bridge to the borough's satisfaction. department had posted seven ton weight limit signs on the the other approach as materials become available, and the Avenue bridge, with the same installation to be performed on had installed guard rails on one approach to the Primos to the filing of the complaint, Department of Transportation Folcroft, in his opening statement, stated that subsequent

John H. Clark, Jr., Solicitor for Borough of

1994.

Route 420 (Primos Avenue) is 7,800 motor vehicles and it is anticipated that daily traffic using the crossing, above grade, will consist of 12,400 motor vehicles by the year

to one vehicle at a time. The bituminous roadway surface at the crossings is irregular with potholes caused, in the opinion of the witness, by vibrations in the deck during the passage of vehicles. The borough is willing to post 15 miles an hour speed limit signs on the approaches to the Primos Avenue bridge to reduce the magnitude of the vibrations.

The witness also testified that the obligation to maintain the two bridges involved in this proceeding belongs to Penn Central Transportation Company, and that recently the railroad had replaced some corrugated steel panels adjacent to the sidewalk on the Primos Avenue bridge.

The witness stated that the borough of Folcroft had not prepared, nor did it have any plans to prepare any engineering studies, estimates or construction plans for the improvement of the highways and existing crossings, above grade, involved in this proceeding.

Mr. Damon, under cross-examination, testified that in the vicinity of the Primos Avenue crossing, the boundary line between the borough of Folcroft and the borough of Glenolden lies along the center line of Primos Avenue and that in the vicinity of the Folcroft Avenue crossing, the boundary line between the borough of Folcroft and the borough of Sharon Hill lies along the center line of Folcroft Avenue. The witness testified that he is also the engineer for the borough of Sharon Hill and the borough of Glenolden and testified that these boroughs did not agree to bear any of the cost of reconstruction or maintenance of the crossings involved in this proceeding.

Mr. Russell T. Wiley, Mayor of the borough of Folcroft, testified that the borough does not agree to bear any cost of reconstruction or maintenance of the crossings involved in this proceeding. Although it had made repairs



Company is obligated for the maintenance of the substructures and superstructures thereof. Under cross-examination, the witness stated that the source of this obligation is purely traditional.

Mr. Walker also testified that the Folcroft Avenue bridge is adequate in strength and physical condition to accommodate highway traffic, while the Primos Avenue bridge is in fair to poor condition and inadequate in strength and width to accommodate the highway traffic presently using it, but sufficient in strength for the posted seven ton maximum load limit.

The witness for the railroad further testified that in recent years the amount of money expended on repairs for the two bridges has not been overwhelming, consisting generally of the maintenance of the wearing surface of the roadway and sidewalks.

The witness testified that the bridge deck deterioration is caused by the excess weight of trucks, rather than by vibrations induced by passage of the trains underneath.

Mr. Walker testified that the Folcroft rail commuter station is situated in the northeast quadrant of the Primos Avenue crossing involved in this proceeding. Access to the station from Primos Avenue is provided by concrete steps six feet wide on the west side of the tracks and wooden steps seven feet six inches wide on the east side thereof, and any reconstruction of the highway at this location should provide for continued station access.

The witness for the railroad also testified that Penn Central Transportation Company will not agree to share any costs of the construction of an improvement at either of the two bridges involved in this proceeding, nor would the

approaches to be basically tangent. The southerly approach

The plan shows the horizontal alignment of both

above grade, involved in this proceeding.

for the northerly and southerly approaches to the crossing,

plan and profiles between survey stations 72+00 and 98+50

of 11 sheets showing the location, typical sections, highway

pendot Exhibit No. 1 is a preliminary plan consisting

pendot Exhibits Nos. 1, 2, 3 and 4.

Highway Route 420, Section 2, submitted at the hearing as

plans prepared by the department for the portion of state

generally in accordance with the preliminary and unofficial

be reconstructed, along with the highway approaches thereto,

traffic presently using the crossing, above grade, and should

dimensions to accommodate the class and volume of highway

maximum load limit but is inadequate in strength and physical

Primos Avenue bridge is adequate for the posted seven ton

The witness also testified that the existing

available.

additional guard rail at such time as the material becomes

guard rail at a cost of \$2,140.59, and agreed to place

approaches to the crossing, placed embankment material and

department, being responsible for the maintenance of the

The witness testified that during March 1974 the

highway system.

Avenue), as Folcroft Avenue is not a part of the state

above grade, involving State Highway Route 420 (Primos

portation, presented testimony in regard only to the crossing,

Mr. Sellers, witness for Department of Trans-

highway traffic.

site, as the reconstruction would be only for the benefit of

pedestrian stairs or other facilities at the existing station

company agree to bear any of the costs of providing new

vertical alignment will be on a 300 foot long crest vertical curve providing a gradual transition between ascending grades of 4.9 and 0.88 percent; the northerly approach vertical alignment will be on a 250 foot long crest vertical curve, providing a gradual transition between an ascending grade of 3.51 percent and a descending grade of 0.88 percent.

The typical highway section in the vicinity of the crossing, above grade, will consist of dual roadways, 26 feet in width, separated by a traffic separator four feet in width, and cement concrete sidewalks five feet in width on each side of the paved roadways. Various retaining walls will be required within the limits of the improvement.

PennDOT Exhibits Nos. 2 and 3 are preliminary alternate design plans for the proposed bridge to carry State Highway Route 420, Section 2, above the tracks of Penn Central Transportation Company, in the area of the Primos Avenue crossing, involved in this proceeding.

PennDOT Exhibit No. 4 is a preliminary general plan for the proposed bridge to carry State Highway Route 420, Section 2, over Elmwood Avenue, which is approximately 400 feet south of the Primos Avenue crossing involved in this proceeding.

Mr. Sellers testified that the improvement of State Highway Route 420, Section 2, has been delayed due to limited construction funds and its low position on the department's six-year program priority list, but if the project is approved on the 1973-74 Capital Budget, the department will proceed with the development of final detailed plans.

The witness testified that since the Commission has not as yet determined the limits of its jurisdiction, and

the current plans are preliminary and unofficial, the department is unable to arrive at what costs it will agree to bear in the construction of an improvement in the vicinity of the crossing involved in this proceeding.

Mr. Sellers testified that the department agrees to place advance bridge load limit signs, to divert truck traffic away from Primos Avenue, and that the posting of Primos Avenue in the area of the crossing for a speed limit of 15 miles an hour is reasonable.

In response to a query by R. B. Kunkel, Counsel for the Bell Telephone Company of Pennsylvania, concerning the possibility of placing up to eight telephone conduits on the new bridge, Mr. Sellers testified it was the department's policy to permit utilities on structures as long as its requirements were met.

Mr. Daniel W. Llewellyn, witness for County of Delaware, testified that the county has made no study of the extent of the work necessary or advisable to provide safe and convenient crossings at the locations involved in this proceeding, has no opinion thereof, and does not agree to bear any of the cost of maintenance, reconstruction or construction of an improvement at these locations, or the damages incident thereto.

Mr. Albert J. Derr, Senior Project Engineer, Operation Planning Department, for Southeastern Pennsylvania Transportation Authority, testified that the authority is a party to a purchase-of-service contract with Penn Central Transportation Company. Because its commuter service is solely through a contract with the railroad company, none of the costs of any modification ordered by the Commission can properly be imposed upon the authority, and it will object to any costs so allocated.

The record clearly shows that hazardous and inadequate conditions exist at the crossing, where State Highway Route 420 (Primos Avenue) crosses above the grade of the tracks of Penn Central Transportation Company, partly in the borough of Folcroft and partly in the borough of Glenolden, Delaware County. Therefore, we shall direct Pennsylvania Department of Transportation to prepare preliminary plans and an estimate of cost providing for the ultimate construction of a new modern bridge, a minimum of two lanes in width with approaches with reasonable grades and two five-foot sidewalks, to replace the present dangerous and inadequate structure. Since the existing bridge at this location must remain in service until a replacement facility is constructed, it is imperative that said bridge be maintained in such a condition that will provide the travelling public with the safest crossing possible under the circumstances, and we shall direct Penn Central Transportation Company to fulfill its maintenance obligation by performing any required repairs. Further, we shall specifically direct the boroughs of Folcroft and Glenolden to fulfill their legal obligations by enforcing the posted weight limit on the Primos Avenue bridge, and we shall direct said boroughs to immediately begin a rigorous enforcement program.

Although the existing bridge carrying Folcroft Avenue above the grade of the tracks of Penn Central Transportation Company has an inadequate cartway with approaches that provide poor sight distance at the crossing, the main concern of the complainant appears to be the maintenance of the bridge cartway. Accordingly, we shall direct Penn Central Transportation Company to fulfill its maintenance

obligation by keeping the bridge, including the cartway wearing surface, in a state of good repair. In addition thereto, we shall direct the railroad company to perform an in-depth inspection of the structure and furnish this Commission with a written report of the result of the inspection. Upon completion of the preliminary plan and cost estimate for the replacement of the Primos Avenue bridge, and the report of the in-depth inspection of the Folcroft Avenue bridge, a further hearing will be scheduled in this proceeding, for the purpose of receiving testimony relative to the adoption of the preliminary plan and estimate for the reconstruction of the Primos Avenue bridge, the disposition of the Folcroft Avenue bridge, and any other matters relevant to this proceeding; THEREFORE,

IT IS ORDERED:

1. That the complaint be and is hereby sustained.
2. That Department of Transportation, at its initial cost and expense, within 90 days from the service of this order, prepare and submit to this Commission and to the parties of record, a preliminary plan and estimate of cost for the reconstruction of the existing crossing, and the highway approaches thereto, where State Highway Route 420 (Primos Avenue) crosses above the grade of the tracks of Penn Central Transportation Company; said plan to provide for a new bridge with a cartway to accommodate a minimum of two traffic lanes and two sidewalks five feet in width, with approaches of reasonable grades that will transition into the existing roadway as close to the crossing involved as possible; all with consideration given to the ultimate construction proposed in this area.

3. That Department of Transportation, at its sole cost and expense, install and maintain advance weight limit warning signs at proper locations to divert truck traffic away from Primos Avenue.

4. That Trustees of Penn Central Transportation Company, at its initial cost and expense, immediately furnish all material and do all work necessary to make any required repairs to the Primos Avenue bridge, to enable the structure to safely carry highway traffic with a maximum vehicular weight of seven tons, as posted; said repairs to include the bituminous wearing surface material on the bridge cartway.

5. That Trustees of Penn Central Transportation Company, at its initial cost and expense, within 90 days from service of this order, perform an in-depth inspection of the Folcroft Avenue bridge, involved in this proceeding, and submit to this Commission and to the parties of record, a report of the inspection, which shall include, among other things, a compilation of the load-carrying capability of each structural element of the bridge and its recommendation as to the extent of any weight limit for which the bridge should be posted.

6. That Trustees of Penn Central Transportation Company, at its initial cost and expense, furnish all material and do all work necessary to perform repairs to any deficient member of the Folcroft Avenue bridge, including the bituminous wearing surface material, as required, on the cartway thereof.

7. That Borough of Folcroft and Borough of Glenolden, at their sole cost and expense, shared equally, install and thereafter maintain signs, at the proper locations on their respective approaches to the Primos Avenue bridge, limiting the maximum speed to 15 miles an hour.

8. That Borough of Folcroft and Borough of Sharon Hill, at their sole cost and expense, shared equally, install and thereafter maintain signs, at the proper location on their respective approaches to the Folcroft Avenue bridge, limiting the maximum speed to 15 miles an hour.
9. That Borough of Folcroft and Borough of Glenolden cooperate with each other in immediately enforcing the seven ton posted weight limit on the Primos Avenue bridge.
10. That during the time the repairs are being made to the two bridges involved in this proceeding in accordance with this order, Penn Central Transportation Company cooperate with Borough of Folcroft, Borough of Glenolden, Borough of Sharon Hill and Pennsylvania Department of Transportation so that highway traffic will not be endangered or unnecessarily impeded.
11. That Penn Central Transportation Company, within 60 days from service of this order, complete its repair and maintenance work on the Primos Avenue and Folcroft Avenue bridges in accordance with numbered Paragraphs 4 and 6 of this order, to the satisfaction of this Commission, and that on or before said time, report to this Commission the exact date of completion of the work.
12. That Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to maintain the approaches, including the pavement, shoulders and guard fence, to the Primos Avenue railroad-highway crossing involved in this proceeding.
13. That Borough of Folcroft and Borough of Sharon Hill, at their cost and expense, shared equally, furnish all material and do all work necessary to maintain their respective approaches, including the pavement, curbs,

sidewalks and guard fence to the Folcroft Avenue railroad-highway crossing involved in this proceeding.

14. That upon completion and service of the plans, estimate of cost and in-depth inspection report, prepared in accordance with this order, this proceeding be listed for further hearing, at a time and place specified by this Commission, for the purpose of taking testimony upon the adoption of a satisfactory plan, disposition of the in-depth inspection report and any other matters relevant to this proceeding.

15. That a copy of this order be served on the Commandant of the Pennsylvania State Police.

16. That all of the foregoing, insofar as it relates to Penn Central Transportation Company, is subject to the approval of the Reorganization Court (U.S. District Court, Eastern District of Pennsylvania, Railroad Bankruptcy No. 70-347, Fullam, J.) if such approval is required.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

*George Bloom*  
Chairman

ATTEST:

*Will Fetter*  
Secretary

ORDER ADOPTED: June 25, 1974

ORDER ENTERED: JUL 3 1974