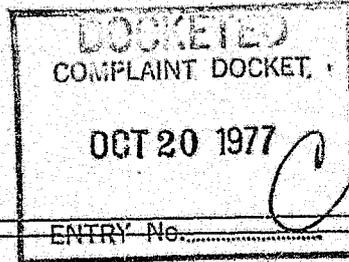
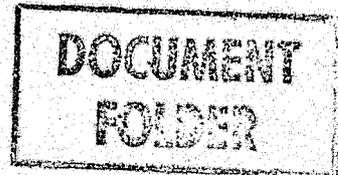


Uniform Cover and Calendar
(List attachments on back)

1. <u>DOCKET NO.</u>	:	2. <u>BUREAU AGENDA NO.</u>
C. 20235	:	
3. <u>REPORT DATE:</u>	:	OCT-77-T-1251*
4. <u>BUREAU:</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Transportation	:	October 6, 1977
6. <u>SECTION(S):</u>	:	
Railroad	:	
7. <u>APPROVED BY:</u>	:	
<u>DIRECTOR</u> Peteritas	:	
<u>SECN SUPV(S)</u>	:	
8. <u>MONITOR:</u>	:	
Comm. Bloom	:	
9. <u>PERSON IN CHARGE:</u>	:	
Huff	:	



10. CAPTION (abbreviated)
Borough of Folcroft
v.
Penn Central Transportation Company, et al.



11. <u>PUBLIC RECORD</u>	:	
<u>INVESTIGATION</u>	:	
<u>INTERNAL ADVICE</u>	:	12. <u>CASE NO.</u>

13. MINUTE (include short summary of facts, issue and recommendation)
The staff recommended and the Commission issued an order directing that the petition, filed September 23, 1976, by Pennsylvania Department of Transportation, seeking an extension of time to submit detailed plans for the reconstruction of the Primos Avenue crossing be granted; directing that the order of May 13, 1975 be modified to delete the requirement of installing shields on the Primos Avenue bridge; directing that National Railroad Passenger Corporation perform a detailed inspection of the Primos Avenue bridge, and maintain the entire substructure and superstructure of the Primos Avenue and Folcroft Avenue bridges, exclusive of the roadway wearing surface; directing Department of Transportation to

14. <u>MOTION BY:</u> Commissioner O'Bannon	Commissioner Acting Chm. Bloom - Yes
<u>SECONDED:</u> Commissioner Johnson	Commissioner Chm. Carter - Absent Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

15. DISSENTING OPINION(S) BY:
CONCURRING OPINION(S) BY:

13. MINUTE (CONTINUED)

maintain the bituminous wearing surface on the Primos Avenue bridge;
and directing Boroughs of Folcroft and Sharon Hill to maintain the
bituminous wearing surface on the Folcroft Avenue bridge.

WH:h

October 20, 1977

C. 20235

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 Sir:

Enclosed, herewith, is Order issued by the Commission on
October 6, 1977 on the above entitled proceeding.

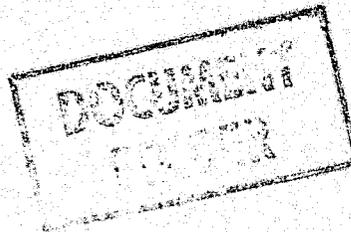
Kindly acknowledge receipt and service on behalf thereof, using
for that purpose the enclosed form.

Very truly yours,

C. J. McElwee
Secretary

EM
Encis.
Certified Mail
Receipt Requested

Bureau of Transportation
Law Bureau
ALJ Office



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held October 6, 1977
Harrisburg, PA 17120

Commissioners Present:

Robert K. Bloom, Acting Chairman
Helen B. O'Bannon
Michael Johnson

Borough of Folcroft
v.

Complaint Docket
No. 20235

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.

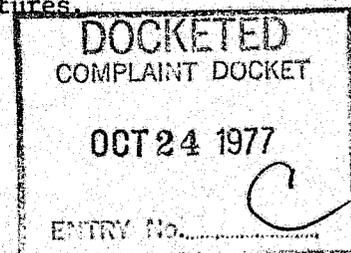
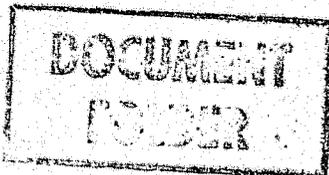
Counsel of Record:

Herbert G. Zahn, Esquire - for Pennsylvania Department of Transportation
Murray S. Eckell, Esquire - for Borough of Folcroft
Matthew J. Green, Jr., Esquire - for National Railroad Passenger Corporation
Joel E. Mazor, Esquire - for Consolidated Rail Corporation
Judith B. Soken, Esquire - for Southeastern Pennsylvania Transportation
Authority
Joseph A. Damico, Jr., Esquire - for Borough of Glenolden
Richard Tinucci, Esquire - for Borough of Sharon Hill
T. H. Maher Cornell, Esquire - for Philadelphia Electric Company

O R D E R

BY THE COMMISSION:

On January 16, 1974, Borough of Folcroft filed a complaint, docketed at C. 20235, alleging that hazardous and inadequate conditions exist at the crossings where Folcroft Avenue (a borough Street), partly in the borough of Folcroft and partly in the borough of Sharon Hill, and Primos Avenue (State Highway Route 420), partly in the borough of Folcroft and partly in the borough of Glenolden, all in Delaware County, cross above the grade of the electrified tracks of Penn Central Transportation Company (now National Railroad Passenger Corporation), 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.



Following hearing April 24, 1974 in this proceeding, this Commission issued an order on June 25, 1974, sustaining the borough's complaint and determined that a new, modern structure was necessary at the Primos Avenue crossing and, as such, Pennsylvania Department of Transportation was directed to prepare preliminary plans and cost estimates for the reconstruction of said crossing and the approaches thereto. The order further directed the department to install and maintain advance weight limit signs to divert truck traffic from Primos Avenue; directed Penn Central Transportation Company to make any necessary repairs, including the bituminous wearing surface of the two bridges involved in this proceeding, and to perform an in-depth inspection of the Folcroft Avenue bridge; directed boroughs of Folcroft and Glenolden to install speed limit signs on the approaches to the Primos Avenue bridge and to enforce the seven (7) ton posted weight limit on said bridge; directed the boroughs of Folcroft and Sharon Hill to post speed limit signs on the approaches to the Folcroft Avenue bridge; and directed that the matter be set down for further hearing.

Upon notification from Penn Central Transportation Company that an analysis of the load-carrying capability of the Folcroft Avenue bridge, performed in compliance with the June 25, 1974 order at C. 20235, revealed the floor beams of said bridge to be insufficient in strength to safely carry a vehicle weighing in excess of seven and one half (7 1/2) tons, this Commission issued a telegram order on November 22, 1974 (ratified December 16, 1974) directing Borough of Folcroft to post said bridge and the approaches thereto for a maximum load limit of seven (7) tons, and further directing Department of Transportation to post and maintain suitable alternate routes for vehicular traffic weighing in excess of seven (7) tons. The ratifying order also directed the boroughs of Folcroft and Sharon Hill to enforce the weight limit posting of the bridge.

Following further hearing held February 25, 1975 in this proceeding, this Commission issued an order on May 13, 1975, directing, inter alia, that Pennsylvania Department of Transportation, within fifteen (15) months from date of service of the order, to prepare and submit to this Commission and to each party of record, detailed construction and right-of-way plans providing for the reconstruction of the existing Primos Avenue crossing and the highway approaches thereto, generally in accordance with its preliminary plans, admitted at the February 25, 1975 hearing and that, during the preparation of said plans, Trustees of Penn Central Transportation Company cooperate with Pennsylvania Department of Transportation. The order further directed Trustees of Penn Central Transportation Company, on or before November 1, 1975, to install non-conductive shields on the existing Primos Avenue bridge between the railroad company's catenary wires and the underside of the bridge to drain any water leaking through the bridge deck away from the catenary wires; said action deemed necessary by this Commission after testimony at the hearing revealed that icicles, formed by water leaking through the bridge deck, came into contact with the catenary wires, resulting in an explosive force that blew several holes in the bridge deck wearing surface.

The line of railroad involved in this proceeding was transferred by conveyance, effective April 1, 1976, from Penn Central Transportation Company to Consolidated Rail Corporation under the Rail Reorganization Act of 1973, as amended. Pursuant to Section 701(b) of the Railroad Revitalization and Regulatory Reform Act of 1976, Consolidated Rail Corporation reconveyed, effective April 1, 1976, the involved line of railroad to National Railroad Passenger Corporation.

This matter is presently before us upon petition, filed September 23, 1976, by Pennsylvania Department of Transportation, seeking modification of our order of May 13, 1975 at C. 20235, by granting the department an extension of time of two (2) years in which to prepare and submit the detailed construction and right-of-way plans for the reconstruction of the Primos Avenue bridge and the highway approaches thereto.

In its petition, the department avers that, since its preliminary plans contain numerous inaccuracies and since it has updated its design standards and procedures, the department must resurvey the entire project area and possibly make a line change and, as such, an additional two (2) years will be required to complete the aforesaid work and the required construction and right-of-way plans.

Borough of Folcroft, in answer to the instant petition, filed October 7, 1976, requests the petition be denied and that appropriate action be taken against Department of Transportation for failure to comply with this Commission's Order of May 13, 1975.

At Public Meeting held November 22, 1976, this Commission directed that hearing be set on the instant petition and further directed that Consolidated Rail Corporation and National Railroad Passenger Corporation each be made a party respondent to this proceeding.

Hearing on the instant petition was held in Media on May 10, 1977, with the following parties making appearances and submitting testimony:

Howard A. Sellers - Civil Engineer - for Pennsylvania Department of Transportation
George Kilmartin - Borough Councilman - for Borough of Folcroft
Robert Horne - Chief of Police - for Borough of Folcroft
Louis Cheifetz - Structural Engineer - for National Railroad Passenger Corporation
Stafford C. Walker - Senior Civil Engineer - for Consolidated Rail Corporation
Edward J. Silver - Senior Engineer, Gas Division - for Philadelphia Electric Company
Robert K. Shimer - Assistant Director of Public Works - for County of Delaware

Borough of Sharon Hill, Borough of Glenolden, and Southeastern Pennsylvania Transportation Authority were represented by Counsel at the aforesaid hearing, each of which made a statement for the record.

Trustees of Penn Central Transportation Company, The Bell Telephone Company of Pennsylvania, and Philadelphia Suburban Water Company were notified of the time and place of the hearing, but did not make an appearance.

Mr. Sellers testified for Pennsylvania Department of Transportation that the department requests an extension of time of two (2) years in which to complete the construction and right-of-way plans for the following reasons:

1. The preliminary plans for the project contain numerous inaccuracies, principally due to the changes in the department's procedure in preparing highway and structure plans and to physical changes that have taken place at the project site that have occurred since the preliminary plans for an improvement of the subject location was prepared approximately ten (10) years ago.
2. The department is planning a small alignment shift of the involved highway, as shown on the preliminary plans, in anticipation of minimizing right-of-way damages and adverse impact on the involved project area, with said realignment requiring new surveys to incorporate, into the plans, additions of any new topographical features built within the past ten (10) years.
3. The change in ownership of the involved line of railroad from Penn Central Transportation Company to National Railroad Passenger Corporation has delayed the required new field surveys, in that the department has been unable to receive permission from National Railroad Passenger Corporation, due to said railroad's protective liability insurance requirements, to enter railroad right-of-way.
4. In order to obtain State and Federal funding for the project, time-consuming environmental impacts studies are required.

Mr. Sellers further testified that the department estimates it will take approximately six (6) to eight (8) months to complete a preliminary right-of-way plan after the department receives approval to enter railroad right-of-way, and that the construction plans cannot be completed until the department justifies the proposed highway alignment shift, which justification, among other things, must be based on the outcome of meetings between the department and the public.

In response to an interrogatory propounded by this Commission to be answered by department at the hearing, Mr. Sellers testified that the cost, incurred by the department in the preparation of the construction plans ordered prepared by this Commission in its order of May 13, 1975, is unknown at this time.

Mr. Sellers further testified that the department has the funding for the design of the improvement, part of which comes from the Federal Government, but the department does not have the funds for the construction of the improvement.

Mr. Sellers testified that, since the issuance of this Commission's Order of May 13, 1975 at C. 20235, the department has performed routine highway maintenance on the approaches to the Primos Avenue crossing, along with periodic patching of the bituminous wearing surface on the deck of the Primos Avenue bridge.

Mr. Sellers also testified that the department has not performed an in-depth inspection of the Primos Avenue bridge and, as such, it is not in a position to determine whether the bridge should be posted for a maximum weight limit less than the seven (7) tons for which it is presently posted. The witness further testified that the department does not agree to make any such inspection, as it is of the opinion that the party legally responsible for maintaining the bridge should be the party required to make the inspection.

Mr. Kilmartin testified for Borough of Folcroft that the borough objects to granting Department of Transportation an extension of time of two (2) years in which to complete the construction plans for an improvement at the Primos Avenue crossing. The witness further testified that, in his opinion, during the past two (2) years, the bridge shows signs of continuing deterioration, which is of concern to the borough of Folcroft.

Borough of Folcroft Exhibits No. 13A through 13P, consists of sixteen (16) photographs, taken on April 18, 1977, showing the existing conditions of various components of the Primos Avenue bridge and the electrical wiring systems attached to the bridge. Mr. Kilmartin expressed particular concern over the continued deterioration of the bridge deck wearing surface, the condition of the insulators of the railroad company's catenary system, the condition of electrical wiring attached to the bridge, the separation of the bridge deck from the pedestrian walkway, and the condition of the corrugated steel panels adjacent to the pedestrian walkway on the outside of the bridge.

Mr. Kilmartin testified that, since the issuance of this Commission's Order of May 13, 1975 at C. 20235, the borough has repaired the bituminous wearing surface on the deck of the Primos Avenue and Folcroft Avenue bridges, in order that it would be possible to keep the bridges open to vehicular traffic. The witness further testified that the wearing surface is a continuous problem due to the movement of the timber deck and the passage of motor vehicles, which causes the wearing surface to break up.

Chief Horne testified for Borough of Folcroft that the borough, to the best of its ability with its police force, has enforced the posted weight and speed limits on the Primos Avenue and Folcroft Avenue bridges, by making arrests and prosecuting violators.

Chief Horne further testified that, during the past two (2) years, he is unaware if there have been any children injured or any property damages as a result of the condition of the Primos Avenue bridge.

Chief Horne also testified that Southeastern Pennsylvania Transportation Authority buses no longer use the Primos Avenue bridge and the borough has notified school bus operators not to use the bridge.

Counsel for Boroughs of Glenolden and Sharon Hill, in a statement for the record, supported the testimony of Borough of Folcroft and request that, if any delay is given to the reconstruction of the Primos Avenue bridge, an immediate engineering survey be ordered by this Commission to determine the safety of the bridge to the traveling public, and if the results of the engineer's study show the bridge to be unsafe, the bridge should be closed.

Mr. Cheifetz testified for National Railroad Passenger Corporation (Amtrak) that the involved line of railroad is owned and operated by National Railroad Passenger Corporation as its Northeast Corridor. The witness also testified that there are approximately twenty-four (24) freight train movements and one hundred fifty-two (152) passenger train movements, operating at a maximum authorized speed of fifty (50) and ninety (90) miles an hour, respectively, daily operate over the four electrified tracks at the subject location.

Mr. Chiefetz also testified that Amtrak realizes that two years may be required for Department of Transportation to complete the construction plans for an improvement at Primos Avenue and that, since the delays in said improvement have been caused by the department, Amtrak recommends that the department be made responsible for the maintenance of the existing bridge until such time as a new bridge is constructed.

Mr. Chiefetz further testified that Amtrak has never performed any maintenance on the Primos Avenue and Folcroft Avenue bridges, it has not made any inspection of the two bridges to determine if the existing weight limitation postings are correct, and it does not volunteer to make in-depth inspections of either bridge, as it is Amtrak's position that it has no obligations or responsibilities with respect to overhead bridges. Under cross-examination, the witness testified that Amtrak is responsible for the maintenance of the track, the right-of-way and the overhead wires at the subject locations.

Mr. Chiefetz testified that Amtrak is aware that sometime in the past an icicle hanging beneath the Primos Avenue bridge contacted the pantograph of a passing train which short-circuited the catenary power into the bridge which caused minor damage to the bridge deck from the surge of the current; however, Amtrak is of the opinion that, based on the long history of electrification in the subject area and the infrequency of such occurrences, that the installation of shields underneath the bridge, as ordered to be performed by Penn Central Transportation Company by the Commission's order issued May 13, 1975 at C. 20235, is unnecessary and that the original occurrence may have been a freak happening. The witness further testified that, in event this Commission determines that such shields must be installed, Amtrak will not agree to install same; however, it will agree to provide the necessary protection for the installation work at the cost of others.

Under cross-examination, Mr. Chiefetz testified that Amtrak has not permitted Department of Transportation personnel to enter the railroad company's right-of-way to permit the department to perform surveys, take test borings, etc., apparently since the parties have not concluded the necessary insurance agreement.

Mr. Walker testified for Consolidated Rail Corporation (Conrail) that Conrail has no objection to granting the department's instant petition.

Mr. Walker also testified that Conrail's function at the involved location is the operation of the freight trains operating beneath the structures, and, under a purchase of service contract with SEPTA, it operates the commuter trains at said locations.

Mr. Walker further testified that Conrail has never performed any maintenance on the two bridges involved in this proceeding, it has made no inspections of the bridge, and, as such, it has no opinion as to whether the bridges should be posted for less than seven (7) tons. The witness also testified that since Conrail has no present responsibility towards the bridges, it does not agree to make any in-depth inspections of same.

In a statement for the record, Counsel for Southeastern Pennsylvania Transportation Authority (SEPTA) stated that the only changes in fact from SEPTA's previous testimony in this proceeding is that the contract for purchase of commuter rail service is now with Conrail rather than Penn Central Transportation Company, and that the most recent purchase of service contract with Conrail is dated March 27, 1977.

Mr. Silver testified that Philadelphia Electric Company has no objection to granting the instant petition of the department. Mr. Silvers also testified that the electric company will make an on-site inspection of its electrical facilities at the Primos Avenue crossing to determine if same are in need of repair and adversely affect the safety of the public.

Mr. Shimer testified for Delaware County that the county objects to granting the department an extension of time of two (2) years in which to complete the construction plans for an improvement at the Primos Avenue crossing.

Mr. Shimer also testified that the county does not maintain the two bridges involved in this proceeding, and it has no knowledge as to any weight restrictions that should be placed on same.

By letter dated May 6, 1977, and made a part of the record, Philadelphia Suburban Water Company notified this Commission and all parties of record that it has no objection to granting the instant petition of the department.

Upon being notified on July 27, 1977 by Borough of Folcroft that the Primos Avenue bridge was in a seriously hazardous condition due to the existence of large pot-holes in the bridge deck's bituminous

wearing surface, this Commission issued a certified letter order on August 2, 1977, (ratified August 30, 1977) directing, inter alia, the borough of Folcroft to close said bridge by erecting barricades at each end of the bridge; directing Department of Transportation to immediately repair the bridge deck bituminous wearing surface, to post the bridge and the highway approaches thereto with signs restricting the use of the bridge to passenger automobiles only, and to establish, mark and maintain suitable detours for other vehicles; directing that, upon completion of the required work by the department, the bridge be opened to passenger automobiles; and directing Boroughs of Folcroft and Glenolden to enforce the posted restriction.

Upon full consideration of the matters and things involved, we find and determine that the instant petition of Department of Transportation seeking an extension until September 30, 1978 in which to prepare and submit the detailed construction and right-of-way plans for the reconstruction of the Primos Avenue bridge and the highway approaches thereto, should be granted, and we shall so order, although we are not convinced that the department has made a determined effort to expedite this much-needed project.

We further find and determine that the record is not sufficient to determine the safe load-carrying capacity of the Primos Avenue bridge and, as such, since the four electrified tracks of National Railroad Passenger Corporation at the subject location carry a high volume of rail passenger traffic at high speeds, and since the involved line of railroad was conveyed to Amtrak via Conrail on or about April 1, 1976, we shall order Amtrak to make a detailed inspection of the bridge and furnish this Commission and all parties of record with a copy of the inspection report, said report to contain recommendations regarding the weight restrictions that should be placed on the bridge, and any repairs necessary to maintain said restrictions.

We also find and determine that, for the aforesaid reasons, Amtrak should maintain the entire existing Primos Avenue and Folcroft Avenue bridges, exclusive of the bridge deck bituminous wearing surface; that, since Primos Avenue, in the vicinity of the crossing, is a State highway, Department of Transportation should maintain the bituminous wearing surface on the subject bridge thereon; and that, since Folcroft Avenue is a borough street, located partly in the borough of Folcroft and partly in the borough of Sharon Hill, said parties should share equally in the maintenance of the bituminous wearing surface on the subject bridge deck, and we shall so order.

We further find and determine that the order of May 13, 1975 at C. 20235 should be modified to delete the requirement that non-conductive shields be installed between the catenary wires and the underside of the Primos Avenue bridge, since the record shows that the need for said shields was the result of a freak occurrence, and we shall so order; THEREFORE,

IT IS ORDERED:

A. That the prayer of petition of Department of Transportation of the Commonwealth of Pennsylvania, filed September 23, 1976, seeking modification of our order issued May 13, 1975 at C. 20235, be and is hereby granted.

B. That numbered Paragraphs 1 and 2 of our order issued May 13, 1975 at C. 20235, which read as follows, to wit:

"1. That Department of Transportation of the Commonwealth of Pennsylvania, within fifteen months from date of service of this order, 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 Penn Central Transportation Company, 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, within fifteen months from date of service of this order, 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".

be and are hereby modified, respectively, to read as follows:

1. That Department of Transportation of the Commonwealth of Pennsylvania, on or before September 30, 1978, 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, 1978, 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.

C. That numbered Paragraph 4 of our order issued May 13, 1975 at C. 20235 which reads as follows, to wit:

"4. That Trustees of Penn Central Transportation Company, on or before November 1, 1975, install non-conductive shields on said existing Primos Avenue Bridge, between its catenary

wires and the underside of the bridge to drain any water leaking through the bridge deck away from the catenary wires, to the satisfaction of this Commission, and on or before said date, report to this Commission the exact date of completion of the work".

be and is hereby deleted in its entirety.

D. That National Railroad Passenger Corporation, at its initial cost and expense, within forty-five (45) days from date of service of this order, perform a detailed inspection of the Primos Avenue bridge and submit a copy of the inspection report to this Commission and to the parties of record; said report to contain recommendations regarding the weight restrictions that should be placed on the bridge and any repairs necessary to maintain said restrictions.

E. That National Railroad Passenger Corporation, at its initial cost and expense, maintain the entire substructure and superstructure of the existing Primos Avenue and Folcroft Avenue bridges, exclusive of the bituminous wearing surface on the bridge decks, to such an extent that said bridges can safely carry vehicles not exceeding the posted restrictions, and pedestrians, until such time as this Commission makes its final disposition of this proceeding.

F. That National Railroad Passenger Corporation maintain its railroad facilities at the two crossings involved in this proceeding, as necessary to insure the safety of the traveling public utilizing the crossings.

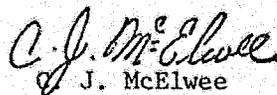
G. That each non-carrier public utility maintain its respective facilities at the two crossings involved in this proceeding as necessary to insure the safety of the traveling public utilizing the crossings.

H. That Department of Transportation, at its initial cost and expense, maintain the bituminous wearing surface of the Primos Avenue bridge deck, until such time as this Commission makes its final disposition of this proceeding.

I. That Borough of Folcroft and Borough of Sharon Hill, at their initial cost and expense, shared equally, maintain the bituminous wearing surface on the Folcroft Avenue bridge deck, until such time as this Commission makes its final disposition of this proceeding.

J. That in all respects not inconsistent herewith, our prior orders in this proceeding remain in full force and effect.

BY THE COMMISSION,


J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: October 6, 1977

ORDER ENTERED: **OCT 20 1977**