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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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C. 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 - Alleging that hazardous and inadequate conditions exist at the crossings of Folcroft Avenue and Primos Avenue above the grade of the 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.

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BEFORE: MEYER L. CASMAN, ESQ., Presiding Examiner

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APPEARANCES:

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and*

RECORD FOLDER

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- - -

INITIAL HEARING held in the Toal Building,  
Second and Orange Streets, Media, Pennsylvania, on  
Wednesday, April 24, 1974, beginning at 10:05 a.m.

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P R O C E E D I N G S

THE EXAMINER: Good morning, ladies and gentlemen. Let us proceed with the hearing on Complaint 20235, which is that of the Borough of Folcroft versus the Penn Central Transportation Company, Department of Transportation of the Commonwealth of Pennsylvania, County of Delaware and Southeastern Pennsylvania Transportation Authority; alleging that hazardous and inadequate conditions exist at the crossings of Folcroft Avenue and Primos Avenue above the grade of the 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.

This is the initial hearing.

Mr. Clark, do you care to make any opening statement at all, sir?

MR. CLARK: Yes, Your Honor, I would, if you please.

My name is John H. Clark, Jr. I am the Solicitor of the Borough of Folcroft. We make four main requests here, and I think several of them are pretty well disposed of. Take the simpler ones first.

We ask that guard rails be put in place on the Primos Avenue Bridge. The PennDOT has already put guard rails on one side, since this petition was filed, and we are informed by PennDOT that the only reason that the guard rails have not yet been put on the other side is that they do not have any more in stock right now. So that assuming that PennDOT completes the installation of guard rails, we really have no remaining problem on that point.

The second point was the matter of posting weight limits. In terms of posting weight limits, PennDOT has, since the petition was filed, posted weight limits at the access points to the Primos Avenue Bridge, which is quite satisfactory. There is one more aspect of that that we would ask them to do. I do not know whether it really requires any Order from the Public Utility Commission, but I would mention it at this point. One

difficulty is that Hook Road, which they recently widened State highway coming out of the City of Philadelphia into Delaware County, has a great deal of traffic, and by the time they get to Primos Avenue, which is the turn-off for the bridge that we are concerned about, when the heavy trucks see a seven-ton weight limit sign at the intersection of Hook Road and Primos Avenue, they really have nowhere to go. They have gotten too far to find a suitable alternative. We would, therefore, ask PennDOT to put something in the nature of a sign at Sharon Avenue and Hook Road, which is before the Borough of Folcroft is reached, saying that trucks over seven tons should detour at that point. There is an adequate bridge at Sharon Avenue, which is really the last adequate bridge for heavy trucks to get off Hook Road, and we think that the trucks should be advised at that point rather than go further, see a weight limit sign, and really have no choice but to try to turn around in the middle of the street. So that on the posting of weight limits, we have, subject to that one qualification, substantial compliance.

The third point that I will cover is the question of building a new bridge. We are advised by PennDOT that such a bridge is in their capital improvement

program. We recognize, of course, that such a bridge cannot be built overnight or in a matter of months, that there are many problems, and I do not know that we can ask a great deal more than that PennDOT do its best in terms of its capital improvement program. We are glad they have it in there, we hope it makes progress. I do not think it is realistic for us to try to control their timing on that question.

That leaves us only the main problem on which we do have a continuing complaint; the maintenance of the cartway or bridge deck. We do say that something has to be done in terms of maintenance of this cartway; that it is just impossible.

That is as much as I would like to cover in my opening statement, unless perhaps the attorney for PennDOT would like to state to what extent he might agree or disagree.

THE EXAMINER: I do not think it would pay to do that, sir.

MR. ZAHN: Just one question of counsel. If the detour sign is placed just outside the Borough of Folcroft as you suggested and heavy trucks do not use that bridge, would the Borough consider whether or not a new

bridge should be placed there? In other words, would it satisfy the Borough if this detour were made and keep the existing structure, providing something is done with the floor deck or cartway?

MR. CLARK: I have two witnesses, the engineer and the Mayor. I prefer to have them answer that, and I will ask them that.

MR. ZAHN: Thank you.

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COMPLAINANT'S TESTIMONY

... H. GILROY DAMON, JR., 155 Plymouth Road, Springfield, Pennsylvania, having been duly sworn by the Examiner, was examined and testified as follows ...

DIRECT EXAMINATION

BY MR. CLARK:

Q. Mr. Damon, with what firm are you associated?

A. H. Gilroy Damon Associates, Inc.

Q. And they are professional engineers?

A. Yes.

Q. And are they the engineer for the Borough of Folcroft?

A. Yes.

Q. Are they actually also the engineer for several of the other parties in this proceeding?

A. Yes.

Q. Do you happen to know which ones offhand?

A. Sharon Hill Borough and Glenolden Borough.

Q. Could you tell us generally, first in terms of the Folcroft Avenue Bridge, from what points Folcroft Avenue runs and just describe it generally?

A. Folcroft Avenue is a Borough street extending southeast from Chester Pike to Delmar Drive. The railroad bridge is about a quarter of a mile south of Chester Pike, and Folcroft Avenue is the dividing line between Sharon Hill Borough and Folcroft Borough at the bridge. The Borough road is 30 foot wide between curbs, and the bridge cartway is 15 foot wide.

Q. And how about the Primos Avenue Bridge? Will you describe that in the same terms?

A. The Primos Avenue Bridge -- well, Primos Avenue is a portion of L.R. 420, the State highway that extends southeast from Chester Pike to Delmar Drive. The railroad bridge is about a quarter of a mile south of Chester Pike, and the road cartway, the approach road to the bridge, is

about 22 foot wide more or less without curbs, and the bridge cartway is about 15 foot wide. Now, Primos Avenue divides the Borough of Glenolden and Folcroft at the location of the bridge.

Q. And as you said, Primos Avenue is a State highway; is that right?

A. Yes.

Q. And Folcroft highway is a Borough street?

A. Borough road.

Q. And both of these bridges are over the tracks of Penn Central?

A. Correct.

Q. And what generally is the width of the bridges?

A. About 15 foot wide. That is the cartway width.

Q. Is that sufficient for one car in each direction?

A. Sufficient for one car in one direction.

Q. And what is the general visibility situation?

A. The sight distances are very poor. The Primos Avenue approaches are almost at a ten percent grade on both sides.

Q. Can you tell us what the general maintenance situation or condition of the cartway is at the present time and has been over the last few months?

A. The road surface appears to be bituminous material

on a wood deck. Due to vibrations in the bridge from traffic vehicles traveling over the bridge, the bituminous material tends to break up and to form potholes.

Q. Is the pothole situation currently bad?

A. Well, the road surface is very irregular because of the potholes, and patches have been placed at various spots on the roadway.

Q. Do you have any information concerning the maintenance and reconstruction obligations first in terms of the Folcroft Avenue Bridge, and also perhaps construction history and dating of that bridge?

A. Well, as far as I know, the Folcroft Avenue Bridge is maintained by the Penn Central Company.

Q. And how about the Primos Avenue Bridge?

A. The Primos Avenue Bridge is maintained by the Penn Central Company, also.

Q. Do you have any plans that might indicate the approximate age of that bridge?

A. We have a reconstruction plan dated about 1912, but I believe the bridge was built prior to 1900.

Q. That is referring to the Primos Avenue Bridge now; right?

A. Yes.

Q. Now, going back over the four specific points, you heard my statement regarding guard rails on the Primos Avenue Bridge. Do you concur that they have been placed on one side, and if the same thing were done on the other side, that would suffice on that point?

A. Yes.

Q. Now, in terms of the weight limits, do you concur that weight limits have been posted?

A. Yes, weight limits have been posted.

Q. And would you discuss the detour possibilities and the special problems of heavy trucks that may reach that point without being aware of the limits?

A. We feel that at the intersection of Chester Pike and Primos Avenue, there should be a detour sign, because if large trucks were to come down Primos Avenue and approach the bridge, there would not be any place for them to turn around really to get out without going through narrow Borough streets. And the same condition exists on the southerly approach to the bridge. Trucks traveling from Philadelphia on Hook Road, when they got up in the Primos Avenue and up near the bridge, there would not be any way for those trucks to turn around, except to go over narrow Borough roads. So possibly, there could be a

warning or a detour at Sharon Avenue, which is also a State highway and runs directly north to Chester Pike.

Q. Realistically, most of the traffic on Hook Road is out of the City of Philadelphia; is that substantially correct?

MR. ZAHN: I object.

MR. CLARK: I think I better strike that question. Yes, I will strike that.

BY MR. CLARK:

Q. Now, would you tell us generally what you feel is required to solve whatever problems that may exist there?

A. Well, I feel that the interest that the Borough has is that the roadway and the bridge be maintained in a safe manner for vehicle and pedestrian use.

Q. And so in your mind, it is primarily a maintenance problem, coupled, of course, with the guard rails and the signs?

A. Yes. I think that the railroad has done some work here with the steel panels, corrugated panels, that protect the pedestrians. They have replaced them with those recently, and they are doing some work there.

Q. Anything else that you care to add which you feel may be of assistance to the Commission?

A. It may help if 15 mile per hour speed limit signs were installed at the bridge approaches.

Q. I believe the attorney for PennDOT did raise a question as to whether, if heavy truck traffic were detoured from Delmar Drive onto Sharon Avenue, PennDOT's plans for replacing the Primos Avenue Bridge might thereby be made unnecessary. Do you feel that you could comment on that?

A. Well, Sharon Avenue dead ends at Chester Pike, and there are not adequate streets right there to the north to carry the traffic through. PennDOT's plans actually for Primos Avenue, which is L.R. 420, were to extend from Hook Road north to Baltimore Pike.

Q. So that PennDOT's plans, as you understand it, for replacing this bridge are part of a general improvement of Primos Avenue which would extend for some miles?

A. That's right.

MR. CLARK: I have no other questions, Mr. Examiner.

THE EXAMINER: Cross-examine, Mr. Zahn.

CROSS-EXAMINATION

BY MR. ZAHN:

Q. Mr. Damon, you mentioned that one of the bridges is

15 feet wide. Which bridge were you referring to?

A. Folcroft Avenue Bridge. Now, that is the cartway width.

Q. The cartway width?

A. Yes.

Q. And you say that that is too narrow for two cars to pass, two ordinary cars?

A. I use the bridge quite frequently. Two cars can get by, but it is not at all desirable.

Q. Is it because of the potholes or because of the width?

A. It is because of the --

Q. People avoiding potholes?

A. It is because of the width primarily, and the potholes even make it more dangerous, because they tend to throw a car off a little bit, and you have very little room for two cars to pass.

Q. Now, you suggested a 15 mile per hour speed limit in that area of the Folcroft Bridge, is it?

A. The Primos Avenue Bridge.

Q. You understand that these speed limits are posted by the Borough, not by the Department of Transportation?

A. Yes.

Q. Do you know whether or not the Borough would be

willing to post such speed limits?

A. I think they would be, yes.

Q. Did you say, Mr. Damon, in your direct testimony, that the approaches to the Primos Avenue structure is 10 percent?

A. About 10 percent. They approach 10 percent.

Q. Have you had a chance to examine the PennDOT --

A. I have the plans with me.

Q. Did your firm design these plans up to the present time?

A. Yes, sir.

Q. Now, would you refer to Sheet 7 of the unofficial plan dated March 25, 1974. If you refer to that plan, it shows the existing grade.

A. Yes.

Q. Does the present existing grade as shown there not come out between five and six percent?

A. Well, I mean further on. I mean at the bridge itself. I mean at Station 87. I was referring to the direct approach to the bridge. Now, the approach grade varies up to ten percent. I think that is what I said.

Q. So that the overall grade might be five or six percent?

A. Yes.

Q. I mean average.

A. As you approach the bridge structure itself, the grade is much steeper.

MR. ZAHN: Thank you, Mr. Damon.

THE EXAMINER: Mr. Wickes.

MR. WICKES: I have primarily a question for counsel as to whether or not answers to Question 4, 7 and 8, particularly concerning highway and pedestrian traffic, plus plans for replacement, will be handled by another witness, or whether this witness will.

MR. CLARK: Question 7 will be handled by the Mayor, who will be the next witness. 4 and 8 I will ask Mr. Damon to comment upon. Mr. Damon has a list of the questions, so I will repeat Question 4.

REDIRECT EXAMINATION

BY MR. CLARK:

Q. "Submit accurate data concerning present and future pedestrian traffic at these locations," which I think, incidentally, is identical with Question 20. Mr. Damon, would you care to comment on that?

A. The Borough has not accumulated any data on this

question at all.

Q. On Question 8, whether we have any engineering studies, estimates or construction plans for the improvement of the highway and existing crossings above grade, and if so, submit copies thereof, which is identical with Question 22, I believe.

A. The Borough has not prepared studies or plans.

RECROSS-EXAMINATION

BY MR. WICKES:

Q. May I ask in light of that question, does it intend to?

A. No, the Borough does not intend to.

Q. What is the posted speed limit at Folcroft Avenue Bridge at the present time?

A. The Mayor could answer that. 25 miles an hour on that street.

Q. Does your position with respect to the 15 mile an hour limit at Primos Avenue also apply to Folcroft Avenue?

A. Yes.

MR. WICKES: That is all, sir. Thank you.

THE EXAMINER: Now, we have many other counsel here, but I would rather ask which have any questions for

CROSS.

MR. KEELER: Yes, sir. I represent the Borough of Glenolden, sir. As Mr. Damon testified, he is also engineer for the Borough of Glenolden. Now, I can either ask him questions on behalf of the Borough on cross, or I can wait and recall him as part of the Borough's case.

THE EXAMINER: Let's get it over with now, please.

MR. KEELER: Fine.

CROSS-EXAMINATION, (Continued)

BY MR. KEELER:

Q. Directing your attention then to Question No. 9, Mr. Damon -- and now I am asking you questions in your capacity as engineer for the Borough of Glenolden -- does any portion of the Folcroft Avenue Bridge or the cartway lie in the Borough of Glenolden?

A. No.

Q. Does any portion of the Primcs Avenue Bridge or cartway lie in the Borough of Glenolden?

A. Yes.

Q. And what portion is that, Mr. Damon?

A. The Borough line is in the center of Primos Avenue.

Q. As engineer for the Borough, are you familiar with the position of the Borough as to what portion, if any, of the cost of reconstruction or maintenance it will agree to bear?

A. Yes.

Q. And what is that position?

A. No cost.

MR. KEELER: Thank you, sir. That is all the questions I have.

THE EXAMINER: Anyone else?

MR. TINUCCI: I would propose the same questions to Mr. Damon as Mr. Keeler submitted on behalf of Glenolden.

THE EXAMINER: All right, sir.

BY MR. TINUCCI:

Q. Mr. Damon, does any portion of the Folcroft Avenue Bridge lie in the Borough of Sharon Hill?

A. Yes.

Q. What portion is that?

A. The Borough line is in the center of Folcroft Avenue.

Q. Now, I will direct your attention to Question No. 9. Are you familiar with the Borough of Sharon Hill's present

obligation with respect to this bridge?

A. Yes.

Q. What is that obligation at the present time?

A. The Borough of Sharon Hill has no obligation to the bridge. The bridge belongs to the Penn Central Company.

Q. Are you familiar with the Borough's position with regard to maintenance and/or reconstruction of that bridge?

A. Yes.

Q. And what is that position?

A. They do not desire to maintain or reconstruct the bridge.

Q. Mr. Damon, I have just one more question. It was brought out on direct examination something about a detour on Hook Road that would go up over Sharon Avenue. Now, if this detour was placed on Hook Road, what Boroughs would then be involved?

A. The Township of Darby and the Borough of Sharon Hill.

Q. Is Darby Township present at this hearing today?

A. No.

Q. So really, we do not know Darby Township's position with regard to this detour, do we?

A. No.

Q. What effect would that have on the Borough of Sharon

Hill?

A. In all likelihood, it would increase the truck traffic on Sharon Avenue, which passes through Sharon Hill.

MR. TINUCCI: Fine. That is all I have.

THE EXAMINER: Thank you.

Is there any other cross?

MR. ZAHN: One further question of Mr. Damon.

BY MR. ZAHN:

Q. Has any origin and destination study been made by any of these Borough Townships?

A. No.

MR. CLARK: Might I also follow up on those questions?

THE EXAMINER: Please.

BY MR. CLARK:

Q. In terms of truck traffic that would be redirected up Sharon Avenue, would this be truck traffic presumably which could not legally go up Primos Avenue now, but which is going up Primos Avenue?

A. Yes. The truck traffic would be restricted from using Primos Avenue because of the weight limit, and the only other State highway in the vicinity would be Sharon Avenue. I think you will find that Glenolden Borough and

these local municipalities prohibit truck traffic on their local streets, so the only way trucks could conceivably get off of Hook Road would be up Sharon Avenue.

Q. So their present choice, if they are more than seven tons, is to go up Sharon Avenue or to violate the weight limit on Primos Avenue?

A. That's right.

Q. Now, in terms of the repair obligations for the bridges, is the obligation of the Borough of Folcroft any different from the obligation of the Borough of Glenolden and the Borough of Sharon Hill?

A. I would say not.

MR. CLARK: And I have no other questions.

THE EXAMINER: All right. Thank you very much, Mr. Damon.

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(Witness excused)

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MR. CLARK: Mayor Wiley, please.

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... RUSSELL T. WILEY, 1959 Carter Road, Folcroft, Pennsylvania, having been duly sworn by the Examiner, was examined and testified as follows ...

## DIRECT EXAMINATION

BY MR. CLARK:

Q. Sir, are you Mayor of the Borough of Folcroft?

A. I am.

Q. And as such, I first refer you to Question No. 7, concerning enforcement of posted weight limits on the existing bridges, first asking up until the time this petition was filed, were weight limits posted?

A. Weight limits had been posted at one end of Primos Avenue Bridge only. They may have been posted some time in the past at the nearest main highway, which is Chester Pike, but could have been knocked down through some traffic accident. But the only limit posted that I know of on Primos Avenue was at the approach to the bridge, I would say probably a quarter of a block before crossing the bridge.

Q. And that would be, I guess you would call it, on the north side, the Chester Pike side?

A. Chester Pike side.

Q. There was nothing posted on the other side?

A. That's right.

Q. Now, in terms of weighing trucks which may violate that limit, is there any weighing facility within the Borough of Folcroft?

A. There is no weighing facility at all in Folcroft, and our police there are not familiar with the procedure. However, we did go to the extent of contacting the State Police about a month ago, asking that their transit crew, who have a portable scale and a station wagon, come down and weigh trucks for us crossing the Primos Avenue Bridge. To date, they have not appeared.

Q. In terms of the weighing problem, how many police cars would we normally have on duty in the Borough of Folcroft in any one time?

A. Three at the most.

Q. But how many would usually be on duty?

A. Two normally.

Q. And weighing would involve escorting a truck to some other community; is that right?

A. Definitely out of Folcroft within a radius of two miles outside of Folcroft.

Q. In terms of the question of the willingness of the

Borough of Folcroft which may arise from this proceeding, would you care to comment? You have already heard the position of the Borough of Sharon Hill and the Borough of Glenolden. I would ask you what is the Borough of Folcroft's position in those respects?

A. The Borough of Folcroft has no intention of investing any money in keeping these bridges repaired. If necessary, to realign the approach in some way, I think council would be willing to go along with that expense, but as far as maintaining the present bridges, they will not spend any money, although they have on occasion and more than one occasion patched the surface of both of these bridges with their own men and material to make them safe for use.

Q. Are you aware of any agreement between Penn Central or PennDOT and the Borough of Folcroft whereby the Borough of Folcroft has ever assumed any obligation to pay any bridge maintenance expenses?

A. No, sir, I know of no agreement.

Q. Have you taken or had taken by your personnel, photographs of the situation as it exists at the present time?

A. I have a number of them right here of the Primos Avenue Bridge.

MR. CLARK: I wonder if we might mark these and ask you what each one may be.

THE EXAMINER: Do you intend to file them as exhibits?

MR. CLARK: Yes, sir.

THE EXAMINER: You understand you must have three for the Reporter besides copies for all.

MR. CLARK: All right, I will ask to file them orally. I will not file them as exhibits then.

THE EXAMINER: Okay.

BY MR. CLARK:

Q. Just generally speaking, could you add to what Mr. Damon may have said in terms of detailed descriptions of current conditions on either the Folcroft Avenue or especially the Primos Avenue Bridge?

A. Well, the Folcroft Avenue Bridge, I think the big problem is the width of the cartway and also the angle of approach from either side of the bridge. It is almost impossible to see a car approaching from either side of the bridge as you approach the bridge, and you must of necessity slow down to practically a stop to avoid a collision if you are passing a car on the bridge, because you cannot see them until you are almost on top of the

bridge. The angle of approach is that steep. That is Folcroft Avenue Bridge.

Q. Is there a current pothole or rutting problem there?

A. There is a continuous pothole condition on Folcroft Avenue Bridge, which is creating large potholes, dangerous potholes, and I think -- in fact, I know from conversation with the highway engineer in Sharon Hill that they have maintained the surface of this bridge a good bit of the time. I suppose the railroad has come in occasionally and patched it.

Q. In terms of the Primos Avenue Bridge, -- not, of course, the Borough of Sharon Hill's participation -- but would the pothole situation be roughly comparable, worse, or how would you describe it?

A. Even worse, because we have signs on Folcroft Avenue at Chester Pike, the beginning of it, the beginning of Folcroft Avenue, and we have a sign at the other end of the bridge: No Truck Traffic Allowed, on Folcroft Avenue, either end of it. On Primos Avenue there is a sign just before you come to the western approach, just before you hit Elmwood Avenue. Elmwood Avenue is at the bottom of the grade to Primos Avenue Bridge. There is a sign just before you come to Elmwood Avenue: Seven Ton Weight Limit.

On the opposite side of Primos Avenue Bridge, there is now signs recently put up at Chester Pike and one that has been there about halfway up the grade to Primos Avenue: Seven Ton Weight Limit. There is no possibility of a truck turning around and going back when he sees that sign. He has to back up.

Q. In terms of the guard rails, I do not care to say too much about them, because I believe we have a substantial agreement. But if a truck or vehicle were to go through the guard rails or go through where there is no guard rail off the side of that bridge, what would they be going into?

A. Well, approaching Chester Pike from Hook Road, if they were to come up the grade from Elmwood Avenue to Primos Avenue Bridge, there is no guard rail of any kind between the highway and a steep bank which goes down into a parking lot. If the road were slick or icy and a car would slide off to the right, it could go over the pavement and down on top of a group of parked cars or into the railroad parking lot.

Q. And ultimately, of course, the track area is also electrified with wires.

A. There is also electrified. There is not too much danger of a car sliding onto the track, but there is a

considerable danger of a car going off the highway, over the pavement, and down an embankment on top of a group of parked cars, which are there for the benefit partially of the railroad.

Q. Mayor Wiley, can you tell us what you would like to add to your testimony?

A. Well, at one time, I think it was back in the late '60's, we had applied to the railroad to repair this bridge, and I think we addressed a copy of the letter to PennDOT. My memory is just a little hazy on this. It is over four years ago. Nothing happened, so I closed the bridge to traffic entirely. I would not let anything across there. Within 24 hours, we had representatives from PennDOT and the railroad. Everybody concerned came out there, and within a week they were resurfacing this bridge.

THE EXAMINER: Who are "they"?

THE WITNESS: PennDOT, the railroad, railroad people. They resurfaced that bridge. They repaired the Folcroft Bridge, and they also repaired the Ashland Avenue Bridge, which is a block below Primos Avenue, the next street below. And from that point on, whenever we would have potholes, we had the chief of police call up the railroad, and they would come out and send a crew out and

patch them. But this thing sort of went by the wayside, as the habit of calling it got by the wayside, and the bridge has been in disrepair ever since.

Now, I would say that the repairs that they made there lasted several years. They reinforced the surface of the bridge, repaved it, and the repairs did last for several years, very satisfactory for several years. The maintenance was satisfactory for I would say possibly a year or two, but since then, nothing has been done, and every time we call, they just don't seem to pay any attention to what our complaints have been. Now, since we have started writing again in the past month, we have been getting some spot repairs. But the bridge needs an entire new surface. It is not a matter of potholes or patching potholes. It needs a new surface. The patching they put on there through vibrations goes through the floor of the bridge and piles up underneath the bridge. Now, I think that most of these men involved were out at the site within the last couple of weeks, saw the pile of patching laying under the bridge. You could stand under the bridge and see through it, and I feel this is a very unsafe condition.

At our last meeting, one of the, I believe it

was PennDOT men, told us this bridge was constructed in 1889. Now, we have a very narrow cartway. We have a very unsafe surface with potholes, which throws cars out of control in good weather, not only bad weather, but good weather. Those potholes will throw a car out of control. We have had accidents. They are dangerous. We have had accidents there, and I feel it is not the responsibility of the Borough to maintain these bridges, which are the property of the railroad. We do maintain our highways, and we expect the railroad to maintain theirs and PennDOT to maintain theirs. It is just unsafe.

We have been advised by the Public Utility Commission to prevent school buses from crossing that bridge, that it is unsafe. I have a copy of the letter here telling us to keep school buses off. We have notified the school districts in the area of this condition and asked they please not use it. But we do not have a large enough police force to post there permanently to keep heavy trucks from crossing. And there is cement mixers, which you know weigh over seven ton, that cross there as recently as yesterday. And I don't know how we can stop them without closing it. And seven tons is not very much weight.

I have pictures here showing the road surface. I have a picture here showing the under-structure of the bridge, the wood structure of the bridge, which was reinforced, as I understand it, in 1912 with a wood beam. I have pictures here of the cartway, showing the condition of it, and it looks like an eight by eight or a ten by ten which runs parallel with the cartway on each side to keep cars from running into the steel walls.

Now, they did repair the guard rail on one side of the approach to Chester Pike. They have done a very nice job on it, and we understand that they would have done the other side but ran out of material or some such thing. But there is no protection at all on the approach to Chester Pike from Hook Road. As you come up the grade, there is absolutely nothing to keep a car from sliding over the pavement, down the embankment into a parking lot, absolutely nothing; never has been, to my knowledge. I have lived there 19 years.

MR. CLARK: Cross-examination, sir.

THE EXAMINER: Mr. Zahn.

CROSS-EXAMINATION

BY MR. ZAHN:

Q. Just one question, Mayor Wiley.

Are you familiar with the fact or aware that trucks are required to carry documents showing the weight limit takes of the truck or the weight that they are carrying?

A. The owner's card shows the gross vehicle weight. It does not show the unloaded weight. It shows the gross vehicle weight.

Q. So that it would be possible if that registration card were much over seven tons that it would be obvious that the truck itself would be over seven tons?

A. Absolutely.

Q. So there would not be any need to actually take that truck to another weighing station?

A. The State law says to prove the weight of the truck, we must have it weighed. The State Highway Code says if we must prove the weight of the truck, we must have it weighed. We have checked into that angle. Your weight on the owner's card is a gross vehicle weight. Now, that truck could be half full or empty. That would not give a true weight.

MR. ZAHN: Thank you, Mayor.

THE EXAMINER: Mr. Wickes.

BY MR. WICKES:

Q. Mayor, in connection with enforcement at this point, your police station is directly adjacent to the parking lot you were just talking about, is it not?

A. That's right.

Q. A few feet from this roadway?

A. That's right.

Q. So that actually, so far as stopping trucks in this position is concerned, it would be quite unhandy to drive an automobile to do it, would it not? All the man has to do is go out of his police station.

A. I don't quite get your point, sir.

Q. He does not have to drive in order to stop a truck that is obviously overweight for that bridge?

A. No. But he does have to have it weighed.

Q. But he can stop it without an automobile; is that not correct?

A. Oh, yes, no question about that.

Q. And also he can issue warnings, can he not, without arresting them?

A. Yes.

Q. Have they warned any of these trucks?

A. Yes, they have. And we have also warned, as I told the Board, the school districts that are using that. They are aware of that. Where we find a school bus crossing there, we have called the school district and asked them.

Q. When was the last actual accident on the Primos Avenue Bridge?

A. Well, that I could not tell you offhand. It has been some time back. But anyone who approaches that bridge much over five or seven miles an hour is insane or crazy. Without being told, he can see that he cannot possibly pass another car on that bridge much over five or six miles an hour.

Q. How about the Folcroft Bridge?

A. Folcroft Bridge is pretty much the same because of the width of the cartway. It is not a matter of the surface there so much as it is the width of the cartway.

Q. When was the last accident on the Folcroft Avenue Bridge?

A. Well, I have no idea. I didn't bother checking it.

Q. Is it not a fact --

A. Many cars will not cross. They will let one car cross before they attempt to cross. That is how narrow the cartway is. They won't take a chance on passing

another car on that bridge.

Q. Well, is it not a fact that the heavy trucks on the Primos Avenue Bridge are exactly what breaks up the surface faster in comparison to the Folcroft Avenue Bridge?

A. I would assume so. I am not an engineer, but I would assume so, from what the engineers told us.

Q. So far as the visibility is concerned, the way to correct that would be to raise the roadway as it approaches the bridge; is that not correct, sir, raise the level of the roadway?

A. Well, that would be the logical way I should think, although visibility on the approach to Primos Avenue is not near as bad as it is on Folcroft Avenue. You can see the top of a car or truck approaching on Primos Avenue. On Folcroft Avenue, you cannot.

Q. So the answer is to raise the grade of Folcroft Avenue rather than change the bridge, is it not?

A. Well, that would be from some distance, yes. No question about that. But that has nothing to do with the surface of the cartway. The problem is the cartway and the surface of the bridge, not the approach. If the cartway were wide enough, you would not have to worry about the approach.

THE EXAMINER: Any other questions from other counsel?

MR. ZAHN: One question.

BY MR. ZAHN:

Q. Mayor Wiley, would the Borough be willing to post 15 mile an hour speed limits at the Primos Bridge?

A. 50?

MR. CLARK: 15.

BY MR. ZAHN:

Q. To Primos.

A. We would be glad to post a 15 mile an hour speed limit there. Anyone who goes any faster than that is gambling.

MR. ZAHN: Thank you, sir.

MR. WICKES: Sir, if I may, before the Mayor leaves the stand, I would like to ask counsel whether any other witness is now going to cover the unanswered questions that were mentioned before, those that remain unanswered.

MR. CLARK: No, sir.

MR. WICKES: In other words, we will not have an estimate of the future highway and pedestrian traffic at these locations from the Borough?

MR. CLARK: Except to the extent that those same questions are repeated in the obligation to parties who have more information on it than we do. You will not have it from the Borough, no.

MR. WICKES: That is all, sir.

THE EXAMINER: Thank you very much, Mr. Mayor.

- - -

(Witness excused)

- - -

MR. CLARK: There are certain Borough residents present. They are not part of my case. Is the practice, sir, for me to ask them whether they have anything to say or just let them appear at the end?

THE EXAMINER: Well, sir, first we would like to have them wait to the end. Secondly, we have a request from counsel for Delaware County, who has a pressing engagement in Philadelphia, to then have his opportunity to testify now. So that with leave of both counsel, you, Mr. Clark, and you, Mr. Zahn, I would like to call Mr. Desmond to present his matter.

MR. DESMOND: Thank you very much, Mr. Examiner.

Mr. Examiner, my name is Francis P. Desmond. I am here as assistant City Solicitor for the County of Delaware, and we have a witness here today who will respond to certain questions propounded to the County.

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COUNTY OF DELAWARE'S TESTIMONY

... DANIEL W. LLEWELLYN, 105 Bishop Hollow Road, Newtown Square, Pennsylvania, having been duly sworn by the Examiner, was examined and testified as follows ...

DIRECT EXAMINATION

BY MR. DESMOND:

Q. Mr. Llewellyn, have you prepared a statement in response to certain questions directed to the County of Delaware?

A. I have.

Q. Do you have those questions in written form?

A. Yes, I do.

MR. DESMOND: Mr. Examiner, I would hand you three copies of the statement and distribute copies to the other parties. I think they are self-explanatory.

Do we have an exhibit number for those?

THE EXAMINER: No, sir, unless the parties have seen this ahead of time, and that means all parties concerned. We will save time if you go through and ask the questions and let the answers be given.

MR. DESMOND: Fine.

BY MR. DESMOND:

Q. Mr. Llewellyn, will you follow your statement, please. Have you been authorized to testify on the County's behalf in this proceeding?

A. Yes.

Q. Have you reviewed Questions 24 and 25 propounded by the Public Utility Commission?

A. Yes.

Q. What is the County's answer to Question No. 24?

A. The County of Delaware has made no study or evaluation of the general nature or the extent of the work necessary or advisable to provide safe and convenient crossings at the location involved in the proceeding, and therefore, has no opinion as to what work is necessary or advisable to promote safety at the crossing. Since the County has no responsibility for such improvements, it does not agree to bear any of the costs of constructing improvements

at these locations or the damages incidental thereto.

Q. What is the County's answer to Question No. 25?

A. The County of Delaware has no obligation with respect to maintenance and reconstruction at the existing crossings above grade and the highway approaches thereto.

Q. Does that conclude your testimony, sir?

A. It does.

THE EXAMINER: Cross-examine, Mr. Clark.

MR. CLARK: I have no questions, sir.

THE EXAMINER: Mr. Zahn.

CROSS-EXAMINATION

BY MR. ZAHN:

Q. The bridges and roadways in question, is the traffic there inter-county traffic, people that live in that area?

A. Possibly. The people going to or coming from Philadelphia would probably contribute to the traffic.

Q. And what about people who live in Delaware County?

A. Over all the county? The location of these bridges, I would think, would serve a certain segment of the county, not the entire population nor the majority of the population.

MR. ZAHN: I have no further questions.

THE EXAMINER: Anyone else care to question Mr.

Llewellyn?

(There was no response)

THE EXAMINER: I hear none. Thank you very much, sir.

- - -

(Witness excused)

- - -

MR. DESMOND: Thank you very much, Mr. Examiner. May I be excused at this point?

THE EXAMINER: Yes, indeed.

(At this point, Mr. Desmond left the room.)

THE EXAMINER: Do you care to have a five-minute intermission, or do you want to go ahead? I would like to get through as soon as possible, so if we can take it, let Penn Central please take the stand.

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PENN CENTRAL'S TESTIMONY

... STAFFORD C. WALKER, 60 Waterloo Avenue, Berwyn, Pennsylvania, having been duly sworn by the Examiner, was examined and testified as follows ...

## DIRECT EXAMINATION

BY MR. WICKES:

Q. What is your position, sir?

A. I am employed by Penn Central Transportation Company as senior civil engineer.

Q. Are you authorized to testify in this proceeding representing Penn Central Transportation Company?

A. Yes, sir.

MR. WICKES: Incidentally, Penn Central would like to request that the Questions and Procedure dated March 1974 and distributed with Mr. Ketner's letter of March 7, 1974, be made a part of the record, please, because they have been referred to.

MR. ZAHN: I would join in that request.

THE EXAMINER: All right, sir.

BY MR. WICKES:

Q. Following the questions included in the Questions and Procedure, questions beginning with No. 10 apply to

the Penn Central, Mr. Walker. Referring to Question 10, will you state the corporate name of the Penn Central Company?

A. This is the main line of the Philadelphia, Baltimore and Washington Railroad, and it is operated by Penn Central Transportation Company as lessee.

MR. WICKES: I would like the record to show, if I may, sir, in light of the fact that it is common knowledge, that Penn Central Transportation Company is in reorganization in the Eastern District of Pennsylvania, and any financial arrangement or order would be subject to approval by Judge Fullam.

BY MR. WICKES:

Q. Mr. Walker, referring to Question No. 11, will you give the date of construction of these bridges, the purpose of construction, and the parties responsible for the construction and maintenance?

A. Overhead Bridge 7.58, Tribbit Avenue, now Folcroft Avenue, was built in 1891.

Overhead Bridge 7.75, Primos Avenue, was also built in 1891. Our records do not indicate the reason for construction. Both were built by the Pennsylvania Railroad, and both have been maintained by the railroad and/or

its successors since the time of construction.

Q. Referring to Question No. 12, will you indicate the nature of the railroad under the bridges and the kind of traffic and the other specific things asked for?

A. We have four electrified tracks at these crossings. We operate approximately 24 freight trains on an average day at a maximum speed of 50 miles per hour. We operate 102 passenger trains daily at a maximum speed of 90 miles per hour on the outside tracks and 100 miles per hour on the inside tracks.

Q. Referring to Question No. 13, will you describe the bridge construction and give the other details required?

A. Overhead Bridge No. 7.58, Folcroft Avenue, is a through plate girder providing a span of 62 feet. The girders are on 18 foot centers. The bituminous roadway is 15 feet wide between curb timbers. Bituminous sidewalks of four foot width are provided outside each girder. The abutments are stone. The general condition of the bridge structure and superstructure is good. The bituminous roadway shows recent patching.

Overhead Bridge 7.75, Primos Avenue, is a five-span structure. Two nominal 15 foot spans comprise the approach on each end. The center span is a through plate

girder of 58 foot length. The bridge is 116 feet 19 inches long in total. The bituminous roadway is 16 feet 8 inches between curb timbers. A nominal five foot bituminous walkway is located outside the girder on the north side of the bridge. The general condition of the structure is fair to poor. The bituminous roadway shows recent patching.

Assuming the tracks run north and south, the clearances from center of outside tracks to the nearest bent or abutment is as follows: Bridge 7.58, Folcroft Avenue, 9 foot 4 inches on the west and 9 foot 7 inches on the east. The top of the rail to the bottom of the steel is 18 feet 1 inch. The wire height is 17 feet 6 inches.

Bridge 7.75, Primos Avenue, is 9 foot 7 inches on the west and 9 foot 10 inches on the east. Vertical clearance could not be taken at time of survey, but the wire height is 17 feet 7 inches.

Q. Referring to Question 17, will you give your estimate as to the adequacy of these bridges with the traffic they carry?

A. Overhead Bridge 7.58, Folcroft Avenue, is adequate in strength and physical dimensions to accommodate the highway traffic at the site.

Overhead Bridge 7.75, Primos Avenue, is inadequate in both strength and width to accommodate the highway traffic using it.

Q. Referring to Question 15, what is the obligation of Penn Central Transportation Company with respect to these bridges?

A. Penn Central is presently obligated for the maintenance of the sub and superstructure of both bridges. The responsibility for the maintenance of the approaches is not certain. Penn Central does not agree to share any costs of constructing an improvement at these locations.

Q. Does that complete your testimony, sir?

A. No, sir. We have Question 16.

Q. I am sorry. Question 16.

A. The Folcroft rail commuter station is situated in the northeast quadrant of the crossing. The traffic level passenger platforms are connected to Primos Avenue by six foot wide concrete steps on the west side of the tracks and seven foot six inch wooden steps on the east side. Any reconstruction of the Primos Avenue Bridge should provide for pedestrian access to the bridge on both sides of the track. The reconstruction would be for the benefit of the highway traffic, so Penn Central would not agree to

bear any of the costs of providing the pedestrian stairs or the other facilities.

Q. You described the location of the station there. Is that directly adjacent to the police station?

A. Yes, sir.

MR. WICKES: That is all, sir.

THE EXAMINER: Mr. Clark.

MR. CLARK: Yes, sir.

#### CROSS-EXAMINATION

BY MR. CLARK:

Q. You say that Bridge 7.75, Primos Avenue, you describe it as fair to poor in condition.

A. Yes, sir.

Q. Do you have a further definition, a corporate definition, as to what fair to poor means?

A. No. That is a judgmental factor. I am qualified to make such a judgment, however, having spent 15 years in the maintenance department, and for a few years this bridge came under my jurisdiction.

Q. No, I am not questioning your definition of it as fair to poor. I am just asking whether there is a further definition in your company's standards or

engineering standards as to what fair to poor may mean in terms of whether something is needed or some risk exists, or whether fair to poor has a further, a more elaborate definition in any way.

A. It is not a definite criteria. It is an inexact science. And fair to poor is, as I say, judgmental, and there are not set specifics for it.

Q. I understood you to say in answer to Question No. 15, that Penn Central does recognize certain obligations with regard to the structure, substructure, and the structure itself and does not recognize obligations in terms -- did you say that they do or do not recognize an obligation in terms of the cartway?

A. I don't think I said.

Q. What is your position?

A. Our position is that we are presently obligated for the maintenance of the cartway.

Q. You are obligated for that?

A. Yes, sir.

MR. CLARK: I have no other questions.

THE EXAMINER: Mr. Zahn.

BY MR. ZAHN:

Q. Mr. Walker, in your answer to Question 11, regarding

maintenance, how often has the railroad been at that bridge to maintain it and/or how much money have they spent each year for maintenance?

A. Our records do not indicate either the number of times we have gone there or the amount of money that it has taken. I would say that the amount of money has not been overwhelming in recent years. I would say that we have probably gone to the bridge three or four times a year and generally in response to complaints from the local people.

Q. When you did go to the bridge, was that to perform maintenance service on the wearing surface of the cartway?

A. Generally, maintenance of the wearing surface on the cartway of the bridge itself and occasionally on the wearing surface of the sidewalks, the footwalks on the side.

Q. Would you have any idea how much has been spent for the superstructure or the substructure members?

A. No, sir.

Q. Now, you recommended in your answer to Question 16 that any reconstruction of Primos Avenue Bridge provide for a pedestrian access to the bridge on both sides of the tracks. Do you mean access of pedestrians going down to the station?

A. Yes, sir.

Q. And you are still of the opinion that that would be of no benefit to the railroad?

A. Yes, sir. We have access now to Primos Avenue, and any disturbing of that access would be for the purpose of widening or improving the highway.

Q. And also to provide pedestrian walkways would be to permit access to your station or your facilities?

A. We would only ask that they be replaced in kind.

Q. I see. Mr. Walker, when you give your judgment as to the condition, in regard to the Primos Avenue Bridge, when you say it is inadequate as to both strength and width, do you mean the present standards of bridges?

A. Yes, sir. At the time the bridge was built, it was adequate for the then standards. Standards have changed over the years; the bridge has not yet, except deteriorate. So that now the bridge is not sufficient in strength to carry the legal loading.

Q. Legal loading?

A. Yes.

Q. But if it were posted for seven ton, it would be sufficient for that, would it not?

A. Oh, yes, sir, we would be happy to see it posted for

seven ton.

Q. Do you know what the design capacity was for the Primos Avenue Bridge?

A. No, sir, but from other cases that I have gotten into, it was probably a ten or twelve ton.

Q. And what about Folcroft?

A. It would be the same.

Q. Mr. Walker, the bridge is presently posted for seven ton.

A. Primos Avenue is?

Q. Yes.

A. Yes, sir.

Q. Do you concur that that is a proper limit?

A. Yes, sir, we are happy with it.

Q. And that is less than the original design for the posting?

A. Yes, sir.

MR. ZAHN: Thank you, Mr. Walker.

THE EXAMINER: Any other questions by other counsel?

MR. WICKES: I have a question on redirect, if there is no further cross.

THE EXAMINER: Please go ahead.

REDIRECT EXAMINATION

BY MR. WICKES:

Q. Referring to your answer on cross-examination concerning the obligation to maintain the roadway surface, you indicated you felt there might be some obligation on the Penn Central to do that. What is the source of that obligation?

A. At this point, it is tradition.

Q. Purely tradition?

A. Yes, sir.

Q. In connection with the maintenance of the highway surface, it is a fact, is it not, that the greater deterioration is caused by the excess weight trucks, is it not?

A. Yes, sir.

MR. WICKES: That is all, sir.

MR. CLARK: May I just ask one more question on that?

THE EXAMINER: Please do.

RE-CROSS-EXAMINATION

BY MR. CLARK:

Q. Can you really be sure whether the greater deterioration is caused by the trucks or by the vibrations from the trains underneath?

A. Yes, sir, I can be sure.

THE EXAMINER: Any other questions?

(There was no response)

THE EXAMINER: There being none, thank you very much, Mr. Walker.

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(Witness excused)

- - -

THE EXAMINER: PenndOT, please.

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PENNDOT'S TESTIMONY

... HOWARD A. SELLERS, R.D. 4, Box 216,  
Hummelstown, Pennsylvania, having been duly sworn by  
the Examiner, was examined and testified as follows ...

DIRECT EXAMINATION

BY MR. ZAHN:

Q. Would you state your full name and home address?

A. Howard A. Sellers, R. D. 4, Box 216, Hummelstown, Pennsylvania, 17036.

Q. And by whom are you employed?

A. Pennsylvania Department of Transportation.

Q. In what capacity?

A. As civil engineer.

Q. And what is your official office address?

A. Room 1120, Transportation & Safety Building, Harrisburg, Pennsylvania.

Q. And are you familiar with the questions and procedure propounded by the Commission under date of March of 1974?

A. Yes, sir, I am.

Q. And Mr. Sellers, did you personally visit the sites involved in this complaint?

A. Yes, sir. There was a field conference in February of this year, and we were not particularly involved with Primos Avenue, being that a State road is carried over the structure.

Q. And are you authorized to testify on behalf of the Department in today's proceedings?

A. Yes, sir, I am.

Q. Now, in reference to Question No. 18, PennDOT submit

testimony regarding the state highway route numbers, general location and termini of the public highways involved in this proceeding.

A. The highway involved in this complaint proceeding is State Highway Route 420, Primos Avenue, approximately 4.11 miles in length, beginning at its connection with the southwesterly boundary line of the City of Philadelphia and then extending in a general westerly direction through Darby Township and Borough of Folcroft, thence in a general northerly direction through the Boroughs of Glenolden, Collingdale, Aldan and Primos to its terminus and connection with State Highway Route 23065, Springfield Avenue, in Clifton Heights, all in Delaware County.

Q. When you refer to State Highway, you are referring to legislative routes; right?

A. Yes, sir. The Commission prefers it as State Highway Route, and we --

THE EXAMINER: Yes, sir, but you should, as one of PennDOT, realize that all highways in this State are State highways, and unless it is a traffic route or traffic route number, or unless it is a U.S. traffic route number, or unless it is an intrastate traffic number, it is a legislative number, and I would like to see especially

PennDOT people refer to it by the official title rather than by what the Public Utility Commission or anyone else would like to have it called.

MR. ZAHN: Mr. Examiner, the witness will use the term "legislative route."

THE EXAMINER: Please.

BY MR. ZAHN:

Q. In reference to Question 19, PennDOT submit testimony describing in detail the type, width of pavement, alignment, grades and general physical condition of the highway approaches to the existing crossing, above grade, on legislative route 420.

A. Legislative Route 420, in the vicinity of the subject crossing, is graded for an approximate width of 24 feet, the center portion of which is paved with bituminous material for a width of 22 feet on each highway approach. The northerly and southerly approaches both taper from the 22 feet paved width to 17 feet at the bridge. The horizontal alignment of the northerly and southerly approaches to the crossing is on tangent alignment. The vertical alignment of the northerly and southerly approaches to the crossing, above grade, is on an approximate ascending grade of 6.3 percent. The general

condition of both approaches are in a state of good repair with additional embankment and new guard rails having been installed on or about March 20th, 1974 at a Department cost of \$2,140.59.

Q. Now, Mr. Sellers, you heard testimony here that the guard rails on one side of the road have not been complete. Is it the intention of the Department to install guard rails that were promised the Borough?

A. Yes, sir, it is.

Q. Now, in reference to Question No. 20, submit accurate data concerning the present and estimated future highway traffic at the existing crossing, above grade, on legislative Route 420.

A. The present annual average daily traffic on legislative Route 420, in the vicinity of the subject crossing, is 7,800 motor vehicles per day. It is estimated that this traffic volume will increase to 12,400 vehicles per day by 1994.

Q. In reference to Question No. 21, submit testimony as to whether the existing bridge on legislative Route 420 involved in this proceeding is adequate in strength and physical dimensions to accommodate safely the class and volume of traffic normally used on the highway at this

location, and if not, submit testimony describing the general nature and extent of all work which is necessary or advisable to provide a safe and convenient crossing at this location, either reconstructing the existing bridge or constructing a new facility, and state what portion, if any, of the costs of said work and the damages incident thereto that it will agree to bear.

A. It is the Department's opinion that the existing bridge is adequate for the posted limit of seven tons. However, said bridge is not adequate in strength or physical dimensions to accommodate the present class and volume of highway traffic. Further, it is the Department's opinion that the existing bridge and highway approaches should be reconstructed in general conformance with the preliminary plans to be submitted as PennDOT Exhibit Nos. 1, 2, 3, and 4. Because the Commission has not as yet set the limits of their jurisdiction and because of the preliminary and unofficial status of the Department's plan, the Department defers until a later date its opinion on what costs it will agree to bear.

Q. In reference to Question No. 22, state whether the Department has prepared any engineering studies, estimates or construction plans for the improvement of legislative

Route 420 in the area involved in this proceeding, and if so, submit copies thereof into the record, and if not, state whether it will agree to prepare such data.

A. The Department has not prepared any engineering studies, estimates or construction plans for this proceeding. However, the Department of Transportation, through its engineering consultant, H. Gilroy Damon & Associates, is designing a section of legislative Route 420, Section 2, including the structure, subject of this proceeding. As previously stated, these plans are preliminary and unofficial, since they have been placed on hold status since 1971 because of limited funds and its low position on the priority listing of the Department's six-year program.

MR. ZAHN: Mr. Examiner, I have four sets of plans that I ask be marked as PennDOT Exhibit Nos. 1, 2, 3, and 4. The Stenographer has three copies of them.

THE EXAMINER: Each?

MR. ZAHN: Each. And all parties represented by counsel here today have been given a copy.

(Unofficial plan dated 4/16/74, depicting the Boroughs of Folcroft, Glenolden, and Collingdale and Darby Township, marked for identification as PennDOT's

Exhibit 1.

(Unofficial plan dated 4/25/74, depicting three-span composite prestressed concrete adjacent and spread box beam bridge carrying L.R. 420-2 over Penn Central Railroad, marked for identification as PennDOT's Exhibit 2.

(Unofficial plan dated 4/25/74, depicting simple span prestressed concrete bridge carrying L.R. 420-2 over Penn Central Railroad, marked for identification as PennDOT's Exhibit 3.

(Unofficial plan dated 4/16/74, depicting simple span prestressed concrete bridge carrying L.R. 420-2 over Elmwood Avenue, marked for identification as PennDOT's Exhibit 4.)

BY MR. ZAHN:

Q. Now, Mr. Sellers, would you please explain PennDOT's Exhibit Nos. 1, 2, 3, and 4?

A. PennDOT Exhibit No. 1 consists of 11 sheets of preliminary plans for legislative Route 420, Section 2, between Station 72+00 and Station 98+50. The first sheet is the index map. Sheet No. 2 shows a location map, and Sheet No. 3 shows highway typical sections. The remaining sheets show the preliminary highway plan and profiles for

the northerly and southerly highway approaches to the subject bridge.

PennDOT Exhibit No. 2 is a general plan of the Department's bridge plan for a three-span composite prestressed concrete adjacent and spread box beam bridge carrying legislative Route 420, Section 2, over four tracks of Penn Central Transportation Company at Station 85+77.48.

PennDOT Exhibit No. 3 is an alternate general plan of the Department bridge plan for a single span prestressed concrete bridge carrying legislative Route 420, Section 2, over the same tracks of said company at Station 85+77.48.

PennDOT Exhibit No. 4 is a general plan of the Department's bridge plan for a simple span prestressed concrete bridge carrying legislative Route 420, Section 2, over Elmwood Avenue at Station 81+71.71.

The horizontal alignment of the northerly and southerly approaches are basically on tangent alignment. The vertical alignment of the southerly approach will be on a 300 feet long crest vertical curve, providing a gradual transition between ascending grades of 4.9 and 0.88 per cent. The northerly approach will be on a 250 feet 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 highway typical section in the vicinity of the crossing will consist of dual 26 feet wide roadways with a variable distance of two feet six inches to zero on the outside edge of paving for curbs and 2-A guard fence on highway embankment or standard combination sloping curb and parapet on bridges with 5 feet wide cement concrete sidewalks on each side of the paved roadways. The dual 26 feet wide roadways will be separated by a 4 feet wide traffic separator type A.

There are various retaining walls within the station limits submitted as PennDOT Exhibit No. 1, and upon notice of Public Utility Commission jurisdiction limits, the pertinent preliminary plans will be submitted if required by the Commission, or said plans will be submitted with the plans when completed and approved.

Q. In reference to Question No. 23, submit testimony as to the Department's present obligation with respect to maintenance of the existing crossing, above grade, and the highway approaches thereto.

A. The Department's present maintenance responsibilities at the subject crossing, above grade, consists of

maintaining the highway approaches to the bridge. The maintenance responsibility of the bridge is by Penn Central Transportation Company.

Q. Regarding Question 26, state how the costs and expenses of completing such corrective measures as may be found necessary and ordered by the Commission should be allocated between the parties, including future maintenance.

A. Because of the status of this proceeding, namely, unknown Public Utility Commission jurisdictional limits, preliminary and unofficial Department plans, and no estimated construction or right-of-way costs, it is the Department's position that the allocation of costs be deferred until such time as the corrective measures are studied to the point of approved plans.

Q. In regard to Question No. 28, state whether PennDOT desires to submit any additional relevant testimony.

A. Yes. Legislative Route 420, Section 2, has been recommended by the Transportation Commission for design approval in the 1973-'74 Capital Budget which is before the Pennsylvania Legislature at the present time for their approval. When the Legislature approves the 1973-'74 Capital Budget and if legislative Route 420, Section 2, is not deleted from the approved budget, the Department of

Transportation will proceed in having the preliminary plans completed as originally programmed.

Q. Now, Mr. Sellers, you heard the testimony of the Borough and the statement of counsel that some additional advanced signs be placed to divert truck traffic using the Primos Avenue Bridge. What is the Department's position on that?

A. Well, we will look into the matter, and if we have an advance sign stating that there is a limit, a bridge limit, in advance of the intersection, we will definitely post it.

Q. And what is the Department's position regarding the posting of speed limits of 15 miles an hour at the bridge?

A. If the Borough submits the request to our district office, we will take it under advisement and give them a reply to it. That would have to be considered by our Traffic Bureau within the district office.

Q. But it appears that the request is reasonable?

A. It is reasonable, and it should be submitted to our district office.

Q. Is there any further testimony you wish to offer?

A. No, sir.

MR. ZAHN: The witness is available for

cross-examination.

THE EXAMINER: Mr. Clark.

CROSS-EXAMINATION

BY MR. CLARK:

Q. Mr. Sellers, in terms of the Sharon Avenue Bridge, do you happen to have with you what the weight carrying capacity of the Sharon Avenue Bridge is, the one that is being suggested that the truck traffic be detoured to?

A. No, sir. I didn't know that it would come up in this proceeding.

Q. And I am correct in understanding that these designs for rebuilding a bridge as part of the general rebuilding of the highway are plans that were prepared independent of this Public Utility Commission proceeding; that is, plans that were already in the works of PennDOT?

A. Yes, sir. They started back in the late '60's and were put on hold because of lack of funds, as I testified in direct testimony.

MR. CLARK: I have no other questions.

THE EXAMINER: Anyone else?

MAYOR WILEY: May I?

THE EXAMINER: Why don't you have counsel ask

the witness whatever question you have.

BY MR. CLARK:

Q. Does legislative Route 420 include what we are calling Hook Road, the road that crosses Darby Creek Bridge into Philadelphia? Is that the same route number that we are, or are we just discussing a different route?

A. Yes, it is.

Q. So 420 comes out of Philadelphia on, I believe it is, 84th Street, becomes Hook Road in Darby Township, and then comes down into the Borough of Folcroft; is that substantially right?

A. Yes.

Q. And it is correct, is it not, that in Philadelphia that highway has recently been widened or at least is under work right now, I believe?

A. Yes, sir; that's correct.

Q. And the Darby Creek Bridge carrying that highway from Philadelphia into Delaware County has also been widened, replaced?

A. Yes; that's correct.

Q. Now, as it goes through Darby Township, I suppose we are talking in terms of a mile to a mile and a half between the Folcroft Borough line and the Philadelphia

line. I am not going to ask you exactly, but in that general area, the road has been widened on that stretch; is that correct?

A. Yes, sir.

Q. And to how many lanes?

A. Four lanes.

Q. I believe it is a four-lane divided highway, is it not?

A. Yes.

Q. So we have this four-lane divided highway created relatively recently, that is created as four lanes and is divided relatively recently, which feeds from Philadelphia, across the Darby Creek Bridge into Darby Township, through perhaps a mile or mile and a half of Darby Township, and then comes to Folcroft, and then when it comes to Folcroft, it reaches Primos Avenue in Folcroft; right?

A. Yes, sir.

Q. And then it feeds onto Primos Avenue, which is -- you mentioned the width. It is, in effect, one lane each way; a State highway, but it is, in effect, one traffic lane each way?

A. That's right; two-lane traffic.

Q. And when you are talking then in terms of widening

L.R. 420 or widening Primos Avenue, you are actually talking in terms of completing a job which has already been done in Philadelphia across the bridge in Darby Township. Completion is at the moment stalled at the Folcroft line more or less?

A. Yes, sir, that would be correct.

Q. So is the traffic, which is channeled across this four-lane highway and across the widened bridge at Darby Creek, then being channeled onto, to a great degree, this railroad bridge at Primos Avenue?

A. Yes, it would most logically follow that.

MR. CLARK: All right. I have no further questions.

THE EXAMINER: Any other questions?

MR. WICKES: I have one or two, sir.

THE EXAMINER: Mr. Wickes.

BY MR. WICKES:

Q. In disclaiming responsibility on the part of the Department and stating that the Penn Central has the responsibility to maintain the cartway, what is the basis of that statement, sir, so far as Penn Central responsibility is concerned?

A. Well, it is my understanding in Mr. Walker's direct

testimony, that they did maintain it, and it was my understanding at the field conference that they maintained it.

Q. But do you know any other basis for that action on the part of Penn Central than just tradition?

A. None other than they built it, and they admitted maintenance responsibility or performing maintenance on it.

Q. To your knowledge, does Penn Central get any benefit whatever from the truck traffic crossing Primos Avenue or the other, Folcroft Avenue?

A. If it were not a grade separation there and it were actually an at-grade crossing, yes, I think they do, because they could not travel at the rates of speed that they are presently traveling, up to 100 miles per hour, and I think that it is a benefit that it is a grade separation for both the highway user and the railroad.

Q. It would be pretty hard to make it a crossing at grade now, would it not?

A. Yes, sir, very much so. So that backs up my statement that it is a benefit to both the railroad and the Department and the public user.

Q. Well, so far as the damage to the surface is concerned, do you agree with Mr. Walker that the principal cause of deterioration is the heavy truck traffic?

A. I would say it is probably the principal, but I think trains traveling up to 100 miles per hour would also contribute somewhat to the vibrations at the crossing.

MR. WICKES: That is all I have, sir.

THE EXAMINER: Anyone else?

MR. KUNKEL: Please.

BY MR. KUNKEL:

Q. I think you will recall my stating before the hearing this morning to you that the Bell Telephone of Pennsylvania would like to place up to eight telephone conduit ducts in the structure of any bridge that may be constructed at the Primos Avenue crossing. Would you state for the record now, sir, whether you would foresee any particular difficulty in modifying the plans for that bridge to accommodate these ducts?

A. No, sir. It is normally the Department's position and procedure to accommodate utilities as long as they meet our requirements on the structure.

MR. KUNKEL: Thank you, sir. I have no other questions.

THE EXAMINER: Any other questions?

(There was no response)

THE EXAMINER: Thank you very much, Mr. Sellers.

(Witness excused)

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THE EXAMINER: I note that SEPTA is next. Are we ready, Mr. Huss?

MR. ZAHN: Mr. Examiner, before calling that witness, may I move for the admission of PennDOT Exhibits 1 through 4?

THE EXAMINER: Any objections?

(There was no response)

THE EXAMINER: I hear none; therefore, they will be made part of the record.

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SEPTA'S TESTIMONY

... ALBERT J. DER, 831 Lombardy Drive, Lansdale, Pennsylvania, having been duly sworn by the Examiner, was examined and testified as follows ...

DIRECT EXAMINATION

BY MR. HUSS:

Q. Mr. Der, would you give us your business address?

A. Room 1220, PSFS Building, 12 South 12th Street, Philadelphia, Pennsylvania.

Q. By whom are you employed?

A. Southeastern Pennsylvania Transportation Authority.

Q. Is SEPTA a party of interest in this proceeding?

A. Only insofar as SEPTA is a conduit for funds paid to Penn Central Transportation Company under a Purchase-of-Service Contract, as will be discussed later.

Q. How long have you been employed by SEPTA or its predecessor?

A. 1.5 years.

Q. And what is your position with SEPTA?

A. Senior project engineer, Operation Planning Department.

Q. Would you please describe briefly your duties in the Operation Planning Department?

A. The Operation Planning Department is responsible for route, facilities, service and schedule planning and development. In further detail, this includes the identification of needs and problems, the development of new transportation routes and functional facilities, the desirable or necessary changes in existing services as to route, service pattern and mode, as found desirable by the or as a result of activity of others. These tasks include the identification of capital investments as a

means of satisfying needs as well as service improvement programs.

Members of this department serve as SEPTA representatives before regulatory bodies, such as the Pennsylvania Public Utility Commission, in carrying out the Authority's participation in proceedings involving adjustments in facilities and services of SEPTA. In this department, I am associated with such work related to commuter railroad service.

Q. Are you authorized to appear in this proceeding on behalf of SEPTA?

A. Yes.

Q. What is SEPTA's role with respect to operations at the crossing in question?

A. SEPTA is a party to a purchase-of-service contract with the Penn Central Transportation Company, under which Penn Central shows commuter service, including the trains which service this route. The route provides for payment of funds to the Penn Central to compensate it for a significant portion of its losses incurred in providing the service. These sums are provided by five counties, which are participants in the Authority, and by the Commonwealth of Pennsylvania. To the extent that Penn

Central, under various authorizations, also provides common carrier freight services and passenger services under contract to the National Railroad Passenger Corporation, Amtrak, over this route, SEPTA is only a partial beneficiary of the existence of Penn Central's facilities.

Q. Does SEPTA wish to comment on the instant proceeding?

A. SEPTA is concerned about the safety of commuter operation to the general public, and in addition, to the patrons who utilize the service. With respect to the technical aspect of this proceeding, however, SEPTA defers to the position of Penn Central Transportation Company, its contractors for operating such services. Because SEPTA's involvement in its commuter service is solely through a contract with Penn Central Transportation Company, none of the costs of any modification ordered by the Commission can properly be imposed upon SEPTA.

Q. Would SEPTA have any specific objections, present or anticipated, to the outcome of these proceedings?

A. Yes, if SEPTA is ordered to participate in the payment for any portion of a modification which may be ordered by the Commission.

MR. HUSS: The witness is available for cross.

THE EXAMINER: Mr. Clark.

MR. CLARK: No questions, sir.

THE EXAMINER: Mr. Zahn.

MR. ZAHN: No questions.

MR. WICKES: I have one question.

CROSS-EXAMINATION

BY MR. WICKES:

Q. In view of your characterization of SEPTA as a conduit for money to the Penn Central, does the conduit always work?

MR. ZAHN: Off the record.

(Discussion off the record)

MR. WICKES: That is all.

THE EXAMINER: Thank you.

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(Witness excused)

- - -

THE EXAMINER: Any other questions from any other representative?

MAYOR WILEY: Are you about to conclude the hearing, sir?

THE EXAMINER: Well, no, we are going to give a chance to anybody who wants to be heard, any resident or any person. Any person present has a right to be heard on this matter.

MR. CLARK: I would just like the record to show the presence of two members of Folcroft Borough Council, John Mitro and Mrs. Catharine Adams. They tell me they do not wish to testify at this time. They do agree, of course, with the Borough's position. No resident has indicated to me that he wishes to be heard. Most of the residents just left.

MAYOR WILEY: I have one question I would like to ask, if it is possible.

What can and will be done to correct the situation?

THE EXAMINER: Sir, I am merely an Examiner hearing all of your problems and all of your protests and all of your claims and disclaims. The Commission will do it, and you have to go to higher powers than me to find out what the Commission will do, sir.

MAYOR WILEY: Thank you.

THE EXAMINER: I can only express sympathy in behalf of you and the residents of that community.

MR. MITRO: Sir.

THE EXAMINER: Yes, sir, do you want to make a statement, sir?

MR. MITRO: Yes.

THE EXAMINER: I would prefer if you come here and make it under oath.

MR. MITRO: It is not really a big statement.

THE EXAMINER: We appreciate any councilman or any other resident, but particularly an official like you.

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PUBLIC TESTIMONY

... JOHN H. MITRO, 737 School Lane, Folcroft, Pennsylvania, having been duly sworn by the Examiner, was examined and testified as follows ...

DIRECT TESTIMONY

THE EXAMINER: Now, you say you are a councilman?

THE WITNESS: That's right.

THE EXAMINER: Of what Borough?

THE WITNESS: Folcroft Borough.

THE EXAMINER: Yes, please do speak your mind.

THE WITNESS: Well, I think we all agree with what Mr. Clark and the seven members of counsel and the Mayor that there is a problem. I think everything is on the table. My question was rather simple. In what period of time would it take the Commission to arrive at their conclusion? That is, in essence, my question.

THE EXAMINER: Well, you have got it in the testimony. You also are privileged to write directly or call them directly or see them. As I said, I merely want to have of record all of the statements and claims that each party has. Now, we have completed a record, and the only thing that the Examiner can do is sympathize with the situation. It needs correction. It cries for correction. I have been engaged all my lifetime seeking correction of situations like that. I would like to go off the record for a minute and explain to you.

(Discussion off the record)

THE WITNESS: I was somewhat tardy in arriving here today, and I am sorry for that, but I will say that I will back -- and I think I can speak for the sentiments of the rest of Borough Council and the mayor and the people or any residents involved -- that if action is not taken, I think that Mr. Clark might -- tongue in cheek

on this one -- but we will close the bridge. I think that is what will happen. We will take the chance and let them take us to court.

THE EXAMINER: Off the record.

(Discussion off the record)

MR. KUNKEL: Judge, may I make a short statement on behalf of the Telephone Company?

THE EXAMINER: Do you want this to be on the record, sir?

MR. KUNKEL: Please.

THE EXAMINER: Thank you very much, Mr. Mitro.

- - -

(Witness excused)

- - -

MR. KUNKEL: I will not protract this proceeding by putting a witness on the stand. I think the record should show, however, that there are some telephone facilities in the vicinity of both the crossings involved. The work of relocating these facilities, if that should prove necessary, will not be expensive, and the relocation will be performed by the Telephone Company at its own expense. The Telephone Company does request that the

Commission recognize in any order it may issue that might direct the construction of a new bridge at either location that the Telephone Company be accorded the right to place conduit ducts in these structures of the bridges.

THE EXAMINER: I do not think there is any opposition to that.

MR. ZAHN: None at all.

THE EXAMINER: I am sure that will stand in the record as stated, unless anyone objects to it.

Gentlemen of the Bar, I have two questions to ask you. Assuming that all respondents have had their opportunity to testify, are briefs to be filed?

MR. ZAHN: No.

MR. CLARK: No, sir.

THE EXAMINER: Is oral argument to be presented?

MR. ZAHN: No.

MR. CLARK: No.

MR. HUSS: No.

THE EXAMINER: Thank you all. This concludes the hearing.

- - -

(HEARING CONCLUDED AT 11:55 A.M.)

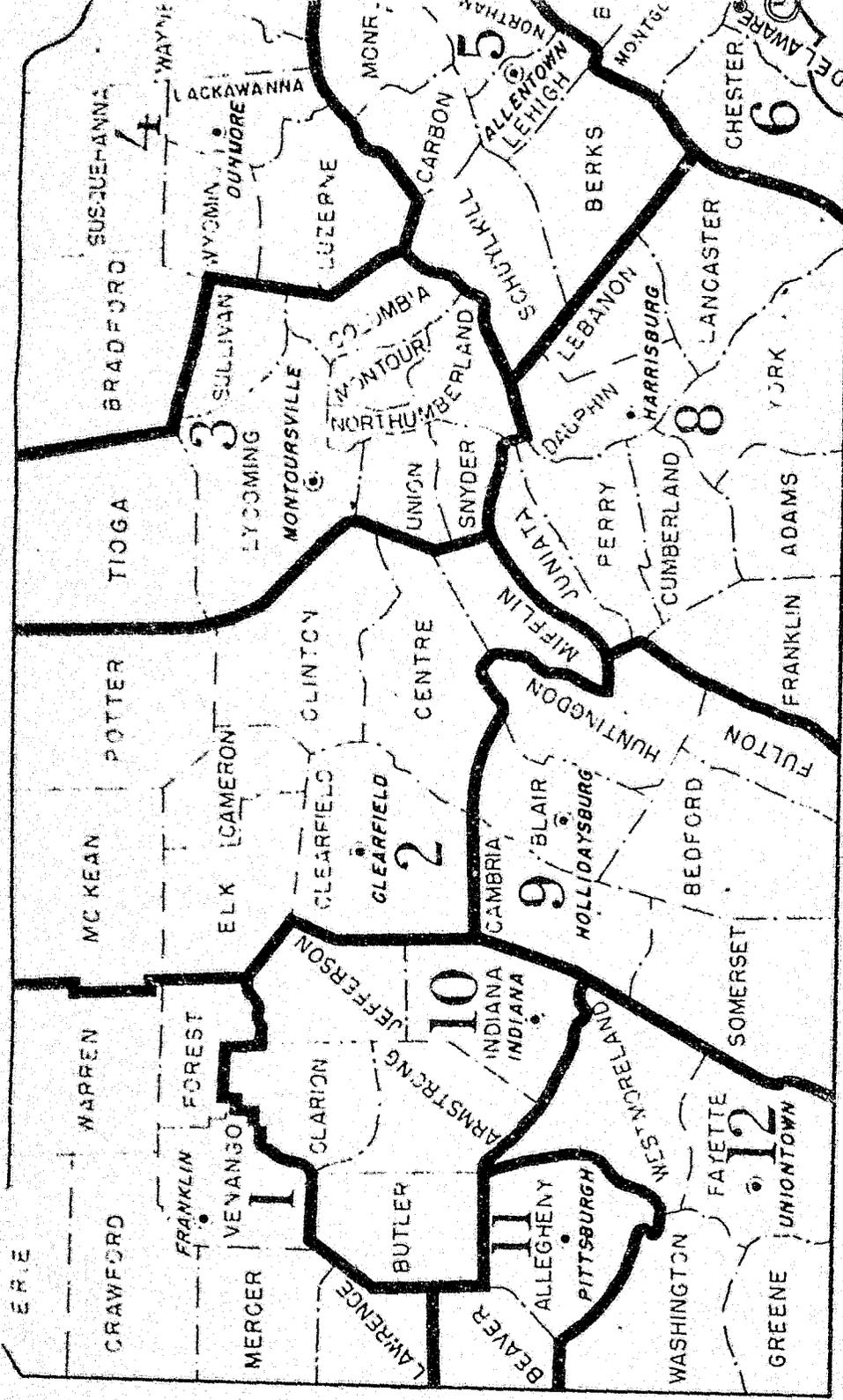
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REPORTER'S CERTIFICATE

I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the notes taken by me at the hearing in the above cause before the Pennsylvania Public Utility Commission, and that this copy is a correct transcript of the same.



Lorraine B. Marino  
Certified Shorthand Reporter



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Penn DOT Exhibit No. 1

P. U. C. No. C - 20235

Date of Hearing 4-24-74

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Bridge Engineer

Commonwealth of Pennsylvania



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Penn DOT Exhibit No. 3

P. U. C. No. C-20235

Date of Hearing 4-24-74

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