

*K/99064006.69.64006

BEFORE
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: C-00923909 Department of Transportation of the Commonwealth of Pennsylvania v. CSX Transportation, Inc. Alleging dangerous conditions at the crossing where State Route 3009 crosses above the tracks of CSX Transportation, Inc., and Buffalo Creek in Buffalo Township, Washington County. It is alleged that the bridge is in need of repairs to accommodate a 3-ton load limit and requests action to assign maintenance responsibility. On-site inspection.

Stenographic report of hearing held where State Route 3009 crosses above the tracks of CSX Transportation, Inc., and Buffalo Creek in Buffalo Township, Washington County.

**DOCUMENT
FOLDER**

Wednesday,
January 20, 1993,
at 10:00 A.M.

RECEIVED
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BEFORE

MICHAEL NEMEC, ADMINISTRATIVE LAW JUDGE

APPEARANCES:

DAVID A. SALAPA, ESQUIRE
Pennsylvania Public Utility Commission
G-31 North Office Building
Harrisburg, PA 17120

Appearing on behalf of the Pennsylvania Public Utility Commission

SHAWN STEVENSON, ESQUIRE
Pennsylvania Department of Transportation
1209 State Office Building
Pittsburgh, PA 15205

Appearing on behalf of PennDOT

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I N D E X

WITNESS:

| | |
|--------------------------|--------|
| Discussion among parties | 4 - 11 |
| Certificate | 12 |

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EXHIBIT PAGE

None offered.

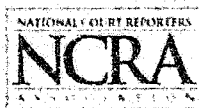
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P R O C E E D I N G S

JUDGE MICHAEL NEMEC:

Okay. This morning we have a site conference hearing, something a little unusual for P.U.C. proceedings, in a case captioned Department of Transportation versus CSX Transportation. The matter is Docketed at C-923909. My name is Michael Nemic. I'm the Administrative Law Judge with the P.U.C. assigned to conduct the Commission's handling of the complaint proceedings.

I don't know that I need to apologize to everybody for bringing you outside on a beautiful Winter day like today. But the reason that we're here is because back in November 7th, 1992, I was in the area and stopped and looked at this crossing. And once I did that in order to use any of the information I got from being here and looking at it I had to give everybody an opportunity to be here with me and view it with me and make a record of the view.

I wanted to go through those who are here today. We have Attorney David Salapa from the P.U.C. Law Bureau. And Attorney Shawn Stevenson from PennDOT. Are there any other attorneys here?
NO RESPONSE



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JUDGE:

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2 Okay. We have Mr. Jim King from GTE. Mr.
3 Tom Wright from the Buffalo Township Supervisors,
4 Board of Supervisors. Mr. Don Herbert from the
5 Pennsylvania Department of Transportation. Mr. Ken
6 Sharp from the Pennsylvania Department of
7 Transportation. Mr. Dave Taubken from CSX and Mr.
8 Wayne Martin from CSX.

9 Both from my visit here back in November and
10 presently today I noted that there were very few homes
11 and no commercial establishments of any kind on either
12 side of the subject crossing. Today I traveled from
13 one end to the other and found that the distance by my
14 car odometer was approximately four to four and a
15 half miles from one end to the other. The northern
16 end of the subject crossing is approximately one mile
17 from State Route 221. And the southern end of the
18 subject crossing is approximately one mile from Route
19 40.

20 I noted approximately five to six individual
21 private homes and/or trailers near the south end and
22 two to three homes on the northern end. I also note
23 that both ends of subject crossing are blocked by
24 piles of dirt and stone. And the area --- the road is
25 marked closed on both approaches to the subject



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1 crossing.

2 Incidentally, I believe that CSX Exhibit
3 Two has a tunnel oriented incorrectly. It has the
4 road coming in from the wrong side of the stream on
5 the north side. But that's something CSX can
6 review. It may have been an overlay that's been
7 flipped.

8 As we all know, the structure itself is
9 unusual. It's aligned directly above the stream bed.
10 It permits the stream to flow under the bridge
11 itself. At either end of the tunnel are concrete
12 platforms that permit vehicles to make rather sharp
13 turns from the roadway into the tunnel. And it's my
14 observation that the alignment on both approaches is
15 such as to make it impossible for a driver approaching
16 the crossing or the tunnel to see into the tunnel and
17 see whether there would be any traffic coming the
18 other way.

19 Another observation is that the roadway within
20 the tunnel is precisely --- the tunnel is precisely
21 the width of the roadway. I don't know if there are
22 any vertical clearance problems. Certainly no
23 vertical clearance problems that would adversely
24 affect either a conventional motor --- a
25 conventional car or a pick-up truck. The railings



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1 at either end of the roadway at the approaches to the
2 tunnel do not appear to be standard highway guardrails
3 but are rather substantial angled pieces welded to
4 vertical supports.

5 When I was here in November of '92 there was a
6 corrugated steel culvert approximately six feet in
7 diameter resting on the roadway and extending the full
8 length of the tunnel, approximately ten --- extending
9 beyond the ends of the tunnel about ten feet on either
10 end. At the prior hearing no one mentioned that and
11 it's not present today. And I'll ask if anybody has
12 any idea of what that was all about?

13 DONALD HERBERT:

14 That was ---.

15 JUDGE:

16 Your name, sir?

17 DONALD HERBERT:

18 Don Herbert, the Department of
19 Transportation. That was an attempt by the
20 Department's maintenance forces to try to get in here
21 and correct the problem. They had made some
22 commitments that they would initially try to repair
23 the substructure so that the structure could be open
24 to traffic again. They were unable to control the
25 water enough to do the repairs and that so they

1 aborted it.

2 JUDGE:

3 So that the culvert that was here was that
4 intended to be placed in the stream bed?

5 DONALD HERBERT:

6 No. They tried to run it through the tunnel
7 and pump the water into it. They had several
8 substantial pumps and I think the fire company had
9 donated their help.

10 JUDGE:

11 Was that to divert the stream flow?

12 DONALD HERBERT:

13 That's correct.

14 JUDGE:

15 And you're saying that didn't work?

16 DONALD HERBERT:

17 Right. And at that time they found --- they
18 were able to dewater it enough so that they could get
19 a look at the entire lengths of both sides of the
20 tunnel underneath and they found more substantial
21 undermining than was reported in the '89 underwater
22 inspection report.

23 JUDGE:

24 Does that mean that PennDOT would need to
25 update the information that was already submitted?



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1 DONALD HERBERT:

2 The costs probably would not apply, no.

3 JUDGE:

4 Okay. Now, also at the hearing we had in
5 Pittsburgh, we didn't have any representatives of the
6 County or the Buffalo Township present. And we have
7 Mr. Wright here today. Do you have any comments on
8 behalf of Buffalo Township?

9 TOM WRIGHT:

10 Tom Wright from Buffalo Township Supervisors.
11 The only comment I have is that we have received very
12 few complaints from the residents of Buffalo Township
13 themselves. The complaints are kind of more from
14 Blaine Township's fire department which is the
15 township adjacent to ours. The inconvenience of a few
16 families seems to be the major complaint as far as our
17 township is concerned.

18 JUDGE:

19 Would your township have any records of any
20 traffic collisions or other incidents occurring at
21 this crossing when it was open?

22 TOM WRIGHT:

23 We don't have any written records other than
24 comments from neighbors in the township which seem to
25 indicate that it was a rather frequent situation of

1 them being awoken during the night to make phone calls
2 because there are accidents that occurred in the
3 tunnel. And they were trying to get some help, a tow
4 truck, an ambulance and so forth.

5 JUDGE:

6 Just a general question. Is anybody aware of
7 any kind of warning devices or other warning signs
8 that have been in place in the past to warn
9 approaching motorists of availability to see
10 oncoming traffic?

11 NO RESPONSE

12 JUDGE:

13 All right. Now, with all of that said and
14 done does anyone have any questions for me regarding
15 my observations now that we're here?

16 NO RESPONSE

17 JUDGE:

18 Okay. Does anyone else wish to add any
19 comments or statements at this point?

20 NO RESPONSE

21 JUDGE:

22 I note there are a series of cables attached
23 to the --- it would be the eastern wall of the tunnel
24 passing through. They appear to be telephone cables.

25 JIM KING:

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They are.

JUDGE:

And your name, sir?

JIM KING:

Jim King.

JUDGE:

Okay. And are these GTE telephone cables?

JIM KING:

Yes.

JUDGE:

There don't appear to be any other utilities in the area. Any other questions, comments?

NO RESPONSE

JUDGE:

Okay. Thank you all for attending. I hope you enjoy the rest of your day. And we'll adjourn this hearing.

* * * * *

HEARING CONCLUDED AT 10:15 A.M.

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C E R T I F I C A T I O N

* * * * *

AND NOW, this *2nd* day of *February* 199*3*,

I hereby certify that the foregoing is a true and correct transcript of the notes taken by me at the hearing of the above-captioned case.

Mary Anne Cecil
Reporter

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