

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Complaint Docket No. 18616

PENNSYLVANIA PUBLIC UTILITY COMMISSION

v.
PENN CENTRAL COMPANY, THE BALTIMORE AND OHIO RAILROAD
COMPANY, CITY OF PITTSBURGH, COUNTY OF ALLEGHENY, and
DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA

ORDER

RECORDED
INDEXED

COMPLAINT NO. 18616
JAN 28 1971
ENTRY NO. 18616

BY THE COMMISSION, JANUARY 18, 1971:

By its order issued December 23, 1968, this Commission instituted an investigation on its own motion, under the provisions of the Public Utility Law, into the use and safety of the existing structure carrying State Highway Route 02260 (Thirty-First Street) over the Allegheny River and above the grade of the tracks of Penn Central Company (now Penn Central Transportation Company) and The Baltimore and Ohio Railroad Company in the city of Pittsburgh, Allegheny County, and for the purpose of determining, inter alia, whether the prevention of accidents and the promotion of the safety of the public requires changes in the type, location, use or construction of the crossing.

Subsequent to our order Department of Highways (now Pennsylvania Department of Transportation) made a detailed inspection of the structure, and a public hearing was held on September 1, 1970.

State Highway Route 02260 begins at the intersection of Thirty-first Street and Penn Avenue, and ends at the intersection of Thirty-first Street and East Ohio Street, all in the city of Pittsburgh, Allegheny County. At a location within the city, the highway crosses above the grade of the tracks of The Baltimore and Ohio Railroad Company and Penn Central Transportation Company, and over the Allegheny River.

According to the record, the existing bridge is a 28' span structure approximately 2,625 feet in length, consisting of plate girder approach spans and three arch spans over the Allegheny River, providing a roadway width of 28 feet between curbs, and sidewalks seven feet in width

10 miles an hour.

Spans Nos. 17 and 27, respectively, at a maximum authorized speed of approximately three and four switching movements daily over its tracks beneath The Baltimore and Ohio Railroad Company operates approxi-

28, at a maximum authorized speed of 45 miles an hour.

30 freight train movements daily on its Conemaugh track, beneath Span No. maximum speed of 10 miles an hour. The company also operates approximately railroad company operates occasional shifting movements at an authorized

of 15 miles an hour. On Herr's Island, through spans 19 and 23 the on its Allegheny Branch beneath Span No. 8 at a maximum authorized speed freight train movements and approximately 10 shifting movements daily

Penn Central Transportation Company operates two through

approximately 20,000 vehicles per day in 1990.

to about 9,000 vehicles daily by the year 1975, and increase to approxi-

the department, and it is estimated that the highway traffic will increase

the bridge consists of 8,000 motor vehicles, according to a witness for

The average daily traffic on State Highway Route 02260 using

year 1962, at which time it apparently was transferred to the Commonwealth.

tion and the structure was maintained by County of Allegheny, prior to

The approaches to the crossing are maintained by Department of Transporta-

the crossing with 90 degree right angle turns, and are in good condition.

Ohio Street is a concrete roadway 40 feet in width. Both approaches enter

block stone roadway 36 feet in width, and the northerly approach from East

The southerly approach to the crossing from Penn Avenue is a

clearance of 19 feet is provided.

Transportation Company on the north side of the river, where a vertical

road tracks is in excess of 22 feet, except over the tracks of Penn Central

concrete on a steel floor system. The vertical clearance above the rail-

and masonry abutments and piers, and the deck is composed of reinforced

on both sides of the roadway. The superstructure is supported on concrete

An engineer witness for Department of Transportation testified at the hearing held September 1, 1970, among other things, that the sub-structure of the bridge is in fair condition, but that the superstructure is in poor condition. The witness testified further that a detailed inspection and analysis had been prepared of the structure, and that the report made specific recommendations for its rehabilitation. Based upon its report, which was admitted at the hearing as PennDot Exhibit No. 1, the department proposes that a detail plan be prepared for complete rehabilitation of the structure together with an estimate of the construction cost, and the department is willing to prepare such a plan. The bridge rehabilitation, as proposed by the department, would permit removal of the present five ton maximum load restriction and allow the structure to carry legal highway traffic.

Penn Central Transportation Company's witness testified that the company did not object to testimony presented by Department of Transportation, and that the condition of the bridge superstructure over the railroad company's tracks was not critical at the present time. The company will require protection of flagmen and inspectors during the time any work is performed over its tracks.

A witness for The Baltimore and Ohio Railroad Company testified that the company did not object to any testimony presented in regard to the bridge and agrees that the bridge should be repaired to a sound condition. The railroad company does not agree to perform any portion of the work or to assume any portion of the cost of any repairs or future maintenance.

Counsel for City of Pittsburgh requested that the city's testimony, relating to its responsibility, be deferred until such time as further hearing is conducted to receive testimony relative to a proposal for repairs or rehabilitation.

County of Allegheny's representative stated for the record that the county would appear at any future hearing held in this proceeding.

We have carefully reviewed the record in this proceeding

and are of the opinion that the use of the existing railroad-highway

crossing, above grade, would be best served by the prompt repair and

rehabilitation of the structure. It appears that the proposal of the

department is reasonable, of sound engineering principle to restore

structural integrity, and is generally acceptable to all parties in

interest, without specific objection thereto or offerance of any alternative

proposal; THEREFORE,

IT IS ORDERED:

1. That the existing crossing, where State Highway Route

02260 (Thirty-first Street) crosses above the grade of the tracks of the

Baltimore and Ohio Railroad Company and Penn Central Transportation

Company, and over the Allegheny River, in the city of Pittsburgh,

Allegheny County, be reconstructed, generally in accordance with Department

of Transportation's Engineering Report, admitted as PennDot Exhibit No. 1

at the hearing held September 1, 1970.

2. That Department of Transportation, on or before

December 31, 1971, prepare and submit to the parties of record and to

this Commission, complete construction plans showing details for the

rehabilitation and reconstruction of the substructure and superstructure

of the existing bridge, and the approaches thereto, as directed in

numbered Paragraph 1 of this order, together with a detailed estimate

of the cost of such work.

3. That Department of Transportation, The Baltimore and

Ohio Railroad Company and Penn Central Transportation Company cooperate

with each other during the preparation of construction plans, so that the

operations of the railroad companies will not be endangered, and that

preparation of the plans will not be unduly delayed.

4. That upon completion of the detailed construction plans and estimates of cost, this proceeding be scheduled for further hearing at a time and place to be set by the Commission for the purpose of taking testimony upon the adoption of said plan, the allocation of the costs and expenses incident to the construction and future maintenance thereof, and any other matters relevant to this proceeding.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

George S. Bloom
Chairman

ATTEST:

Will Peters
Secretary

B E F O R E

PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: PENNSYLVANIA PUBLIC UTILITY COMMISSION :
v. : COMPLAINT
PENN CENTRAL COMPANY, THE BALTIMORE AND OHIO :
RAILROAD COMPANY, CITY OF PITTSBURGH, COUNTY OF : DOCKET NO.
ALLEGHENY, AND DEPARTMENT OF HIGHWAYS OF THE COMMON- :
WEALTH OF PENNSYLVANIA : 18616
: 1968

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

THE PETITION OF THE DEPARTMENT OF TRANSPORTATION
FOR MODIFICATION OF ORDER, SAID PETITION
RESPECTFULLY REPRESENTS:

RECEIVED
71 DEC 29 AM 10:15
PENNSYLVANIA PUBLIC UTILITY COMMISSION

1. That the name and address of your petitioner is the Department of Transportation of the Commonwealth of Pennsylvania, Jacob G. Kassab, Secretary of Transportation, Harrisburg, Pennsylvania 17120.
2. The name and address of Counsel for the petitioner is Robert W. Cunliffe, Deputy Attorney General, Department of Transportation, Capitol Associates Building, 7th and Forster Streets, Harrisburg, Pennsylvania 17120.
3. That your Honorable Commission in Complaint Docket No. 18616 issued an order dated January 18, 1971, providing inter alia, for preparation of a construction plan and estimate of cost for the rehabilitation of the rail-highway crossing structure involved in this proceeding.
4. That Paragraph 2 of said order reads as follows:

"That Department of Transportation, on or before December 31, 1971, prepare and submit to the parties of record and to this Commission, complete construction plans showing details for the rehabilitation and reconstruction of the substructure and superstructure of the existing bridge, and the approaches thereto, as directed in numbered Paragraph 1 of this order, together with a detailed estimate of the cost of such work."
5. That on January 28, 1971, the Department has prepared an engineering proposal for the purpose of acquiring an engineering consultant to prepare the rehabilitation plans as ordered by the Commission in the above referenced order. At that time funds were not available to execute such an engineering contract.

RECORD
FOLDER

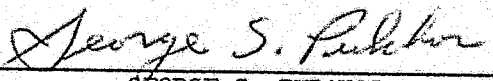
DOCUMENTS
COMPLAINT NO. 18616
DEC 29 1971
ENTRY NO. *[Signature]*

6. That, at the present time, the financial situation has not changed and funds are still not available to execute such a contract. The Department is still endeavoring to do so. Funds for preparation of a rehabilitation plan have been included in the proposed 1971-72 Capital Budget by a recent amendment.
7. That if the budget, so amended, is passed within the next few months, funds will become available and the Department will require a minimum of ten (10) additional months to complete the plans, as ordered.

WHEREFORE, your petitioner prays your Honorable Commission to modify Paragraph 2 of the order dated January 18, 1971, to read:

"That the Department of Transportation, on or before October 31, 1972, prepare and submit to the parties of record and to this Commission, complete construction plans showing details for the rehabilitation and reconstruction of the substructure and superstructure of the existing bridge, and the approaches thereto, as directed in numbered Paragraph 1 of this order, together with a detailed estimate of the cost of such work."

and it will ever pray, etc.



GEORGE S. PULAKOS
DEPUTY SECRETARY FOR ADMINISTRATION
DEPARTMENT OF TRANSPORTATION

Signed and dated this 22
Day of December 1971

* * * * *

COMMONWEALTH OF PENNSYLVANIA :
:
COUNTY OF DAUPHIN :

Before me, the undersigned, personally appeared, George S. Pulakos, Deputy Secretary for Administration of the Department of Transportation of the Commonwealth of Pennsylvania, who, being duly sworn according to law, deposes and says that the foregoing facts are true and correct, to the best of his knowledge and belief.

George S. Pulakos

GEORGE S. PULAKOS
DEPUTY SECRETARY FOR ADMINISTRATION
DEPARTMENT OF TRANSPORTATION

Sworn and subscribed before me
this 22 day of December 1971

Kenneth Butler

KENNETH BUTLER
NOTARY PUBLIC
MY COMMISSION EXPIRES 10-16-72

March 22, 1972

C. 18616

Pennsylvania Public Utility Commission

v.
Penn Central Company, The Baltimore and Ohio Railroad Company,
City of Pittsburgh, County of Allegheny, and Department of
Highways of the Commonwealth of Pennsylvania

R. R. Mueser, P.E.
Deputy Chief Highway Engineer
Department of Transportation
1200 Transportation & Safety Building
Harrisburg, Pennsylvania 17120

Dear Mr. Mueser:

In executive session held March 20, 1972 the Commission acted to grant the petition of the Pennsylvania Department of Transportation for modification of the Commission's order issued January 18, 1971 in the above entitled proceeding so as to extend the time from December 31, 1971 to October 31, 1972 within which to complete the preparation of detail plans for rehabilitation of the bridge structure and its highway approaches.

Very truly yours,

for Will Ketner
Secretary

RECORDED
COMPLAINT DOCKET
MAR 23 1972
ENTRY NO. _____

ccs:
John Clements, Esquire
925 Penn Central Station
Pittsburgh, Pennsylvania 15219

Gary F. Sharlock, Esquire
1022 Frick Building
Pittsburgh, Pennsylvania 15219

John R. Valaw, Esquire
City-County Building
Pittsburgh, Pennsylvania 15219

Maurice Louik, Solicitor
County of Allegheny
401 County Office Building
Pittsburgh, Pennsylvania 15219

Bureau of Transportation

AMH:jc

B E F O R E

RECEIVED

PENNSYLVANIA PUBLIC UTILITY COMMISSION 1972 OCT 19 PM 1:30

SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

In re: PENNSYLVANIA PUBLIC UTILITY COMMISSION

v.
PENN CENTRAL COMPANY, THE BALTIMORE AND OHIO
RAILROAD COMPANY, CITY OF PITTSBURGH, COUNTY OF
ALLEGHENY and DEPARTMENT OF HIGHWAYS OF THE
COMMONWEALTH OF PENNSYLVANIA

: COMPLAINT
:
: DOCKET NO.
:
: 18616
: 1968

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

THE PETITION OF THE DEPARTMENT OF TRANSPORTATION
FOR MODIFICATION OF ORDER, SAID PETITION
RESPECTFULLY REPRESENTS:

1. That the name and address of your petitioner is the Department of Transportation of the Commonwealth of Pennsylvania, Jacob G. Kassab, Secretary of Transportation, Harrisburg, Pennsylvania 17120.
2. The name and address of Counsel for the petitioner is Robert W. Cunliffe, Deputy Attorney General, Department of Transportation, Capitol Associates Building, 7th and Forster Streets, Harrisburg, Pennsylvania 17120.
3. That your Honorable Commission in Complaint Docket No. 18616 issued an order dated January 18, 1971, providing inter alia, for preparation of a construction plan and estimate of cost for the rehabilitation of the rail-highway crossing structure involved in this proceeding.
4. That Paragraph 2 of said order reads as follows:

"That Department of Transportation, on or before December 31, 1971, prepare and submit to the parties of record and to this Commission, complete construction plans showing details for the rehabilitation and reconstruction of the substructure and superstructure of the existing bridge, and the approaches thereto, as directed in numbered Paragraph 1 of this order, together with a detailed estimate of the cost of such work."
5. That on December 30, 1971, the Department filed a petition for modification of Paragraph 2 of the Commission's order dated January 18, 1971, so as to extend the time an additional ten (10) months for reasons as stated therein. The Commission acted on March 20, 1972, to grant the petition and modified Paragraph 2 of the original order dated January 18, 1971, to read as follows:

RECORD
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INDEXED
OCT 20 1972

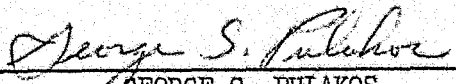
"That the Department of Transportation, on or before October 31, 1972, prepare and submit to the parties of record and to this Commission, complete construction plans showing details for the rehabilitation and reconstruction of the sub-structure and superstructure of the existing bridge, and the approaches thereto, as directed in numbered Paragraph 1 of this order, together with a detailed estimate of the cost of such work."

6. That on January 28, 1971, the Department has prepared an engineering proposal for the purpose of acquiring an engineering consultant to prepare the rehabilitation plans as ordered by the Commission in the above referenced order. At that time funds were not available to execute such an engineering contract. Prior to that time a request was made to amend the 1971-72 Capital Budget so as to include the subject project with financing for design for complete rehabilitation of the structure. The budget was passed by the Legislature and the Governor and became law on January 26, 1972. The Department retained a consultant to prepare the plans on May 24, 1972. The consultant agreement stipulated that the plans be completed within a period of four (4) months. The original consultant agreement was to prepare the rehabilitation plans for an HS20-44 loading. The maximum legal load in Pennsylvania is no longer equivalent to Hs20-44 nor are the current maximum legal loads comparable to those given in the AASHO Manual. The maximum legal load in Pennsylvania is now represented by a 36-ton, four axle, tri-drive truck with an 18-foot wheel base. The legislation permitting this occurred in 1970 without prior knowledge of the Department. Therefore, it is necessary to up-date previous rating computations to provide for this 1970 maximum loading. Since this is beyond the scope of the original consultant agreement, in this instance, it is necessary to provide for a supplemental agreement which is now in the process of being formulated. In view of the above, the Department estimates that an additional four (4) months will be necessary to complete the plans as ordered by the Commission.

WHEREFORE, your petitioner prays your Honorable Commission to again modify Paragraph 2 of the order dated January 18, 1971, to read:

"That the Department of Transportation, on or before February 28, 1973, prepare and submit to the parties of record and to this Commission, complete construction plans showing details for the rehabilitation and reconstruction of the substructure and superstructure of the existing bridge, and the approaches thereto, as directed in numbered Paragraph 1 of this order, together with a detailed estimate of the cost of such work."

and it will ever pray, etc.


GEORGE S. PULAKOS
DEPUTY SECRETARY FOR ADMINISTRATION
DEPARTMENT OF TRANSPORTATION

Signed and dated this 19th

Day of October 1972

December 13, 1972

C. 18616

Pennsylvania Public Utility Commission

v.

Penn Central Company, The Baltimore and Ohio Railroad Company,
City of Pittsburgh, County of Allegheny, and Department of
Highways of the Commonwealth of Pennsylvania

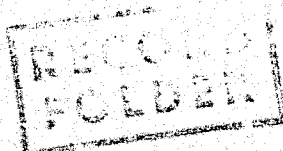
R. A. Hesser, P.E., Deputy Chief
Highway Engineer
Department of Transportation
1200 Transportation & Safety Building
Harrisburg, Pennsylvania 17120

Dear Mr. Hesser:

This is to advise that the Commission in executive session held December 12, 1972 approved the petition filed by the Pennsylvania Department of Transportation for an extension of time from October 31, 1972 to February 28, 1973 within which to prepare and submit detailed construction plans for the rehabilitation and reconstruction of the bridge carrying State Highway Route 02260 (Thirty-First Street) above the grade of the tracks of The Baltimore and Ohio Railroad Company and Penn Central Transportation Company and over the Allegheny River, in the City of Pittsburgh, Allegheny County, together with an estimate of cost, in compliance with the Commission's order issued January 18, 1971 in the above entitled proceeding.

Very truly yours,

for Will Kerner
Secretary



DEC 13 1972

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

HARRISBURG 17120
August 8, 1973

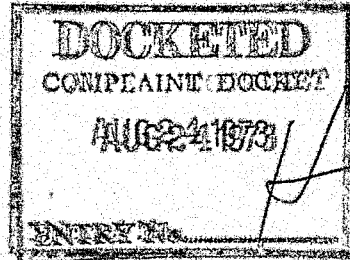


IN REPLY REFER TO

Allegheny County
L. R. 02260 (31st Street Bridge)
City of Pittsburgh
PUC. C. 18616

Mr. Will Ketner, Secretary
Public Utility Commission
Harrisburg, Pennsylvania

Dear Mr. Ketner:



RECEIVED
1973 AUG -9 AM 10:09
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

On June 4, 1973, the Department of Transportation submitted to the Public Utility Commission copies of structure drawings (S-9727 and S-10285) for rehabilitation of the subject bridge. These plans were submitted in accordance with the Commission's order of January 18, 1971. At that time copies of these plans were also furnished to Penn Central Transportation Company, Baltimore and Ohio Railroad Company, City of Pittsburgh and Allegheny County. A field conference was conducted on August 1, 1973, by the Commission's staff to discuss these plans. At the field conference none of the parties present objected to the issuance of an interim order by the Commission approving the plans and providing for the Department to perform the rehabilitation work in accordance with these plans.

The Department proposes to let a contract on August 24, 1973, to rehabilitate the structure in accordance with the above referenced drawings. The contract will be awarded and executed immediately thereafter within a sixty (60) day period, provided an interim order is received. The time allotted for completion of the work will be five hundred seventy three (573) consecutive calendar days from the execution and notice to proceed.

All the work as proposed on the above referenced drawings lies within existing legal right of way; therefore, no appropriation of property will be necessary.

The proposed repairs will not change any of the existing clearances that are provided over the tracks of the Baltimore and Ohio Railroad Company or Penn Central Transportation Company. The standard special provision concerning the safety and delay of trains of each railroad company mentioned above is included in the special provisions of the contract. Such provisions require the successful bidder, among other things, to pay the individual railroad company for any watchman and flagman services deemed necessary by each railroad company to insure the safety of its trains contingent upon the contractor's operations. They also require the successful bidder to furnish evidence to the Department that he has provided for, and in behalf of, each railroad company mentioned above, regular Protective Public Liability Insurance in the amount of \$500,000/\$1,000,000 and regular Protective Property Damage Liability Insurance in the amount of \$500,000/\$1,000,000. Copies of the proposal were furnished to each railroad company

by the Department on July 24, 1973.

The Bell Telephone Company, Duquesne Light Company and Equitable Gas Company were furnished the above referenced drawings by the Department's consulting engineer on November 24, 1972. The Department met with these utility companies to discuss the project and its effect on their facilities on January 4, 1973. It was determined that Bell Telephone Company has conduit under one sidewalk with manholes on the south side of the structure. It was further determined that Duquesne Light Company has electric cable in both sidewalks and a transformer vault located on the north side of Pier No. 17. Although these facilities will not be affected to the extent that they will require alteration, modification or relocation, the Department will require the contractor to notify these utility companies, before performing any work that may affect any of their facilities. The contract also contains provisions for the contractor and Duquesne Light Company to cooperate during the time the existing lighting system is being removed by Duquesne Light Company and being replaced by the Department's Contractor. It was also ascertained that no facilities of Equitable Gas Company are situated in the construction area.

The Department of Transportation agrees to perform all the work as proposed on the above referenced drawings at its initial cost and expense.

In view of the above the Department requests that this letter be considered as a petition for an interim order and be placed into the record folder of the Commission. Such interim order should provide for approval of the drawings and the rehabilitation of the structure in accordance with these drawings. The rehabilitation should be completed within the time frame as indicated above. The order should also provide for a hearing to be subsequently scheduled upon completion to take testimony, concerning the allocation of costs and the assignation of future maintenance responsibility.

A copy of this letter is being furnished to Baltimore and Ohio Railroad Company, Penn Central Transportation Company, City of Pittsburgh, Allegheny County, Bell Telephone Company, Duquesne Light Company, and Equitable Gas Company.

The Department will also furnish to all of the above parties the results of the bidding after said bids are received and opened.

Mr. Will Ketner

Page 3

August 7, 1973

We trust the Commission will take immediate favorable action upon this letter petition so that the bridge rehabilitation can be expedited and the hazard and inconvenience to the public may be eliminated.

Very truly yours,

KW Walker

For: R. R. Mueser, P. E.
Deputy Chief Highway Engineer