

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

46

1. REPORT DATE: October 24, 1994	2. BUREAU AGENDA NO.: NOV-94-SC-RS-561*
3. BUREAU: Safety and Compliance	
4. SECTION(S): Rail Safety	5. PUBLIC MEETING DATE: November 10, 1994
6. APPROVED BY: Director: Nicely 3-3846 Supervisor: Hart 7-9732	DOCKETED DEC 01 1994
7. PERSONS IN CHARGE: Hull 7-5582	
8. DOCKET NO.: C-00018616	

9. (a) CAPTION (abbreviate if more than 4 lines)
(b) Short summary of history & facts, documents & briefs
(c) Recommendation

(a) Pennsylvania Public Utility Commission v. Penn Central Company, The Baltimore and Ohio Railroad Company, City of Pittsburgh, County of Allegheny and Pennsylvania Department of Transportation.

(b) This case was instituted by the Commission on December 23, 1968. By order of October 10, 1973, the Department was ordered, at its initial cost and expense, to furnish all material and do all work necessary to rehabilitate the existing above-grade railroad-highway crossing. At a field conference conducted May 16, 1991, the Department was undecided whether it would seek reimbursement for any costs or assume future maintenance of the structure. By letter received by the Commission on June 15, 1994, the Department has advised the Commission that it will assume the maintenance responsibilities and costs associated with the structure.

(c) The Bureau of Safety and Compliance recommends that the Commission issue an order to allocate the unresolved costs of construction, assign future maintenance responsibilities, and close the case.

10. MOTION BY: Commissioner Chm. Rolka
SECONDED: Commissioner Rhodes
Commissioner Quain - Yes
Commissioner Crutchfield - Yes
Commissioner Hanger - Yes

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT
FOLDER

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

NOVEMBER 18, 1994

C-00018616

SCOTT WASSERKRUG ESQUIRE
CONSOLIDATED RAIL CORPORATION
2001 MARKET STREET
PO BOX 41416
PHILADELPHIA PA 19101-1416

Pennsylvania Public Utility Commission
v.
Penn Central Company, The Baltimore and Ohio Railroad Company,
City of Pittsburgh, County of Allegheny and
Pennsylvania Department of Transportation

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in Public Meeting on November 10, 1994 in the above entitled proceeding.

A copy of this Order has been enclosed for your records.

Very truly yours,

John G. Alford, Secretary

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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held November 10, 1994

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
John M. Quain
Lisa Crutchfield
John Hanger

Pennsylvania Public Utility Commission
v. Penn Central Company, The Baltimore
and Ohio Railroad Company, City of
Pittsburgh, County of Allegheny and
Pennsylvania Department of Transportation

C-00018616

SOCKETED

DEC 06 1994

O R D E R

BY THE COMMISSION:

By its order issued December 23, 1968, this Commission instituted an investigation 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 the Baltimore and Ohio Rail Company (now CSX Transportation Corporation) and Penn Central Company (now Consolidated Rail Corporation) in the City of Pittsburgh, Allegheny County.

The Commission, by its order issued January 18, 1971, directed Pennsylvania Department of Transportation (Department) to prepare construction plans for the rehabilitation of the existing bridge structure. By order of October 10, 1973, the Department was ordered, at its initial cost and expense, to furnish all material and do all work necessary to rehabilitate the existing bridge.

By letter dated March 24, 1977, the Department notified the Commission that all work was completed and requested a hearing for allocation of costs. A hearing was held for allocation of costs on February 8, 1978. At the hearing, the Department's witness testified that the construction costs totaled \$2,287,516.60 and subsequently requested a continuance of the proceeding because the Department was awaiting receipt of an engineering study which was performed prior to the time the Department assumed maintenance of the bridge. The Department was of the opinion that this study could be vital to the determination as to the allocation of costs. The Department was

granted a continuance and was informed to notify the Commission when the engineering study was received and when they would be available to proceed.

A further field investigation and conference was held at the site of the crossing on May 16, 1991 and attended by representatives from the following parties:

Pennsylvania Department of Transportation
CSX Transportation Corporation
City of Pittsburgh
Allegheny County
Duquesne Light Company

Although notified by letter dated April 22, 1991, there were no representatives from Consolidated Rail Corporation or Bell Telephone Company of PA in attendance.

At the field conference, the Department was undecided whether it would seek any costs it incurred in rehabilitating the subject bridge or assume future maintenance of the structure. The Department was advised to notify the Commission when it was ready to proceed with this matter. No party at the field conference offered any other outstanding issues.

By letter dated June 15, 1994, received by the Commission on June 15, 1994, the Department notified the Commission that no further hearing on this case will be necessary. The Department has advised the Commission that it will assume the maintenance responsibilities and costs associated with the structure.

We have carefully reviewed the information of record in this proceeding, and are of the opinion that a public hearing is not necessary, inasmuch as the parties of record have reached agreement concerning the allocation of construction costs and the responsibilities of future maintenance. Accordingly, we will issue an order allocating the costs of construction and assigning future maintenance responsibilities.

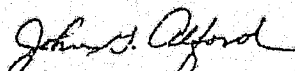
The record have been certified to this Commission, we issue this order allocating the construction costs and assigning future maintenance

responsibilities at the crossing improvement, pursuant to Section 335(a) of Public Utility Code (66 Pa. C.S. §335(a)); THEREFORE,

IT IS ORDERED:

1. That Pennsylvania Department of Transportation bear the cost of material furnished and work performed by the Department in accordance with numbered Paragraphs 3, 8, 9, 10 and 15 of our order of October 10, 1973.
2. That Pennsylvania Department of Transportation pay CSX Transportation Corporation and Consolidated Rail Corporation a sum or sums of money equal to the costs of material provided, work performed, or services rendered to modify or protect its facilities in accordance with numbered Paragraphs 4 and 5 of our order of October 10, 1973.
3. That Pennsylvania Department of Transportation pay any non-utility a sum or sums of money equal to the actual cost incurred by the utility in furnishing material and performing work in relocating any other utilities in public or private right-of-way, in conjunction with this construction project, in accordance with numbered Paragraphs 6 and 7 of our order of October 10, 1973.
4. That Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to maintain the bridge structure, including the approaches to the crossing, the structure, the superstructure, roadway pavement, sidewalks and railings of the bridge structure; and any highway drainage facilities installed or altered in accordance with the order.
5. That this proceeding, at Complaint Docket C-00018616, be and hereby marked "CLOSED".

BY THE COMMISSION,


John G. Alford
Secretary

ADOPTED: November 10, 1994

ENTERED: NOV 18 1994