

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

INTERIM ORDER

BY THE COMMISSION, OCTOBER 10, 1973: ✓

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 The Baltimore and Ohio Railroad Company and Penn Central Company (now Penn Central Transportation Company), in the city of Pittsburgh, Allegheny County, and for the purpose of determining whether the prevention of accidents and the promotion of the safety of the public require changes in the type, location, use, or construction of the crossing. Subsequent to the above-mentioned order, Department of Highways (now Pennsylvania Department of Transportation) made a detailed inspection of the structure, and an initial hearing was held September 1, 1970.

The Commission, by its order issued January 18, 1971, directed Department of Transportation to prepare and submit to the parties of record, complete construction plans for the rehabilitation of the existing bridge structure, on or before December 31, 1971. An extension of time was granted

by the Commission, and the department submitted detail construction plans to the parties of record and to the Commission on July 6, 1973, in compliance with the order dated January 18, 1971. Upon receipt of the construction plans, a field conference was arranged by a Commission staff engineer and held on July 31, 1973 at the site of the crossing, with representatives of Department of Transportation, The Baltimore and Ohio Railroad Company, Penn Central Transportation Company, Commissioners of Allegheny County, The Bell Telephone Company of Pennsylvania and Duquesne Light Company in attendance. Other parties in interest, City of Pittsburgh and Equitable Gas Company, were advised by letter of the date and place of the field conference but did not make an appearance. It was ascertained, however, that there are no facilities of the gas company within the construction area. The department proposes to rehabilitate the structure by the repair and/or replacement of any structural components, as may be required, and to reconstruct the floor system and roadway, all as necessary to provide a bridge capable of carrying current highway loading. No work is contemplated in the sidewalk areas, since these areas were renewed in 1968.

During a review of the extent of the proposed work, none of the parties present had any objection to the department's plan, or to the issuance of an interim order by the Commission approving construction of the improvement, at the initial cost and expense of the department, but subject to the issuance of a final order by the Commission, after a hearing has been held, following completion of the rehabilitation work, to take testimony upon the allocation of the costs of construction and the responsibilities of future maintenance.

By letter petition in this matter filed August 9, 1973, the department seeks issuance of an interim order approving construction of the improvement, in accordance with the construction plan submitted in compliance with the Commission order dated January 18, 1971, prior to a hearing upon the matters and things involved, at the initial cost and expense of the department, but subject to the issuance of a final order by this Commission, following a subsequent hearing.

The plan submitted by the department and referred to in its petition, consists of 41 sheets, identified as S-10285, for the rehabilitation of the multi-span deck girder and steel arch bridge, which crosses over the Allegheny River and above the tracks of The Baltimore and Ohio Railroad Company and Penn Central Transportation Company, on the line of Thirty-First Street, in the city of Pittsburgh, and in addition, a lighting and electrical plan, consisting of ten sheets, identified as S-9727, for the navigation lighting of the bridge.

In its letter, the department sets forth that all work will be performed within the existing highway right-of-way limits, and no appropriation of property by the Commission will be necessary; further, that the department will undertake the construction of the project, at its initial cost and expense, in order to expedite the rehabilitation of the bridge, and thus eliminate the hazard and inconvenience to the public caused by its present substandard condition and loading restriction.

The cost of the proposed construction, estimated at \$1,185,000 is itemized as follows:

<u>Rehabilitation of 31st St. Bridge</u>	
Engineering	\$ 70,000
Bridge rehabilitation	1,000,000
Navigation lighting	115,000
Total	<u>\$1,185,000</u>

A copy of the department's letter, and copies of

the construction plan and the estimate of cost, have been served upon the Baltimore and Ohio Railroad Company, Penn Central Transportation Company, City of Pittsburgh, County of Allegheny, The Bell Telephone Company of Pennsylvania, Duquesne Light Company and Equitable Gas Company. None of

the parties has advised that it desires to be heard, or has any objection to the issuance of an interim order. In support thereof, the Commission has received a letter dated August 20, 1973, from Penn Central Transportation Company, advising that the company has no objection to the issuance of an interim

order.

We have carefully reviewed the record in this proceeding, and the construction plan prepared by the department, and are of the opinion that the issuance of an interim order by this Commission, to permit the rehabilitation of a much needed river bridge to commence at the earliest possible date, is justified in this particular instance. Accordingly, we

will grant the prayer of the department's petition, and approve the rehabilitation of the existing crossing, where State Highway Route 02260 (31st Street) crosses over the Allegheny River and above the tracks of the railroad companies; however, the allocation of the costs and expenses to be incurred by the parties, and the allocation of maintenance responsibilities will be held in abeyance until a hearing has been held, following the completion of the work herein ordered to be performed.

Upon full consideration of the matters and things involved, we find and determine that the issuance of an interim order for the rehabilitation of the crossing, above grade, in the city of Pittsburgh, Allegheny County, as above described, is necessary or proper for the service, accommodation, convenience or safety of the public; THEREFORE,

IT IS ORDERED:

1. That the prayer of the petition filed August 9, 1973, by Department of Transportation, be granted, to the extent hereinafter indicated.

2. That the existing crossing, where State Highway Route 02260 (Thirty-first Street) crosses over the Allegheny River and above the tracks of The Baltimore and Ohio Railroad Company and Penn Central Transportation Company, in the city of Pittsburgh, Allegheny County, be rehabilitated, generally in accordance with the plan consisting of 51 sheets, prepared by Department of Transportation, in compliance with the Commission order issued January 18, 1971 in this proceeding; which plan is attached hereto, made a part hereof, and is hereby approved, except insofar as it may relate to the division of work, the deletion of work or the allocation of the costs and expenses incident to the construction and maintenance of the improvement.

3. That Department of Transportation, at its initial cost and expense, furnish all material and do all work necessary to rehabilitate the existing above-grade railroad-highway crossing and its appurtenant drainage facilities, in accordance with the approved plan.

4. That The Baltimore and Ohio Railroad Company and Penn Central Transportation Company, each, at the initial cost and expense of Department of Transportation, furnish any necessary watchmen or flagmen to protect its respective operations during the time the crossing, above grade, is being rehabilitated, and during the time that any alterations are being made to its facilities in accordance with this order.

5. That The Baltimore and Ohio Railroad Company and Penn Central Transportation Company, each, at the initial

cost and expense of Department of Transportation, furnish all material and do all work necessary to make any temporary or permanent alterations or relocations of its respective tracks, signals, wire lines or other facilities required to permit the construction of the improvement, and in addition, furnish any construction inspectors required to observe the progress of the work during the time the crossing is being rehabilitated, and furnish such engineering services, as may be required, to insure the safety of its facilities and operations which may be affected by the design and construction of the above-grade crossing improvement.

6. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Baltimore and Ohio Railroad Company and Penn Central Transportation Company, located within the limits of any highway within the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the improvement, be made by said public utility, at the initial cost and expense of Department of Transportation, and in such manner as will not interfere with the construction of the improvement; and further, said relocated or altered facilities thereafter be maintained by said public utility company, until and/or unless directed otherwise by future order of this Commission.

7. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Baltimore and Ohio Railroad Company and Penn Central Transportation Company, located beyond the limits of any highway within the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the improvement, be made by said public utility, at the initial cost and expense of Department of Transportation, and in such manner as will not interfere with the construction of the improvement; and further, said relocated or altered facilities thereafter be maintained by said public utility company, until and/or unless directed otherwise by future order of this Commission.

initial cost and expense of Department of Transportation, and in such manner as will not interfere with the construction of the improvement.

8. That Department of Transportation, at its initial cost and expense, furnish all material and do all work necessary to effect the vacation, relocation, removal or demolition of any nonutility structures, including occupied dwellings, located upon property required for the construction of the project, in accordance with this order.

9. That Department of Transportation, at its initial cost and expense and in cooperation with City of Pittsburgh, furnish all material and do all work necessary to establish and maintain any detours that may be required to accommodate properly highway traffic during the time the railroad-highway crossing project is being constructed.

10. That Department of Transportation, at its initial cost and expense, furnish all material and do all work necessary to complete the remainder of the railroad-highway crossing project, in accordance with the approved plan.

11. That the railroad-highway crossing project be completed in a manner satisfactory to this commission on or before September 30, 1975, and that on or before said date, Department of Transportation, The Baltimore and Ohio Railroad Company, Penn Central Transportation Company, and the noncarrier utility companies, each report to this Commission the dates of actual completion of its respective portion; and, at the earliest practicable time subsequent to said date of completion, submit to this Commission a detailed statement of the actual costs incurred by it in furnishing material and in performing work in compliance with this order.

work ordered herein.
following completion of the railroad-highway crossing construction

be held at a time and place to be set by this Commission,
after further hearing in this proceeding, which hearing shall
of the parties hereto be subject to allocation by this Commission

16. That all costs and expenses incurred by any

with this order.

reason of the construction of the crossing project in accordance
to the owners, for property taken, injured or destroyed by
cost and expense, pay all compensation for all damages due

15. That Department of Transportation, at its initial

insofar as possible.

each of the named parties will be provided for and accommodated

portation and with each other so that the requirements of
companies affected hereby, cooperate with Department of Trans-
Penn Central Transportation Company and all noncarrier utility

14. That The Baltimore and Ohio Railroad Company,

in a safe manner and under control.

conduct its respective operations in the vicinity of the crossing

Company cooperate with Department of Transportation and
and Ohio Railroad Company and Penn Central Transportation
constructed over and adjacent to its tracks, The Baltimore

13. That during the time the project is being

will not be endangered or unnecessarily impeded.

the project the operation of the facilities of the carriers
Transportation Company, so that during the construction of
with The Baltimore and Ohio Railroad Company and Penn Central

12. That Department of Transportation cooperate

17. That all of the foregoing, relative to Penn Central Transportation Company is subject to the approval of the Reorganization Court (U.S. District Court, Eastern District of Pennsylvania, Fullam, J.), if such approval is required.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

George Bloom

Chairman

ATTEST:

Will Peterson

Secretary

PUBLIC UTILITIES
 PENN CENTRAL COMPANY
 BALTIMORE & OHIO R.R. COMPANY
 DUQUESNE LIGHT CO. (D.L.)
 BELL TELEPHONE CO. (B.T.)
 EQUITABLE GAS CO.
 CITY DEPARTMENT OF WATER
 PORT AUTHORITY OF ALLEGHENY CO.
 PITTSBURGH DEPT. OF PUBLIC WORKS

L.R. 02260 Sta. 0+22.91
 Allegheny County Sta. 21

DOCKETED
 COMP. INT. DOCKET
 OCT 29 1973
 ENTRY No. *11*

CERTIFIED CORRECT PLANS

<i>L.B. Cadden</i> Engineer	<i>Merle H. Frost</i> Director Bureau of Transportation
Approved by PENN. PUBLIC UTILITY COMMISSION	
Mark	Description
By	Chk'd. App'd. Date
REVISIONS <i>[Handwritten notes]</i>	

Commonwealth of Pennsylvania
 DEPARTMENT OF TRANSPORTATION
 BUREAU OF DESIGN

ALLEGHENY COUNTY
L.R. 02260 SEC. A06

L.R. 02260-A06 STA. 0+22.76 TO STA. 29+81.5
 OVER PENN CENTRAL R.R., B. & O. R.R. & ALLEGHENY RIVER
 MULTI-SPAN DECK GIRDER & STEEL ARCH BRIDGE REHABILITATION
GENERAL PLAN & NOTES

SHEET 1 OF 41

APPROVED APR 5 1973
[Signature]
 BRIDGE ENGINEER

**OVERSIZE
 DOCUMENT(S)**

Western Union

Telegram

Western Union

VU INFOMASTER

PUC HBG

037807A199 1731EDT

1 HARRISBURG, PA JULY 18, 1974
ZIP 44101
O. CLARKE, VICE PRESIDENT LAW
CHESSIE SYSTEM
P.O. BOX 6419
CLEVELAND, OHIO 44101

BY LETTER DATED JULY 16, 1974 PENNSYLVANIA DEPARTMENT OF TRANSPORTATION ADVISED PENNSYLVANIA PUBLIC UTILITY COMMISSION THAT THERE ARE NUMEROUS VIOLATIONS OF THE POSTED LOAD LIMIT ON THE BRIDGE ON THIRTY-FIRST STREET, LEGISLATIVE ROUTE 02260, IN THE CITY OF PITTSBURGH, ENDANGERING THE PUBLIC AND THOSE ENGAGED IN THE WORK OF REHABILITATION. THIS BRIDGE WAS POSTED FOR A FIVE TON LIMIT BY ORDER OF THIS COMMISSION DATED DECEMBER 28, 1968 DOCKETED AT C-18616. ACCORDINGLY, THIS COMMISSION HEREBY ORDERS AND DIRECTS THE PENNSYLVANIA STATE POLICE AND THE PITTSBURGH CITY POLICE TO STRICTLY ENFORCE THE LOAD LIMITATION ON THE BRIDGE AND REPORT MONTHLY TO THIS COMMISSION THE NUMBER OF VIOLATIONS THEY HAVE JOINTLY OR SEVERALLY TAKEN ACTION UPON. IF THESE VIOLATIONS CONTINUE IT MAY BE NECESSARY TO BARRICADE THE BRIDGE TO PUBLIC USE IN ORDER THAT THE CONTRACTOR'S EMPLOYEES MAY SAFELY AND SPEEDILY COMPLETE THE RECONSTRUCTION OF THE BRIDGE.
WILL KETNER, SECRETARY, PENNSYLVANIA PUBLIC UTILITY COMMISSION

ACCEPTED

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RECORD
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Teletype

WU INFOMASTER

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1 HARRISBURG, PA JULY 18, 1974

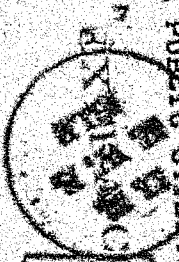
TLX 834510 PC HQ PHA

ATTN: P. R. DUKE, GENERAL COUNSEL

BY LETTER DATED JULY 16, 1974 PENNSYLVANIA DEPARTMENT OF TRANSPORTATION ADVISED PENNSYLVANIA PUBLIC UTILITY COMMISSION THAT THERE ARE NUMEROUS VIOLATIONS OF THE POSTED LOAD LIMIT ON THE BRIDGE ON THIRTY-FIRST STREET, LEGISLATIVE ROUTE 02260, IN THE CITY OF PITTSBURGH, ENDANGERING THE PUBLIC AND THOSE ENGAGED IN THE WORK OF REHABILITATION. THIS BRIDGE WAS POSTED FOR A FIVE TON LIMIT BY ORDER OF THE COMMISSION DATED DECEMBER 25, 1968 DOCKETED AT C. 18616. ACCORDINGLY, THIS COMMISSION HEREBY ORDERS AND DIRECTS THE PENNSYLVANIA STATE POLICE AND THE PITTSBURGH CITY POLICE TO STRICTLY ENFORCE THE LOAD LIMITATION ON THE BRIDGE AND REPORT MONTHLY TO THIS COMMISSION THE NUMBER OF VIOLATIONS. THEY HAVE JOINTLY OR SEVERALLY TAKEN ACTION UPON. IF THESE VIOLATIONS CONTINUE IT MAY BE NECESSARY TO BARRICADE THE BRIDGE TO PUBLIC USE IN ORDER THAT THE RECONSTRUCTION OF THE BRIDGE SAFELY AND SPEEDILY COMPLETE THE RECONSTRUCTION OF THE BRIDGE WILL KETNER, SECRETARY, PENNSYLVANIA PUBLIC UTILITY COMMISSION

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western union

western union

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1 HARRISBURG, PA JULY 17, 1974

ZIP 17120
COL. JAMES D. BARBER, COMM.
PENNSYLVANIA STATE POLICE
P.O. BOX 2771
HARRISBURG, PA 17120

BY LETTER DATED JULY 16, 1974 PENNSYLVANIA DEPARTMENT OF TRANSPORTATION ADVISED PENNSYLVANIA PUBLIC UTILITY COMMISSION THAT THERE ARE NUMEROUS VIOLATIONS OF THE POSTED LOAD LIMIT ON THE BRIDGE ON THIRTY-FIRST STREET, LEGISLATIVE ROUTE 02260, IN THE CITY OF PITTSBURGH, ENDANGERING THE PUBLIC AND THOSE ENGAGED IN THE WORK OF REHABILITATION. THIS BRIDGE WAS POSTED FOR A FIVE TON LIMIT BY ORDER OF THE COMMISSION DATED DECEMBER 28, 1968 DOCKETED AT C. 18618. ACCORDINGLY, THIS COMMISSION HEREBY ORDERS AND DIRECTS THE PENNSYLVANIA STATE POLICE AND THE PITTSBURGH CITY POLICE TO STRICTLY ENFORCE THE LOAD LIMITATION ON THE BRIDGE AND REPORT MONTHLY TO THIS COMMISSION THE NUMBER OF VIOLATIONS THEY HAVE JOINTLY OR SEVERALLY TAKEN ACTION UPON. IF THESE VIOLATIONS CONTINUE IT MAY BE NECESSARY TO BARRICADE THE BRIDGE TO PUBLIC USE IN ORDER THAT THE CONTRACTOR'S EMPLOYEES MAY SAFELY AND SPEEDILY COMPLETE THE RECONSTRUCTION OF THE BRIDGE.

ACCEPTED
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O.K.
A.M.P.
A.M.A.

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Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
NOV 7 1975
Secretary's Office
Public Utility Commission

In re: PENNSYLVANIA PUBLIC UTILITY COMMISSION :
v. :
PENN CENTRAL COMPANY, THE BALTIMORE AND :
OHIO RAILROAD COMPANY, CITY OF PITTS- : COMPLAINT
BURGH, COUNTY OF ALLEGHENY and DEPART- :
MENT OF TRANSPORTATION OF THE COMMON- : DOCKET NO.
WEALTH OF PENNSYLVANIA :
: 18616
: 1968

PETITION OF THE PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION FOR MODIFICATION OF THE ORDER
OF OCTOBER 10, 1973.

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

The Petition of the Pennsylvania Department of Transportation for
modification of the order 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, Office of Chief Counsel, Department
of Transportation, Capitol Associates Building, 7th and Forster Streets,
Harrisburg, Pennsylvania 17120.
3. That your Honorable Commission in Complaint Docket No. 18616
issued its Order dated October 10, 1973, which, inter alia, provides for
the rehabilitation of the 31st Street Bridge, the subject of this proceeding.

RECORD
FOLDER

DOCKETED
COMPLAINT DOCKET
NOV 14 1975
ENTRY NO. *H*

4. That Paragraph 11 of the order of October 10, 1973, reads as follows:

"That the railroad-highway crossing project be completed in a manner satisfactory to this Commission on or before September 30, 1975, and that on or before said date, Department of Transportation, The Baltimore and Ohio Railroad Company, Penn Central Transportation Company, and the noncarrier utility companies, each report to this Commission the date of actual completion of its respective portion; and, at the earliest practicable time subsequent to said date of completion, submit to this Commission a detailed statement of the actual costs incurred by it in furnishing material and in performing work in compliance with this order."

5. That during the course of performing the rehabilitation work, as ordered, it was determined that deterioration to the steel columns, bents and stringers was greater than anticipated; therefore, additional work is required.

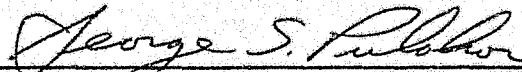
6. That during the reconstruction of the south approach, drainage problems were encountered on said approach that were not anticipated; therefore, additional work is required.

7. That the additional work as described hereinbefore will delay the completion of the rehabilitation until July of 1976.

WHEREFORE, your petitioner respectfully prays your Honorable Commission to modify Paragraph 11 of the order of October 10, 1973, to read as follows:

"That the railroad-highway crossing project be completed in a manner satisfactory to this Commission on or before July 1, 1976, and that on or before said date, Department of Transportation, The Baltimore and Ohio Railroad Company, Penn Central Transportation Company, and the noncarrier utility companies, each report to this Commission the date of actual completion of its respective portion; and, at the earliest practicable time subsequent to said date of completion, submit to this Commission detailed statement of the actual costs incurred by it in furnishing material and in performing work in compliance with this order."

and it will ever pray, etc.


GEORGE S. PULAKOS
DEPUTY SECRETARY FOR ADMINISTRATION
DEPARTMENT OF TRANSPORTATION

Signed and dated this 6th
Day of November 1975

* * * * *

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 6th day of November 1975

Joseph H. Dunnigan
JOSEPH H. DUNNIGAN
NOTARY PUBLIC
MY COMMISSION EXPIRES ON 5-17-76

B E F O R E
PENNSYLVANIA 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
TRANSPORTATION OF THE COMMONWEALTH OF PENNSYLVANIA

) COMPLAINT
) ~~APPLICATION~~
) DOCKET NO.
) 18616
) 1968

RECEIVED
NOV 19 1975
Secretary
Public Utility Commission

State of Pennsylvania)
) SS
County of Dauphin)

PETITION OF THE DEPARTMENT OF TRANSPORTATION FOR
MODIFICATION OF THE ORDER OF OCTOBER 10, 1973 (FOR
AN EXTENSION OF TIME).

On this 18th day of November, A. D., 1975, before me, the subscriber,
a Notary Public in and for said county and state, personally appeared, Kenneth W. Walker, P. E.
who being duly sworn and according to law, deposes and says, that he is over twenty-one years
of age; that he is the Chief Utility Engineer for the Department of Transportation; that on
18th day of November 1975, he served by mail on _____

Wallace D. Stewart, Esquire, Penn Central Transportation Company, 925 Penn Central Station,
Pittsburgh, Pennsylvania 15222

Honorable Peter L. Flaherty, Mayor, City of Pittsburgh, 514 City-County Building,
Pittsburgh, Pennsylvania 15219

Commissioners of Allegheny County, Courthouse, Pittsburgh, Pennsylvania 15219

W. Scott Armentrout, Esquire, The Baltimore and Ohio Railroad Company, Two North Charles St.,
Baltimore, Maryland 21201

Being the individuals or public utility company or companies affected, a copy of the petition
in the above matter; that at the time of mailing said petition the Department of Transportation
paid the full legal postage thereon; that there is regular mail communication between Harrisburg
and the post office of the above addresses.

RECORD
FOLDER

Kenneth W Walker
Kenneth W. Walker

Sworn and subscribed before me
this 18th day of November 1975

Joseph H. Dunnigan
JOSEPH H. DUNNIGAN
NOTARY PUBLIC
COMMISSION EXPIRES 5-17-76

DOCKETED
COMPLAINT DOCKET
NOV 21 1975
ENTRY No. C