

1. <u>REPORT DATE:</u> February 26, 1982	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u> Rail Transportation	:	MAR-82-TR-81*
4. <u>SECTION(S):</u>	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u> Director: Peteritas 3-5941 Supervisor:	:	March 12, 1982
7. <u>MONITOR:</u> Commissioner Johnson	:	
8. <u>PERSON IN CHARGE:</u> Huff 7-2153	:	
9. <u>DOCKET NO:</u> C-18922	:	

10. (a) CAPTION (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation
 (a) PENNSYLVANIA PUBLIC UTILITY COMMISSION
 v.
 DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA, ET AL
 (b) The crossing structure involved in this proceeding carries State Highway Route 736 Extended above the tracks of Union Railroad Company, in the City of Duquesne, Allegheny County, and is presently posted for five tons.

This proceeding was marked closed at Public Meeting held June 12, 1980.

The letter-petition dated February 22, 1982, PennDOT requests the Commission issue an Order Nisi permitting the department to rehabilitate the bridge to the extent that the bridge can safely carry maximum legal highway loads.

None of the parties object to the project as proposed by PennDOT.
(c) The Bureau of Rail Transportation recommends the issuance or an Order Nisi directing that the record in this proceeding be open; that PennDOT rehabilitate the bridge in accordance with plans to be approved by the Commission; that non-carrier utilities, at their initial cost and expense, alter or relocate their facilities as required; that, upon completion of the improvement, this proceeding be set for hearing; and that, unless exceptions to the order are received within 20 days from service thereof, the order shall become final.

II. MOTION BY: Commissioner Johnson	Commissioner Chm. Shanaman - Yes
	Commissioner Taliaferro - Yes
SECONDED: Commissioner Cawley	Commissioner Jones - Yes

CONTENT OF MOTION: Staff recommendation adopted.

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March 25, 1982

C-18922

Ward T. Williams, Chief Counsel
PA. Dept. of Transportation
521 Transportation & Safety Building
Harrisburg, PA 17120

Pennsylvania Public Utility Commission

v.

Department of Highways of the Commonwealth of
Pennsylvania, Union Railroad Company, City of
Duquesne, County of Allegheny, The Bell Tele-
phone Company of Pennsylvania, Carnegie Natur-
al Gas Company, Duquesne Light Company, Equit-
able Gas Company and Keystone Pipe Line Company

DOCUMENT
FOLDER

Dear Sir:

This is to advise you that an Order Nisi has been adopted by the Commission in public meeting on March 12, 1982, in the above entitled proceeding.

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

Very truly yours,

RECEIVED
MARCH 25 1982
AB

Jerry Rich, Secretary

tw
Encl.
Cert. Mail

Refer to similar letter list dated January 5, 1979.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 12, 1982

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro
Clifford L. Jones

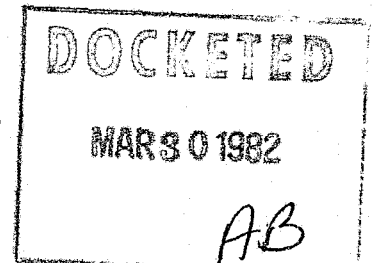
Pennsylvania Public Utility Commission

C-18922

v.

Department of Highways of the Commonwealth of
Pennsylvania, Union Railroad Company, City of
Duquesne, County of Allegheny, The Bell Telephone
Company of Pennsylvania, Carnegie Natural Gas Company,
Duquesne Light Company, Equitable Gas Company and
Keystone Pipe Line Company

ORDER NISI



BY THE COMMISSION:

This matter is presently before this Commission upon letter-petition, dated February 22, 1982, served on all parties of record, by Pennsylvania Department of Transportation (formerly Pennsylvania Department of Highways), requesting that the Commission issue an Order Nisi at Complaint Docket No. 18922 to permit the department to perform extensive rehabilitation of the bridge (Thompson Run Bridge) carrying State Highway Route 736 Extended above the grade of the tracks of Union Railroad Company, and over Thompson Run, in the city of Duquesne, Allegheny County.

The structure is an eight-span steel plate girder bridge approximately 805 feet in length. The bridge cartway, of reinforced concrete construction, has a width of 38 feet between pedestrian walkways.

By order adopted May 22, 1975, in this proceeding, this Commission directed the Department of Transportation, at its sole cost and expense, to maintain the entire substructure and superstructure of the bridge, exclusive of the sidewalk on the east side of the bridge. The city of Duquesne was directed to maintain the aforesaid sidewalk and the twelve-inch water main installed thereon.

By Emergency Order issued August 10, 1978 (ratified August 24, 1978), this Commission directed that the bridge be posted for a maximum weight limit of 5 tons, due to the deteriorating condition of the roadway expansion dam and the ends of all steel stringers at Pier No. 5.

At Public Meeting held June 12, 1980, this Commission directed that the record in this proceeding be marked closed.

In its instant letter-petition, the department avers that, early in 1979, it let a contract for emergency repairs to the structure, so as to maintain its structural capacity at a 5 ton limit and to assure safety of pedestrian traffic.

The department further avers that, concurrently with the emergency repair contract, it performed an in-depth inspection of the involved crossing structure, which revealed that the bridge required more extensive rehabilitation work, such as replacement of the bridge deck and some structural steel.

The department agrees, at its initial cost and expense, to perform the required extensive rehabilitation of the bridge, to the extent that the bridge, after rehabilitation, will be capable of carrying maximum legal highway loads.

The department requests that this Commission issue an Order Nisi so that a contract can be let as soon as possible, and so that work on the project can be performed during the 1982 construction season. The department states that, prior to start of the construction, it will submit to all parties of record for review and to this Commission for approval, complete construction plans for the bridge rehabilitation.

Attached to the letter-petition are copies of letters from the affected parties stating that they have no objections to the reconstruction of the involved crossing in accordance with construction plans prepared by the department, as follows:

Union Railroad Company

By letter dated February 11, 1982, the company states that it has no objection to the project and the construction plans, revised to include drainage changes approved at a February 11, 1982 conference, provided it is given the opportunity to submit testimony at hearing on the maintenance of certain drainage structures installed as a part of the construction project.

City of Duquesne

By letter dated February 3, 1982, the city gives the department permission to work on the city's water and sewer lines connected with the project, with the allocation of the costs thereof to be determined at a later date.

Non-Carrier Public Utilities

The Bell Telephone Company of Pennsylvania, Carnegie Natural Gas Company, Equitable Gas Company and Duquesne Light Company, by letters dated February 2, 1982, February 5, 1982, February 9, 1982, and February 12, 1982, respectively, each states that it has no objection to the project and that it agrees, at its initial cost and expense, to alter or relocate its facilities as required, provided that, upon completion of the project, hearing be held on the allocation of the costs associated therewith.

Also attached to the letter-petition is a copy of the department's utility clearance form indicating the effect of the project on the non-carrier utilities.

In this proceeding, we will assume jurisdiction over the entire length of the construction project.

Inasmuch as the involved bridge has been restricted to vehicles weighing not in excess of 5 tons for almost four years and is in need of early extensive rehabilitation to provide for a crossing capable of adequately serving the public; inasmuch as Department of Transportation agrees to rehabilitate the structure; inasmuch as none of the affected parties have any objection to the rehabilitation; and inasmuch as the non-carrier utilities agree, at their initial cost and expense, to alter or relocate their facilities as required, we determine that in the interest of providing proper service, accommodation, convenience and safety of the traveling public, the instant letter-petition of the department should be granted.

The record having been certified to this Commission, we issue this order pursuant to Section 335(a) of the Public Utility Code, 66 Pa. C.S. §335; THEREFORE,

IT IS ORDERED:

1. That the record in this proceeding be and is hereby opened.
2. That the letter-petition, dated February 22, 1982, of Pennsylvania Department of Transportation, requesting issuance of an Order Nisi permitting it to rehabilitate the bridge carrying State Highway Route 736 Extended above the grade of the tracks of Union Railroad Company, and over Thompson Run, in the city of Duquesne, Allegheny County, be and is hereby granted.
3. That Department of Transportation, before any work is performed on the project, prepare and submit to all parties of record for examination and to this Commission for approval, complete construction plans for the rehabilitation of the involved crossing structure and the highway approaches thereto.

4. That the approval of the plans directed to be submitted in numbered Paragraph 3 of this order does not include any reference thereon to the division of the work, the deletion of work, or the allocation of the costs and expenses incident to the construction and the maintenance of the project.

5. That Department of Transportation, at its initial cost and expense, furnish all material and do all work necessary to rehabilitate the involved bridge and the highway approaches thereto in accordance with the approved plans.

6. That Union Railroad Company, at the initial cost and expense of Department of Transportation, furnish all materials and do all work necessary to make any temporary or permanent alterations to its facilities required to permit the rehabilitation of the involved bridge.

7. That Union Railroad Company, at the initial cost and expense of Department of Transportation, furnish and maintain watchmen, flagmen, construction inspectors and engineering services as required to protect its operations and facilities during the time work is in progress over, under, across or adjacent to its tracks.

8. That any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any public utility, including, but not necessarily limited to The Bell Telephone Company of Pennsylvania, Duquesne Light Company, Equitable Gas Company and Carnegie Natural Gas Company, which may be required as incidental to the execution of the improvement, be made by said public utility, at its initial cost and expense, and in such manner as will not interfere with the construction thereof.

9. 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 non-utility structures, including occupied dwellings, located upon property required for the construction of the improvement in accordance with this order.

10. That Department of Transportation, at its initial cost and expense, furnish all material and do all work necessary to establish and maintain detours or alternate routes as may be required to accommodate properly, highway traffic during the time the improvement is being constructed.

11. 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 plans, including the construction of all drainage facilities.

12. That all work necessary to construct the improvement be completed in a manner satisfactory to this Commission on or before

June 30, 1983, and that on or before said date, Department of Transportation, Union Railroad Company, The Bell Telephone Company of Pennsylvania, Duquesne Light Company, Equitable Gas Company and Carnegie Natural Gas Company each report to this Commission the date of actual completion of its portion of the work, and, at the earliest practicable time subsequent to said date of completion, submit a detailed statement of the actual costs incurred by it in furnishing material and performing work in compliance with this order.

13. That Department of Transportation cooperate with Union Railroad Company, City of Duquesne and with each involved non-carrier public utility company, so that during the rehabilitation and reconstruction of the subject crossing, above grade, the operation and facilities of the railroad company, the city and the utility companies will not be endangered or unnecessarily impeded.

14. That during the time the crossing project is being constructed, each involved public utility company and City of Duquesne cooperate with Department of Transportation and conduct its respective operations and facilities located within the vicinity of the work in a safe manner and under control.


15. That Department of Transportation, at its initial cost and expense, pay all compensation for damages due to the owners, for property taken, injured or destroyed by reason of the construction of the improvement in accordance with this order.

16. That upon completion of the construction of this railroad-highway crossing project and the receipt of all costs associated therewith, this proceeding be set for hearing, at a time and place specified by this Commission, upon due notice to all parties, for the purpose of receiving testimony and exhibits on the allocation of all costs associated with the construction of the improvement and future maintenance of the completed improvement.

17. That in all respects not inconsistent herewith, the prior orders of this Commission in this proceeding remain in full force and effect.

18. That unless exceptions are filed with this Commission within twenty (20) days after service hereof, this order shall become final and absolute.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: March 12, 1982

ORDER ENTERED:

MAR 25 1982