

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	May 18, 1988	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Safety & Compliance	:	JUNE-88-SC-RS-212*
4. <u>SECTION</u>	Rail Safety	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	
Director:	Nicely 3-3846	:	June 9, 1988
Supervisor:	Hart 7-9732	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>	Fleisher 7-5936	:	
9. <u>DOCKET NO.:</u>	C-861119	:	

DOCKETED
JUN 20 1988

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

(a) Moscow Borough Council

v.

City of Scranton, Lackawanna County and
Pennsylvania Department of Transportation

(b) Complaint filed December 9, 1986. Prehearing conference and hearing held May 14, 1987. Initial order adopted October 22, 1987 (entered October 26, 1987), directed City of Scranton to perform a study of the subject bridge and submit a report thereon within six (6) months of service of order. City of Scranton filed a petition requesting a sixty (60) day extension of time to submit the ordered report.

(c) It is recommended that the Commission adopt an order that grants City of Scranton's petition.

DRF:11

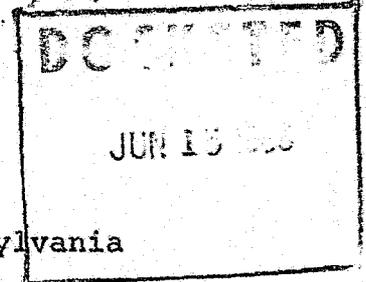
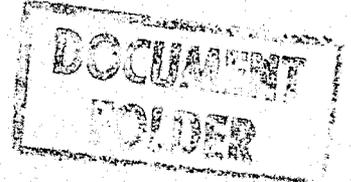
11. <u>MOTION BY:</u>	Commissioner Chm. Shane	Commissioner Taliaferro - Yes
		Commissioner Rhodes - Yes
<u>SECONDED:</u>	Commissioner Smith	Commissioner Fischl - Yes

CONTENT OF MOTION: Staff recommendation adopted.

June 15, 1988

C-861119

James J. Walker, Solicitor
Connell Building - Suite 631-635
Scranton, PA 18503



Moscow Borough Council
v.
City of Scranton, Lackawanna County 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 held June 9, 1988.

An Executed Order has been enclosed for your records.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jerry Rich".

Jerry Rich, Secretary

lg
Encls.
Cert. Mail

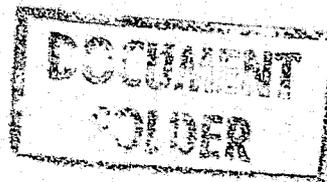
Law Bureau
Bureau of s & C - Rail Trans.
Similar letter to: See attached list.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 9, 1988

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Linda C. Taliaferro
Joseph Rhodes, Jr.
Frank Fischl

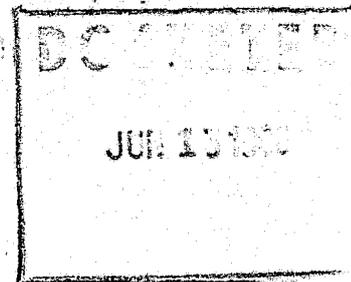


Moscow Borough Council

C-861119

v.

City of Scranton, Lackawanna
County and Pennsylvania
Department of Transportation



O R D E R

BY THE COMMISSION:

This matter is before us by reason of a petition filed April 19, 1988, by City of Scranton. The petitioner requests this Commission to grant an extension of sixty (60) days time within which to submit a report of a preliminary technical study of the involved bridge.

In the petition it is averred that the involved bridge has been placed on an Amendment to the Bridge Bill (Act 1982-235) by the State Legislature and said legislation has been signed into law by Governor Robert Casey. As a result, in order that City of Scranton might avail itself of the funds provided by the legislation, it must conduct a study according to Pennsylvania Department of Transportation standards to determine if the bridge should be repaired or replaced. The City has been attempting to determine the standards for the Department required study, so that said study could be used to comply with this proceeding and the requirements to obtain Bridge Bill funds, rather than spend taxpayer monies to make two studies.

It is also averred in the petition, that Steamtown, U.S.A., the entity which utilized the railroad tracks supported by the bridge, is not conducting business at this time and does not expect to run any excursion trains over the bridge during the 1988 season. Exhibit B attached to the petition, is an Affidavit by John Hart, General Manager of Steamtown, U.S.A., to this effect.

Further, it is averred that the City has retained a consulting engineering firm. Said firm states that it will need sixty (60) days from

April 12, 1988, to fully complete the necessary inspections, testing and prepare a report.

Proof of service of the petition on all parties in interest has been received. More than twenty (20) days have elapsed since the petition was filed. None of the parties have advised that they have any objection to the granting of the petition as presented or expressed a desire to be heard in this matter.

The problems with the involved bridge that complainant is concerned about is unlikely to result in any catastrophic failure and since there is no contemplated rail traffic during the remainder of 1988, a sixty (60) day delay in receipt of the ordered report will not result in any serious concerns for the safety of the public.

Therefore, upon full consideration of all matters involved, we determine that the time to complete the ordered study and submit a report thereon be extended sixty (60) days beyond the time originally provided or until June 27, 1988; THEREFORE,

IT IS ORDERED:

1. That the petition filed by City of Scranton on April 19, 1988, be and is hereby granted.

2. That Paragraph 4 of the order adopted October 22, 1987 (entered October 26, 1987), which read as follows:

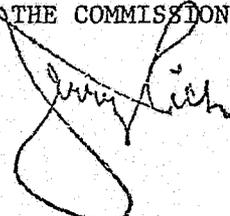
"4. That, as herein ordered, the study shall be conducted and the report thereon shall be prepared and two (2) copies each thereof shall be served upon the Commission and the other parties hereto within six (6) months from the service date of the Commission's Order herein."

be and hereby modified to read as follows:

4. That, as herein ordered, the study shall be conducted and the report thereon shall be prepared and two (2) copies each thereof shall be served upon the Commission and the other parties hereto on or before June 27, 1988.

3. That in all respects not inconsistent herewith, our order adopted October 22, 1987 (entered October 26, 1987), shall remain in full force and effect.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over the printed text "BY THE COMMISSION,".

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 9, 1988

ORDER ENTERED: JUN 15 1988