

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17120  
January 19, 1989

In Re: C-861119

(See attached list)

Moscow Borough Council  
vs.  
City of Scranton, Lackawanna County and Pennsylvania Department  
of Transportation

NOTICE

This is to inform you that a further hearing on the above captioned case will be held Tuesday, March 28, 1989, at 10:00 a.m., in the First Floor Hearing Room, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, Pennsylvania.

We are enclosing herewith, a list of questions, prepared by our Bureau of Safety & Compliance, indicating information to be developed at the hearing, along with other relevant testimony.

If any party intends to offer prepared written testimony, such testimony must be served upon each participant of record no less than twenty (20) days prior to this hearing.

You are advised that if you fail to appear at the hearing, the hearing will proceed without you. In that event, it is possible that you or your client will have issues determined against you and that you might be assigned positive duties or be required to pay money and will have waived any objection thereto.

The Commission's Rules require that all parties (except individuals appearing on their own behalf) be represented by counsel at hearing, therefore, will you please have counsel of your choice file his appearance on your behalf prior to the hearing date herein stated.

DOCKETED

JAN 25 1989

DOCUMENT  
FOLDER

If you intend to file exhibits, please be advised that two copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

Administrative Law Judge Richard M. Lovenwirth will be the presiding officer in this case. Judge Lovenwirth's telephone number is (717) 963-4818. His address is Room 108, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, Pennsylvania 18503.

Enclosure

cc: Judge Lovenwirth  
Law Bureau  
Bureau of Safety/Compliance  
Mr. Bramson  
Mrs. Pappas  
Mrs. Howell  
File Room

1. City of Scranton submit into the record copies of the In-depth Inspection Report prepared in compliance with the order adopted October 22, 1987.
2. City submit testimony explaining the significant findings from the inspection and state what its conclusions and recommendations are as a result of the study.
3. City state what program and policy has been formulated relating to future inspection and maintenance of the subject bridge.
4. City state what limitations it recommends be placed on traffic crossing over the subject bridge.
5. City state what use it anticipates will be made of the subject bridge structure by Steamtown or others within the next ten (10) years as regards carrying traffic above the highway.
6. City states whether it will agree to prepare detailed construction plans to rehabilitate any portion of the subject structure, if the Commission determines that rehabilitation should be done. If so, what period of time will be required to prepare such plans.
7. City state whether it will agree to prepare detailed construction plans to replace the structure, if the Commission determines that the structure should be replaced. If so, what period of time will be required to prepare such plans.
8. City state whether it will agree to prepare detailed construction plans to remove the structure, if the Commission determines that the structure should be removed. If so, what period of time will be required to prepare such plans.
9. City state whether it will agree to perform the actual work of construction of any of the alternatives discussed in Questions 6, 7 and 8. If so, what period of time does it estimate will be required to complete such work.
10. Moscow Borough submit testimony concerning its appraisal of the Inspection Report submitted by City of Scranton by letter dated August 26, 1988.
11. Borough state what it recommends be done at the subject crossing based on the results of the Report.
12. Borough state whether it will agree to prepare detailed construction plans for the work that it recommends be performed or any other work that the Commission may determine should be done. If so, what period of time will be required to prepare such plans.

13. Borough state whether it will agree to perform the actual construction of any work that the Commission may determine should be done. If so, what period of time does it estimate will be required to complete such work.
14. Pennsylvania Department of Transportation submit testimony concerning its appraisal of the Inspection Report submitted by City of Scranton by letter dated August 26, 1988.
15. Department state what it recommends be done at the subject crossing based on the results of the Report.
16. Department state whether it will agree to prepare construction plans for the work that it recommends be performed or any other work that the Commission may determine should be done. If so, what period of time will be required to prepare such plans.
17. Department state whether it will agree to perform the actual construction of any work that the Commission may determine should be done. If so, what period of time does it estimate will be required to complete such work.
18. Lackawanna County submit testimony concerning its appraisal of the Inspection Report submitted by City of Scranton by letter dated August 26, 1988.
19. County state what it recommends be done at the subject crossing based on the results of the Report.
20. County state whether it will agree to prepare construction plans for the work that it recommends be performed or any other work that the Commission may determine should be done. If so, what period of time will be required to prepare such plans.
21. County state whether it will agree to perform the actual construction of any work that the Commission may determine should be done. If so, what period of time does it estimate will be required to complete such work.
22. Query whether any facilities of any non-carrier public utility company will be affected by any of the recommendations considered heretofore.
23. Query whether any party in interest, or any other party, desires to submit any additional relevant testimony at this time.

DRF:11

T John L. Heaton, Chief Counsel  
Pennsylvania Department of Transportation  
521 Transportation & Safety Bldg.  
Harrisburg, PA 17120

X W. D. Pickering, Utility Engineer  
Pennsylvania Department of Transportation  
509 Transportation & Safety Bldg.  
Harrisburg, PA 17120

X James J. Walker, Solicitor  
Borough of Moscow  
631-635 Connell Building  
Scranton, PA 18503

X John Quinn, President  
Borough of Moscow Council  
Maple Street  
Moscow, PA 18444

X David B. Miller, Solicitor  
City of Scranton, Municipal Bldg.  
340 N. Washington Avenue  
Scranton, PA 18503

X Carlene R. Gallo, Asst. Solicitor  
City of Scranton, Municipal Bldg.  
240 N. Washington Avenue  
Scranton, PA 18503

X David Rinaldi, Solicitor  
Lackawanna County  
200 Adams Avenue  
Scranton, PA 18503

CAPTION

Moscow Borough Council

v.

City of Scranton, Lackawanna County and Pennsylvania Department  
of Transportation

MARGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

JAN 31 1989

Moscow Borough Council

v.

City of Scranton,  
Lackawanna County and  
Pennsylvania Department  
of Transportation.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

SECRETARYS OFFICE  
Public Utility Commission

C-861119

NOTICE OF APPEARANCE

To the Secretary:

Please enter the appearance of the Pennsylvania Department of Transportation, Commonwealth of Pennsylvania, in the above-captioned proceeding.

Counsel for the Department of Transportation in this proceeding is Christel L. Ertel-Kahlbaugh, Assistant Counsel.

All service and communications should be addressed to:

Christel L. Ertel-Kahlbaugh, Esquire  
Pennsylvania Department of Transportation  
Office of Chief Counsel  
513 Transportation and Safety Building  
Harrisburg, Pennsylvania 17120  
(717) 787-2819

DOCKETED  
JAN 31 1989

*Christel L. Ertel-Kahlbaugh*  
Christel L. Ertel-Kahlbaugh  
Assistant Counsel

DOCUMENT  
FOLDER

Notice of Appearance  
Page 2  
C-861119

CERTIFICATE OF SERVICE

I hereby certify that I am, this 31st day of January, 1989 serving by first class mail the foregoing document upon the persons listed below:

Honorable Richard M. Lovenwirth  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Room 108, Scranton State Office Building  
100 Lackawanna Avenue  
Scranton, Pennsylvania 18503

John B. Wilson, III, Deputy Chief Counsel  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, Pennsylvania 17120

David B. Miller  
(Solicitor for the City of Scranton)  
340 N. Washington Avenue  
Scranton, Pennsylvania 18503

David Rinaldi  
(Solicitor for the County of Lackawanna)  
200 Adams Avenue  
Scranton, Pennsylvania 18503

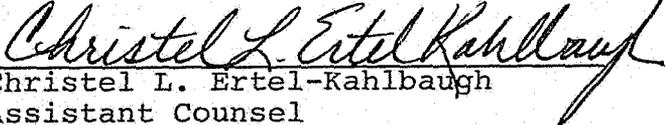
James J. Walker  
(Solicitor for Moscow Borough)  
631-635 Connell Building  
Scranton, Pennsylvania 18503

David J. Osborne, P.E.  
CECO Associates, Inc.  
Suite 202, Scranton Electric Building  
P. O. Box 995  
Scranton, Pennsylvania 18501

Notice of Appearance  
Page 3  
C-861119

CERTIFICATE OF SERVICE (cont'd)

Charles E. Mechem  
Senior General Attorney  
Consolidated Rail Corporation  
1138 Six Penn Center Plaza  
Philadelphia, Pennsylvania 19103

  
Christel L. Ertel-Kahlbaugh  
Assistant Counsel  
Office of Chief Counsel  
Department of Transportation  
Commonwealth of Pennsylvania  
Harrisburg, Pennsylvania 17120  
(717) 787-2819

DATED: January 31, 1989

APPEARANCE SHEET

*file*

ALJ HEARING REPORT

DOCKET NO. C-861119

CASE NAME Moscow Borough Council vs.  
City of Scranton, etc.

HEARING LOCATION Scranton, PA.

HEARING DATE March 28, 1989

ALJ Lovenwirth

*3/28/89*

*[Signature]*

RECEIVED

MAR 31 1989

Office of A. L. J.  
Public Utility Commission

DOCKETED  
APR 7 1989

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES  NO

Testimony taken YES  NO

Hearing concluded YES  NO

\* Further hearing needed YES  NO

Estimated add'l days \_\_\_\_\_

RECORD CLOSED YES  NO

Date \_\_\_\_\_

Briefs to be filed YES  NO

Date \_\_\_\_\_

BENCH DECISION YES  NO

REMARKS: \* A future determination as to the need for another hearing will be made.

NAMES ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD

PLEASE PRINT CLEARLY

INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

DOWN IT  
FOLDER

NAME and TELEPHONE NUMBER

ADDRESS

APPEARING FOR

Linda C. Smith (Mrs.)

G-31 North Ofc. Bldg.  
Harrisburg

PUC  
Staff

City	State	Zip
Harrisburg	PA	17120

Telephone No. (717) 783-2840

CHRISTEL L. ERTTEL

513 TRANS & SAFETY BLDG

PA DEPARTMENT  
OF TRANSPORTATION

City	State	Zip
HAS	PA	17120

Telephone No. (717) 7872819

JAMES J. WALKER

Suite 200 Park Plaza

Moscow  
Borough

City	State	Zip
Scranton	PA	18503

Telephone No. (717) 348-0716

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

*Chris Steas*

Reporter C R C

THOMAS P. CUMMINGS

Address

800 CONNELL BLOC.

LACKAWANNA COUNTY

City

SCRANTON

State

PA.

Zip

18503

Telephone No. ( )

Address

604 CONNELL BLOC.

CITY OF SCRANTON

City

SCRANTON

State

PA

Zip

18503

Telephone No. ( ) 346-1728

Address

City

State

Zip

Telephone No. ( )

APPEARANCE SHEET

*file*

ALJ HEARING REPORT

DOCKET NO. C-861119

CASE NAME Moscow Borough Council vs.  
City of Scranton, etc.

HEARING LOCATION Scranton, PA.

HEARING DATE March 28, 1989

ALJ Lovenwirth

*3/28/89*

*[Signature]*  
**RECEIVED**

MAR 31 1989

Office of A. L. J.  
Public Utility Commission

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES  NO

Testimony taken YES  NO

Hearing concluded YES  NO

\* Further hearing needed YES  NO

Estimated add'l days \_\_\_\_\_

RECORD CLOSED YES  NO   
Date \_\_\_\_\_

Briefs to be filed YES  NO   
Date \_\_\_\_\_

BENCH DECISION YES  NO

REMARKS: \* A future deter-  
mination as to the need  
for another hearing will  
be made.

**DOCKETED**  
APR 07 1989

NAMES ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD  
PLEASE PRINT CLEARLY  
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

**DO NOT**  
**FOLDER**  
APPEARING FOR

NAME and TELEPHONE NUMBER	ADDRESS	APPEARING FOR
Linda C. Smith (Mrs.) Telephone No. (717) 783-2848	G-31 North Ofc. Bldg. Harrisburg PA 17120	PUC Staff
CHRISTEL L. ERTEL Telephone No. (717) 787-2819	513 TRANS & SAFETY BLDG HOB PA 17120	PA DEPARTMENT OF TRANSPORTATION
JAMES J. WALKER Telephone No. (717) 348-0776	Suite 200 Park Plaza Scranton PA 18503	Moscow Borough

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

*Cheryl Stearns*  
Reporter c r c

THOMAS P. CUMMINGS

Address

820 CONNELL BLDG.

LACKAWANNA COUNTY

City

SCRANTON

State

PA.

Zip

18503

Telephone No. ( )

Address

601 CONNELL BLDG.

CITY OF SCRANTON

Carlene Gallo

City

SCRANTON

State

PA

Zip

18503

Telephone No. ( ) 346-1728

Address

City

State

Zip

Telephone No. ( )

U.S. Department  
of Transportation  
Federal Highway  
Administration

Eastern District Federal Division 21400 Ridgetop Circle  
Sterling, VA 22170

AMH

APR 28 1989

In Reply Refer To: HBD-15

Mr. John Latschar  
Superintendent  
Steamtown National Historic Site  
P.O. Box 1280  
Scranton, Pennsylvania 18501-1280

C-861119

REC'D. ST

MAY 04 1989

314

Dear Mr. Latschar:

As requested by phone, we have gone through a plan review and structural analysis process for Structures Number 4810-001P thru -014P in the Steamtown National Historic Site in order to determine structural load ratings where possible. The enclosed data sheet is a summary of our findings.

Several structures had very limited or no design plans available. Two structures are recommended for replacement. Consequently, none of these structures were analyzed for load carrying capacity. The remaining structures were analyzed and found to have locomotive load carrying capacities from E-45 to E-72, assuming the structure is rehabilitated to an as-built condition.

If any additional information is needed, please contact our Bridge Engineer, Mr. Donald W. Miller, at 703-285-0031.

Sincerely yours,

*Donald W. Miller*  
for Gary L. Klinedinst  
Division Engineer

Enclosure

cc: Mr. John J. Reynolds, Manager, Denver Service Center, NPS, DSC-TEA,  
Denver, CO  
Mr. James W. Coleman, Jr., Regional Director, Mid-Atlantic Region,  
NPS, Philadelphia, PA

DOCKET  
FOLDER

DOCKETED  
SEP 13 1991

STEAMTOWN NATIONAL HISTORIC SITE

STRUCTURE LOAD RATINGS

<u>Structure No.</u>	<u>Milepost</u>	<u>Features Crossed</u>	<u>Cooper Loading</u>
4810-001P	133.83	Lackawanna River	(Plans not available)
4810-002P	133.81	Cliff St.	(Plans not available)
4810-003P	133.37	S. Washington Ave.	(Structure(s) to be replaced)
4810-004P	133.27	Cedar Ave.	(Structure(s) to be replaced)
4810-005P	133.07	Spruce St.	E-72
4810-006P	131.80	Roaring Brook	E-50*
4810-007P	131.75	Rock Formation	(None - Tunnel)
4810-008P	131.12	Ash St.	E-45**
4810-009P	130.89	Roaring Brook	E-65
4810-010P	130.78	Abandoned Railroad	E-65
4810-011P	130.73	Roaring Brook	(Detailed plans not available)
4810-012P	130.22	Roaring Brook	E-65
4810-013P	127.03	Roaring Brook	(Detailed plans not available)
4810-014P	120.47	Market St.	E-50**

Notes:

\*The girders for this structure were originally designed to carry a concrete deck, ballast, and four tracks with a train loading somewhere between a Cooper E-45 and E-50. The original allowable design stresses (9,900 psi tension and 6,000 psi shear) when applied to the existing structure result in an E-50 allowable loading.

\*\*This is a calculated loading using current AASHTO design criteria. No design loadings are shown on the plans.

Revised 5/1/89

U.S. Department  
of Transportation  
Federal Highway  
Administration

Eastern District Federal Division 21400 Ridgetop Circle  
Sterling, VA 22170

APR 28 1989

In Reply Refer To: HBD-15

Mr. John Latschar  
Superintendent  
Steamtown National Historic Site  
P.O. Box 1280  
Scranton, Pennsylvania 18501-1280

REC'D. ST

MAY 04 1989

*[Handwritten signature]*  
314

Dear Mr. Latschar:

As requested by phone, we have gone through a plan review and structural analysis process for Structures Number 4810-001P thru -014P in the Steamtown National Historic Site in order to determine structural load ratings where possible. The enclosed data sheet is a summary of our findings.

Several structures had very limited or no design plans available. Two structures are recommended for replacement. Consequently, none of these structures were analyzed for load carrying capacity. The remaining structures were analyzed and found to have locomotive load carrying capacities from E-45 to E-72, assuming the structure is rehabilitated to an as-built condition.

If any additional information is needed, please contact our Bridge Engineer, Mr. Donald W. Miller, at 703-285-0031.

Sincerely yours,

*Donald W. Miller*  
Gary L. Klinedinst  
Division Engineer

Enclosure

cc: Mr. John J. Reynolds, Manager, Denver Service Center, NPS, DSC-TEA,  
Denver, CO  
Mr. James W. Coleman, Jr., Regional Director, Mid-Atlantic Region,  
NPS, Philadelphia, PA

STEAMTOWN NATIONAL HISTORIC SITE  
STRUCTURE LOAD RATINGS

<u>Structure No.</u>	<u>Milepost</u>	<u>Features Crossed</u>	<u>Cooper Loading</u>
4810-001P	133.83	Lackawanna River	(Plans not available)
4810-002P	133.81	Cliff St.	(Plans not available)
4810-003P	133.37	S. Washington Ave.	(Structure(s) to be replaced)
4810-004P	133.27	Cedar Ave.	(Structure(s) to be replaced)
4810-005P	133.07	Spruce St.	E-72
4810-006P	131.80	Roaring Brook	E-50*
4810-007P	131.75	Rock Formation	(None - Tunnel)
4810-008P	131.12	Ash St.	E-45**
4810-009P	130.89	Roaring Brook	E-65
4810-010P	130.78	Abandoned Railroad	E-65
4810-011P	130.73	Roaring Brook	(Detailed plans not available)
4810-012P	130.22	Roaring Brook	E-65
4810-013P	127.03	Roaring Brook	(Detailed plans not available)
4810-014P	120.47	Market St.	E-50**

Notes:

\*The girders for this structure were originally designed to carry a concrete deck, ballast, and four tracks with a train loading somewhere between a Cooper E-45 and E-50. The original allowable design stresses (9,900 psi tension and 6,000 psi shear) when applied to the existing structure result in an E-50 allowable loading.

\*\*This is a calculated loading using current AASHTO design criteria. No design loadings are shown on the plans.

Revised 5/1/89