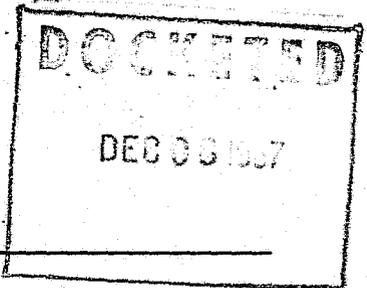


1. <u>REPORT DATE:</u>	:	October 16, 1987	:	2. <u>BUREAU AGENDA NO.</u>	:	NOV-87-SC-RS-588*
3. <u>BUREAU:</u>	:	Safety and Compliance	:		:	
4. <u>SECTION</u>	:	Rail Safety	:	5. <u>PUBLIC MEETING DATE:</u>	:	November 25, 1987
6. <u>APPROVED BY:</u>	:		:		:	
Director:	:	Nicely 3-3846	:		:	
Supervisor:	:		:		:	
7. <u>MONITOR:</u>	:		:		:	
8. <u>PERSON IN CHARGE:</u>	:	Oliver 7-5189	:		:	
9. <u>DOCKET NO.:</u>	:	C-00018925	:		:	
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)	:		:		:	
(b) Short summary of history & facts, documents & briefs	:		:		:	
(c) Recommendation	:		:		:	



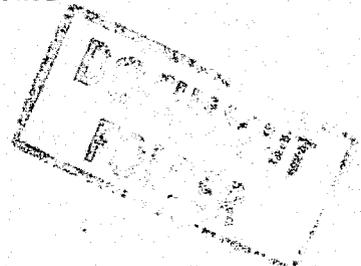
(a) Borough of Homewood and Borough of Big Beaver v. Penn Central Transportation Company, Department of Highways of the Commonwealth of Pennsylvania, Pennsylvania Turnpike Commission, County of Beaver and Consolidated Rail Corporation.

(b) Following lengthy proceedings and an extensive record, Consolidated Rail Corporation filed a petition on September 22, 1987, requesting modification of the order adopted March 20, 1986, to extend time to reconstruct the subject bridge until December 31, 1988.

(c) The Bureau of Safety and Compliance recommends that the Commission adopt an order granting Consolidated Rail Corporation's petition and establishing the revised completion date as December 31, 1988.

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

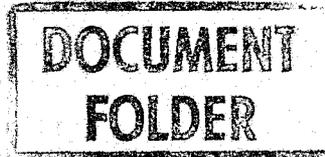
CONTENT OF MOTION: Staff recommendation adopted.



December 2, 1987

C-00018925

David L. Gropp, Solicitor
240 Commerce Street
Beaver, PA 15009



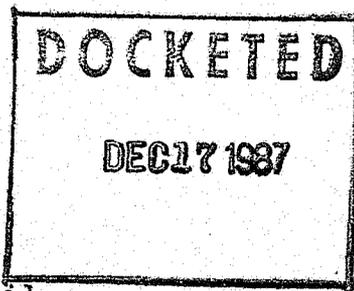
Borough of Homewood and Borough of Big Beaver v. Penn
Central Transportation Company, Department of Highways
of the Commonwealth of Pennsylvania, Pennsylvania Turn-
pike Commission, County of Beaver and Consolidated Rail
Corporation.

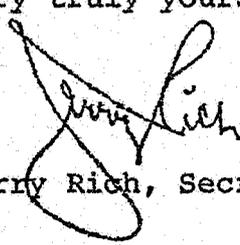
To Whom It May Concern:

This is to advise you that an Order has been adopted
by the Commission in public meeting held November 25, 1987.

An Executed Order has been enclosed for your records.

Very truly yours,




Jerry Rich, Secretary

lg
Encls.
Cert. Mail

Bureau of S & C
Similar letter to: See attached list.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 25, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Borough of Homewood and Borough of
Big Beaver v. Penn Central Trans-
portation Company, Department of
Highways of the Commonwealth of
Pennsylvania, Pennsylvania Turnpike
Commission, County of Beaver and
Consolidated Rail Corporation.

O R D E R

BY THE COMMISSION:

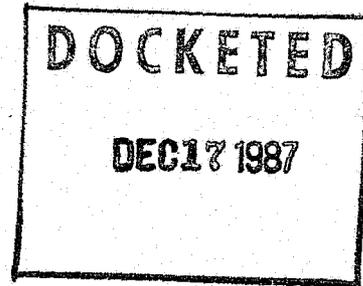
This matter is before us by reason of a petition filed by Consolidated Rail Corporation (hereinafter Conrail) on September 22, 1987. The petitioner requests extension of time to December 31, 1988, to complete the work which was directed to be performed in the order adopted March 20, 1986, (entered March 27, 1986). The order had directed that Consolidated Rail Corporation complete construction of the improvement on or before December 31, 1987.

In the petition, it is averred that due to Conrail encountering difficulties in obtaining a temporary property easement, it was unable to proceed with replacement of the subject bridge. By petition filed on or about May 28, 1987, Conrail requested the Commission appropriate the property needed. A hearing was held on July 15, 1987, to resolve the property issue and by letter dated August 12, 1987, Conrail notified the Commission that agreement has been reached for it to acquire the necessary property easement. Due to the length of time involved in the various delays, the expiration date of the original bid accepted by Conrail had passed making it necessary to solicit new bids. It now anticipates that the work required to complete reconstruction of the Homewood Viaduct will be done December 31, 1988.

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 has advised that it has any objections to the granting of the petition as presented or desires to be heard in this matter.



C-00018925



We find that the time required to finish the work ordered will exceed the current completion date. Since Conrail's proposed construction schedule has fallen behind, an extension of time is necessary to permit the work to be completed. The safety of the public is not affected since the crossing is currently closed. This results in an inconvenience to those desiring to use the crossing.

Upon full consideration of the matters involved, we determine that the request for an extension of time to complete the work is reasonable and nothing would be gained by denying the instant petition; THEREFORE,

IT IS ORDERED:

A. That the petition filed by Consolidated Rail Corporation on September 22, 1987, be and is hereby granted.

B. That Paragraph 2 of the order adopted March 20, 1986 (entered March 27, 1986), which reads as follows:

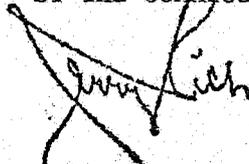
"2. That all work of constructing the improvement be completed in a manner satisfactory to this Commission on or before December 31, 1987, and that on or before said date, Consolidated Rail Corporation report to this Commission the date of actual completion of all portions of the work and at the earliest 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 at this location in compliance with this order."

be and is hereby modified to read as follows:

2. That all work of constructing the improvement be completed in a manner satisfactory to this Commission on or before December 31, 1988, and that on or before said date, Consolidated Rail Corporation report to this Commission the date of actual completion of all portions of the work 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 at this location in compliance with this order.

C. That in all respects not inconsistent herewith, our orders adopted March 5, 1982 (entered March 17, 1982), and March 20, 1986 (entered March 27, 1986), remain in full force and effect.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: November 25, 1987

ORDER ENTERED: **DEC 02 1987**