

June 8, 1976

C. 18925

Donald R. Powell, Assistant Secretary
Consolidated Rail Corporation
1118 Six Penn Center Plaza
Philadelphia, Pennsylvania 19104

Borough of New 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

Dear Mr. Powell:

This is to advise that at the public meeting held June 2, 1976, the Commission directed that Consolidated Rail Corporation be added as a party to the above entitled proceeding.

The Commission also directed that Consolidated Rail Corporation be served with a copy of the Commission's order issued June 17, 1976 and to comply with the provisions thereof, including Paragraph No. 1 directing the preparation of design and location studies, and preparation of detailed construction plans, Paragraph No. 2 directing that the plan aforesaid provide for roadway alignments and gradients, and Paragraph No. 3 directing the cooperation and consultation with other parties, and the appraisal of all parties and the Commission as to the status of the involved work; that Paragraph No. 4 requiring that a copy of the completed detailed construction plans be submitted to all parties and to the Commission on or before February 1, 1975, be modified to require submission of the detailed construction plans on or before December 31, 1976.

Copy of this letter is being sent to each other party of record advising them of

DUPLICATE RECORD.
ORIGINAL CERTIFIED
HEALTH COURT.

RECORD
FOLDER

Very truly yours,

for C. J. McIlwain
Secretary

DOCKETED
COMPLAINT DOCKET

JUN 9 1976

cc: See attached list

CKG:l

C. 18925

CCS:

David L. Gropp, Esquire
Baldwin and Gropp
Beaver Trust Building
Beaver, Pennsylvania 15009

Robert W. Cunliffe, Deputy Attorney General
Department of Transportation
Capitol Associates Building
Seventh and Forster Streets
Harrisburg, Pennsylvania 17120

Jay R. Braderman, Assistant General Counsel
Pennsylvania Turnpike Commission
P.O. Box 2531
Harrisburg, Pennsylvania 17120

Robert J. Masters, Solicitor
County of Beaver
Courthouse
Beaver, Pennsylvania 15009

Law Bureau
Bureau of Transportation

CKG:i

CONSOLIDATED RAIL CORPORATION

RECEIVED
JUN 21 1976
Secretary's Office
Public Utility Commission

925 Penn Central Station
Pittsburgh, Pennsylvania 15222

June 17, 1976

Pa. C. 18925 - Borough of New Homewood and Borough of Big Beaver
v. Penn Central Transportation Company, Department of Highways
of the Commonwealth of Pennsylvania, Pennsylvania Turnpike Com-
mission, County of Beaver and Consolidated Rail Corporation.

Mr. C. J. McElwee, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, Pennsylvania 17120

Dear Mr. McElwee:

This is in response to your letter of June 8, 1976, to
Assistant Secretary Donald R. Powell. Said letter of June 8
does not appear to be a formal order of the Commission but rather
a reflection of the Commission's attitudes and desires with re-
spect to the subject crossing. The proper officials of Consoli-
dated Rail Corporation are now formalizing ConRail's position on
this matter, and I will advise you once a decision is reached.

If the Commission intended the letter of June 8, 1976, to be
an order, please treat this letter as a petition for rehearing
for the reasons that the purported letter order of June 8, 1976,
did not comply with the requirements of Section 1005 of the Pub-
lic Utility Law and because Consolidated Rail Corporation never
had an opportunity to present testimony concerning its position
at any hearing on this matter.

Very truly yours,

John K. Clements
John K. Clements
Assistant General Attorney

jkc:phh

- cc: David L. Gropp, Esq.
- Carl Helmetag, Jr., Esq.
- Robert W. Cunliffe, Esq.
- George H. Shaffer, Esq.
- Robert J. Masters, Esq.

DUPLICATE RECORD.
CERTIFIED
COURT.

DOCKETED
COMPLAINT DOCKET
JUN 22 1976
ENTRY No. *H*

RECORD
FOLDER

September 16, 1976

C. 18925

John E. Clements, Assistant
General Attorney
Consolidated Rail Corporation
913 Penn Central Station
Pittsburgh, Pennsylvania 15222

Borough of New 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

Dear Mr. Clements:

This is to advise that at the public meeting held September 8,
1976, the Commission granted the letter-petition filed on behalf of
Consolidated Rail Corporation for rehearing in the above entitled
proceeding.

Very truly yours,

DUPLICATE RECORD.
ORIGINAL CERTIFIED
C. J. [Signature]
Secretary
COMMONWEALTH COURT.

ccs: See attached list.

CKG:jl

DOCKETED
COMPLAINT DOCKET
SEP 17 1976

RECORD
FOLDER

C

C. 18925

ccs:

David L. Gropp, Esquire
Baldwin and Gropp
Beaver Trust Building
Beaver, Pennsylvania 15009

Robert W. Cunliffe, Deputy Attorney General
Department of Transportation
Capitol Associates Building
Seventh and Forster Streets
Harrisburg, Pennsylvania 17120

Jay R. Braderman, Assistant General Counsel
Pennsylvania Turnpike Commission
P.O. Box 2531
Harrisburg, Pennsylvania 17120

Robert J. Masters, Solicitor
County of Beaver
Courthouse
Beaver, Pennsylvania 15009

Law Bureau
Bureau of Transportation

CKG:i

1. <u>REPORT DATE:</u> June 8, 1978	2. <u>BUREAU AGENDA NO.</u> AUG - 78 - TR-307*
3. <u>BUREAU:</u> Rail Transportation	
4. <u>SECTION(S):</u> Rail-Highway Crossing	5. <u>PUBLIC MEETING DATE:</u> August 24, 1978
6. <u>APPROVED BY:</u> Director: <i>R. A. Peteritas</i> Supervisor: R. A. Peteritas 7-5188	
7. <u>MONITOR:</u> Commissioner O'Bannon	
8. <u>PERSON IN CHARGE:</u> Storch 7-5648	
9. <u>DOCKET NO.:</u> C. 18925	

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

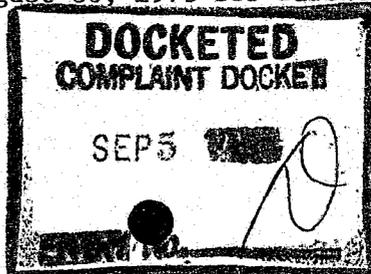
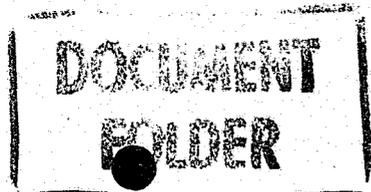
(a) BOROUGH OF HOMEWOOD AND BOROUGH OF BIG BEAVER v. PENN CENTRAL TRANSPORTATION COMPANY, DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA, PENNSYLVANIA TURNPIKE COMMISSION, COUNTY OF BEAVER AND CONSOLIDATED RAIL CORPORATION.

(b) By order issued June 17, 1974 the Commission directed Trustees of Penn Central Transportation Company to prepare plans for the reconstruction of an existing deteriorating viaduct structure above its tracks, connecting Boroughs of Homewood and Big Beaver, in Beaver County. Trustees refused to comply, and the Interstate Commerce Commission dismissed our petition for an enforcement order, following the creation of Consolidated Rail Corporation. This Commission's Order directing Conrail to comply with the provisions of the June 17, 1974 order, issued June 2, 1976, was contested by Conrail, which sought further hearing. At said hearing, held June 3, 1977, Conrail denied responsibility for any prior Penn Central maintenance and/or reconstruction obligations for overhead structures.

(Continued on next page)

11. MOTION BY: Commissioner Chm. Carter Commissioner O'Bannon - Absent
 Commissioner Johnson - Absent
 SECONDED: Commissioner Bloom Commissioner Goode - Yes

CONTENT OF MOTION: Postponement to August 30, 1978 for further review by the Commission.



(c) Bureau of Rail Transportation recommends the Commission affirm its June 17, 1974 order requiring reconstruction of the viaduct and preparation of detailed plans for such work by the involved railroad company. Further, the Commission should direct Conrail, as owner/operator of the rail line at this location, to comply with all provisions of said order previously directed against the prior owner-operator (Penn Central Transportation Company), and to submit completed detailed reconstruction plans within six months of date of service hereof.

JLS:g