



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

April 15, 1981

IN REPLY PLEASE  
REFER TO OUR FILE  
C-80092154

Albert G. Feczko, Jr.  
800 Lawyers Building  
Pittsburgh, PA 15219

Glenfield Borough  
v.  
Consolidated Rail Corporation, Penn Central Transportation  
Company, Allegheny County and Pennsylvania Department of  
Transportation

To Whom It May Concern: \_\_\_\_\_

Enclosed is a copy of a proposed Initial Decision prepared by  
Administrative Law Judge Michael A. Nemeec.

An original and fourteen (14) copies of exceptions to the decision,  
if any, must be filed in the Secretary's Office and a copy to each party of  
record within 15 days of the date of this letter.

Replies to the exceptions, if any, must be filed within 20 days  
of the date of this letter.

Exceptions should be clearly labeled as "EXCEPTIONS OF (name of  
party) - (protestant, complainant, staff, etc.)". Do NOT label exceptions  
as a "Brief" or "Brief on Exceptions".

All timely filed exceptions and replies thereto will be attached  
to the decision for consideration at Public Meeting. Late filed exceptions  
and late filed replies will not be attached.

Very truly yours,

*Janice M. Zurst*  
for William P. Thierfelder  
Secretary

ts  
Enclosures  
Certified Mail  
Receipt Requested

See attached list.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Glenfield Borough :  
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 v. :  
 :  
 Consolidated Rail Corporation, :  
 Penn Central Transportation :  
 Company, Allegheny County and :  
 Pennsylvania Department of :  
 Transportation :

C-80092154

DUPLICATE RECORD.  
ORIGINAL CERTIFIED  
TO COMMONWEALTH COURT.

Before: Michael A. Nemec  
Administrative Law Judge

Date: March 27, 1981

RECOMMENDED DECISION

History of the Proceedings

On September 9, 1980, the complaint by the Borough of Glenfield, Allegheny County, was docketed and this proceedings instituted. In relevant part, Glenfield's complaint alleges that Consolidated Rail Corporation (ConRail) and the Penn Central Corporation have refused to repair or reconstruct the Glenfield Viaduct which crosses tracks of the ConRail system in the Borough of Glenfield. The complaint further alleges that the viaduct is crumbling and unsafe for motor vehicles and pedestrians. Further, the complaint alleges that the viaduct is the sole means of ingress and egress for a major part of the residents and businesses located between the ConRail tracks and the Ohio River in the Borough of Glenfield.

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An answer by Consolidated Rail Corporation was docketed September 16, 1980, and alleged that ConRail has no legal obligation either by agreement or by previous Public Utility Commission or Public Service Commission order, to repair or reconstruct the Glenfield Viaduct. An answer by Allegheny County was docketed September 19, 1980, which states in effect that Allegheny County has no responsibility to respond to the complaint. The answer of the Penn Central Corporation, docketed September 28, 1980, states in pertinent part that the corporation has neither repaired nor reconstructed the Glenfield Viaduct because it is neither the owner, lessee nor in possession of the viaduct and therefore has no obligation to maintain or reconstruct it. Further, the Penn Central answer alleges that the tracks over which the viaduct is constructed were conveyed to the Consolidated Rail Corporation on April 1, 1976, pursuant to the provisions of the original Rail Reorganization Act of 1973, as amended. Finally, the Pennsylvania Department of Transportation (PennDOT) filed its answer which was docketed September 30, 1980. PennDOT alleges that the Glenfield Viaduct is part of a local road and not part of the state highway system. Further, PennDOT states that it was ordered to maintain a portion of the viaduct by order of this Commission dated August 10, 1953, at Docket A. 79419 and that it has complied with that order.

An informal on-site field conference was held at the Glenfield viaduct on September 24, 1980. Representatives of ConRail, Glenfield Borough, Allegheny County and PennDOT were present and discussed the condition of the structure.

As no agreement was reached at the on-site conference, the matter was set for hearing. Notice of the hearing was advertised on January 14, 1981 and January 21, 1981, in the Sewickley Herald with the proof of publication forwarded to the Secretary of this Commission on January 27, 1981. (Tr. 5-6) The hearing was held, as scheduled, on January 28, 1981, in Pittsburgh. The resulting record consists of a transcript of 131 pages and nine exhibits. No briefs have been filed.

#### Summary of the Testimony

John W. Schwogel, Mayor of Glenfield Borough, testified for the Borough. He described Glenfield's location as being between Route 65 and Interstate 79 about nine miles outside of Pittsburgh. The Borough is bordered on its western side by the Ohio River and on its eastern side by the ConRail tracks and Pennsylvania Route 65.

Mayor Schwogel stated that Glenfield currently has 244 residents. He stated he himself has been a resident of Glenfield for approximately 38 years.

Mayor Schwogel identified a group of 20 photographs all of which were marked for identification as Glenfield Exhibit No. 1. He provided testimony with regard to the views portrayed by each of the photographs.

Mayor Schwogel testified that the only means of ingress or egress to a major portion of the Borough of Glenfield is across the structure known as the Glenfield Viaduct which crosses tracks owned and operated by ConRail and Route 65 and which connects Route 65 to the Borough.

Mayor Schwogel further testified that three businesses are located on the river side of the Borough. They are American Industry, C & E Marina and Krane Company. He stated that all three would need to utilize the Glenfield Viaduct for land access to their businesses. Further, the Glenfield Volunteer Fire Hall is located on the river side of ConRail's tracks. The fire company is located in a building that was constructed in 1973 as a result of the original fire hall being demolished as part of the construction of Interstate 79.

Mayor Schwogel testified that he conducted a survey of businesses and residents to get an idea of how many people were using the viaduct. He concluded that in the wintertime approximately 190 cars and 40 trucks are using the bridge a day. In addition to those, he enumerated use of the viaduct by a mail truck, garbage truck once a week and ambulance service, small delivery trucks and approximately three to four school buses a day. As to the pedestrians, he estimated that in the cold winter weather approximately 21 pedestrians a day use it.

He described the sidewalks on the viaduct as being very bad. He went on to define very bad as concrete that is all coming loose with metal showing. He stated that a stairway up to the sidewalks which was constructed of steel was in fair condition because some of the steps were loose and he believed that there were holes in some places.

Mayor Schwogel stated that from his investigation with former part-time policemen and the Police Department presently serving the Borough, he found a listing of a total of five accidents on the

viaduct. However, he was unable to give any additional details on the accidents. (Tr. 20-21)

Mayor Schwogel testified to the survey conducted by himself and other council members of the train traffic on the four sets of ConRail tracks running under the viaduct. He stated that from January 13, 1981, from 7:30 a.m. in the morning until 7:30 at night, there were approximately 21 trains that went under the viaduct. He stated they were mostly freight trains travelling at a very high speed. Mayor Schwogel stated further that the bridge in question is presently posted for a maximum weight limit of 16 tons. The signs for the posting were obtained by the Borough from PennDOT.

Mayor Schwogel identified a packet of 13 letters and memos plus a publication which were all marked as Glenfield Exhibit 2. He stated that the material contained in Glenfield Exhibit 2 is being presented to indicate that the Borough had actively sought to bring to the attention of responsible authorities the condition of the Glenfield Viaduct. (Tr. 23-29)

Mayor Schwogel further identified an additional packet of 17 letters and memoranda which was marked as Glenfield Exhibit 3. These documents also were offered to show Glenfield's continuing efforts to draw attention to the condition of the subject bridge. (Tr. 29-41)

Mayor Schwogel continued in his testimony by stating that in the unspecified past, the Borough of Glenfield had been served by two at grade crossings. He stated that they were eliminated at some point in the past and the viaduct constructed. He stated that the Borough

had nothing to do with the construction or maintenance of the viaduct. He stated that in the wintertime some cindering was done for the safety of people in school buses using the bridge. (Tr. 41-42)

In conclusion, Mayor Schwogel stated that it was not possible to close the viaduct and still have the residents of Glenfield exist on a day-to-day basis. He stated that the Borough has been classified by the Federal government as a distressed area. Further, he stated that the total money coming in from the Borough's real estate and wage tax assessments totaled \$25,533.83. Finally, he stated that the Borough does not agree to perform any repairs or any rebuilding of the bridge but that it considers it necessary for the work to be performed as soon as possible. (Tr. 43-45)

On cross-examination, Mayor Schwogel was asked to identify those pictures in Glenfield's Exhibit 1 which depicted spans maintained by PennDOT. He identified the pictures in Exhibit 1 as being those numbered 2 and 3 and agreed that the two northerly spans depicted in those photographs did not show any deterioration. He further agreed that the five accidents he mentioned in his direct examination were not caused by the alleged deteriorated condition of the bridge. (Tr. 46-47)

On further cross-examination, Mayor Schwogel stated that the Borough does not use the length of the road on the viaduct to calculate the Borough's liquid fuel tax refund entitlement. He agreed that, in order to get in or out of the portion of the Borough that lies between the ConRail tracks and the Ohio River, you must either go onto or come off of State Highway Route 65. He stated there is a small portion of Glenfield that lies on the land side or to the west of the ConRail

tracks and Route 65. He stated that the Borough's fire equipment would have to cross the viaduct to reach properties on the other side. He stated that the fire company has a pumper and a squad car, with the pumper being the heavier of the two and weighing close to 16 tons.

(Tr. 47-50)

On cross-examination by Commission Trial Staff, Mayor Schwogel stated that there are no physicians residing within the Borough and that if one were summoned he or she would have to cross the viaduct to reach Glenfield. Further, he stated that Glenfield has neither a hospital nor a pharmacy. While the Borough does receive revenues from the liquid fuel tax procedure, he stated that the Borough has not done any maintenance on the subject bridge. (Tr. 52-53)

On redirect, Mayor Schwogel stated that the Borough had recently purchased 2.8 acres of land between the river and the railroad to be used as a Borough park. He stated the funds to purchase the land was obtained through the Allegheny County Redevelopment Authority.

(Tr. 57-58)

The Borough of Glenfield Exhibit 1 was admitted into the record without objection. Both PennDOT and Allegheny County objected to various parts of correspondence and articles which were contained in the Borough's Exhibits 2, 3 and 4. The Borough of Glenfield Exhibits 2, 3 and 4 were admitted into the record for the limited purpose of demonstrating the Borough of Glenfield's concern over the condition of the bridge and the fact that the Borough has attempted to bring the problem to the attention of public officials and public bodies but the exhibits were not accepted for the purpose of constituting

proof of any nature as to the exact condition of the subject bridge.

(Tr. 58-61)

Warren W. Parks, Jr., Senior Civil Engineer, Consolidated Rail Corporation, testified for ConRail. He stated that there are presently four tracks passing under the subject structure and all are main line tracks running between Pittsburgh and Chicago. He stated that the present train traffic consists of two trains, one each way, which are passenger trains belonging to Amtrack operating at a speed of 70 miles per hour or less. In addition, he stated that as many as fifty freight trains may be operated under this structure in a given 24 hour period operating at speeds from 50 to 60 miles an hour. The freight trains could average from 100 to 150 cars. (Tr. 62-64)

Mr. Parks stated that the existing bridge is known by the railroad as Overhead Bridge No. 9.22 and is located at Main Line Mile Post 9.22. It was constructed in 1926 by the Pennsylvania Railroad Company for the purpose of eliminating grade crossings. He identified ConRail Exhibit 1, consisting of four sheets, which shows the general details of the involved structure. He stated that in 1953, two spans of the subject structure were rebuilt to accommodate the change to the Ohio River Boulevard, LR-452, or Traffic Route 65, by the Pennsylvania Department of Highways. (Tr. 65)

He described the existing bridge as consisting of two spans at the north end having a total length of 69 feet with one span over the railroad tracks having steel girders encased in concrete of about 97 feet in length and the southern approach consisting of 13 reinforced concrete spans totaling about 512 feet in length. He stated that the

entire length, abutment to abutment of the subject structure is approximately 678 feet. The width of the road is 20 feet between the curbs and the sidewalk on the west side of the roadway has a width of 5 feet. He stated that ConRail had furnished full sets of the structure plans to PennDOT and ConRail could furnish the Commission with a full set if it so desires. (Tr. 65-67)

Mr. Parks stated that ConRail considers the present condition of the bridge safe enough for the present posted load limit of 16 tons but recommends periodic visual inspections be made to check for any change which might warrant a reduction in the load limit. He further stated that ConRail has performed no maintenance and has made no improvement on the subject structure. He further stated that ConRail considers that it has no obligation for the maintenance of the subject structure and does not agree to perform any work at or on the subject crossing. (Tr. 67-69)

On cross-examination Mr. Parks stated that his statement that ConRail has no obligation to perform maintenance on the subject structure is based on the legal opinion of ConRail's Legal Department. He further stated that he recalled at one of the two meetings at the subject structure that ConRail's Regional Structures Engineer said he would have some minor repair of the sidewalks and steps and the railing along the steps performed. He stated that to the best of his knowledge the promise of repairs had been partially completed but more work was to be done. Mr. Parks was asked whether he knew what the original load was for which the bridge was designed. He stated that he could only note from the drawings that historically the bridge was designed to

hold two 18-ton trucks side by side. He stated that such information constitutes old loadings and that he could not interpret what they might mean by today's loading standards. (Tr. 69-79)

On further cross-examination Mr. Parks stated that he was not able to find any record of maintenance performed by Penn Central. (Tr. 80)

On cross-examination by Commission Trial Staff, he stated that visual inspection should be conducted at least every six months on the current structure. He further stated that he had not brought with him nor had ConRail submitted the deed to the line of railroad as specified in question 10 of the suggested procedure. Counsel for ConRail agreed to supply a copy if he was directed to do so and he was so directed. (Tr. 81-84)

On further recross-examination, Mr. Parks was asked how ConRail would get equipment in to clear a derailment should one occur within the Borough of Glenfield. He stated that equipment would be brought in by rail and also on highways. In order to reach the tracks, he agreed that the highway equipment would have to utilize the viaduct. (Tr. 85-86)

John B. Drake, Certified Professional Engineer, appeared and testified on behalf of Allegheny County. Mr. Drake stated that with regard to the area's transportation system, the subject crossing has a low impact because of its very low average daily traffic. Mr. Drake recommended to the Commission that a cursory inspection of the structure be conducted which would result in the completion of a structure inventory and appraisal sheet. He stated that such an appraisal could

be accomplished for approximately \$10,000.00 and would result in numbers which could be plugged into a formula and the bridge given a sufficiency rating. His other recommendation was that an engineering study be made with a view toward rehabilitating the bridge. The sufficiency rating resulting from the structure inventory and appraisal worksheet could be used, Mr. Drake stated, to place the subject bridge on a list with the Federal government with regard to funding, where it would have to compete with many other major crossings, river crossings, and the like. Following his search of county records, Mr. Drake concluded that the county has not performed any maintenance or made any improvements to the subject bridge. He stated the county would not agree to perform any work on the structure and took no position on who should do the work. (Tr. 87-94)

On cross-examination, Mr. Drake stated that he doesn't have enough data to evaluate whether or not the present 16-ton posting is appropriate. He stated that garbage trucks would violate the posting and school buses would come close depending on their size. From his review of ConRail's Exhibit 1, Mr. Drake concluded that the bridge was designed to carry an 18-ton truck. He stated that the design of the bridge compared to modern loading categories could not be determined without completion of certain calculations. (Tr. 94-98) On further cross-examination, Mr. Drake stated his opinion that the subject bridge needs repairs to the superstructure and general repairs to the piers. However, he stated, a study might show that such repairs are not economically feasible and that it would be better to replace the structure. He agreed that what he was recommending was an engineering study which would determine the feasibility of rehabilitation versus complete

reconstruction. He agreed that the bridge as presently existing does not comply with current Federal requirements with regards to width of roadway and design of approaches and that if the bridge were rehabilitated with Federal funds it would have to comply with Federal standards. But, as Mr. Drake pointed out, that is not to say you cannot fix the bridge any other way. (Tr. 98-104) On further cross-examination, Mr. Drake stated that his review of county's records do not indicate who owned the particular road carried by the structure. He was certain that it did not belong to the county. He also agreed that it would be fair to conclude that when the bridge was built, the maximum allowable load on Pennsylvania highways was less than it is today. (Tr. 104-105) On cross-examination by Commission Trial Staff, he stated that the roadway consists of brick with bituminous material over top of it. He agreed that the roadway is in need of repaving but to repave it would result in reducing the load the structure could carry. (Tr. 105)

William J. Clements, Civil Engineer in the Bureau of Design, Grade Crossing Division, testified for PennDOT. He stated he was familiar with the subject crossing and sponsored PennDOT's Exhibits 1 and 2. PennDOT Exhibit 1 consists of five sheets of a plan and Exhibit 2 consists of six sheets of a plan pertinent to the subject structure. Mr. Clements described the original structure of the subject bridge as consisting of 13 reinforced concrete T-beam spans on the south approach, a single steel girder span over the tracks and three reinforced concrete T-beam spans on the north approach, all constructed by the Pennsylvania Railroad Company pursuant to an order of the Public Service Commission issued at G-6297 on October 27, 1925, modified by further orders on January 12, 1926 and December 3, 1929.

Pursuant to this Commission's order at A. 79419, issued August 10, 1953, the Department of Highways, predecessor to the Department of Transportation, modified the original structure by removing a supporting pier and the superstructure of the three north approach spans and replaced them with two new spans, one being a steel girder span and the other being a reinforced concrete slab span. Mr. Clements stated that the purpose of this modification was, as explained in this Commission's order, to obtain adequate horizontal clearance for the new eastbound lanes of Legislative Route 65, locally known as the Ohio River Boulevard. (Tr. 109)

He stated further that the Department of Highways, predecessor to the Department of Transportation, under order of the Public Utility Commission at A. 95518 on April 16, 1973, altered the three north approach spans by removing a pier and constructing a temporary vent to accommodate the construction of interchange ramps of Legislative Route 1016, Interstate Route 79, with Legislative Route 652, Traffic Route 65. Upon completion of the construction of interchange ramps and various retaining walls, Mr. Clements stated that the pier was reconstructed. (Tr. 109-110)

Mr. Clements further testified that the two northerly spans reconstructed by PennDOT show no appreciable deteriorations and are in good condition. In his opinion, the remainder of the bridge is in fair to poor condition but, in PennDOT's opinion, is presently safe for the 16-ton posted load limit. He stated that an in-depth inspection and analysis is required to verify the safety of the structure, however. He stated that PennDOT has never performed any maintenance or other

work on the south approach spans or the span over the tracks. He stated his understanding that PennDOT's present obligation with regard to the subject bridge is limited to Paragraph 23 of this Commission's order of August 10, 1953 at A. 79419 as affirmed by Paragraph EE of this Commission's order of April 16, 1973 at A. 95518. (Tr. 111-113)

Mr. Clements stated that no improvements are required to the portion of the structure for which PennDOT is responsible. He stated that in PennDOT's opinion, any work or studies required as a result of the condition of the remainder of the structure should be performed by those parties responsible for its maintenance. (Tr. 113)

On cross-examination, Mr. Clements agreed that PennDOT maintains the road surface on the two spans for which it has been given responsibility by this Commission. He agreed that the concrete used when the bridge was originally constructed in the late 1920's was particularly susceptible to deterioration due to the freeze/thaw cycle experienced in Western Pennsylvania. (Tr. 117-119) On further cross-examination, Mr. Clements was asked how the people of Glenfield could get in and out should the subject bridge be reconstructed. He stated he didn't know how it was done in the past, but that there was probably some temporary arrangement made for traffic. He further stated that PennDOT had believed that a temporary at grade crossing was feasible in the past but that this Commission would not approve it. He also agreed that any at grade crossing in the area would traverse a significant grade. He stated that the proposed at grade crossing was considered and rejected by this Commission at Docket A. 95518 which encompassed the construction of Interstate 79. (Tr. 119-123)

Donald Fleisher, a registered Professional Engineer in Pennsylvania, testified on behalf of this Commission. He stated that as a result of the field conference he attended and the testimony in the proceedings he would recommend that the County of Allegheny and ConRail perform joint inspections of the subject structure to assure that the bridge is safe for the present 16-ton posting. He further recommended that the structural inventory suggested by Mr. Drake be accomplished and that safety inspections be made every six months thereafter. Finally he recommended an engineering study be performed to consider any and all alternatives to the existing structure. With regard as to who should bear the expense of the proposed inspections and engineering studies, Mr. Fleisher stated that at present the parties should be directed to do the inspection at their initial cost and that the ultimate responsibility be determined at a later date.

#### Discussion

It is apparent that the portion of the subject structure spanning the tracks of ConRail and the approachment to the Borough of Glenfield are both in need of evaluation. Further, it appears that no maintenance has been performed on those portions of the subject structure and there is a need to assign maintenance responsibility. I conclude that the recommendation of Mr. Fleisher which echoes the recommendation of Mr. Drake for Allegheny County should be adopted. Further, on an interim basis, maintenance responsibility for the structure and sidewalks should be assigned. At the present, the

appropriate party to perform such temporary maintenance as may be required for safety of the public should be ConRail. The inspections and reports that will be ordered to be conducted should be done at the joint initial expense of ConRail and the County of Allegheny subject to final cost allocations at a later time by this Commission.

Proposed Findings of Fact

1. The present proceedings were initiated by complaint filed by the Borough of Glenfield and docketed on September 9, 1980.

2. The parties to the present proceedings are Glenfield Borough, Consolidated Rail Corporation, Allegheny County and the Pennsylvania Department of Transportation.

3. The subject crossing consists at present of a highway bridge made up of 13 reinforced concrete T-beam spans on the south approach, a single steel girder span over four sets of railroad tracks, owned and operated by Consolidated Rail Corporation, an additional steel girder span and finally a reinforced concrete slab span, the latter two over Traffic Route 65.

4. The subject structure was originally constructed by the Pennsylvania Railroad Co. pursuant to a Public Service Commission order issued October 27, 1925, at C-6297. Alterations to the structure and a partial rebuild were performed by the then Department of Highways pursuant to orders of this Commission issued August 10, 1953, at A. 79419 and April 16, 1973, at A. 95518.

5. The subject structure at present has a total length of about 678 feet, a cartway width of 20 feet and pedestrian sidewalk on its west side with a width of 5 feet.

6. The subject structure is presently posted with a maximum weight limit of 16 tons.

7. The posting is mandated by the deteriorated condition of the span over the railroad tracks and the 13 spans on the southern approach. The current condition of these 14 spans cannot be accurately assessed visually.

8. The pedestrian sidewalk and stairs leading to it are deteriorated and in need of repair.

9. Average daily vehicular traffic over the subject structure amounts to 230 vehicles per day in the winter.

10. The subject structure is the sole means of ingress and egress for the residents and businesses located in the portion of Glenfield Borough lying between the tracks of Consolidated Rail Corp., Traffic Route 65 and the Ohio River.

11. Current rail traffic under the subject structure consists of two passenger trains operated by Antrack and up to 50 freight trains traveling at speeds of, respectively, up to 70 and up to 60 miles per hour. No changes are contemplated.

#### Recommended Conclusions of Law

1. This Commission has jurisdiction, pursuant to 66 Pa. C.S.A. §2702(b)(c), over the subject crossing and the parties, who are the Borough of Glenfield, Consolidated Rail Corporation, Allegheny County and the Pennsylvania Department of Transportation.

2. The subject bridge is necessary for the safety and convenience of the public.

RECOMMENDED ORDER

In consideration of the foregoing, it is hereby ordered that:

1. The County of Allegheny and the Consolidated Rail Corporation jointly at their initial expense perform an engineering evaluation of the structure known as the Glenfield Viaduct for the purpose of completing a structure inventory and appraisal sheet within ninety days after the date this order becomes final and advise this Commission of their recommendation for appropriate weight restriction on their bridge.

2. The County of Allegheny and the Consolidated Rail Corporation jointly at their initial expense perform an engineering evaluation of the subject structure for the purpose of evaluating the structure for either rehabilitation or replacement within 180 days after the date this order becomes final and submit copies of said evaluation report to all parties of record and to this Commission.

3. The County of Allegheny and the Consolidated Rail Corporation jointly at their initial expense conduct cursory safety inspections of the Glenfield Viaduct at intervals of not less than six months following the date this order becomes final for the purpose of insuring continued safety of the public who are using the Glenfield Viaduct and submit copies of said inspection report indicating any structural deficiencies to this Commission.

4. Consolidated Rail Corporation, is, for the present, assigned maintenance responsibility for the span over its tracks, the 13 southern viaduct spans, the sidewalk on the 14 spans and the stairs leading to the sidewalk all in a safe and satisfactory condition for pedestrian traffic and vehicular traffic at the present posted limit of 16 tons.

5. The record in this proceeding will remain open for the purpose of receiving the reports directed above, for directing that

further inspections or work be done and for further hearing to determine what work, if any, should be done, to allocate costs and re-establish maintenance responsibilities, if necessary.

March 27, 1981

*Michael A. Nemeo*

MICHAEL A. NEMEC

Administrative Law Judge