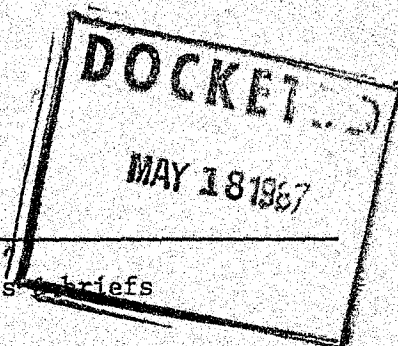


PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	April 23, 1987	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Safety & Compliance	:	MAY-87-SC-RS-250*
4. <u>SECTION</u>	Rail Safety	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	May 14, 1987
	Director: Nicely 3-3846	:	
	Supervisor: Lehman 7-9732	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>	Fleisher 7-5936	:	
9. <u>DOCKET NO.:</u>	C-80092154	:	



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

(a) Glenfield Borough

v.

Consolidated Rail Corporation, Allegheny County and  
 Pennsylvania Department of Transportation.

(b) Complaint filed September 9, 1980. Several hearings were held and orders adopted. Order adopted December 3, 1982, directed Department to prepare plans to either rehabilitate or replace the structure. Department submitted plans for replacement structure on October 1, 1985. Further hearing held November 27, 1985. Order adopted April 24, 1986, among other things, directed Conrail to relocate its facilities and allocated the costs associated therewith. Department filed petition requesting modification of prior order to clearly direct method of relocation of Conrail's facilities and allocate costs.

(c) The Bureau of Safety and Compliance recommends that the Commission adopt an order granting the petition.

11. MOTION BY: Commissioner Chm. Taliaferro Commissioner Fischl - Yes  
 Commissioner  
SECONDED: Commissioner Shane Commissioner

CONTENT OF MOTION: Staff recommendation adopted.





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

May 19, 1987

IN REPLY PLEASE  
REFER TO OUR FILE  
C-80092154

TO ALL PARTIES  
(see attached list)

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

To Whom It May Concern:

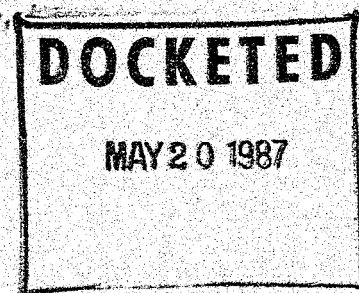
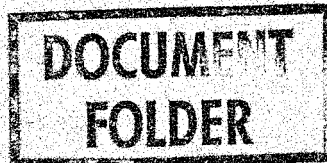
This is to advise you that an Order has been adopted by the Commission in Public Meeting on May 14, 1987, in the above entitled proceeding.

A copy of this Order has been enclosed for your records.

Very truly yours,

Jerry Rich, Secretary

jr  
Encls.  
Cert. Mail  
Bureau of S & C - Rail



PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held May 14, 1987

Commissioners Present:

Linda C. Taliaferro, Chairman  
Frank Fischl  
Bill Shane

Glenfield Borough

C-80092154

v.

Consolidated Rail Corporation,  
Allegheny County and Pennsylvania  
Department of Transportation.

O R D E R

BY THE COMMISSION:

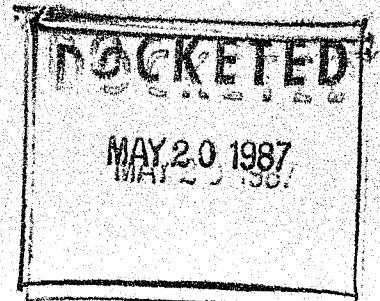
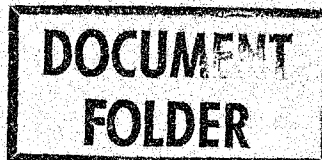
This matter is before us by reason of a petition filed by Pennsylvania Department of Transportation on March 25, 1987. The petitioner requests modification of the order adopted April 24, 1986 (entered May 8, 1986).

In Paragraph 6 of the aforesaid order it is directed:

"That Consolidated Rail Corporation, at its initial cost and expense, furnish all material and do all work necessary to temporarily lower its aerial lines in the area of the crossing and protect it during construction and then return it to an aerial position upon completion of the improvement. That Consolidated Rail Corporation, at its option, may relocate its aerial lines to a permanent location underground."

In Paragraph 16 of the aforesaid order it is directed:

" That upon completion of the improvement ordered herein, Pennsylvania Department of Transportation, when and as certified by this Commission, pay to Consolidated Rail Corporation a sum or sums of money equal to 100% of the actual cost incurred in furnishing material and performing work to temporarily lower, protect, and reestablish the communication and signal aerial lines in accordance with Paragraph 6 of this order; or if



Consolidated Rail Corporation chooses to permanently relocate its aerial lines underground, then pay to Consolidated Rail Corporation a sum or sums of money equal to 20% of the actual cost incurred in furnishing material and performing work to relocate the communication and signal lines permanently underground in accordance with Paragraph 6 of this order."

In Paragraph 17 of the aforesaid order directed:

"That Consolidated Rail Corporation, if it chooses to locate its aerial lines permanently underground, bear the remaining 80% of the actual cost incurred in furnishing material and performing work in accordance with Paragraph 6 of this order."

The petition avers that Conrail's Exhibit No. 5 admitted at the hearing held November 25, 1985, estimated the cost of permanent relocation of communications and signal lines underground to be \$24,000.00. A recent estimate by Conrail for temporary relocation of aerial communications and signal lines underground and subsequent restoration to the aerial position sets the cost at \$35,795.00.

Under terms of the aforesaid order, Conrail will be reimbursed in full if it chooses to temporarily relocate and later restore its facilities to their aerial position. If the Railroad chooses to permanently relocate its facilities underground, it will be reimbursed for only twenty percent (20%) of its costs.

As a result of the terms of the aforesaid order, Conrail now intends to temporarily relocate its facilities underground and ultimately restore them to aerial position, even though the cost will be greater than originally estimated for permanent relocation underground. As a result, the Railroad stands to receive full reimbursements for its cost, estimated to be \$35,795.00, rather than twenty percent (20%) reimbursement of the lesser estimated cost to permanently relocate underground (20% times \$24,000.00 equals \$4,800.00).

The petitioner states that it is willing to reimburse Conrail in full for the lower cost to permanently relocate its facilities underground rather than have to reimburse Conrail in full for the greater cost to temporarily relocate underground and later restore the facilities to the aerial position. As a result, the project cost for the Department would be lower and the public interest would be best served. The petition requests modification of Paragraph 6 and 16 and rescission of Paragraph 17 so to permit the handling of the railroad's communication and signal lines in a manner which will result in the least project cost.

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. Conrail has advised that it has no objection to the granting of the petition. None of the other parties has advised that it has any objection to the granting of the petition as presented or desires to be heard in this matter. We have reviewed the instant petition and find that the modifications requested therein are reasonable and in the best interest of all parties.

Upon full consideration of the matters involved, we determine that the request for modification of the prior order should be granted; THEREFORE,

IT IS ORDERED:

A. That the petition filed by Pennsylvania Department of Transportation on March 25, 1987, be and is hereby granted.

B. That Paragraph Nos. 6 and 16 of the order adopted April 24, 1986 (entered May 8, 1986), be and are hereby modified to read as follows:

6. That Consolidated Rail Corporation, at its initial cost and expense, furnish all material and do all work necessary to relocate its aerial communications and signal lines to a permanent location underground.
16. That upon completion of the improvement ordered herein, Pennsylvania Department of Transportation, when and as certified by this Commission, pay to Consolidated Rail Corporation a sum or sums of money equal to 100% of the actual cost incurred in furnishing material and performing work to relocate its communications and signal lines permanently underground in accordance with Paragraph 6 of this order.

C. That Paragraph 17 of the order adopted April 24, 1986 (entered May 8, 1986), be and is hereby rescinded.

D. That in all respects not inconsistent herewith, our order adopted April 24, 1986 (entered May 8, 1986), shall remain in full force and effect.

BY THE COMMISSION,

  
Jerry Rish  
Secretary

(SEAL)

ORDER ADOPTED: May 14, 1987

ORDER ENTERED: MAY 19 1987