

ORIGINAL
LAW OFFICES

FECZKO AND SEYMOUR

300 LAWYERS BUILDING
PITTSBURGH, PENNSYLVANIA 15217
TELEPHONE 412-261-4970

ALBERT G. FECZKO, JR.
MICHAEL J. SEYMOUR
SAMUEL A. MOORE

SUBURBAN OFFICE
3400 SOUTH PARK ROAD
BETHEL PARK, PA. 15102
TELEPHONE 412-833-5554

431-G

August 28, 1980

Pennsylvania Public Utility
Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17120

C 80092154

RE: Borough of Glenfield v. Conrail, et al.

Gentlemen:

I am enclosing the Complaint we are filing in the above-captioned matter for the Borough of Glenfield. If there is anything additional you need, please feel free to contact the undersigned.


Very truly yours,


Albert G. Feczko, Jr.

AGF/mrk
Enclosures

cc: Borough of Glenfield

DOCKETED

SEP 9 1980


ORIGINAL

NOTE: SEE INFORMATION PRINTED ON PAGE 3 OF THIS FORM

SEP 11 1980
SEP 11 1980

FORMAL COMPLAINT

DUPLICATE RECORD
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

BEFORE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

THE BOROUGH OF GLENFIELD

VS.

CONRAIL, PENN-CENTRAL CORPORATION, PENNDOT
AND COUNTY OF ALLEGHENY

COMPLAINT DOCKET

C 80092154

No.

1. COMPLAINING PARTY

name Borough of Glenfield, a municipal corporation
address Hill Road, Sewickley, PA 15143
telephone number 741-7111

2. ATTORNEY for complaining party

name Albert G. Feczko, Jr., FECZKO AND SEYMOUR
address 800 Lawyers Building, Pittsburgh, PA 15219
telephone number 261-4970

3. UTILITY company (respondent) against whom complaint is being brought

name Conrail, Conrail Bldg., Holiday Dr., Pittsburgh, PA 15220
address Penn-Central Corporation, 2 Airport Office Park, Suite 503, 400
Rouser Road, Coraopolis, PA 15108; Penndot, c/o Dept. of Motor
type of company (water, electric, etc.) ~~vehicles, Transp. & Safety Bldg., Harrisburg,~~
Allegheny County, Law Dept. Pittsburgh, Pennsylvania PA 17122

4. In short, clear sentences state your complaint against the above-named public utility (what the utility has done, or is about to do, or has failed to do which you claim is a violation of the law, or is patently unreasonable). You may attach any documents which support your complaint.

Both Conrail and Penn Central Corporation have refused to repair or reconstruct the Glenfield Viaduct which crosses tracks of Conrail Railroad.

DOCUMENT
FOUNDER

DOCKETED
SEP 9 1980
[Signature]

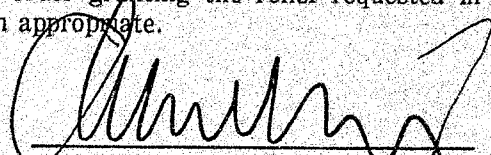
5. State how the utility's conduct adversely affects you.

The Viaduct is crumbling and unsafe for motor vehicles and pedestrians both crossing upon and below it. Further, this is the sole means of ingress and egress from a major part of the Borough for businesses and residents located between the Conrail tracks and the Ohio River leading to Ohio River Blvd., Route 65 from Phillips Lane, Dawson Avenue and East Beaver Streets.

6. Describe the type of relief that you hope to obtain from the Commission.

An Order requiring them to make necessary repairs and/or reconstruction.

Wherefore, complainant requests that the Commission enter an order granting the relief requested in paragraph six and/or such other relief as the Commission may deem appropriate.

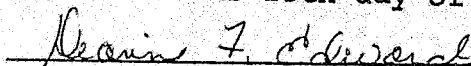


Signature of complainant
or attorney for corporate complainant

Date August 28, 1980

Sworn to before me and subscribed in my presence this 28th day of August, 1980.

D'ANNE F. EDWARDS, Notary Public
Pittsburgh, Allegheny County, Pa.
N Commission Expires July 11, 1982



Notary Public

**DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.**

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Borough of Glenfield
v.
Allegheny County

09/10/80
Complaint Docket
v No. C-80092154

DOCKETED
SEP 10 1980
hic

FORMAL COMPLAINT
NOTICE TO RESPONDENT
TO ANSWER OR SATISFY

TO: Allegheny County

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa.C.S. §702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

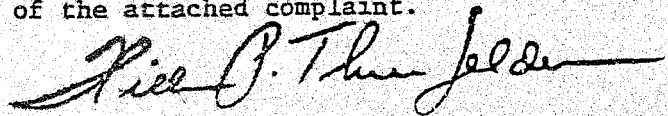
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17120, an answer (original and two copies), in writing, under oath, which, as required by Section 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant.
2. If you fail to either satisfy this complaint or to file an answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35. In that event, an Administrative Law Judge of the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy

authorized by the Public Utility Code, 66 Pa.C.S. §101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Administrative Law Judge is not limited to the relief sought by the complainant in paragraph 4. of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint will be dismissed by an Administrative Law Judge in accordance with Section 703(a) of the Public Utility Code, 66 Pa.C.S. §703(a), unless the Judge determines that such dismissal would be contrary to the public interest, in which event he may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, an Administrative Law Judge will, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa.C.S. §101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Administrative Law Judge is not limited to the relief sought by the complainant in paragraph 4. of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in this complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa.C.S. §101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4. of the attached complaint.



William P. Thierfelder
Secretary

(SEAL)

**DUPLICATE RECORD.
ORIGINAL CERTIFIED
PENNSYLVANIA COMMONWEALTH COURT.**

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Borough of Glenfield :
 :
 v. :
 :
Pennsylvania Department of Transporta- :
tation :
 :
 :

09/10/80
Complaint Docket
No. C-80092154

DOCKETED
SEP 10 1980
b/c

FORMAL COMPLAINT
NOTICE TO RESPONDENT
TO ANSWER OR SATISFY

TO: Pennsylvania Department of Transportation

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa.C.S. §702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17120, an answer (original and two copies), in writing, under oath, which, as required by Section 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant.

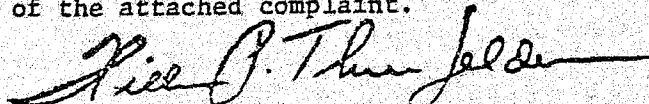
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William P. Thierfelder
Secretary

(SEAL)

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William P. Thierfelder
Secretary

(SEAL)

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Borough of Glenfield :
 :
 v. :
 :
Consolidated Rail Corporation, ET :
 Al :
 :
 :

09/10/80
Complaint Docket
No. C-80092154

DOCKETED
SEP 10 1980
hpc

FORMAL COMPLAINT
NOTICE TO RESPONDENT
TO ANSWER OR SATISFY

TO: Consolidated Rail Corporation, ET AL

TAKE NOTICE:

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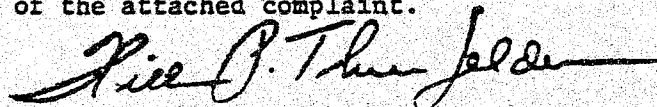
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William P. Thierfelder
Secretary

(SEAL)

C-80092154 (959)

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.
Form 3811, Jan. 1979

- 1. The following service is requested (check one)
 - Show to whom and date delivered.....
 - Show to whom, date and address of delivery.....
 - RESTRICTED DELIVERY
 - Show to whom and date delivered.....
 - RESTRICTED DELIVERY.
 - Show to whom, date, and address of delivery, \$ _____

(CONSULT POSTMASTER FOR FEES)

ARTICLE ADDRESSED TO:

Robert SzwaJKos

ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	44398	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

DATE OF DELIVERY

9/12/80

ADDRESS (Complete only if requested)

UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS



☆ GPO : 1979-288-648

The Borough of Glenfield V. Penn-Central Corporation

C-80092154 (561)

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.
Form 3811, Jan. 1979

- 1. The following service is requested (check one)
 - Show to whom and date delivered.....
 - Show to whom, date and address of delivery.....
 - RESTRICTED DELIVERY
 - Show to whom and date delivered.....
 - RESTRICTED DELIVERY.
 - Show to whom, date, and address of delivery, \$ _____

(CONSULT POSTMASTER FOR FEES)

ARTICLE ADDRESSED TO:

A. J. Digregorio

ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	44394	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

DATE OF DELIVERY

9-12-80

ADDRESS (Complete only if requested)

UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

POSTMARK

☆ GPO : 1979-288-648

Glenfield Borough VS. Consolidated Rail Corporation, ET AL

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

C-80092154 (SEC)

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

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 - Show to whom, date and address of delivery.
 - RESTRICTED DELIVERY
 - Show to whom and date delivered.
 - RESTRICTED DELIVERY.
 - Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Ward T. Williams

3. ARTICLE DESCRIPTION: REGISTERED NO. CERTIFIED NO. INSURED NO.

44393

I have received the article described above. SIGNATURE [Addressed] [Authenticated agent]

[Always obtain signature of addressee or agent]

DATE OF DELIVERY 9/11/84 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO : 1979-298-948

Borough of Gentfield V. Pennsylvania Department of Transportation

C-80092154 (SEC)

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

- 1. The following service is requested (check one):
 - Show to whom and date delivered.
 - Show to whom, date and address of delivery.
 - RESTRICTED DELIVERY
 - Show to whom and date delivered.
 - RESTRICTED DELIVERY.
 - Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

James H. McLean

3. ARTICLE DESCRIPTION: REGISTERED NO. CERTIFIED NO. INSURED NO.

44395

I have received the article described above. SIGNATURE [Addressed] [Authenticated agent]

[Always obtain signature of addressee or agent]

DATE OF DELIVERY 9/11/84 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO : 1979-298-948

Borough of Gentfield V. Allegheny County

DUPLICATE RECORD. ORIGINAL CERTIFIED TO COMMONWEALTH COURT.

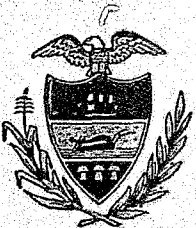
CYRIL H. WECHT, M.D., J.D.
COMMISSIONER

TOM FOERSTER
CHAIRMAN

C-80092157
ORIGINAL

WILLIAM R. HUNT, M.D.
COMMISSIONER

DEPARTMENT OF LAW



JAMES H. McLEAN
COUNTY SOLICITOR

County of Allegheny

919 JONES LAW ANNEX BUILDING
PITTSBURGH, PA. 15219
TELEPHONE: 355-5340

SECRETARY OF PUBLIC UTILITY
COMMISSION

September 15, 1980

Commonwealth of Pennsylvania
Pennsylvania Public Utility
Commission
P. O. Box 3265
Harrisburg, PA 17120

Re: The Borough of Glenfield
vs. Conrail, Penn-Central
Corporation, PennDot and
County of Allegheny

Dear Mr. Thierfelder:

Enclosed herewith is the original and two (2) copies
of the Answer of Allegheny County to the above-captioned
complaint.

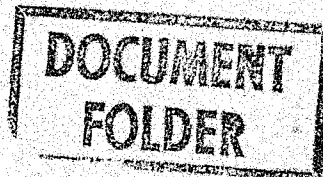
By copy of this letter a copy of the Answer is being
sent to the complainant.

Very truly yours,

Sheldon L. Keyser
Assistant County Solicitor

SLK:ams

Enclosures



ORIGINAL

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

SEP 13 6 50 AM '80

SEP 13 1980

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THE BOROUGH OF GLENFIELD)

vs.)

CONRAIL, PENN-CENTRAL CORPORATION,)
PENNDOT and COUNTY OF ALLEGHENY)

Docket No. C80092154

ANSWER
ON BEHALF OF
COUNTY OF ALLEGHENY

1. Paragraph 1 of the complaint is admitted.
2. Paragraph 2 of the complaint is admitted.
3. Paragraph 3 of the complaint is denied in that Allegheny County and more particularly Allegheny County Law Department is not a utility company as alleged in the complaint.
4. Paragraph 4 of the complaint makes no allegation against Allegheny County and more particularly Allegheny County Law Department and therefore no responsive pleadings are required. By way of further answers it is averred that Allegheny County and more particularly Allegheny County Law Department has no knowledge of the refusal of Conrail and or Penn-Central Corporation to repair or reconstruct the Glenfield Viaduct.

[Faint, illegible stamp]

FILED
SEP 19 1980

5. Paragraph 5 of the complaint is denied is that Allegheny County and more particularly Allegheny County Law Department have no knowledge of the conditions and other facts alleged in said paragraph and therefore strick proof thereof is demanded at the time of the hearing.

6. Allegheny County is not required to answer paragraph 6 of the commission in that it demands relief against parties other than Allegheny County and more specifically Conrail and Penn-Central Corporation.

NEW MATTER

7. Although Allegheny County and more particularly Allegheny County Law Department is named as a defendant in the commission and our no allegations, nor is there a prayer for refief directed against Allegheny County.

WHEREFORE, defendant, Allegheny County request that the Commission enter into dismissing it as a parties defendant.

County of Allegheny

By James H. McLean
James H. McLean
County Solicitor
Sheldon L. Keyser
Sheldon L. Keyser
Assistant County Solicitor

CONRAIL
ORIGINAL

SEP 16 10 11 AM '80

RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

September 15, 1980

William P. Thierfelder, Esq.
Secretary
Penna. Public Utility Commission
Box 3265
Harrisburg, Pa. 17120

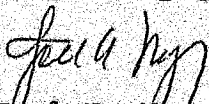
Re: C-80092154, Allegheny County

Dear Sir:

Enclosed for filing on behalf of Consolidated Rail Corporation are the original and two copies of its Answer in the captioned matter.

I hereby certify I have served copies on all parties of record.

Very truly yours,



Joel E. Mazor
Commerce Counsel

JEM:CV
Encl.

DOCUMENT
FOLDER

ORIGINAL

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SEP 16 1980

The Borough of Glenfield

v.

Conrail, Penn-Central Corpora-
tion, Pennsylvania Department
of Transportation and County
of Allegheny

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Complaint Docket

No. 80092154

DOCKETED
SEP 16 1980

ANSWER
OF
CONSOLIDATED RAIL CORPORATION

COMES NOW, Consolidated Rail Corporation by its attorney
Joel E. Mazor and makes answer to the captioned complaint as
follows:

- 1. Admitted.
- 2. Admitted.

**DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.**

3. Consolidated Rail Corporation is a corporation organized
and existing under the laws of the Commonwealth of Pennsylvania,
and its proper address is Six Penn Center, Philadelphia, Pa.
19104.

4. It is true that Consolidated Rail Corporation (Conrail)
has refused to repair or reconstruct the Glenfield Viaduct which
crosses over and above its tracks in the Borough of Glenfield,
Allegheny County. It is the position of Conrail that it has no
legal obligation, either by agreement or by previous Public

DOCKETED
SEP 16 1980

Utility Commission or Public Service Commission order to repair or reconstruct said viaduct.

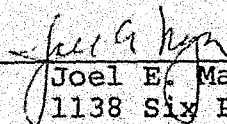
5. The viaduct in question is presently posted for a less than maximum weight limit in the Commonwealth of Pennsylvania and is therefore unsafe for motor vehicles in excess of that posted tonnage. It is not denied that this bridge is the sole means of ingress and egress from a major part of the Borough.

6. Consolidated Rail Corporation has no objection to a Commission order requiring a party other than Conrail to make necessary repairs and/or reconstruction.

WHEREFORE, Consolidated Rail Corporation requests the Commission to hold such on-site conferences and hearings as the Commission may deem appropriate to properly resolve this complaint.

CONSOLIDATED RAIL CORPORATION

By



Joel E. Mazor
1138 Six Penn Center
Philadelphia, Pa. 19104

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF PHILADELPHIA :

SS

Joel E. Mazor, being duly sworn according to law deposes and says that he is Commerce Counsel for Consolidated Rail Corporation; that he is authorized to and does make this affidavit for it; that the facts contained in the foregoing Answer are true and correct to the best of his knowledge, information and belief.

Joel E. Mazor

Subscribed and sworn to
before me this 15th
day of September, 1980.

Cheryl M. Heilbrunn
Notary Public

CHERYL M. HEILBRUNN
Notary Public, Phila., Phila. Co.
My Commission Expires June 25, 1984



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

September 17, 1980

Monitor: Commissioner Taliaferro

IN REPLY PLEASE
 REFER TO OUR FILE
 C-80092154

Mr. J. T. Sullivan, P.E., Chief Engineer
 Consolidated Rail Corporation
 15 North 32nd Street
 Philadelphia, PA 19104

DUPLICATE RECORD.
 ORIGINAL CERTIFIED
 TO COMMONWEALTH COURT.

Glenfield Borough

v.

Consolidated Rail Corporation, Allegheny County and Pennsylvania Department
 of Transportation

Dear Mr. Sullivan:

This is to confirm that a field investigation and conference was held at the site of the crossing where the Glenfield Viaduct crosses over and above the grade of the tracks of Consolidated Rail Corporation in Glenfield Borough, Allegheny County, on Thursday, September 11, 1980 at 1:00 p.m., in conjunction with a meeting scheduled by Allegheny County Department of Development. All parties to the complaint were represented.

At this meeting, the condition of the crossing structure was discussed. It was pointed out to the parties involved that the overall resolution of the complaint would be expedited if the exact condition of the structure was known at the initial hearing on this complaint.

A discussion ensued as to whether an in-depth inspection should be performed to determine the exact condition of the structure, to determine the present load-carrying capacity and to determine whether repair, rehabilitation or reconstruction of the structure is advisable. It was decided that before an in-depth inspection is started, a panel of four engineers knowledgeable in bridges, one engineer representing each of the parties to the complaint, would meet at the site to attempt to make the determination and a recommendation to the Commission whether an in-depth inspection should be instigated, whether the load-capacity posting should be lowered and/or whether an engineering study should be performed to report on a proposed reconstruction of the structure.

Very truly yours,

Donald R. Fleisher, P.E.
 Bureau of Rail Transportation

DOCKETED
 SEP 19 1980

RECEIVED
 SEP 19 1980

Mr. K. W. Walker, P.E., Chief Utility Engineer
Pennsylvania Department of Transportation
1120 Transportation and Safety Building
Harrisburg, PA 17120

Mr. Joseph M. Hohman
Manager of Munciple Services and Programs
Division
Allegheny County Department of Development
100 Fort Pitt Commons, 445 Fort Pitt Boulevard
Pittsburgh, PA 15219

Mr. James L. Kristiansen, Director
Department of Engineering and Construction
County of Allegheny
517 County Office Building
Forbes Avenue and Ross Street
Pittsburgh, PA 15219

Honorable John W. Schwogel, Mayor
Glenfield Borough
R.D. 2, Hill Road
Sewickley, PA 15143

ORIGINAL

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Borough of Glenfield :
:
v. :
:
Conrail, Penn-Central Cor- :
poration, Pennsylvania :
Department of Transportation :
and County of Allegheny :

Complaint Docket
No. 80092154

ANSWER
OF
THE PENN CENTRAL CORPORATION

DUPLICATE RECORD, SENT
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

P

The Penn Central Corporation by its counsel, Carl
Helmetag, Jr., answers the above captioned Complaint as
follows:

1. Admitted.
2. Admitted.
3. Denied. The Penn Central Corporation is neither
a utility nor a railroad. It is not subject to the juris-
diction of the Pennsylvania Public Utility Commission as
either a utility or a railroad.
4. The Penn Central 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 the Viaduct. Further, the tracks over which the Viaduct is constructed were conveyed to Consolidated Rail Corporation (Conrail) on April 1, 1976 pursuant to the provisions of the Regional Rail Reorganization Act of 1973, as amended, 45 U.S.C. §§701-93.

5. Admitted.

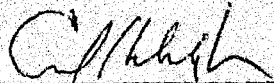
6. The Penn Central Corporation objects to any Order being issued by the Pennsylvania Public Utility Commission which would require The Penn Central Corporation to maintain or reconstruct the Glenfield Viaduct.

WHEREFORE, The Penn Central Corporation requests the issuance of an Order which would dismiss The Penn Central Corporation as a respondent in this proceeding.

Respectfully submitted,

THE PENN CENTRAL CORPORATION

By



Carl Helmetag, Jr.
General Counsel-Litigation
Suite 3100 IVB Building
1700 Market Street
Philadelphia, Pa. 19103
Tel. 215-972-3053

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF PHILADELPHIA :

Carl Helmetag, Jr., being duly sworn according to law, deposes and says that he is General Counsel-Litigation for The Penn Central Corporation; that he is authorized to and does make this affidavit for it; that the facts contained in the foregoing Answer are true and correct to the best of his knowledge, information and belief.

Carl Helmetag, Jr.

Sworn to and subscribed
before me this 19th day
of September, 1980.

Helene D. Garner
Notary Public

HELENE D. GARNER
Notary Public, Phila., Phila. Co.
My Commission Expires May 5, 1984

CERTIFICATE OF SERVICE

I hereby certify that I caused copies of "Answer Of
The Penn Central Corporation" to be mailed, first class
mail, postage prepaid, to the parties listed below:

William P. Thierfelder, Secretary
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pa. 17120


Borough of Glenfield, a municipal
corporation
Hill Road
Sewickley, PA 15143

Albert G. Feczko, Jr., Esq.
Attorney for Borough of Glenfield
Feczko and Seymour
800 Lawyers Building
Pittsburgh, PA 15219

Consolidated Rail Corporation
c/o Joel E. Mazor, Esq., Commerce Counsel
1138 Six Penn Center Plaza
Philadelphia, Pa. 19104

Penndot, c/o Dept. of Motor Vehicles,
Transportation & Safety Building
Harrisburg, PA 17122

Allegheny County
Law Department
Pittsburgh, PA



Carl Helmetag, Jr.

September 19, 1980

CYRIL H. WECHT, M.D., J.D.
COMMISSIONER

TOM FOERSTER
CHAIRMAN

WILLIAM R. HUNT, M.D.
COMMISSIONER

Fleisher

C-80092154



County of Allegheny

100 FORT PITT COMMONS, 445 FORT PITT BOULEVARD
PITTSBURGH, PA. 15219
(412) 355-7200

JAMES J. DODARO
Director

Department Of
Development

September 18, 1980

Mr. Donald R. Fleisher
Bureau of Transportation
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Dear Mr. Fleisher:

Enclosed for your review are the minutes of the Glenfield Viaduct Meeting, held this past Thursday, September 11, 1980, at the Glenfield Fire Hall.

All participants and related parties were to receive these minutes for their acknowledgements and records regarding the Glenfield Viaduct problems.

A meeting will be held the week of September 22nd between engineers of the Borough of Glenfield, County of Allegheny, Consolidated Rail Corporation and the Pennsylvania Department of Transportation, in order to assess collectively the condition of the bridge and the potential need for further study.

I will keep you informed of this meeting and any other events concerning the Glenfield Viaduct.

If you have any questions or desire further information, do not hesitate in calling upon me (355-7217)

Sincerely yours,

Michael F. Marmo
MICHAEL F. MARMO
Municipal Services Representative

MFM/mTC

Enc.

BUREAU OF
SEP 24 1980
RAIL
TRANSPORTATION

DOCKETED
SEP 26 1980

DOCUMENT
EX-155



MINUTES OF THE GLENFIELD VIADUCT MEETING

GLENFIELD FIRE HALL
THURSDAY, SEPTEMBER 11, 1980
1:00 P.M.

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

Participants: Glenn R. Miller, District Coordinator
U. S. Congressman, Doug Walgren
Lorrain Carr, Administrative Assistant
State Senator, Edward M. Early
John Eld, Administrative Assistant
Allegheny County Commissioner William Hunt
Paul Goebel, State Representative Ronald Goebel's Office
Mayor John Schwoegl, Glenfield Borough
Councilman Paul Hauser, C. B. Hauser and Gail Cernanasky
from Glenfield Borough
Joseph M. Hohman, Manager of Municipal Services & Programs
Division, Allegheny County Department of Development
Michael F. Marmo, Municipal Services Representative, Allegheny
County Department of Development
Nick Bianchi, Grants Developer, Allegheny County Department of
Development
R. B. Waugh, Allegheny County Department of Engineering
and Construction
Donald R. Fleisher, Bureau of Rail Transportation, Pennsylvania
Public Utility Commission
Warren Parks, Consolidated Rail Corporation, Office of the
Chief Engineer, Design and Construction
John E. Blake, Consolidated Rail Corporation, Regional
Engineering Structures
Frank Wasielewski, Pennsylvania Department of Transportation
William M. Sacco, Jr., Pennsylvania Department of Transportation
John Burke, Green International Engineer
Mayor John Schwoegl of Glenfield

Mayor John Schwoegl of Glenfield Borough opened the meeting by introducing the participants from various governmental agencies and elected official offices. The Mayor reviewed the background and efforts of local officials to resolve the Glenfield viaduct problems.

John Blake of Consolidated Rail Corporation stated that Conrail would only intervene in rehabilitation or reconstruction of the Glenfield viaduct if ordered to by the Public Utility Commission. Conrail's position is that it did not inherit maintenance of the bridge when consolidation occurred in 1976.

Donald Fleisher reviewed the viaduct problem from perspective of the Public Utility Commission. In 1953, the Public Utility Commission ruled that the Pennsylvania Railroad (Conrail) and Pennsylvania Department of

Transportation were responsible for maintenance of the underside and overside of the bridge span respectively. In 1973, the P.U.C. re-iterated the 1953 order during the construction of Interstate #79. In similar circumstances, no hard and fast rulings have been made by the P.U.C. Actions have been taken on an individual basis. Mr. Fleisher explained the process that the P.U.C. utilizes in disputes such as the Glenfield viaduct. The Commission will assign or re-assign using "good judgment" the responsibility of the bridge. The time frame and process is as follows:

- 1) Schedule Site Conference - This is to determine whether the complaint is proper. The P.U.C. looks for volunteer efforts to solve the issue. If no one volunteers, the process goes to step two, (two weeks to one month after complaint is filed).
- 2) Schedule a Formal Hearing - Testimony is given by parties in front of an Administrative Law Judge (two to three months after complaint is filed).
- 3) The Administrative Law Judge issues initial decision which is sent to all parties. Parties can file exceptions to decisions (two weeks to one month after formal hearing).
- 4) The Administrative Law Judge reviews exceptions and rejections by parties. Judge maintains or changes initial ruling and forwards decision to the Public Utility Commission (two weeks to one month of initial hearing).
- 5) The Public Utility Commission formally meets and decides whether to abide by the judge's decision or not (one month after final decision of the Administrative Judge).

Mr. Fleisher believed that a study of the condition of the bridge was needed in order to assess the structural defects, if any, of the Glenfield viaduct.

Mr. Frank Wasielewski, representing the Pennsylvania Department of Transportation, stated that PennDOT owned the first two spans of the viaduct and that no structural problems are associated with these two spans.

Mr. Fleisher stated that the P.U.C. would have the viaduct posted at 16½ tons.

Mr. John Blake stated that Conrail would fix the pedestrian stairway and pave the sidewalk from the Ohio River Boulevard to the top of the stairway.

Minutes
September 18, 1980
Page Three

Joseph Hohman, Manager of Municipal Services and Programs, stated tha Allegheny County would help in financing a location study if the cost was not prohibitive.

It was concluded that the Public Utility Commission would utilize this meeting as Site Conference and issue an order (which all parties had agreed to) for the Borough Engineer, County Engineer, Conrail Engineer and PennDOT Engineer to meet collectively at the site and assess the condition of the viaduct. The Engineers would then recommend whether or not an in-depth study was needed or to recommend a location study for the new viaduct structure. Michael Marmo, Municipal Services Representative, by direction of Joseph Hohman, was to arrange the meeting of the four engineers within the next two weeks.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
HARRISBURG 17120

Office of Chief Counsel

SEP 29 2 12 PM '81



IN REPLY REFER TO

September 24, 1980

RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

William P. Thierfelder, Secretary
Pennsylvania Public Utility Commission
118 North Office Building
Harrisburg, Pennsylvania 17120

Re: Complaint Docket No. G 80092154
Allegheny County

Dear Mr. Thierfelder:

Enclosed for filing with the Commission are the original and two (2) copies of Answer to Complaint on behalf of the Pennsylvania Department of Transportation, in the above-captioned matter.

I hereby certify that a copy of said Answer has been sent to all parties of record.

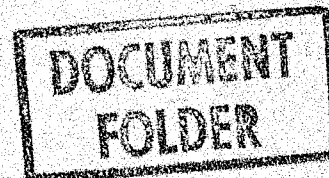
Very truly yours,

A handwritten signature in cursive script, appearing to read "Herbert G. Zahn".

Herbert G. Zahn
Assistant Attorney General
(717) 787-5931

220/HGZ:rmm
Enclosures

cc: K. W. Walker, P.E., Chief Utility Engineer
District #11-0
Parties of Record - Page 2



Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THE BOROUGH OF GLENFIELD : COMPLAINT
VS. : DOCKET
CONRAIL, PENN-CENTRAL : NO. C-80092154
CORPORATION, PENNDOT, AND :
COUNTY OF ALLEGHENY :

ANSWER TO COMPLAINT

AND NOW, this 24th day of September, 1980, comes the Pennsylvania Department of Transportation, by its attorney, Herbert G. Zahn, Assistant Attorney General, and makes answer to the Complaint in the above-captioned matter as follows:

- 1. Admitted.
- 2. Admitted.
- 3. Admitted.

4. Denied. The allegations contained in Paragraph 4 are vague and unspecific which prevents your Respondent from making answer thereto. The Glenfield viaduct is part of a local road, is off-route and not part of the state highway system. By Order

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

DOCUMENT
FOLDER

DOCKETED
SEP 30 1980
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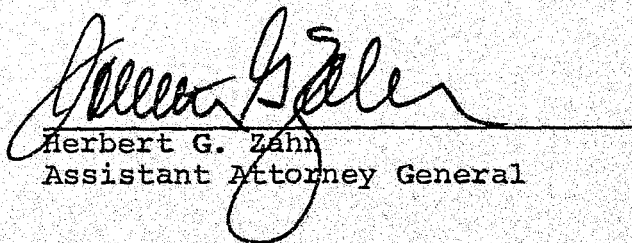
of the Commission dated August 10, 1953, at Application Docket No. 79419, at Paragraph 23, your Respondent was ordered to maintain the new steel girder span and the new reinforced concrete slab span, and to maintain the existing pier-A and the northerly abutment supporting the said spans; this responsibility was reaffirmed by the Commission by its Order of April 16, 1973, at Application Docket No. 95518, Paragraph EE. A recent inspection of the two spans which your Respondent was ordered to maintain show no sign of deterioration. Your Respondent has been in compliance with the aforesaid Orders of the Commission. In the event the vague allegations of the Complainant refer in any manner to the area of the viaduct for which your Respondent is responsible, strict proof thereof is demanded at the trial of this cause.

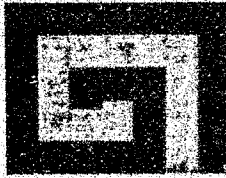
5. Denied. After reasonable investigation your Respondent is unable to affirm or deny the allegations contained in Paragraph 5 and if material demands strict proof thereof at the time of the trial of this cause.

6. Denied. After reasonable investigation your Respondent is unable to affirm or deny the allegations contained in Paragraph 6 and if material demands strict proof thereof at the time of the trial of this cause.

WHEREFORE, the Pennsylvania Department of Transportation requests that a field conference be scheduled and a formal hearing be set to determine the necessity for the relief requested by Complainant.

Respectfully submitted,


Herbert G. Zahn
Assistant Attorney General

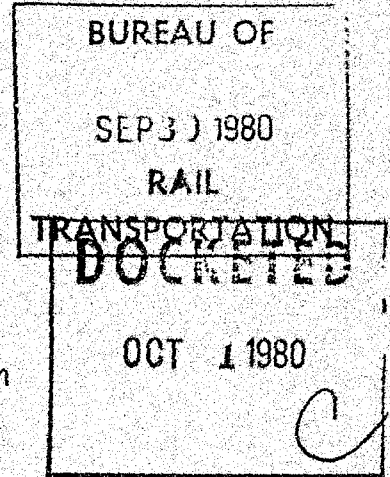
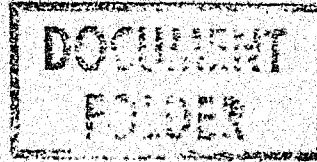


ORIGINAL

GREEN INTERNATIONAL, INC.
504 BEAVER ST. · SEWICKLEY, PA 15143 / 412-761-2770

September 26, 1980

Mr. Donald Fleisher
Commonwealth of Pennsylvania
Pennsylvania Public Utility
Commission
P.O. Box 3265
Harrisburg, PA 17120



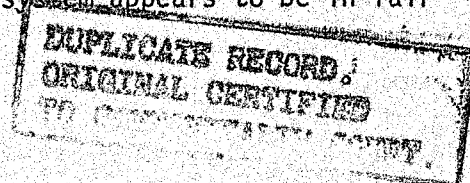
Re: C-80092154
Glenfield Borough
File 8071

Gentlemen:

On September 24, 1980, a field meeting was held at the subject bridge site with representatives from PennDOT, Allegheny County, ConRail and Glenfield Borough to discuss the condition of the bridge.

It was generally agreed by all, including Green International, Inc. who represented the Borough of Glenfield, that the present load limit of 16 tons should remain unchanged. According to those familiar with the history of the bridge, its condition has not worsened significantly since the bridge was originally posted for 16 tons. It is recommended that periodic visual inspections be made to ascertain any changes in the present condition.

A discussion then ensued as to whether the bridge should be replaced entirely or an in-depth inspection be made with the purpose of rehabilitating the bridge. It is our feeling that an in-depth inspection is unnecessary for several reasons. First, the bridge has a 20' roadway width which is substandard. Second, the small radius right curve on the bridge is inadequate and substandard. These two (2) factors have added significance in view of proposed development in Glenfield. This development would require large truck traffic to use the structure. The present geometry would be unsafe for this type of traffic. Finally, we feel the structure is deteriorated beyond repair. The surface elements, roadway, sidewalks, curbs and parapets require total replacement. The piers are deteriorated to the point where the concrete T-beams, if they are salvageable, would need to be supported while the deteriorated pier concrete is replaced. In some cases, the length of pier column replacement may be 20' or more. Although the T-beam floor system appears to be in fair



CONSULTING ENGINEERS AND PLANNERS
PITTSBURGH BOSTON WEST VIRGINIA OHIO MANILA BOGOTA
TWX: 7106683873 GREEN INT SEWI CABLE: GREENCO SEWICKLEY PA USA

Mr. Donald Fleis...
Page 2
September 26, 1980

condition, chloride ion tests and concrete cores would be needed to determine the condition of the slab and beams. But an overriding factor may be the age of the bridge, approximately 50 years. The concrete that may be good at this time, most likely would not provide the additional 20 years of required service life.

Therefore, our recommendation is to replace the bridge rather than rehabilitate it. Accordingly, an engineering study should be made to evaluate possible line, grade and location changes. It may be possible to eliminate several spans with walled embankments.

If you should have any questions, please contact this office.

Very truly yours,

GREEN INTERNATIONAL, INC.

Karl R Nejak

Karl R. Nejak, P.E.
Manager
Bridge Department

csH

cc: Carl Angeloff, Dist.11-0 PennDOT
John Drake, Allegheny County
Warren Park, ConRail
Mr. John Schwogl, Glenfield Boro
Mike Marmo, Allegheny County

CONRAIL

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

September 29, 1980

Subject: Glenfield, Allegheny County, Pennsylvania - PUC Docket No. C-80092154
O.H. Bridge No. 9.22, Glenfield Viaduct over Main Line Tracks, LC 2202,
MP 9.22, Pittsburgh Division, Central Region. (File: Br. 9.22 - WWP)

SEE ATTACHED LIST

BUREAU OF
OCT 3 1980
RAIL
TRANSPORTATION

We refer to the request by certain parties to the site meeting held Wednesday, September 24, 1980 for a copy of the set of construction plans for the subject bridge.

Attached is a set of 18 sheets covering the details of construction for the existing structure for your use in evaluating the condition of the bridge.

Very truly yours,

J. T. Sullivan
J. T. Sullivan, P.E.
Chief Engineer
Design and Construction

RECEIVED
OCT 3 1980

12th Floor

(215) 596-3845

CC: Mr. Donald R. Fleisher, P.E.
Bureau of Rail Transportation
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

CC: Mr. Michael F. Marmo
Municipal Services Representative
County of Allegheny
Department of Development
100 Fort Pitt Commons
445 Fort Pitt Boulevard
Pittsburgh, PA 15219

TO:

Mr. Carl Augeloff
Bridge Engineer
Pennsylvania Department of Transportation
District 11 Office
4 Parkway Center
875 Greentree Road
Pittsburgh, PA 15220

Mr. John B. Drake
Chief Bridge Engineer
County of Allegheny
517 County Office Building
Forbes and Ross Streets
Pittsburgh, PA 15219

Mr. Karl R. Nejack, P.E.
Manager, Bridge Section
Green International, Inc.
504 Beaver Street
Sewickley, PA 15143

CONRAIL

Fleischer

BUREAU OF
OCT 9 1980
RAIL
STATION

October 6, 1980

Subject: Allegheny County, Glenfield, Pa. - PUC Docket
No. C-80092154 - OH Bridge 9.22 over Main
Line Tracks, Pittsburgh Division, Central
Region.
File: OH Br. 9.22-WMW

Mr. Donald R. Fleischer, P.E.
Bureau of Rail Transportation
Pennsylvania Public Utilities
Commission
Box 3265
Harrisburg, PA 17120

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

OCT 11 1 57 PM '80

Dear Sir:

On September 24, 1980, the following attended a meeting
at the site of OH Bridge 9.22:

- W. W. Parks, Sr. Civil Engineer, Conrail
- W. M. Wehner, P.E., Engineer-Bridges & Bldgs., Conrail
- K. R. Nejak, P.E., Green International, Inc., repre-
senting Glenfield
- J. B. Drake, Chief Bridge Engineer, Allegheny County
- Carl Angeloff, Pennsylvania DOT
- M. F. Marmor, Allegheny County Development Commission
- Jack Schwoegl, Mayor of Glenfield.

It is Conrail's position that the 16-ton posting is
reasonable and an in-depth inspection is not required
at this time. The other parties at the meeting seemed
to concur with this position.

It was agreed that an engineering report should be
prepared. Conrail is not in a position to make this
report. It should be made by someone familiar with the
future economic development of the area.

ENCLOSURE

DOCKETED
OCT 10 1980
C

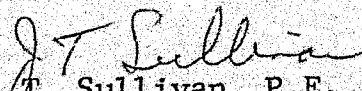
Mr. Donald R. Fleischer, P.E.

Page 2

October 6, 1980

Conrail has plans of the bridge and would be pleased to furnish them to the party making the engineering report.

Very truly yours,


J. T. Sullivan, P.E.
Chief Engineer -
Design & Construction

12th Floor

(215) 596-3497

cc:

- Mr. Carl Angeloff, Bridge Engineer, Penna. DOT, District 11
Office, 4 Parkway Center, 875 Greentree Road,
Pittsburgh, PA 15220
- Mr. John B. Drake, Chief Bridge Engineer, County of
Allegheny, 517 County Office Bldg., Forbes and
Ross Streets, Pittsburgh, PA 15219
- Mr. Karl R. Nejack, P.E., Manager Bridge Section, Green
International, Inc., 504 Beaver St., Sewickley, PA 15143
- Mr. Mike F. Marmor, Allegheny County Development Commission,
100 Fort Pitt Commons, 445 Fort Pitt Blvd.,
Pittsburgh, PA 15219

CYRIL H. WECHT, M.D., J.D.
COMMISSIONER

TOM FOERSTER
CHAIRMAN

C. 30092154
WILLIAM R. HUNT, M.D.
COMMISSIONER



Department Of
Development

County of Allegheny

100 FORT PITT COMMONS, 445 FORT PITT BOULEVARD
PITTSBURGH, PA. 15219
(412) 355-7200

JAMES J. DODARO
Director

October 6, 1980

Donald R. Fleisher
Bureau of Rail Transportation
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

Dear Mr. Fleisher:

Enclosed for your review are the minutes of the on-site inspection by the engineering representatives, held on Wednesday, September 24, 1980 in Glenfield, Pennsylvania.

All participants and related parties were to receive these minutes for their acknowledgements and records regarding the Glenfield Viaduct problems.

The meeting held on September 24, 1980 between the engineers concluded that: (1) the 16 ton for weight limit should be maintained, (2) an in-depth inspection was not needed, however, an engineering study was recommended and (3) all engineering opinions would be sent separately to P.U.C. Commissioner Taliaferro with carbon copies to all parties involved.

The next step in the process will be the scheduling of a formal hearing by the P.U.C. before an administrative law judge.

I will keep you informed of this meeting and other events concerning

DOCUMENT
FOLDER

BUREAU OF
OCT 14 1980
RAIL
TRANSPORTATION

GA

GLENFIELD BRIDGE MEETING

(ON-SITE INSPECTION BY CONRAIL, PENNDOT, ALLEGHENY COUNTY AND GREEN INTERNATIONAL ENGINEERS)

OCT 1

WEDNESDAY, SEPTEMBER 24, 1980 - 2:00 P.M.

Participants: John Schwogel, Mayor of Glenfield
Michael Marmo, Municipal Services Representative -
Allegheny County Department of Development
John Drake, Allegheny County Department of Construction
and Engineering
Warren Parks, Conrail Engineer
W. M. Wehner, Conrail Engineer
Carl Argelo, PennDOT Engineer
Carl Nijack, Green Engineering

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

On the recommendation of all parties at the Thursday, September 11, 1980 field investigation of the Glenfield Bridge, "it was decided that before an in-depth inspection is started, a panel of four engineers, knowledgeable in bridges (one engineer representing each of the parties to the complaint), would meet at the site to attempt to make the determination and a recommendation to the Commission whether an in-depth inspection should be instigated, whether the load capacity posted should be lowered and/or whether an engineering study should be performed to report on a proposed reconstruction of the structure" (quotation from Donald R. Fleisher, Pennsylvania Public Utility Commissioner, Bureau of Rail Transportation, letter of September 17, 1980).

On this premise the four engineering parties, Conrail, PennDOT, County of Allegheny and Green Engineering (representing Glenfield Borough), met to discuss the condition of the bridge.

It was concluded by all parties that the struds, pork chops, parapets and road bed of the bridge appear unsound and only the girders appear structurally sound.

The four engineers concluded that the 16 ton weight limit should be maintained for local traffic.

All parties were in general agreement that an in-depth inspection of the bridge was not needed, however, an engineering study was recommended to determine the feasibility of rehabilitation versus complete reconstruction of the bridge.

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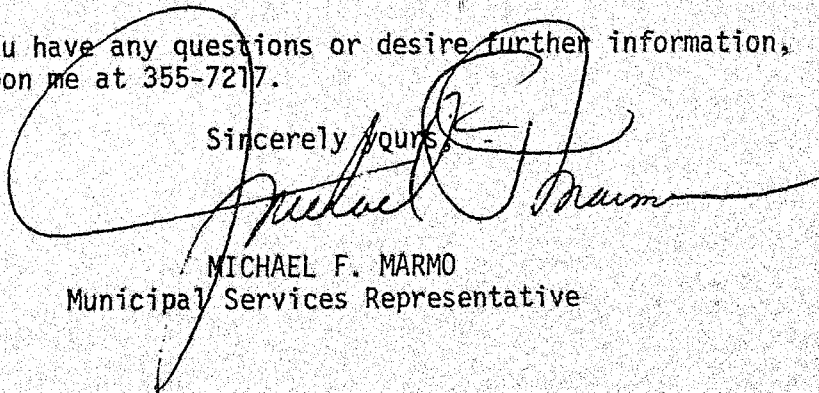
The four engineering representatives agreed to forward a report of their opinions to Commissioner Taliaferro of the Public Utility Commission and carbon copies to each other.

The next action will be the scheduling of the formal hearing by the P.U.C. before an administrative law judge, in order to receive testimony from all parties involved in the Glenfield Bridge complaint.

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the Glenfield Viaduct. If you have any questions or desire further information,
do not hesitate in calling upon me at 355-7217.

Sincerely yours,

A large, stylized handwritten signature in black ink, appearing to read "Michael F. Marmo". The signature is written over the typed name and title below it.

MICHAEL F. MARMO
Municipal Services Representative

MFM/mlc

Enc.