

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Harrisburg, Pennsylvania 17120  
Office of Chief Counsel



February 20, 1986

RECEIVED

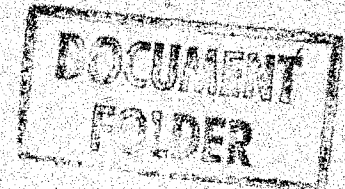
FEB 20 1986

SECRETARY'S OFFICE  
Public Utility Commission

IN REPLY REFER TO

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

Re: Complaint Docket No. C-80092154  
Allegheny County



Dear Mr. Rich:

Enclosed for filing with the Commission are the original and two (2) copies of Petition of the Pennsylvania Department of Transportation for Reconsideration of the Order entered February 4, 1986, in the above-captioned matter.

I hereby certify that I have served a copy of the said Petition on the parties of record.

Very truly yours,

Stephen F. J. Martin  
Assistant Counsel  
(717) 787-6485

220/SFJM:mvh

cc: W. J. Clements, P.E. (Attn.: R. Peda)  
District Engineer 11-0  
Parties of Record - Page 2

PARTIES OF RECORD

Albert C. Feczko, Jr., Esquire  
Professional Office Building  
430 Boulevard of the Allies  
Pittsburgh, Pennsylvania 15219  
(Glenfield Borough)

Allan J. Opsitnick, Esquire  
County of Allegheny  
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Assistant Counsel  
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1 Parkway  
Philadelphia, Pennsylvania 19102

William Jacoby, Esquire  
Columbia Gas of Pa, Inc.  
P. O. Box 117  
Columbus, Ohio 43216

Larry R. Crayne, Esquire  
Duquesne Light Company  
1 Oxford Center  
301 Grant Street  
Pittsburgh, Pennsylvania 15279

ORIGINAL

EXHIBIT (NO. 1)  
ORIGINAL CERTIFIED  
BEFORE THE  
TO COMMONWEALTH COURT

RECEIVED

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FEB 20 1986

SECRETARY'S OFFICE  
Public Utility Commission

Glenfield Borough

v.

C-8009215

Consolidated Rail Corporation,  
Allegheny County and Pennsylvania  
Department of Transportation

DOCKETED  
FEB 2 1986

PETITION OF THE PENNSYLVANIA DEPARTMENT  
OF TRANSPORTATION FOR RECONSIDERATION OF ORDER

Comes now the Pennsylvania Department of Transportation  
(Department) and in petition for reconsideration of the Order  
entered in the above captioned matter on February 4, 1986,  
respectfully represents:

1. That the name and address of Petitioner is the  
Pennsylvania Department of Transportation (Department),  
Transportation & Safety Building, Harrisburg, Pennsylvania 17120.

2. That the name and address of counsel for the  
Petitioner is Stephen F.J. Martin, Esquire, Room 521  
Transportation & Safety Building, Harrisburg, Pennsylvania  
17120.

3. That your Honorable Commission, at Paragraph 4 of the aforesaid Order directed the Department to prepare an evaluation of the Glenfield Viaduct for the purpose of repairing and/or strengthening it to carry sixteen ton loads.

4. That there is no evidence in the record suggesting that the Department is the appropriate party to undertake such an evaluation.

5. That your Honorable Commission, in Paragraph 5 of the aforesaid Order directed that the evaluation ordered in Paragraph 4 be completed and filed with the Commission within 30 days.

6. That ordering Paragraph 5 is directly contrary to the evidence of record. The Department witness testified at the November 27, 1985 hearing that the Department lacked the in-house capability to perform an adequate study of what would be necessary to return the viaduct to a 16 ton carrying capacity. (N.T. at 309). The witness testified that to engage a consultant to perform such a study would take approximately four months. (N.T. at 310). It will simply be impossible for the Department to comply with Paragraph 5 of the Order.

7. That Paragraph 5 of the aforesaid Order is totally unsupported by any evidence of record. All the relevant evidence of record indicates that the Department could not perform an evaluation of the structure in less than five months. No evidence of record indicates otherwise.

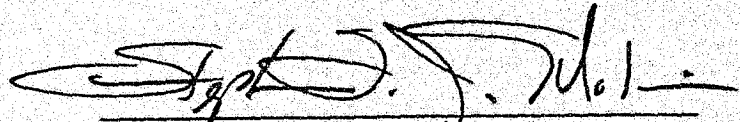
8. That the record shows that in order to perform an appropriate study of the structure to determine what rehabilitation would be needed, it will be necessary for the Department to engage a consultant. Preliminary preparation would require perhaps two weeks. The consultant selection process, as noted earlier, will take approximately four months. The study itself would require perhaps three weeks.

9. That the Department is currently trying to expedite commencement of the evaluation ordered in Paragraph 4 of the aforesaid Order.

10. That the earliest the Department could complete such an evaluation would be four months.

WHEREFORE, the Pennsylvania Department of Transportation respectfully requests your Honorable Commission reconsider the Order entered February 4, 1986 in the above captioned matter to be consistent with the evidence of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen F. J. Martin", written over a horizontal line.

Stephen F. J. Martin  
Assistant Counsel  
Office of Chief Counsel  
Department of Transportation  
Commonwealth of Pennsylvania  
Harrisburg, Pennsylvania 17120  
(717) 787-6485