

July 20, 1981

C-80092154

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

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

Dear Sir:

This is to advise you that an Opinion and Order has been adopted by the Commission in Public Meeting on May 29, 1981, in the above entitled proceeding.

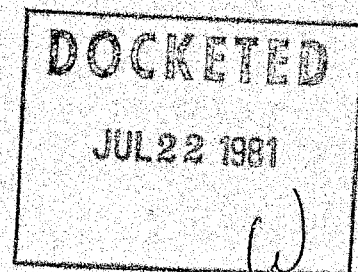
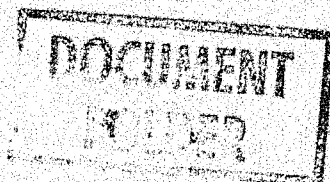
A copy of this Opinion and Order has been enclosed for your records.

Very truly yours,

William P. Thierfelder
Secretary

jr
Encls.
Cert. Mail
Receipt Req.

Refer to list with Initial Decision letter dated April 15, 1981.



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120
Public Meeting held May 29, 1981
Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

EXTRA COPY

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

G-80092154

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

OPINION AND ORDER

BY THE COMMISSION:
Before us for disposition is the Recommended Decision issued March 27, 1981, by Administrative Law Judge Michael A. Nemeo concerning a complaint filed by the Borough of Glenfield. The complaint alleges that the Glenfield Viaduct which crosses tracks of the Consolidated Rail Corporation (Conrail) system in the borough 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.

Paragraphs 1 through 3 of the proposed order attached to the recommended decision place joint responsibility on Allegheny County and Conrail for the performance of certain engineering evaluations and inspections of the viaduct at their initial expense. The County excepts to its inclusion in paragraphs 1 through 3 of the proposed order; similarly, Conrail excepts to its inclusion in paragraphs 1 through 3. In addition, Conrail indicates that the joint preparation of plans by two parties to a proceeding is impractical.

We agree that the joint preparation of plans by two parties may not be the optimum manner in which to secure the evaluations of the viaduct recommended by the ALJ; we shall modify the recommended decision accordingly.

Paragraph 3 of the proposed order directs that inspections of the viaduct be conducted at intervals of not less than six months. Staff excepts arguing that the effect of this paragraph permits inspections to occur at six month minimum intervals. It further contends that

the testimony clearly indicates that inspections should be performed at least every six months. In the recommended decision the ALJ indicates that Warren W. Parks, Jr., Senior Civil Engineer, Consolidated Rail Corporation, testified that a visual inspection of the viaduct should be conducted at least every six months. We shall grant the Trial Staff's exception and amend ordering paragraph 3 to provide for inspections at intervals of not more than six months.

In all other respects we find that the ALJ's opinion and discussion correctly resolves the matters in dispute; THEREFORE,

IT IS ORDERED:

1. That the Consolidated Rail Corporation, at its 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 (90) days after the date this Opinion and Order becomes final and advise the Commission of its recommendation for appropriate weight restriction on the bridge.

2. That the Consolidated Rail Corporation, at its initial expense, perform an engineering evaluation of the subject structure for the purpose of evaluating the structure for either rehabilitation or replacement within one-hundred and eighty (180) days after the date this Opinion and Order becomes final and submit copies of said evaluation report to all parties of record and to the Commission.

3. That the Consolidated Rail Corporation, at its initial expense, conduct safety inspections of the Glenfield Viaduct at intervals of not more than six months following the date this Opinion and Order becomes final, for the purpose of ensuring continued safety of the public which is using the Glenfield Viaduct and submit copies of said inspection report indicating any structural deficiencies to the Commission.

4. That Consolidated Rail Corporation, is, on an interim basis, assigned maintenance responsibility for the span over its tracks, the thirteen southern viaduct spans, the sidewalk on the fourteen 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 sixteen (16) tons.

5. That the record in this proceeding will remain open for the purpose of receiving the reports directed above, for directing that inspections or work be done, and for further hearing to determine what work, if any, should be done to allocate costs and reestablish maintenance responsibilities, if necessary.

6. That except to the extent specifically granted in this Opinion and Order, the exceptions of all parties to the recommended decision of the Administrative Law Judge are denied.

7. That the recommended decision of the Administrative Law Judge is adopted to the extent consistent with this Opinion and Order.

BY THE COMMISSION,

William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: May 29, 1981

ORDER ENTERED: JUL 20 1981

Ed Cat
5/24/81
JR

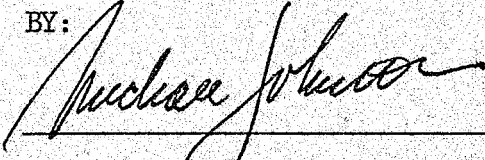
Public Meeting May 29, 1981

MOTION OF COMMISSIONER JOHNSON

RE: Glenfield Borough v. Consolidated Rail Corporation et. al.
MAY-81-ALJ-215
C-80092154

I move to grant the exceptions of Allegheny County and the
Commission Trial Staff.

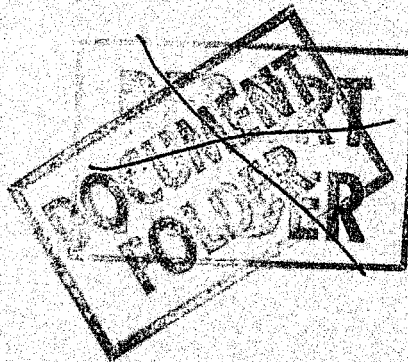
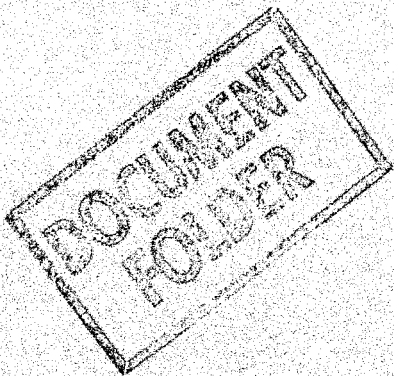
BY:



Commissioner

Date:

5/28/81



J-T


MOTION OF CHAIRMAN SUSAN M. SHINNAMAN, Public Meeting of May 29, 1981.

Re: C-80092154

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

I move to grant the Exceptions filed by Commission Trial Staff for the reason stated therein.

OSA is directed to draft the order consistent with the adoption of the Trial Staff's Exception.

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