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4/24/86
JWC

PUBLIC MEETING OF APRIL 24, 1986

MOTION OF COMMISSIONER FRANK FISCHL

RE: GLENFIELD BORO v. CONSOLIDATED RAIL CORPORATION, ALLEGHENY COUNTY
AND PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
G-80092154
APR-86-ALJ-100

The ALJ has issued a Recommended Decision directing the construction of a new bridge to replace the existing Glenfield Viaduct Bridge. Exceptions have been filed by Commission Trial Staff and by the Pennsylvania Department of Transportation.

I agree with Exception No. 3 as filed by our Trial Staff. Removal of Ordering Paragraph No. 19 will eliminate any confusion as to proper allocation of costs involved in this project.

THEREFORE, I MOVE:

1. That Ordering Paragraph No. 19 be deleted.
2. That the Secretary's Bureau make the necessary changes.

4/23/86
DATE

F. Fischl
FRANK FISCHL
COMMISSIONER

DOCUMENT
FOLDER



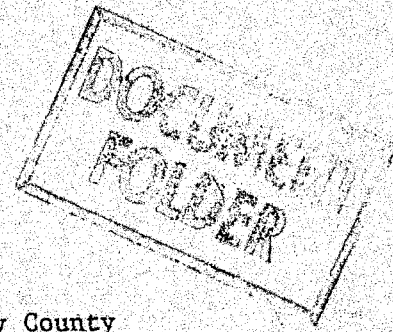
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

May 8, 1986

IN REPLY PLEASE
REFER TO OUR FILE

C-80092154

TO ALL PARTIES



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 April 24, 1986, 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

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 24, 1986

Commissioners Present:

Linda C. Talliaferro, Chairman
Frank Fischl
Bill Shane

Glenfield Borough

v.

C-80092154

Consolidated Rail Corporation
Allegheny County and Pennsylvania
Department of Transportation

ORDER

BY THE COMMISSION:

We adopt as our action the Recommended Decision of Administrative Law Judge Michael A. Nemecek dated February 11, 1986, as amended;
THEREFORE,

IT IS ORDERED:

1. That the Pennsylvania Department of Transportation, at its initial cost and expense, within three (3) months of the date of service of the Commission's Order, submit to all parties of record for review and to this Commission for review and approval, detailed construction plans for replacement of Glenfield Viaduct, and highway approaches thereto, generally in accordance with the preliminary engineering plans submitted as Pennsylvania Department of Transportation Exhibits 3 and 4.

2. That, in accordance with provisions of Section 2702(b) of the Public Utility Code, 66 Pa. CSA §2702(b), the following described parcel of property be, and is hereby appropriated for the construction of the crossing in accordance with the plans approved by the Commission, and that this paragraph be recorded with the Recorder of Deeds of Allegheny County, indexed under the name or names of the record owners of the said property, grantor, and the Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Pennsylvania Department of Transportation.

Record Owner - Consolidated Rail Corporation
c/o J. T. Sullivan, P.E.
Consolidated Rail Corporation
Room 1200
15 N. 32nd Street
Philadelphia, PA 19104

All that certain tract of land, together with all buildings, structures, or parts thereof, of any description or use whatsoever, erected or located thereon, situated in the Borough of Glenfield, Allegheny County, bounded and described as follows:

TRACT NO. 1

(REQUIRED RIGHT OF WAY FOR AERIAL EASEMENT)

Beginning at point on the southerly side of the Glenfield viaduct said point being at the intersection of the westerly required right-of-way line for aerial easement and the northerly legal right-of-way line for East Beaver Street distant twenty-five (25) feet northwesterly and measured at right angles from the survey and right-of-way base line of Glenfield Viaduct at or about Station 10+2 thereof; thence in a northeasterly direction along the said westerly required right-of-way line for aerial easement to a point and intersection with the southerly legal right-of-way line for limited access for Ramp B1 of Legislative Route 652 Eastbound distant twenty-five (25) feet northwesterly and measured at right angles from the survey and right-of-way base line of said viaduct at or about Station 10+80 thereof; thence in an easterly direction

along the said legal right-of-way line for said ramp to a point and intersection with the easterly required right-of-way line for aerial easement distant twenty (20) feet northeasterly and measured at right angles from the survey and right-of-way base line of said viaduct at or about Station 10+80 thereof; thence in a southwesterly direction along the said required right-of-way line for aerial easement to a point on the northeasterly legal right-of-way line for East Beaver Street distant twenty (20) feet northeasterly and measured at right angles from the survey and right-of-way base line of said viaduct at or about Station 10+02 thereof; thence in a westerly direction along the said legal right-of-way line for said street to the point and place of beginning and containing three thousand five hundred ten square feet of land more or less.

The above tract of land shown on the Borough of Glenfield's Drawings Authorizing Acquisition of Right of Way for Glenfield Viaduct, as recorded in the office of the recording of deeds, etc., in Allegheny

County, Pennsylvania, in _____ on _____

_____ is a portion of real estate, which became legally vested in Consolidated Rail Corporation by deed of Pittsburgh, Ft. Wayne and Chicago Railways Company, dated March 21, 1976, and recorded _____, in Deed Book Volume 6029, Page 21, in the Allegheny County Courthouse.

3. That the Pennsylvania Department of Transportation, at its initial cost and expense, within 24 months of the date of approval of the construction plans, furnish all material and do all work necessary to construct the improvement in accordance with the approved construction plans.

4. That Pennsylvania Department of Transportation at least ten (10) days prior to the start of work notify all parties of record of the actual date when work will be started on this project.

5. That Consolidated Rail Corporation, at the initial cost and expense of Pennsylvania Department of Transportation, furnish and maintain flagmen, watchmen, and engineering and construction inspection services, as necessary, while work is being performed above, along, and across its tracks in accordance with this order.

6. 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.

7. That Duquesne Light Company and Columbia Gas Company, each respectively, at its initial cost and expense, furnish all material and do all work necessary to make alteration to its respective facilities, as necessary to permit the construction of the improvement.

8. That any relocation of, changes in, or removal of any existing structure, equipment or facilities of any public utility other than Consolidated Rail Corporation, Duquesne Light Company, and Columbia Gas Company, which may be required as incidental to the execution of

this order, be made by the said public utility at its initial cost and expense and in such a manner so as not to interfere with the construction of the highway improvement.

9. That Pennsylvania Department of Transportation, County of Allegheny, Glenfield Borough, Consolidated Rail Corporation, and the involved non-transportation utilities cooperate with each other during the construction of the improvement so that the operations or facilities of either of the parties will not be endangered or unnecessarily impeded.

10. That upon completion of the improvements, each of the involved parties report to this Commission the actual date of completion of its respective work ordered herein and at the earliest practicable time subsequent to the said date of completion, submit to this Commission a detailed statement of the actual costs incurred in furnishing material and performing work in accordance with this Order.

11. That upon completion of the improvement ordered herein, County of Allegheny, when and as certified by this Commission, pay to Pennsylvania Department of Transportation a sum or sums of money equal to two and one-half (2½%) percent of the actual cost incurred in furnishing material and performing work in accordance with paragraphs 1, 3, and 5 of this order.

12. That upon completion of the improvement ordered herein, Consolidated Rail Corporation, when and as certified by this Commission, pay to Pennsylvania Department of Transportation a sum or sums of money equal to two and one-half (2½%) percent of the actual cost incurred in furnishing material and performing work in accordance with paragraph 1, (3), and 5 of this order.

13. That Pennsylvania Department of Transportation bear the remaining ninety-five (95%) percent of the actual cost incurred in furnishing material and performing work in accordance with paragraphs 1, 3, and 5 of this order.

14. That upon completion of the improvement ordered herein, Pennsylvania Department of Transportation, when and as certified by this Commission, pay to Duquesne Light Company a sum or sums of money equal to \$4,000.00 for work performed and material furnished in accordance with paragraph 7 of this order.

15. That Duquesne Light Company bear the remaining cost it incurred in furnishing material and performing work in accordance with paragraph 7 of this order.

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 temporarily lower, protect, and reestablish the communication and signal aerial lines in accordance with paragraph 6 of this order; or if Consolidated Rail Corporation chose to permanently locate 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.

17. That Consolidated Rail Corporation, if it chose to locate its aerial lines permanently underground, bear the remaining eighty (80%) percent of the actual cost incurred in furnishing material and performing work in accordance with paragraph 6 of this order.

18. That Consolidated Rail Corporation bear the cost it incurred in complying with the Commission's orders of May 29, 1981 and December 3, 1982 issued in this proceeding.

19. That Pennsylvania Department of Transportation, at its sole cost and expense, pay all compensation for damages due to the owners of property, excluding Consolidated Rail Corporation, taken, injured or destroyed by reason of the construction of the improvement in accordance with this order.

20. That Consolidated Rail Corporation, having agreed to do so, bear any cost it would be entitled to as compensation for damages due to its property taken, injured or destroyed by reason of the construction of the improvement in accordance with this order.

21. That upon completion of the improvement and its opening to public use, Consolidated Rail Corporation, at its sole cost and expense, furnish all material and do all work necessary to maintain its railroad facilities in the area of the crossing all in a safe and satisfactory condition.

22. That upon completion of the improvement and its opening to public use, the non-transportation utilities, each respectively, at its sole cost and expense, furnish all material and do all work necessary to maintain its facilities in the area of the crossing.

23. That upon completion of the improvement and its opening to public use, Pennsylvania Department of Transportation, at its initial cost and expense, furnish all material and do all work necessary to maintain the bridge substructure and superstructure, including the pedestrian stairway but excluding the lighting facilities on the stairway; all in a safe and satisfactory condition; that Consolidated Rail

Corporation pay to Pennsylvania Department of Transportation 50% of the cost of said maintenance; that Pennsylvania Department of Transportation bear the remaining 50% of the cost of said maintenance. 24. That upon completion of the improvement and its opening to public use, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to maintain the northern highway approach to the bridge in a safe and satisfactory condition.

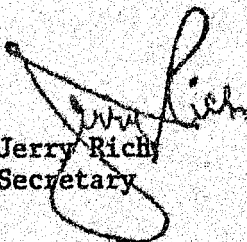
25. That upon completion of the improvement and its opening to public use, Glenfield Borough, at its sole cost and expense, furnish all material and do all work necessary to maintain the western highway approach to the bridge; the electrical energy cost and lighting facilities on the pedestrian stairway; and snow and ice removal on the sidewalks, stairway, bridge, and both highway approaches, all in a safe and satisfactory condition.

26. That upon completion of the improvement and its opening to public use, the right-of-way for aerial easement between Highway Station 8+56 to 10+80 over Consolidated Rail Corporation's property for the old bridge be and is hereby vacated.

27. That this order insofar as it places the cost of the improvement on the various parties is without prejudice to their right

to recover the said cost from others in accordance with any lawful agreement.

BY THE COMMISSION,


Jerry Richy
Secretary

(SEAL)

ORDER ADOPTED: April 24, 1986

ORDER ENTERED: MAY 8 1986