



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

October 22, 1982

IN REPLY PLEASE
REFER TO OUR FILE

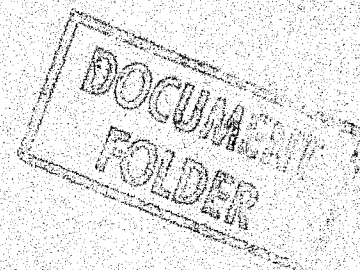
G-80092154

Albert G. Feczko, Jr., Solicitor
Glenfield Borough
800 Lawyers Building
Pittsburgh, PA 15219

Glenfield Borough

v.

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



TO WHOM IT MAY CONCERN:

Enclosed is a copy of a proposed Initial Decision prepared by
Administrative Law Judge Michael A. Nemeec.

An original and nine (9) copies of exceptions to the decision,
if any, must be filed in the Secretary's Office and a copy to each party
of record within 15 days of the date of this letter.

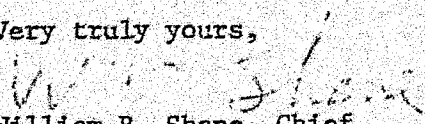
Replies to the exceptions, if any, must be filed within 20 days
of the date of this letter.

Exceptions and reply exceptions shall obey 1 Pa. Code 35.212,
particularly the 50 page limit.

Exceptions should be clearly labeled as "EXCEPTIONS OF (name of
party) - (protestant, complainant, staff, etc.)". Do NOT label exceptions
as a "Brief" or "Brief on Exceptions".

All timely filed exceptions and replies thereto will be attached
to the decision for consideration at Public Meeting. Late filed exceptions
and late filed replies will not be attached.

Very truly yours,


William R. Shane, Chief
Administrative Law Judge

Enclosures
Certified Mail
Receipt Requested

cc: ALJ Nemeec/ Bigelow/ Bramson/ OSA/ Commissioners/ Law Bureau/
Bureau of S & C/ Correspondence

Refer to attached similar letter list.

ORIGINAL COPY

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

C-80092154

DUPLICATE RECORD.
ORIGINAL CERTIFIED
BY COMMONWEALTH COURT.

Before: Michael A. Nemecek
Administrative Law Judge

Date: October 8, 1982

FURTHER RECOMMENDED DECISION

History of the Proceeding

In its order entered July 20, 1981, this Commission directed Consolidated Rail Corporation to perform an engineering evaluation of the structure known as the Glenfield Viaduct. The subject crossing consists of a highway bridge of 13 reinforced concrete T-beam spans on the south approach, a single steel girder over four sets of Conrail tracks, an additional steel girder span and a reinforced concrete slab span, both over Traffic Route 65. Conrail was also ordered to conduct safety inspections of the structure at intervals of not more than six months and to maintain portions of it.

A further hearing was held on August 24, 1982, in Pittsburgh to receive Conrail's report. The questions and procedures accompanying the notice of the hearing were incorporated into the record by motion.

Tr. 137-138. The resulting additional record consists of 61 transcript pages, 2 additional Conrail exhibits and one trial staff exhibit. At my request Conrail filed as a late filed exhibit, under date of September 3, 1982, copies of two inspection reports and a statement of maintenance work performed by Conrail.

Summary of the Testimony

Mr. Warren W. Parks, Jr., senior civil engineer for Conrail, sponsored Conrail exhibits 3 and 4. Exhibit 3 consists of an inspection and evaluation report on the subject bridge. Exhibit 4 consists of Conrail's response to a Commission trial staff request for a structure inventory and appraisal along with clarifying information. Tr. 139-141.

Mr. Parks summarized Conrail's conclusions by stating the structure is presently safe for the loads for which it is posted, 16 tons at a maximum speed of 10 m.p.h. The limiting structural member at present is the bridge deck. He recommended frequent inspections for any signs of distress which may develop. Conrail's report concludes that the deterioration of the structure has resulted from water, including any deicing agents used, age, wear, lack of maintenance and the type of structure. The overall condition of the structure is judged to be fair to poor. Because of the bridge being nearly 60 years old, Conrail's report recommends replacement rather than repair. Tr. 141-142.

Mr. Parks stated that Conrail has estimated the cost of rehabilitation of the structure at \$600,000 but the result would still be a structure posted for 16 tons with an unknown useful life. A useful

life projection could be developed only through core borings and concrete analysis. He stated that the 6 month inspection period be continued. Tr. 143.

Mr. Parks expanded an area of load carrying ability by stating that the 16 ton limit could be increased only by building a new bridge. However, the present limit can be modified to permit vehicles with individual axle loads not to exceed 12.8 tons to use the bridge. He concluded by stating that Conrail would not agree to prepare any plans for the rehabilitation of the Glenfield Viaduct. Tr. 144.

On cross-examination Mr. Parks ventured a rough judgment of the cost of a new structure being over \$2,000,000. He also ventured estimates of the cost of engineering plans to rehabilitate at \$10,000 to \$12,000, and, for a new bridge, at \$25,000 to \$30,000. He further stated that, given the traffic on the structure, Conrail would lean towards rehabilitation with the goal of keeping the 16 ton capacity. Tr. 145-150.

Mr. John B. Drake, Chief bridge engineer for Allegheny County, presented a sufficiency rating for the structure and expressed doubts regarding the structure qualifying for federal funding. The County had no opinion to express on other matters raised by the questions and procedures.

On cross-examination Mr. Drake cited four other bridges in Allegheny County having lower sufficiency ratings than the Glenfield structure. He stated his opinion that the structure could be rehabilitated. As a registered engineer he outlined what he had in mind: Replacement and widening the deck by the use of cantilevers while performing "slightly

more than cosmetics" on the substructure. He felt it might be possible to achieve a legal load limit. However, he did not think federal funding could be obtained before 1986 and could not state whether the bridge would remain in a stable condition until then. It would not be possible for the structure to remain open during rehabilitation, thus closing off access to Glenfield Borough. Tr. 155-158.

On further cross-examination, Mr. Drake disputed Conrail's estimate for rehabilitation of \$600,000. Prior to deciding to rehabilitate he stated an in-depth inspection costing \$75-80,000 would be required. Rehabilitation with a new deck would be an additional \$2 million. He felt that an economic study by planners to determine whether the structure is essential to Allegheny County should be performed first, followed by an in-depth inspection. Tr. 159-160.

On further cross, Mr. Drake stated he was unaware of the County developing a riverside park in Glenfield Borough. He agreed that an in-depth inspection could reveal that rehabilitation was futile. To my questions on the feasibility of a temporary at grade crossing he in essence stated that while anything is possible it might well be expensive. Tr. 160-163.

Mr. John M. Ekiert, bridge engineer in charge of inspections for the Pennsylvania Department of Transportation, stated that the Department does not disagree with the conclusions and recommendations in Conrail's report. He felt that the sufficiency rating developed by Conrail should be lower and agreed with Mr. Drake. He also agreed with Mr. Drake that federal funding for rehabilitation or replacement would

not be available before 1986. He discussed rehabilitation versus replacement and agreed with Mr. Drake that a considerable amount of engineering studies would have to be done first and that the cost would be considerably higher than Conrail's estimates. He stated the Department does not agree to perform any work required. If ordered to do so, the Department would have to advertise for a consultant and estimated the time to conclusion as being about one year. Tr. 164-168.

On cross-examination Mr. Ekiert stated that an economic study would be an element of the engineering analysis. On my questioning regarding replacement costs he compared the Glenfield structure to one in Beaver County known as the Barkley Hill bridge which is being replaced for about \$3.5 million. Mr. Drake interjected his replacement cost estimate of about \$5 million. Tr. 168-171.

Mr. Charles Houser, President of the Glenfield Borough Council, stated that the Borough's last budget was about \$25,000. In his opinion a new bridge should be constructed. He related that debris are steadily falling from the old structure. He also stated that the Borough is working with Allegheny County to develop a park along the Ohio River. Tr. 172-175.

On cross-examination Mr. Houser stated that the Borough's population remains at about 240 persons. He recounted that some repair work had been done on the sidewalks and stairs, presumably by Conrail. He also stated that the last school in Glenfield was taken out as part of the I-79 construction by the Pennsylvania Department of Transportation.

In response to my questioning, he replied that the County and the state will spend about \$20,000 on the park. Also, he stated the Borough clears the road surface of the viaduct in the winter. Tr. 175-180.

Donald R. Fleisher, registered professional engineer in this Commission's Bureau of Rail Transportation, stated his opinion that the sufficiency ratings arrived at by the County and the Department appear reasonable. He discussed both rehabilitation and replacement in terms of the impact on Borough residents. Rehabilitation would result in complete isolation of the Borough from all ingress and egress. A new bridge could be built in a different location so that the old one could be kept in service. He also agreed with the need for inspections every six months and the desirability of both an in-depth inspection and the performance of an economic study. He also concurred in the "ball park" estimates of \$2 million for rehabilitation and \$3 to \$5 million for replacement. He presented an example of a sign depicting a loading of vehicular axles that would permit use of the structure by multi-axle trucks that dovetailed with Mr. Parks' testimony. He stated his opinion that such a loading would not create any additional risk to the structure. Tr. 181-188, Commission Exhibit A.

On cross-examination, Mr. Fleisher stated he did not believe that the modification in loading would cause any more debris to fall than are falling at present. He stated he was not aware of any problems with the proposed signing where it is in use in Pennsylvania. On my questioning regarding an economic study he stated it would require a large organization to perform it. The study would involve both economics and engineering. Tr. 188-190.

On redirect, Mr. Fleisher stated that it was possible that the cost of a replacement bridge could exceed the value of all the property in the Borough. Tr. 190-191.

Mr. Ekiert was questioned regarding the proposed change in the posted sign. He stated that the effect would not be to increase the weight on any given member or part of the bridge but increasing the types of trucks that can use it. Tr. 191-192.

At my request counsel for Conrail agreed to supply copies of Conrail's six month inspection report and a statement of repairs made or pending. Tr. 192. In a letter dated September 3, 1982, Conrail's Chief Engineer, J. T. Sullivan, stated that sidewalk repairs were accomplished on November 6, 1981. Attached to his letter were copies of inspection reports dated December 9, 1981, and August 24, 1982.

Discussion

The situation as presented in both the initial hearing of January 28, 1981, and in the last one of August 24, 1982, has not changed. The Glenfield viaduct is crumbling and with it the hopes for the continued viability of Glenfield Borough. The situation was created by the construction of two major traffic carrying highways, Traffic Route 65 and Interstate 79. Recommended Decision of March 27, 1981, pp. 3-4. Result of the situation is that surface land ingress and egress to the major portion of the Borough is by a bridge or viaduct. Loss of the structure would strangle the community and the three businesses located in it. The rehabilitation or replacement cost estimates range from \$600,000 to \$2 million to

\$3 to \$5 million which, in turn, relate to a range of about \$2500 to \$20,800 for every person in the Borough. With the admitted benefit of hindsight this matter ^{sh} would have been anticipated and resolved during the construction of I-79.

However, the situation has not disappeared and must be resolved. The testimony of Mr. Houser raises in question the safety of the sidewalk and steps. I recommend that a Commission engineer from the Rail Bureau inspect and be authorized to direct Conrail to perform any repairs deemed necessary.

From the testimony of Mr. Drake and Mr. Fleisher it appears that rehabilitation would inevitably result in the physical isolation of the Borough. I cannot conceive of how rehabilitation could be accomplished without evacuation of the Borough. While replacement is, in theory, the preferred solution, the cost as opposed to the resulting benefit is a matter to be considered.

My recommendation is that the Department be given the task of evaluating the situation in depth and proposing its solution. The recommendation follows from the following points:

1. The Department either accomplished or participated in the two highway projects that created the situation;
2. The Department has the expertise and experience to evaluate the situation;
3. Ultimately the bulk of the cost of rectifying the situation should be borne by the Department.

From the testimony of Mr. Fleisher, Mr. Parks and Mr. Ekiert it appears that the structure can safely be reposted in accordance with Mr. Fleisher's recommendation. The result would be to accommodate additional types of trucks without increasing the load on the structure.

Proposed Findings of Fact

For the sake of clarity and completeness the proposed findings of fact from the prior recommended decision are restated here.

1. The present proceedings were initiated by complaint filed by the Borough of Glenfield and docketed on September 9, 1980.

2. The parties to the present proceedings are Glenfield Borough, Consolidated Rail Corporation, Allegheny County and the Pennsylvania Department of Transportation.

3. The subject crossing consists at present of a highway bridge made up of 13 reinforced concrete T-beam spans on the south approach, a single steel girder span over four sets of railroad tracks, owned and operated by Consolidated Rail Corporation, an additional steel girder span and finally a reinforced concrete slab span, the latter two over Traffic Route 65.

4. The subject structure was originally constructed by the Pennsylvania Railroad Co. pursuant to a Public Service Commission order issued October 27, 1925, at C-6297. Alterations to the structure and a partial rebuild were performed by the then Department of Highways pursuant to orders of this Commission issued August 10, 1953, at A. 79419 and April 16, 1973, at A. 95518.

5. The subject structure at present has a total length of about 678 feet, a cartway width of 20 feet and pedestrian sidewalk on its west side with a width of 5 feet.

6. The subject structure is presently posted with a maximum weight limit of 16 tons.

7. The posting is mandated by the deteriorated condition of the span over the railroad tracks and the 13 spans on the southern approach. The current condition of these 14 spans cannot be accurately assessed visually.

8. The pedestrian sidewalk and stairs leading to it are deteriorated and in need of repair.

9. Average daily vehicular traffic over the subject structure amounts to 230 vehicles per day in the winter.

10. The subject structure is the sole means of ingress and egress for the residents and businesses located in the portion of Glenfield Borough lying between the tracks of Consolidated Rail Corp., Traffic Route 65 and the Ohio River.

11. Current rail traffic under the subject structure consists of two passenger trains operated by Amtrack and up to 50 freight trains traveling at speeds of, respectively, up to 70 and up to 60 miles per hour. No changes are contemplated.

Recommended Conclusions of Law

1. This Commission has jurisdiction, pursuant to 66 Pa. C.S.A. §2702(b)(c), over the subject crossing and the parties, who are

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

2. The subject bridge is necessary for the safety and convenience of the public.

RECOMMENDED ORDER

In consideration of the foregoing it is recommended that this Commission direct that:

1. The Consolidated Rail Corporation, at its initial expense, continue to conduct safety inspections of the Glenfield Viaduct at intervals of not more than six months as directed in paragraph 3 of the order entered July 20, 1981, in this proceeding.

2. The 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.

3. The Bureau of Rail Transportation of this Commission shall assign an engineer to physically inspect the sidewalk and stairs on the Glenfield Viaduct to ascertain the current condition and, if necessary, advise this Commission and Consolidated Rail Corporation of any necessary repairs.

4. The Pennsylvania Department of Transportation, at its initial expense, shall commence immediately an in-depth evaluation of the entire situation involving the Glenfield Viaduct including economic

and engineering considerations to answer the following questions:

A. Is it practical, both in cost and impact on Glenfield Borough to rehabilitate the Glenfield Viaduct?

B. If the answer to A above is yes, then the Department shall prepare plans to accomplish the rehabilitation.

C. If the answer to A above is no, then the Department shall prepare plans for the replacement of the Glenfield Viaduct with another crossing adequate and suitable for the needs of the Borough of Glenfield.

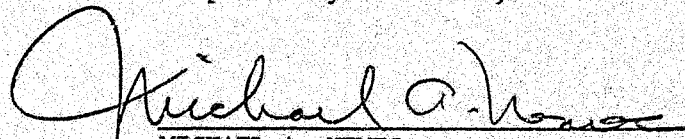
5. The evaluation and preparation of plans directed in paragraph 4 above is to be completed within fourteen (14) months after this order becomes final.

6. Within sixty (60) days after this order becomes final, the Pennsylvania Department of Transportation, at its sole expense, shall post the Glenfield Viaduct in accordance with the recommendation of Commission trial staff and its Exhibit 1.

7. 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, and to allocate costs and reestablish maintenance responsibilities, if necessary.

October 8, 1982

Respectfully submitted,


MICHAEL A. NEMEC

Administrative Law Judge