

ECKELL, SPARKS, LEVY, AUERBACH & MONTE
ATTORNEYS AT LAW
LEGAL ARTS BUILDING
344 W. FRONT STREET
P. O. BOX 319
MEDIA, PENNSYLVANIA 19063
DELAWARE COUNTY

CONFIDENTIAL

September 16, 1985

NICHOLAS D. VADINO, JR.
(1961-1977)

AREA CODE 215
565-3700

#596-81

RECEIVED

SEP 18 1985

SECRETARY'S OFFICE
Public Utility Commission

MURRAY S. ECKELL
W. DONALD SPARKS
ARTHUR LEVY
DAVID E. AUERBACH
JOSEPH L. MONTE, JR.
RONALD J. KLIMAS
NICHOLAS J. EMPER
STANLEY R. KOTZEN
STEPHEN J. POLAHA
GREGORY G. STAGLIANO
DONALD A. BROWNS
FRANCIS A. URGO
GEORGE D. HARWOOD

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

Re: Complaint of Ridley Park Borough

Gentlemen:

C850414

Enclosed herewith please find the original and six copies of Ridley Park Borough's Complaint. Kindly file the original in the offices of the Pennsylvania Public Utility Commission.

It is my understanding that the Commission will serve copies of the complaint on all respondents. Kindly advise the undersigned of any and all proceedings to be held in this matter.

Kindly acknowledge receipt and filing of the enclosed complaint by timestamping the duplicate copy of the letter enclosed herewith and returning same to me in the self-addressed stamped envelope enclosed.

Thank you for your cooperation.

Very truly yours,

ECKELL, SPARKS, LEVY, AUERBACH & MONTE

BY:

Stephen J. Polaha
STEPHEN J. POLAHA

SJP:re
enclosures

RECEIVED
SEP 18 1985

SOCKETED
18 1985

**COMPLAINT
BEFORE
PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

**BOROUGH OF RIDLEY PARK,
Complainant**

vs.

**SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY,
DEPT. OF TRANSPORTATION OF
THE COMMONWEALTH OF
PENNSYLVANIA, CONSOLIDATED
RAIL CORPORATION and NATIONAL
RAILROAD PASSENGER
CORPORATION,**

Respondent

**RONALD J. KLIMAS, ESQUIRE
ECKELL, SPARKS, LEVY,
AUERBACH & MONTE**

ATTORNEYS AT LAW

**LEGAL ARTS BUILDING
FRONT AND LEMON STS.**

P.O. BOX 319

MEDIA, PA 19063

(215) 565-3700

COMPLAINT

BEFORE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

BOROUGH OF RIDLEY PARK,
Complainant

vs.

SOUTHEASTERN PENNSYLVANIA TRANSPORTATION
AUTHORITY, DEPARTMENT OF TRANSPORTATION
OF THE COMMONWEALTH OF PENNSYLVANIA,
CONSOLIDATED RAIL CORPORATION and NATIONAL
RAILROAD PASSENGER CORPORATION,
Respondent

RECEIVED

SEP 18 1985

SECRETARY'S OFFICE
Public Utility Commission

TO PENNSYLVANIA PUBLIC UTILITY COMMISSION

0850414

1. The name and address of complainant are Borough of Ridley Park, with administrative offices located at Ward and Creswell Streets, Borough of Ridley Park, Delaware County, Pennsylvania.

2. Respondent utility is Southeastern Pennsylvania Transportation Authority, Department of Transportation of the Commonwealth of Pennsylvania, Consolidated Rail Corporation and National Railroad Passenger Corporation.

3. The subject matter of this complaint is as follows:

The bridge and the approaches to the bridge over respondent utility's railroad tracks at Sellers Avenue and East Ridley Avenue in the Borough of Ridley Park, Delaware County, Pennsylvania are in a state of disrepair which require immediate maintenance and repairs in that:

(a) The concrete decking of the bridge is inadequately maintained and has numerous, large potholes and severe cracking in both traffic lanes creating a

SEP 18 1985
[Signature]

dangerous condition for motorists using the bridge.

(b) The approach slabs to the bridge have settled causing a vibration in the structure as heavy traffic enters upon the bridge structure.

4. The relief sought by complainant is as follows:

(a) Respondent utility should be required immediately to repair the concrete decking by milling the surface or removing the concrete paving down to the support structure and to resurface the entire deck to proper cross-section and slope necessary to provide adequate drainage of the surface.

(b) Respondent utility should be required immediately to resurface the approaches to the bridge to provide for a smoother entrance onto the bridge structure and to eliminate vibration.

WHEREFORE, complainant prays that respondent be required to answer the above allegations and that upon a final hearing the Commission will make such order in the premises as may seem meet.

BOROUGH OF RIDLEY PARK

By: 

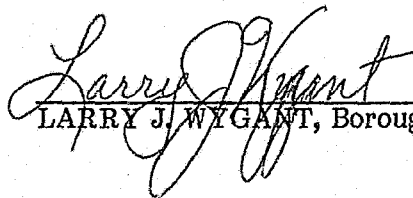
RONALD J. KLIMAS, ESQUIRE
Solicitor, Borough of Ridley Park

Of Counsel,

ECKELL, SPARKS, LEVY, AUERBACH & MONTE
344 West Front Street
Media, Pennsylvania 19063
(215) 565-3700

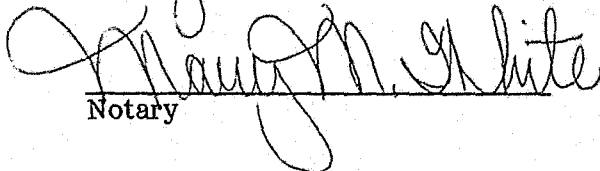
COMMONWEALTH OF PENNSYLVANIA :
:SS
COUNTY OF DELAWARE :

Larry J. Wygant, being duly sworn according to law, deposes and says that he is Borough Manager for the Borough of Ridley Park, complainant in the foregoing complaint; that as such, he is authorized to take this affidavit on its behalf and hereby so does; and that the facts set forth in the complaint are true and correct to the best of his knowledge, information and belief.


LARRY J. WYGANT, Borough Manager

Sworn to and subscribed

before me this 12th day
of September, 1985.


Notary

MARY M. WHITE, NOTARY PUBLIC
MEDIA BOROUGH, DELAWARE COUNTY
MY COMMISSION EXPIRES FEB. 21, 1989
Member, Pennsylvania Association of Notaries

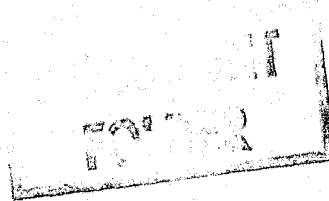


COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

September 19, 1985

IN REPLY PLEASE
REFER TO OUR FILE
C-850414

David F. Girard-DeCarlo, Attorney
Southeastern PA Transportation Authority
Fifth Floor
130 South Ninth Street
Philadelphia, PA 19107



Dear Mr. Girard:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Borough of Ridley Park (the complaining party).

To defend yourself against the claims stated in the following pages, you must act within twenty (20) days, by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

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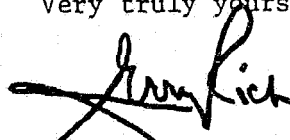
AN ADMINISTRATIVE LAW JUDGE MAY REVOKE OR SUSPEND ANY CERTIFICATE OR PERMIT HELD BY YOU, OR IMPOSE A FINE, OR ANY OTHER APPROPRIATE PENALTY OR REMEDY AUTHORIZED BY THE PUBLIC UTILITY CODE. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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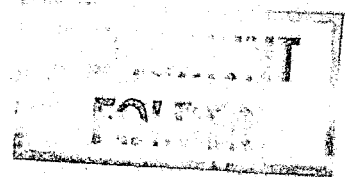
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, Pennsylvania 17108
(800) 692-7375

Very truly yours,


Jerry Rich
Secretary

Attachment

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION



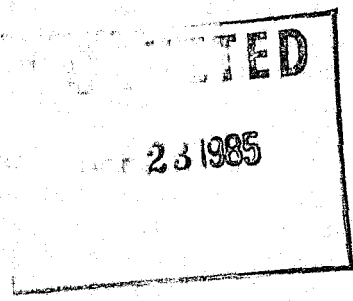
Borough of Ridley Park

Complaint Docket

No. C-850414

v.

Southeastern Pennsylvania Transportation :
Authority (SEPTA), Pennsylvania Department :
of Transportation (PennDOT), Consolidated :
Rail Corporation, National Railroad Passenger :
Corporation (AMTRAK) and Delaware County



FORMAL COMPLAINT
NOTICE TO RESPONDENT
TO ANSWER OR SATISFY

TO: David F. Girard-DeCarlo

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.

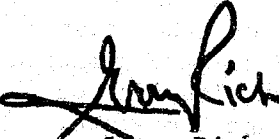
3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint is served, satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement 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.

9/19/85

(SEAL)


Jerry Rich
Secretary

Certified Mail
Return Receipt Requested

JEP:jrg



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

September 19, 1985

IN REPLY PLEASE
REFER TO OUR FILE
C-850414

Spencer Manthorpe
Pennsylvania Department of Transportation
1120 Transportation & Safety Building
Harrisburg, PA 17120



Dear Mr. Manthorpe:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Borough of Ridley Park (the complaining party).

To defend yourself against the claims stated in the following pages, you must act within twenty (20) days, by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

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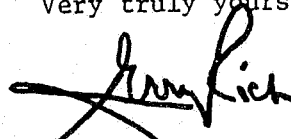
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Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, Pennsylvania 17108
(800) 692-7375

Very truly yours,


Terry Rich
Secretary

Attachment

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Borough of Ridley Park

v.

Southeastern Pennsylvania Transportation
Authority (SEPTA), Pennsylvania Department
of Transportation (PennDOT), Consolidated
Rail Corporation, National Railroad Passenger
Corporation (AMTRAK) and Delaware County

Complaint Docket
No. C-850414

FORMAL COMPLAINT
NOTICE TO RESPONDENT
TO ANSWER OR SATISFY

FILED
23 1985

TO: Mr. Manthorpe

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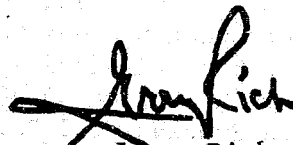
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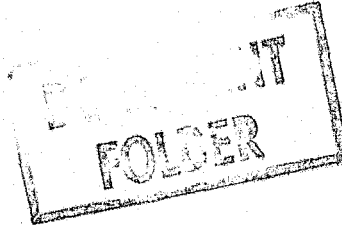
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

September 19, 1985

IN REPLY PLEASE
REFER TO OUR FILE

C-850414

Francis P. Connors, Solicitor
Delaware County Courthouse
Media, PA 19063



Dear Mr. Connors:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Borough of Ridley Park (the complaining party)

To defend yourself against the claims stated in the following pages, you must act within twenty (20) days, by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

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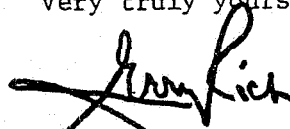
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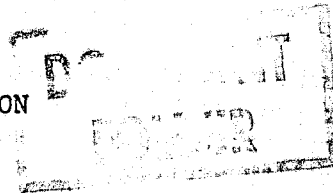
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Pennsylvania Bar Association
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Harrisburg, Pennsylvania 17108
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Very truly yours,


Terry Rich
Secretary

Attachment

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION



Borough of Ridley Park

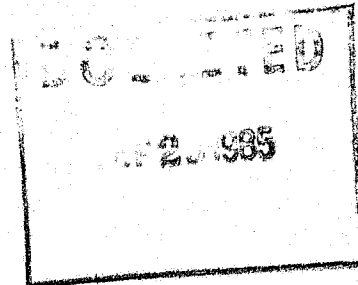
v.

Southeastern Pennsylvania Transportation
Authority (SEPTA), Pennsylvania Department
of Transportation (PennDOT), Consolidated
Rail Corporation, National Railroad Passenger
Corporation (AMTRAK) and Delaware County

Complaint Docket

No. C-850414

FORMAL COMPLAINT
NOTICE TO RESPONDENT
TO ANSWER OR SATISFY



TO: Francis P. Connors

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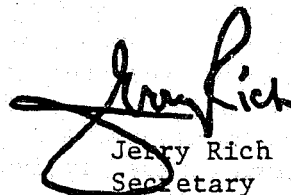
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(SEAL)


Jerry Rich
Secretary

Certified Mail
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JEP:jrg

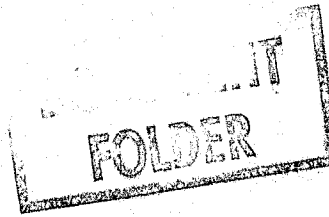


COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

September 19, 1985

IN REPLY PLEASE
REFER TO OUR FILE
C-850414

W. Scott Armentrout, Attorney
National Railroad Passenger Corporation
532 Suburban Station Building
1617 JFK Boulevard
Philadelphia, PA 19103



Dear Mr. Armentrout:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Borough of Ridley Park (the complaining party)

To defend yourself against the claims stated in the following pages, you must act within twenty (20) days, by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

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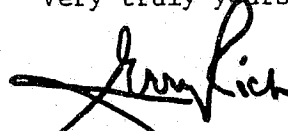
AN ADMINISTRATIVE LAW JUDGE MAY REVOKE OR SUSPEND ANY CERTIFICATE OR PERMIT HELD BY YOU, OR IMPOSE A FINE, OR ANY OTHER APPROPRIATE PENALTY OR REMEDY AUTHORIZED BY THE PUBLIC UTILITY CODE. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

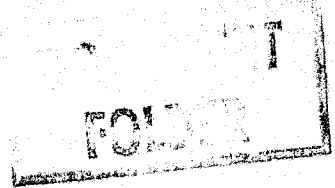
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, Pennsylvania 17108
(800) 692-7375

Very truly yours,


Jerry Rich
Secretary

Attachment

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION



Borough of Ridley Park

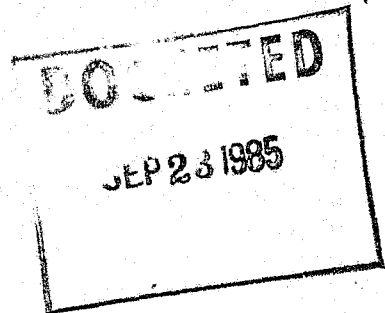
v.

Southeastern Pennsylvania Transportation
Authority (SEPTA), Pennsylvania Department
of Transportation (PennDOT), Consolidated
Rail Corporation, National Railroad Passenger
Corporation (AMTRAK) and Delaware County

Complaint Docket

No. C-850414

FORMAL COMPLAINT
NOTICE TO RESPONDENT
TO ANSWER OR SATISFY



TO: W. Scott Armentrout

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.

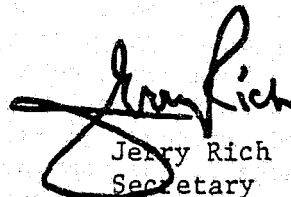
3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement 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.

9/19/85

(SEAL)


Jerry Rich
Secretary

Certified Mail
Return Receipt Requested

JEP:jrg



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

September 19, 1985

IN REPLY PLEASE
REFER TO OUR FILE
C-850414

A. J. DiGregorio, Docket Clerk
Consolidated Rail Corporation
1130 Six Penn Center Plaza
Philadelphia, PA 19104

FOLDER

Dear Mr. DiGregorio:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Borough of Ridley Park (the complaining party)

To defend yourself against the claims stated in the following pages, you must act within twenty (20) days, by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

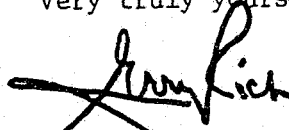
AN ADMINISTRATIVE LAW JUDGE MAY REVOKE OR SUSPEND ANY CERTIFICATE OR PERMIT HELD BY YOU, OR IMPOSE A FINE, OR ANY OTHER APPROPRIATE PENALTY OR REMEDY AUTHORIZED BY THE PUBLIC UTILITY CODE. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, Pennsylvania 17108
(800) 692-7375

Very truly yours,


Jerry Rich
Secretary

Attachment

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Borough of Ridley Park

v.

Southeastern Pennsylvania Transportation
Authority (SEPTA), Pennsylvania Department
of Transportation (PennDOT), Consolidated
Rail Corporation, National Railroad Passenger
Corporation (AMTRAK) and Delaware County

Complaint Docket

No. C-850414

FORMAL COMPLAINT
NOTICE TO RESPONDENT
TO ANSWER OR SATISFY

DOCKETED
SEP 23 1985

TO: A. J. DiGregorio

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.

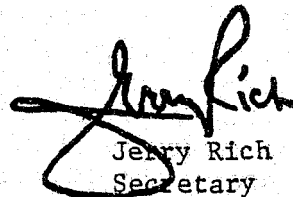
3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement 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.

9/19/85

(SEAL)


Jerry Rich
Secretary

Certified Mail
Return Receipt Requested

JEP:jrg



COUNTY SOLICITOR
COUNTY OF DELAWARE
COURT HOUSE
FRONT STREET AND SOUTH AVENUE
MEDIA, PENNSYLVANIA 19063
215-891-4072

FRANCIS P. CONNORS
COUNTY SOLICITOR

October 2, 1985

COUNCIL
FRANK J. LYNCH
CHAIRMAN
WAYNE CURTIS WELDON
VICE CHAIRMAN
NICHOLAS F. CATANIA
EDWIN B. ERICKSON
THOMAS M. HAYWARD

RECEIVED

OCT 4 1985

SECRETARY'S OFFICE
Public Utility Commission

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

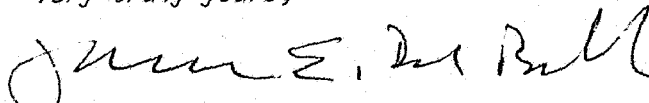
Attention: Jerry Rich, Secretary

RE: Borough of Ridley Park v. Septa, et al
Complaint Docket No. C 850414

Der Mr. Rich:

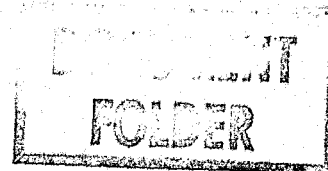
I enclose herewith for filing original and three (3) copies of the Answer of Delaware County in the above-captioned matter.

Very truly yours,


James E. DelBello
Assistant County Solicitor

JEDB:rd

cc: All parties of record



BOROUGH OF RIDLEY PARK,
.....

Complainant

versus

SOUTHEASTERN PENNSYLVANIA TRANSPORTATION
AUTHORITY, DEPARTMENT OF TRANSPORTATION
OF THE COMMONWEALTH OF PENNSYLVANIA,
Number
CONSOLIDATED RAIL CORPORATION and NATIONAL
RAILROAD PASSENGER CORPORATION,
Respondents

C850414

DELAWARE COUNTY SOLICITOR

Court House
Media, Pennsylvania 19063
(215) 891-4072

By: James E. DeBello, Esq.
.....

Atty. I.D. Number . . .08905 . .

RECEIVED

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

OCT 4 1985

BOROUGH OF RIDLEY PARK, :
Complainant :

SECRETARY'S OFFICE
Public Utility Commission

v. :

SOUTHEASTERN PENNSYLVANIA TRANSPORTATION :
AUTHORITY, DEPARTMENT OF TRANSPORTATION :
OF THE COMMONWEALTH OF PENNSYLVANIA, :
CONSOLIDATED RAIL CORPORATION and NATIONAL :
RAILROAD PASSENGER CORPORATION, :
Respondents :

C850414

DOCKETED
OCT 07 1985

ANSWER OF THE COUNTY OF DELAWARE

1-2. Admitted.

3. After reasonable investigation, the County of Delaware can neither admit or deny the allegations set forth herein.

4. The County of Delaware can neither admit or deny the allegations since they refer to Respondent's utilities.

5. The subject bridge and the approaches thereto are not owned, or possessed, or are the responsibility of the County of Delaware.

WHEREFORE, the County of Delaware prays the Pennsylvania Public Utility Commission to enter such order or orders as are just against the Respondents named by the Complainant, Borough of Ridley Park, and to dismiss the Complaint as it pertains to the County of Delaware.

COMPLAINT
FOLDER

COUNTY OF DELAWARE:

By:

James E. DeBello

James E. DeBello, Esq.
Assistant County Solicitor
Office of the County Solicitor
Courthouse
Media, PA 19063
Telephone 566-3433

CONFIDENTIAL

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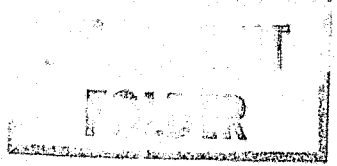
SECRET
Public Utility Commission

Southeastern Pennsylvania
Transportation Authority

October 2, 1985

5th Floor
130 South 9th Street
Philadelphia, PA 19107

(215) 574- 7320



Office of General Counsel

- Joseph F. Keener, Jr.
- James F. Kilcur
- G. Roger Bowers
- Robert H. Messerman
- Norman Hegge, Jr.
- Edward H. Huss
- Judith B. Soken
- Stanley J. Sinowitz
- Stuart A. Schwartz
- Eugene N. Cipriani
- Vincent J. Walsh, Jr.
- Joan L. Gerson
- Mitchell R. Sargen
- Eileen G. Katz
- Leslie Dias
- Dolores R. Lanier
- Nicholas J. Staffieri
- Penny J. Scott-Sedley
- Steven M. Liero
- Margery Sickles Preddy
- Ann M. Mau
- Scott K. Wasserkrug
- Charles B. Stokes, Jr.
- Stephen Dittmann
- C. Neil Petersen
- Robert A. Wilson

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

RE: Complaint Docket No. C-850414 - Borough
of Ridley Park v. SEPTA, PennDOT, et al

Dear Mr. Rich:

Enclosed is an original and two (2) copies of
SEPTA's Answer on the above.

I hereby certify that I have served a copy of
the Answer upon all parties of record.

Yours very truly,

E.H. Huss
Edward H. Huss
Assistant Deputy Counsel

EHH/gg

Enclosure

cc: PA Department of Transportation
Consolidated Rail Corporation
National Railroad Passenger Corporation
Ronald J. Klimas, Esquire
Stephen J. Polaha, Esquire

Mr. Jerry Rich
RE: Complaint Docket No. C-850414
October 2, 1985

PARTIES OF RECORD

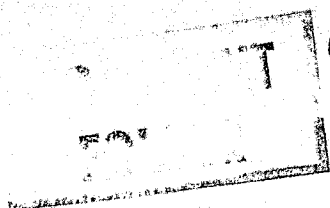
Herbert Zahn, Esquire
PA Department of Transportation
522 Transportation & Safety Building
Harrisburg, PA 17120

Joel E. Mazor, Esquire
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, PA 19104

Legal Department
National Railroad Passenger Corporation
30th and Market Streets
Philadelphia, PA 19104

Ronald J. Klimas, Esquire
Eckell, Sparks, Levy, Auerbach & Monte
Legal Arts Building
344 W. Front Street
P. O. Box 319
Media, PA 19063

Stephen J. Polaha, Esquire
Eckell, Sparks, Levy, Auerbach & Monte
Legal Arts Building
344 W. Front Street
P. O. Box 319
Media, PA 19063



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OCT 14

SECRET OFFICE
Public Utility Commission

Before the

PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKETED
OCT 07 1985

Borough of Ridley Park

: COMPLAINT

vs.

DOCKET

Southeastern Pennsylvania Transportation Authority
Pennsylvania Department of Transportation
Consolidated Rail Corporation
National Railroad Passenger Corporation

: NO. C-850414

:

ANSWER OF SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW COMES, Southeastern Pennsylvania Transportation Authority (SEPTA), by its attorney, and answers the above-captioned Complaint as follows:

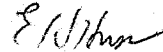
Responding specifically to the numbered paragraphs of the Complaint, Respondent SEPTA states as follows:

1. Admitted.
2. Denied that SEPTA is a utility.
3. Denied. SEPTA does not own nor maintain the right-of-way or bridge at Sellers Avenue and East Ridley Avenue over the railroad tracks in the Borough of Ridley Park, Delaware County and, thus, is without specific knowledge or information sufficient to answer the averment.

4. Inasmuch as Petitioner's paragraph 4 contains a Prayer for Relief, no response of pleading of SEPTA is required.

WHEREFORE, SEPTA respectfully requests the Pennsylvania Public Utility Commission to hold such conferences and conduct such hearings that it may deem desirable or necessary to determine the proper parties to remedy unfavorable conditions if such exist.

Respectfully submitted,



Edward H. Huss
Assistant Deputy Counsel

:
SS
:

EDWARD H. HUSS, being duly sworn according to law, desposes and says that he is counsel for SEPTA: that he is authorized to and does make this affidavit for it; and that the facts set forth in the foregoing Answer are true and correct.

E. H. Huss

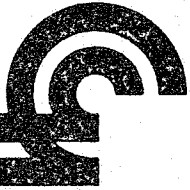
Edward H. Huss
Assistant Deputy Counsel

Sworn and subscribed
before me this *2ND*
day of October, 1985

Robert B. Donnelly

ROBERT B. DONNELLY
Notary Public, Phila., Phila. Co.
My Commission Expires July 26, 1986

CONRAIL ORIGINAL



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OCT 19 1985

SECRETARY'S OFFICE
Public Utility Commission

October 7, 1985

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

Re: Complaint Docket C-850414
Borough of Ridley Park vs. SEPTA et al.
Law Department File No. MPCB 118

Dear Mr. Rich:

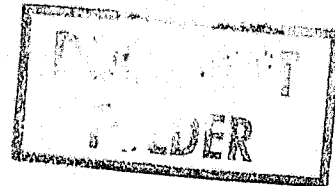
Herewith are an original and two copies of Consolidated Rail Corporation's Answer in the above proceeding.

I hereby certify that I have this day served a true copy of the foregoing Answer upon all parties of record in this proceeding in accordance with the requirements of Section 1.54 of the Rules of Administrative Practice and Procedure.

Very truly yours,

Daniel F. Donovan
Senior General Attorney

1138 Six Penn Center Plaza
Philadelphia, PA 19103
(215) 977-5016



DFD/bp

cc: Herbert G. Zahn
Assistant Counsel
Pennsylvania Department of Transportation
521 Transportation & Safety Building
Harrisburg, PA 17120

National Railroad Passenger Corporation
Law Department
30th and Market Streets
Philadelphia, PA 19104

October 7, 1985
Page 2

Ronald J. Klimas, Esquire
Legal Arts Building
344 W. Front Street
P.O. Box 319
Media, PA 19063

Stephen J. Polaha, Esquire
Legal Arts Building
344 W. Front Street
P.O. Box 319
Media, PA 19063

Edward H. Huss, Esquire
Assistant Deputy Counsel
Southeastern Pennsylvania Transportation
Authority
130 S. 9th Street - 5th Floor
Philadelphia, PA 19107

James E. DelBello, Esquire
Assistant County Solicitor
Delaware County Courthouse
Front Street & South Avenue
Media, PA 19063

RECEIVED

OCT 9 1985

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE
Public Utility Commission

Borough of Ridley Park	:	
	:	
vs.	:	DOCKET NO. C-850414
	:	
Southeastern Pennsylvania Trans-	:	
portation Authority, Pennsylvania	:	
Department of Transportation,	:	
Consolidated Rail Corporation and	:	
National Railroad Passenger	:	
Corporation	:	

ANSWER OF CONSOLIDATED RAIL CORPORATION

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

COMES NOW, Consolidated Rail Corporation (Conrail), by its attorney and in answer to the above-captioned Complaint says as follows:

1. Admitted
2. Admitted

3. It is admitted that there is a bridge over railroad tracks at Sellers Avenue and East Ridley Avenue in the Borough of Ridley Park, Delaware County, Pennsylvania. Conrail neither owns nor maintains the right-of-way, railroad tracks or the bridge at that location and is without sufficient knowledge or information to answer the allegations with respect to the condition of the bridge structure.

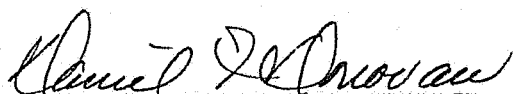
4. Paragraph 4 seeks specific relief to which no answer is required.

DEPARTMENT
FOLDER

DOCKETED
OCT 9 - 1985

WHEREFORE, Conrail respectfully requests that the
Complaint be dismissed as to it.

CONSOLIDATED RAIL CORPORATION

BY: 
DANIEL F. DONOVAN
Senior General Attorney

Amtrak



OCT 08 1985

RECEIVED

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

OCT 10 1985

SECRETARY'S OFFICE
Public Utility Commission

Re: Borough of Ridley Park vs. Southeastern
Pennsylvania Transportation Authority, et. al.
Docket No. C-850414

Dear Secretary Rich:

I am enclosing the original and two copies of the Answer and New Matter of Respondent, National Railroad Passenger Corporation, with regard to the above.

Under separate cover, I have forwarded a copy to counsel for Borough of Ridley Park.

Very truly yours,

Harold K. Cohen
Assistant General Counsel

Enclosure



RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

OCT 10 1985

SECRETARY'S OFFICE
Public Utility Commission

Borough of Ridley Park :

v. :

Complaint Docket
No. C-850414

Southeastern Pennsylvania Transportation :
Authority (SEPTA), Pennsylvania Department :
of Transportation (PennDOT), Consolidated :
Rail Corporation, National Railroad :
Passenger Corporation (AMTRAK) and Delaware :
County :

ANSWER OF RESPONDENT
NATIONAL RAILROAD PASSENGER CORPORATION

1. Admitted.
2. It is admitted that answering Respondent is a utility. The formal status of remaining respondents is unknown to answering Respondent and is therefore denied.
3. Denied. After a reasonable investigation, the current condition of the subject structure is not known to answering Respondent and is therefore denied. In addition, certain allegations of Paragraph 3 of the Complaint constitute conclusions of law to which no response is necessary and are further denied for that reason.
4. Denied. Answering Respondent denies the allegations and conclusions of Paragraph 4 of the Complaint and cannot be held responsible for repairs for the reasons stated in New Matter, below, the substance of which is realleged and incorporated herein by reference.

RECEIVED
OCT 10 1985

OCT 11 1985

NEW MATTER

5. Answering Respondent has no contractual obligation with any party to maintain the subject structure.

6. The repairs requested by Complainant are to a public highway.

7. As such, repairs thereto constitute a responsibility, jointly or severally, of the state or local governments in that, inter alia, local municipalities in the Commonwealth receive Liquid Fuel Tax monies for the express purpose of maintaining local highways.

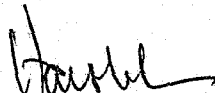
8. Any assessment for such purposes on any party other than the appropriate state or local governmental unit constitutes a tax.

9. Notwithstanding any other consideration, by virtue of 45 U.S.C.A. Section 546b, answering Respondent is exempt from any taxes or other fees imposed by any State, political subdivision of a State, or local taxing authority which are levied on answering Respondent.

WHEREFORE, answering Respondent requests the Commission dismiss it as a party to the instant proceeding or order such other relief as is appropriate.

NATIONAL RAILROAD PASSENGER CORPORATION

BY



HAROLD K. COHEN
Assistant General Counsel
524 Suburban Station Building
Philadelphia, PA 19103

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF PHILADELPHIA :

GENE E. ELLIS, being duly sworn according to law, deposes and says that he is Assistant Vice President - Chief Engineer for National Railroad Passenger Corporation; that he is authorized to take this affidavit on its behalf and that the facts set forth in this Answer and New Matter are true and correct to the best of his knowledge, information and belief.

Gene E. Ellis

GENE E. ELLIS
Assistant Vice President - Chief
Engineer

Sworn to and Subscribed

Before me this *3rd* Day

of *October, 1985*

Elizabeth M. Woodward

ELIZABETH M. WOODWARD
Notary Public, Phila., Phila. Co.
My Commission Expires July 7, 1988

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



October 22, 1985

IN REPLY REFER TO

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

RECEIVED

OCT 22 1985

Re: Complaint Docket C-850414
Delaware County

SECRETARY'S OFFICE
Public Utility Commission

Dear Mr. Rich:

Enclosed for filing with the Commission are the original and two (2) copies of Answer of the Pennsylvania Department of Transportation in the above-referenced matter.

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

Respectfully submitted,

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

220/SFJM:rmm

cc: W. J. Clements, P.E. (Attn.: M. Davis, P.E.)
District 6-0
Parties of Record - Page 2

COMPLAINT
FOLDER

Jerry Rich, Secretary
Page 2
October 22, 1985

PARTIES OF RECORD

Daniel F. Donovan, Esquire
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19103

Stephen J. Polaha, Esquire
Eckell, Sparks, Levy, Auerback & Monte
Legal Arts Building
344 West Front Street
P. O. Box 319
Media, Pennsylvania 19063

A. L. Mondello, Esquire
Senior Deputy General Counsel
National Railroad Passenger Corporation
400 North Capitol, N.W.
Washington, D.C. 20001

Edward H. Huss, Esquire
Southeastern Pennsylvania Transportation Authority
200 West Wyoming Avenue
Philadelphia, Pennsylvania 19140


Francis P. Connors, Esquire
Solicitor for Delaware County
Courthouse
Media, Pennsylvania 19063

b.) Denied. The Respondent, Department of Transportation is without sufficient information to admit or deny that the approach slabs to the bridge have settled causing a vibration in the structure. It is denied that the condition of the approaches poses a hazard to the traveling public.

4. a.) Denied in part; admitted in part. It is denied that the relief sought is immediately necessary to protect the public safety and convenience. It is admitted that any repair to the bridge is the responsibility of the Respondent utility (railroad).

b.) Denied in part; admitted in part. It is denied that the relief sought is immediately necessary to protect the public safety and convenience. It is admitted that any repair to the bridge approaches is the responsibility of the Respondent utility (railroad).

Respectfully submitted,



Stephen F. Martin
Assistant Counsel

March 6, 1986

C-850414

(See attached list)

Borough of Ridley Park
v.
Southeastern Pennsylvania Transportation Authority,
Pennsylvania Department of Transportation, Consolidated
Rail Corporation and National Railroad Passenger
Corporation

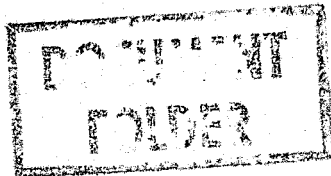
Dear Mr. :

This is to advise that a field investigation and conference will be held at the site of the crossing where Sellers Avenue crosses above the grade of the tracks of Amtrak, on Wednesday, March 26, 1986, at 10:30 a.m. to discuss the matters involved.

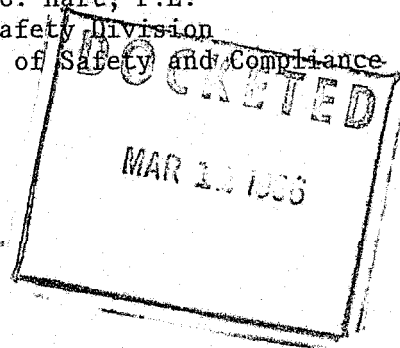
Kindly arrange to have a representative present.

Very truly yours,

David C. Hart, P.E.
Rail Safety Division
Bureau of Safety and Compliance



DCH:is



SIMILAR LETTERS LIST

W. J. Clements, Chief
Right of Way and Utility Division
5th Floor, Transportation & Safety Building
Harrisburg, PA 17120

J. T. Sullivan, Chief Engineer
Consolidated Rail Corporation
15 N. 32nd Street
Philadelphia, PA 19104

J. N. Michel
National Railroad Passenger Corporation
Room 320, 30th Street Station
Philadelphia, PA 19104

Edward H. Huss, Staff Counsel
Southeastern PA Transportation Authority
130 South Ninth Street
Philadelphia, PA 19107

Larry J. Wygant, Manager
Borough of Ridley Park
Ward and Creswell Streets
Ridley Park, PA 19078

W. Curtis Weldon, Chairman
Delaware County
Courthouse
Media, PA 19063

March 14, 1986

C-850414

(See attached list)

Borough of Ridley Park

v.

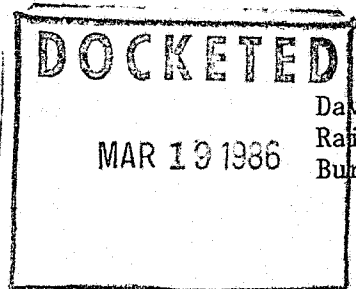
Southeastern Pennsylvania Transportation Authority,
Pennsylvania Department of Transportation, Consolidated
Rail Corporation and National Railroad Passenger
Corporation

Dear Mr. :

Please be advised that the field investigation and conference scheduled for Wednesday, March 26, 1986, at 10:30 a.m. in the above-entitled proceeding has been rescheduled for Wednesday, April 9, 1986, at 10:30 a.m. at the site of the crossing where Sellers Avenue crosses above the grade of the tracks of Amtrak in the borough of Ridley Park.

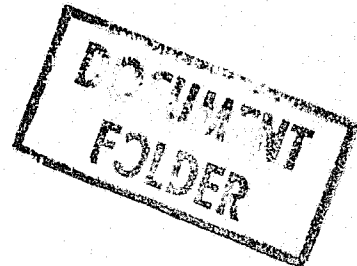
Kindly arrange to have a representative present.

Very truly yours,



David C. Hart, P.E.
Rail Safety Division
Bureau of Safety and Compliance

DCH:is



SIMILAR LETTERS LIST

W. J. Clements, Chief
Right of Way and Utility Division
5th Floor, Transportation & Safety Building
Harrisburg, PA 17120

J. T. Sullivan, Chief Engineer
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Borough of Ridley Park
Ward and Creswell Streets
Ridley Park, PA 19078

W. Curtis Weldon, Chairman
Delaware County
Courthouse
Media, PA 19063

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
June 5, 1986

In re: C-850414

(See attached list)

Borough of Ridley Park
vs.

Southeastern Pennsylvania Transportation Authority,
Pennsylvania Department of Transportation, Consolidated
Rail Corporation, National Railroad Passenger Corporation
and Delaware County.

NOTICE

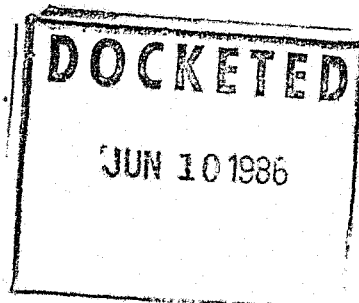
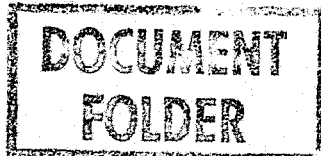
This is to advise that a hearing in the captioned proceeding will be held Thursday, July 24, 1986, at 10:00 a.m., in Hearing Room A, Second Floor, Main Courthouse, Front Street, Media.

We are enclosing herewith, a list of questions, prepared by our Bureau of Safety & Compliance, indicating information to be developed at the hearing, along with other relevant testimony.

Each party is requested to submit testimony and exhibits with respect to the condition of the subject bridge at Sellers Avenue and East Ridley Avenue in the Borough of Ridley Park, with the understanding that the Commission may, in adjudicating this matter, take jurisdiction over any desired portion of the rail-highway crossing.

If any party intends to offer prepared written testimony, such testimony must be served upon each participant of record no less than twenty (20) days prior to this hearing.

You are advised that if you fail to appear at the hearing, the hearing will proceed without you. In that event, it is possible that you or your client will have issues determined against you and that you might be assigned positive duties or be required to pay money and will have waived any objection thereto.



The presiding officer in this proceeding will be Administrative Law Judge Martin Fountain. Judge Fountain can be contacted at 1302 Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania 19130; telephone (215) 560-2105.

If you intend to file exhibits, please be advised that two copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

Enclosure

cc: Judge Fountain
Law Bureau
Bureau of Safety/Compliance
Mr. Bramson
Ms. Dickson
Ms. Crouse
File Room

C-850414 - Parties of Record:

Ronald J. Klimas, Esquire
Eckell, Sparks, Levy, Auerbach & Monte
344 West Front Street
Media, Pennsylvania 19063
(for Borough of Ridley Park)

Daniel F. Donovan, Senior General Attorney
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19103

Harold K. Cohen, Assistant General Counsel
National Railroad Passenger Corporation
1617 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103

Edward H. Huss, Assistant Deputy Counsel
Southeastern Pennsylvania Transportation
Authority
130 South Ninth Street, Fifth Floor
Philadelphia, Pennsylvania 19107

Spencer A. Manthorpe, Chief Counsel
Pennsylvania Department of Transportation
521 Transportation & Safety Building
Harrisburg, Pennsylvania 17120

James E. DelBello, Assistant Solicitor
County of Delaware
Courthouse
Front Street & South Avenue
Media, Pennsylvania 19063

Parties in interest:

The Honorable Thomas P. Gannon
Member, Pennsylvania House of Representatives
1410 MacDade Boulevard
Folsom, Pennsylvania 19033

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
June 5, 1986

In re: C-850414

Ronald J. Klimas, Esquire
Eckell, Sparks, Levy, Auerbach & Monte
344 West Front Street
Media, PA 19063

Borough of Ridley Park
vs.

Southeastern Pennsylvania Transportation Authority,
Pennsylvania Department of Transportation, Consolidated
Rail Corporation, National Railroad Passenger Corporation
and Delaware County.

NOTICE

This is to advise that a hearing in the captioned proceeding will be held Thursday, July 24, 1986, at 10:00 a.m., in Hearing Room A, Second Floor, Main Courthouse, Front Street, Media.

It will be necessary for you to publish the enclosed notice once during each of the weeks of July 7 and 14, 1986, in a newspaper having a general circulation in the area involved. Proof of publication must be received in the office of the Secretary of the Commission, on or before the date of hearing.

We are enclosing herewith, a list of questions, prepared by our Bureau of Safety & Compliance, indicating information to be developed at the hearing, along with other relevant testimony.

Each party is requested to submit testimony and exhibits with respect to the condition of the subject bridge at Sellers Avenue and East Ridley Avenue in the Borough of Ridley Park, with the understanding that the Commission may, in adjudicating this matter, take jurisdiction over any desired portion of the rail-highway crossing.

If any party intends to offer prepared written testimony, such testimony must be served upon each participant of record no less than twenty (20) days prior to this hearing.

You are advised that if you fail to appear at the hearing, the hearing will proceed without you. In that event, it is possible that you or your client will have issues determined against you and that you might be assigned positive duties or be required to pay money and will have waived any objection thereto.

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If you intend to file exhibits, please be advised that two copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

Enclosures - 2

NOTICE TO BE PUBLISHED

Notice is hereby given that a complaint having been filed with the Pennsylvania Public Utility Commission alleging, among other things, inadequately maintained bridge decking and general disrepair of bridge over Consolidated Rail Corporation and Southeastern Pennsylvania Transportation Authority tracks at Sellers and East Ridley Avenues, in the Borough of Ridley Park, Delaware County, which proceeding is entitled "Borough of Ridley Park versus Southeastern Pennsylvania Transportation Authority, Consolidated Rail Corporation, Pennsylvania Department of Transportation, National Railroad Passenger Corporation and Delaware County (C-850414)", the Commission has fixed Thursday, July 24, 1986, at 10:00 A.M., in Hearing Room A, Second Floor, Main Courthouse, Front Street, Media, Pennsylvania, as the time and place for hearing.

All parties interested may appear and be heard if they so desire.

X

Ronald J. Klimas, Attorney
for Borough of Ridley Park

1. Ridley Park Borough shall submit testimony describing in detail the conditions presently existing at the railroad-highway crossing, above grade, and in the vicinity thereof, which, in its opinion, renders the crossing dangerous or inadequate for safety of the highway users currently traversing the crossing.
2. Ridley Park Borough shall submit testimony indicating whether, in its opinion, the crossing is adequate, and if not, submit testimony as to whether the crossing should be altered or reconstructed, in the interests of safety and/or accommodation and convenience of the traveling public.
3. Ridley Park Borough shall submit testimony as to what part of work, if any, it will agree to perform, and what portion of the costs it will agree to assume, in the event the instant complaint is sustained, and an improvement of the crossing is ordered by the Commission.
4. Ridley Park Borough shall submit testimony indicating whether, it has performed any work on the structure within the last five years, and, if so, submit copies thereof into record describing the general nature and extent of all such work.
5. Ridley Park Borough shall submit testimony as to the present obligation with respect to the maintenance of the existing crossing structure, above grade.
6. Pennsylvania Department of Transportation (PennDOT) shall submit testimony describing the general location of the existing railroad-highway crossing, above grade, involved in this proceeding.
7. PennDOT shall submit testimony regarding the name, general location, termini and traffic route number of the highway involved in this proceeding.
8. PennDOT shall submit testimony as to the approximate class and volume of vehicular and pedestrian traffic traversing the subject crossing.
9. PennDOT shall submit testimony describing in detail the type, width of pavement, alignment, grade and general physical condition of the highway approaches to the existing crossing, above grade.
10. PennDOT shall submit testimony describing the type, number of spans and general physical condition of the substructure and superstructure of the existing bridge.

11. PennDOT shall submit testimony as to whether, in its opinion, the existing bridge is adequate in strength and physical dimensions to accommodate safely the class and volume of traffic normally using the highway at this location, and if not, submit testimony describing the general nature and extent of all work which it deems necessary or advisable to provide a safe and convenient crossing at this location.
12. PennDOT shall submit testimony indicating whether it has performed any detailed inspection, or has prepared any engineering studies at this railroad-highway crossing, above grade, and if so, submit copies thereof into the record, and if not state whether it will agree to prepare such data.
13. PennDOT shall submit testimony indicating whether, it has performed any work on the structure within the last five years, and, if so, submit copies thereof into the record describing the general nature and extent of all such work.
14. PennDOT shall submit testimony as to its present obligation with respect to the maintenance of the existing crossing structure.
15. PennDOT shall submit testimony indicating what portion of the work it will agree to perform; what portion of the costs it will agree to assume; what portion of the completed work it will agree to maintain in the future, in the event the instant complaint is sustained, and an alteration or reconstruction of the crossing is ordered by the Commission.
16. National Railroad Passenger Corporation (Amtrak) shall submit testimony as to the exact corporate name of the owner and operator of the line of railroad involved in this proceeding.
17. Amtrak shall submit testimony as to the number of tracks presently located at the site of the above grade crossing, and the volume, class and approximate speed of all trains operated daily over its tracks in the vicinity of the crossing.
18. Amtrak shall submit testimony describing the type, number of spans and general physical condition of the substructure and superstructure of the existing bridge.
19. Amtrak shall submit testimony as to whether, in its opinion, the existing bridge is adequate in strength and physical dimensions to accommodate safely the class and volume of traffic normally using the highway at this location, and if not, submit testimony describing the general nature and extent of all work which it deems necessary or advisable to provide a safe and convenient crossing at this location.

20. Amtrak shall submit testimony indicating whether, it has performed any detailed inspection or has prepared any engineering studies at this railroad-highway crossing, above grade, and if so submit copies thereof into record, and if not state whether it will agree to prepare such data.
21. Amtrak shall submit testimony indicating whether, it has performed any work on the structure within the last five years, and if so, submit copies thereof into the record describing the general nature and extent of all such work.
22. Amtrak shall submit testimony as to their present obligation with respect to maintenance of the existing crossing structure.
23. Amtrak shall submit testimony indicating what portion of the work it will agree to perform; what portion of the costs it will agree to assume; what portion of the completed work it will agree to maintain in the future, in the event the instant complaint is sustained, and an alteration or reconstruction of the crossing is ordered by the Commission.
24. Southeastern Pennsylvania Transportation Authority (SEPTA) and Conrail each submit testimony as to its involvement at the subject rail-highway crossing.
25. SEPTA and Conrail each submit testimony stating whether it has any opinion as to the condition of the structure which may affect its operation through the crossing area.
26. SEPTA and Conrail each shall submit answers to questions 20, 21, 22 and 23 as if same were posed to it.
27. Delaware County shall submit testimony indicating whether, in its opinion, the crossing is adequate, and if not, submit testimony whether the crossing should be altered or reconstructed, in the interest of safety and/or accommodation and convenience of the traveling public.
28. Delaware County shall submit testimony indicating what portion of the cost of construction and future maintenance of any alteration or reconstruction ordered by the Commission it will agree to assume if the instant complaint is sustained.
29. Query whether any of the interested parties, or any other party desires to submit any additional relevant testimony.

NOTICE TO BE PUBLISHED

Notice is hereby given that a complaint having been filed with the Pennsylvania Public Utility Commission alleging, among other things, inadequately maintained bridge decking and general disrepair of bridge over Consolidated Rail Corporation and Southeastern Pennsylvania Transportation Authority tracks at Sellers and East Ridley Avenues, in the Borough of Ridley Park, Delaware County, which proceeding is entitled "Borough of Ridley Park versus Southeastern Pennsylvania Transportation Authority, Consolidated Rail Corporation, Pennsylvania Department of Transportation, National Railroad Passenger Corporation and Delaware County (C-850414)", the Commission has fixed Thursday, July 24, 1986, at 10:00 A.M., in Hearing Room A, Second Floor, Main Courthouse, Front Street, Media, Pennsylvania, as the time and place for hearing.

All parties interested may appear and be heard if they so desire.

JERRY RICH
Secretary

C-850414



RECEIVED

PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG, PENNSYLVANIA

JUN 17 1986

LINDA C. TALIAFERRO ✓
CHAIRMAN

June 2, 1986

SECRETARY'S OFFICE
TELEPHONE 717-67-4301
Commission

*assign to
Clara King
to Keller King*

✓ The Honorable Clarence D. Bell
Senate of Pennsylvania
The State Capitol
Harrisburg, Pennsylvania 17120

Dear Senator Bell:

Thank you for your letter dated May 30, 1986, concerning a bridge overpass in Ridley Park, Delaware County.

I have forwarded a copy of your letter and its attachment to the Director of our Bureau of Safety and Compliance with the request that he contact your office directly in response to your concerns. You will be hearing from Director Nicely in the near future.

Again, thank you for writing. If I may be of any assistance to you in the future, please do not hesitate to contact my office.

Sincerely,

Linda C. Taliaferro
Linda C. Taliaferro
Chairman

cc: Mr. K. Nicely, Director, ✓
Bureau of Safety & Compliance

ED
JUN 2 1986

SEARCHED
SERIALIZED
INDEXED

IX DISTRICT
CLARENCE D. BELL, Esq.
THE STATE CAPITOL
HARRISBURG, PA 17120-0030
PHONE: AC 717 - 787-4712

22 WEST STATE STREET
P. O. BOX 1750
MEDIA, PA 19063-1750
PHONE: AC 215 - 565-9100

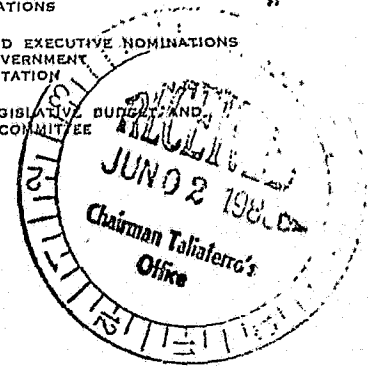
MEMBER:
PENNSYLVANIA HISTORICAL AND
MUSEUM COMMISSION



Senate of Pennsylvania

COMMITTEES

CHAIRMAN
CONSUMER PROTECTION AND
PROFESSIONAL LICENSURE
VICE CHAIRMAN
APPROPRIATIONS
MEMBER
RULES AND EXECUTIVE NOMINATIONS
STATE GOVERNMENT
TRANSPORTATION
CHAIRMAN
JOINT LEGISLATIVE BUDGET AND
FINANCE COMMITTEE



May 30, 1986

Honorable Linda Taliaferro
Public Utility Commission
State Capitol
Harrisburg, Pennsylvania 17120

Dear Linda:

I am enclosing letter from the Borough of Ridley Park as to resolving the matter of ordering the repair to the decking of the Sellers Avenue, Ridley Park, Delaware County, overpass bridge.

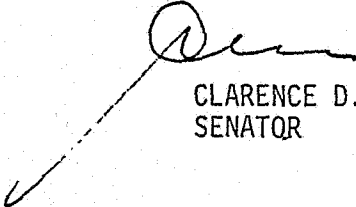
This is a borough bridge in the Borough of Ridley Park, Delaware County, Pennsylvania.

From the letter of Borough Manager, PennDOT and Amtrak are concerned.

You are requested to put priorities on having the matter resolved in the nearest possible future.

With kindest personal regards,

Very sincerely yours,


CLARENCE D. BELL
SENATOR

CDB/cm
encl.

JOSEPH J. KILKENNY, Mayor
GEORGE J. SAVASTANO, President
EDWARD WOLFF, Vice President
CHARLES B. NEELY
BRUCE LAMBRECHT
HOWARD REUSS
CHARLES J. MAGGI, JR.
MARTIN FAHEY

Borough of Ridley Park

COUNTY OF DELAWARE, PA.

Council Chamber

RIDLEY PARK, PENNSYLVANIA 19078

LEHIGH 2-2100

LARRY J. WYGANT
Borough Manager

MARTIN FAHEY
Finance Committee
HOWARD REUSS
Public Relations Committee
EDWARD WOLFF
Public Safety Committee
BRUCE LAMBRECHT
Building & Zoning Committee
CHARLES B. NEELY
Parks and Property Committee
CHARLES J. MAGGI, JR.
Highway Committee

May 28, 1986

Senator Clarence Bell
22 W. State Street
Media, Penna. 19063

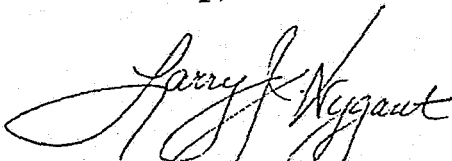
Dear Senator Bell:

The condition of Sellers Avenue bridge is a problem I would like to bring to your immediate attention. The decking on the bridge is in terrible condition and urgently in need of repair. Unfortunately there is a dispute over who should pay for this repair. The road over the bridge is owned by Penn Dot and the right of way underneath it is owned by AMTRAK. Both parties deny maintenance responsibilities. The Borough shares no part in the ownership of the bridge. Consequently we would regard it as an undue burden to pay for repairs.

In September of 1985 the Borough filed a complaint with the Public Utilities Commission in an effort to resolve the issue. The Commission scheduled a field view for April of 1986 where all parties concerned met to discuss the matter. As a result, a formal hearing will be set for sometime in June.

Any help you could provide the Borough in resolving this matter would be greatly appreciated.

Sincerely,



Larry J. Wygant
Borough Manager

CC: George Savastano
Edward Wolff
Charles Maggi, Jr.
Curt Weldon

ORIGINAL

Amtrak



JUN 30 1986

William H. Smith
Chief Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

RECEIVED

JUL 3 1986

SECRETARY'S OFFICE
Public Utility Commission

Re: Borough of Ridley Park
vs.
Southeastern Pennsylvania Transportation
Authority, et al. Docket No. C-850414

Dear Mr. Smith:

A continuance of the hearing in the above-referenced matter scheduled for July 24, 1986, is requested for any Tuesday or Thursday in September, due to a conflict with my vacation schedule. All parties of record have been contacted and are in agreement.

Very truly yours,

Harold K. Cohen
Assistant General Counsel

HKC/sb

Enclosure

cc: Administrative Law Judge Martin Fountain
Parties of Record

DOCUMENT
FOLDER

JUL 3 1986

PARTIES OF RECORD

Ronald Klimas, Esquire
Solicitor, Borough of Ridley Park
Legal Arts Building
344 West Front Street
P.O. Box 319
Media, PA 19063

Daniel S. Donovan, Esquire
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, PA 19103

Edward H. Huss, Esquire
Southeastern Pennsylvania Transportation
Authority
130 South 9th Street
5th Floor
Philadelphia, PA 19107

Stephen F. J. Martin, Esquire
Pennsylvania Department of Transportation
Transportation and Safety Building
Room 521
Harrisburg, PA 17120

James DelBello, Esquire
Assistant Solicitor, County of Delaware
210 West Front Street
Media, PA 19063

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
July 3, 1986

In re: C-850414

(See letter dated 6/5/86)

Borough of Ridley Park
vs.
Southeastern Pennsylvania Transportation Authority,
Pennsylvania Department of Transportation, Consolidated
Rail Corporation, National Railroad Passenger Corporation
and Delaware County

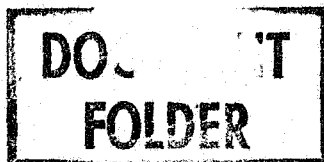
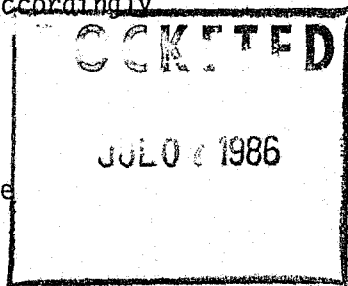
NOTICE

At the request of counsel for National Railroad Passenger Corporation, and with the consent of all parties, the hearing in the captioned proceeding scheduled for July 24, 1986, at Media, is postponed.

When this hearing is rescheduled you will be promptly informed of the time and place.

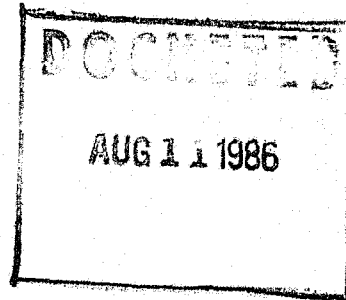
Please mark your records accordingly

cc: Judge Fountain
Law Bureau
Bureau of Safety/Compliance
Mr. Bramson
Ms. Dickson
Ms. Crouse
File Room



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
August 8, 1986

In re: C-850414



(See letter dated 6/5/86)

Borough of Ridley Park
vs.

Southeastern Pennsylvania Transportation Authority,
Pennsylvania Department of Transportation, Consolidated
Rail Corporation, National Railroad Passenger Corporation
and Delaware County.

NOTICE

This is to advise that the hearing in the captioned proceeding is rescheduled to be held Thursday, September 18, 1986, at 10:00 a.m., in Hearing Room A, Second Floor, Main Courthouse, Front Street, Media.

Each party is requested to submit testimony and exhibits with respect to the condition of the subject bridge at Sellers Avenue and East Ridley Avenue in the Borough of Ridley Park, with the understanding that the Commission may, in adjudicating this matter, take jurisdiction over any desired portion of the rail-highway crossing.

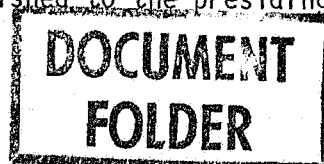
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If any party intends to offer prepared written testimony, such testimony must be served upon each participant of record no less than twenty (20) days prior to this hearing.

You are advised that if you fail to appear at the hearing, the hearing will proceed without you. In that event, it is possible that you or your client will have issues determined against you and that you might be assigned positive duties or be required to pay money and will have waived any objection thereto.

The presiding officer in this proceeding will be Administrative Law Judge Martin Fountain. Judge Fountain can be contacted at 1302 Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania 19130; telephone (215) 560-2105.

If you intend to file exhibits, please be advised that two copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.



Enclosure

cc: Judge Fountain, Law Bureau, Bureau of Safety/Compliance, Mr. Bramson,
Ms. Dickson, Ms. Crouse, File Room

NOTICE TO BE PUBLISHED

Notice is hereby given that a complaint having been filed with the Pennsylvania Public Utility Commission alleging, among other things, inadequately maintained bridge decking and general disrepair of bridge over Consolidated Rail Corporation and Southeastern Pennsylvania Transportation Authority tracks at Sellers and East Ridley Avenues, in the Borough of Ridley Park, Delaware County, which proceeding is entitled "Borough of Ridley Park versus Southeastern Pennsylvania Transportation Authority, Consolidated Rail Corporation, Pennsylvania Department of Transportation, National Railroad Passenger Corporation and Delaware County (C-850414)", the Commission has rescheduled a hearing in this proceeding to be held Thursday, September 18, 1986, at 10:00 A.M., in Hearing Room A, Second Floor, Main Courthouse, Front Street, Media, Pennsylvania, when and where all parties in interest may appear and be heard if they so desire.

X

Ronald J. Klimas, Attorney
for Borough of Ridley Park

1. Ridley Park Borough shall submit testimony describing in detail the conditions presently existing at the railroad-highway crossing, above grade, and in the vicinity thereof, which, in its opinion, renders the crossing dangerous or inadequate for safety of the highway users currently traversing the crossing.
2. Ridley Park Borough shall submit testimony indicating whether, in its opinion, the crossing is adequate, and if not, submit testimony as to whether the crossing should be altered or reconstructed, in the interests of safety and/or accommodation and convenience of the traveling public.
3. Ridley Park Borough shall submit testimony as to what part of work, if any, it will agree to perform, and what portion of the costs it will agree to assume, in the event the instant complaint is sustained, and an improvement of the crossing is ordered by the Commission.
4. Ridley Park Borough shall submit testimony indicating whether, it has performed any work on the structure within the last five years, and, if so, submit copies thereof into record describing the general nature and extent of all such work.
5. Ridley Park Borough shall submit testimony as to the present obligation with respect to the maintenance of the existing crossing structure, above grade.
6. Pennsylvania Department of Transportation (PennDOT) shall submit testimony describing the general location of the existing railroad-highway crossing, above grade, involved in this proceeding.
7. PennDOT shall submit testimony regarding the name, general location, termini and traffic route number of the highway involved in this proceeding.
8. PennDOT shall submit testimony as to the approximate class and volume of vehicular and pedestrian traffic traversing the subject crossing.
9. PennDOT shall submit testimony describing in detail the type, width of pavement, alignment, grade and general physical condition of the highway approaches to the existing crossing, above grade.
10. PennDOT shall submit testimony describing the type, number of spans and general physical condition of the substructure and superstructure of the existing bridge.

11. PennDOT shall submit testimony as to whether, in its opinion, the existing bridge is adequate in strength and physical dimensions to accommodate safely the class and volume of traffic normally using the highway at this location, and if not, submit testimony describing the general nature and extent of all work which it deems necessary or advisable to provide a safe and convenient crossing at this location.
12. PennDOT shall submit testimony indicating whether it has performed any detailed inspection, or has prepared any engineering studies at this railroad-highway crossing, above grade, and if so, submit copies thereof into the record, and if not state whether it will agree to prepare such data.
13. PennDOT shall submit testimony indicating whether, it has performed any work on the structure within the last five years, and, if so, submit copies thereof into the record describing the general nature and extent of all such work.
14. PennDOT shall submit testimony as to its present obligation with respect to the maintenance of the existing crossing structure.
15. PennDOT shall submit testimony indicating what portion of the work it will agree to perform; what portion of the costs it will agree to assume; what portion of the completed work it will agree to maintain in the future, in the event the instant complaint is sustained, and an alteration or reconstruction of the crossing is ordered by the Commission.
16. National Railroad Passenger Corporation (Amtrak) shall submit testimony as to the exact corporate name of the owner and operator of the line of railroad involved in this proceeding.
17. Amtrak shall submit testimony as to the number of tracks presently located at the site of the above grade crossing, and the volume, class and approximate speed of all trains operated daily over its tracks in the vicinity of the crossing.
18. Amtrak shall submit testimony describing the type, number of spans and general physical condition of the substructure and superstructure of the existing bridge.
19. Amtrak shall submit testimony as to whether, in its opinion, the existing bridge is adequate in strength and physical dimensions to accommodate safely the class and volume of traffic normally using the highway at this location, and if not, submit testimony describing the general nature and extent of all work which it deems necessary or advisable to provide a safe and convenient crossing at this location.

20. Amtrak shall submit testimony indicating whether, it has performed any detailed inspection or has prepared any engineering studies at this railroad-highway crossing, above grade, and if so submit copies thereof into record, and if not state whether it will agree to prepare such data.
21. Amtrak shall submit testimony indicating whether, it has performed any work on the structure within the last five years, and if so, submit copies thereof into the record describing the general nature and extent of all such work.
22. Amtrak shall submit testimony as to their present obligation with respect to maintenance of the existing crossing structure.
23. Amtrak shall submit testimony indicating what portion of the work it will agree to perform; what portion of the costs it will agree to assume; what portion of the completed work it will agree to maintain in the future, in the event the instant complaint is sustained, and an alteration or reconstruction of the crossing is ordered by the Commission.
24. Southeastern Pennsylvania Transportation Authority (SEPTA) and Conrail each submit testimony as to its involvement at the subject rail-highway crossing.
25. SEPTA and Conrail each submit testimony stating whether it has any opinion as to the condition of the structure which may affect its operation through the crossing area.
26. SEPTA and Conrail each shall submit answers to questions 20, 21, 22 and 23 as if same were posed to it.
27. Delaware County shall submit testimony indicating whether, in its opinion, the crossing is adequate, and if not, submit testimony whether the crossing should be altered or reconstructed, in the interest of safety and/or accommodation and convenience of the traveling public.
28. Delaware County shall submit testimony indicating what portion of the cost of construction and future maintenance of any alteration or reconstruction ordered by the Commission it will agree to assume if the instant complaint is sustained.
29. Query whether any of the interested parties, or any other party desires to submit any additional relevant testimony.

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JERRY RICH
Secretary

ORIGINAL

**Eckell
Sparks
Levy
Auerbach
Monte**

ATTORNEYS AT LAW
215-565-3700

September 17, 1986

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

Re: Borough of Ridley Park vs. SEPTA, et al
Docket No. C-850414

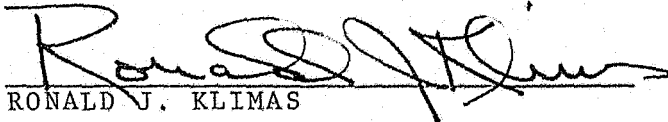
Dear Sir:

Enclosed herewith please find the Proof of Publication of Notice
of the PUC Hearing scheduled in the above captioned matter.

Very truly yours,

ECKELL, SPARKS, LEVY, AUERBACH & MONTE

BY:


RONALD J. KLIMAS

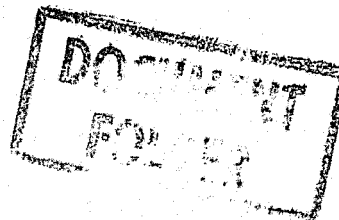
RJK:jj
Enc.

MURRAY S. ECKELL
W. DONALD SPARKS
ARTHUR LEVY
DAVID E. AUERBACH
JOSEPH L. MONTE, JR.
RONALD J. KLIMAS
NICHOLAS J. EMPER
STANLEY R. KOTZEN
STEPHEN J. POLAHA
GREGORY G. STAGLIANO
DONALD A. BROWNS
FRANCIS A. URSO
GEORGE D. HARWOOD

NICHOLAS D. VADINO, JR.
RECEIVED

SEP 22 1986

SECRETARY'S OFFICE
Public Utility Commission



Proof of Publication of Notice in Delaware County Daily Times

Under Newspaper Advertising Act. No. 587, Approved May 16, 1929

NOTICE TO BE PUBLISHED
 Notice is hereby given that a complaint having been filed with the Pennsylvania Public Utility Commission alleging, among other things, inadequately maintained bridge decking and general disrepair of bridge over Consolidated Rail Corporation and Southeastern Pennsylvania Transportation Authority tracks of Sellers and East Ridley Avenues, in the Borough of Ridley Park, Delaware County, which proceeding is entitled "Borough of Ridley Park versus Southeastern Pennsylvania Transportation Authority, Consolidated Rail Corporation, Pennsylvania Department of Transportation, National Railroad Passenger Corporation and Delaware County (C-850414)", the Commission has rescheduled a hearing in this proceeding to be held Thursday, September 18, 1986, at 10:00 A.M., in Hearing Room A, Second Floor, Main Courthouse, Front Street, Media, Pennsylvania, when and where all parties in interest may appear and be heard if they so desire.
 Ronald J. Killias, Attorney for Borough of Ridley Park

State of Pennsylvania, }
 County of Delaware, } ss.

Carol Sandone

designated agent of CENTRAL STATES PUBLISHING, INC., being duly sworn, deposes and says that the DELAWARE COUNTY DAILY TIMES, a daily newspaper of general circulation as defined in the above-mentioned Act, published at Primos, Delaware County, Pennsylvania, was established September 7, 1876, and issued and published continuously thereafter for a period of 100 years, and for a period of more than six months immediately prior hereto, (under the name Chester Times prior to November 2, 1959) in the City of Chester, County of Delaware, and further says that the printed notice or publication attached hereto is an exact copy of a notice or publication printed and published in the regular edition and issues of the DELAWARE COUNTY DAILY TIMES on the following dates, viz

September 2, 3, A.D. 19 86

and that said advertising was inserted in all respects as ordered.

Affiant further deposes that he is the proper person duly authorized by CENTRAL STATES PUBLISHING, INC. publisher of said DELAWARE COUNTY DAILY TIMES, a newspaper of general circulation, to verify the foregoing statement under oath and that affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

..... Carol Sandone

Sworn to and subscribed before me this 9th
 day of September 19 86

..... Theresa M. di Cicco

Notary Public

DOCKETED
 SEP 23 1986

THERESA M. DICICCO, NOTARY PUBLIC
 UPPER DARBY TWP., DELAWARE COUNTY
 MY COMMISSION EXPIRES APRIL 25, 1987
 Member, Pennsylvania Association of Notaries

DOCKETED
 SEP 23 1986

RECEIVED SEP 11 1986

APPEARANCE SHEET

ALJ HEARING REPORT

DOCKET NO. C-850414
CASE NAME Borough of Ridley Park vs.
Southeastern Pennsylvania
Transportation Authority, etc.
HEARING LOCATION Media, PA.
HEARING DATE September 18, 1986
ALJ Fountain

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES NO
Testimony taken YES NO
Hearing concluded YES NO
Further hearing needed YES NO
Estimated add'l days ?
RECORD CLOSED YES NO
Date _____
Briefs to be filed YES NO
Date _____
BENCH DECISION YES NO

RECEIVED

SEP 23 1986

Office of A. L. J.
Public Utility Commission

REMARKS: _____

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
PLEASE PRINT CLEARLY
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

NAME and TELEPHONE NUMBER	ADDRESS	APPEARING FOR
James Steh (for Daniel F. Donovan) Telephone No. (215) 977-1242	1138 Six Penn Center City Phila. State PA Zip 19103	Consolidated Rail Corporation
HERBERT G. ZAHN Telephone No. ()	521 TRANSP & SAFETY BLDG City HSBG State PA Zip 17120	PENN ROP
Harold K. Chen Telephone No. (215) 557-1174	524 Sub. St. Bldg. City Phila State PA Zip 19103	Amtrak

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

Paul S. Bartell
Reporter

EDWARD HUSS

Address 130 SOUTH 9TH ST

SEPTA

City PHIL	State PA	Zip 19107
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Telephone No. (215 574-7320)

Stephen J. Polaha

Address 344 West Front

Ridley Park

City Media	State PA	Zip 19063
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Telephone No. (215 565 3700)

Address

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Telephone No. ()

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City	State	Zip
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