

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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IN RE: BOROUGH OF RIDLEY PARK : DOCKET NUMBER  
 : C-850414  
 vs. :  
 :  
 SOUTHEASTERN PENNSYLVANIA :  
 TRANSPORTATION AUTHORITY, :  
 PENNSYLVANIA DEPARTMENT OF :  
 TRANSPORTATION, CONSOLIDATED :  
 RAIL CORPORATION, NATIONAL :  
 RAILROAD PASSENGER CORPORATION :  
 and DELAWARE COUNTY Subject :  
 bridge at Sellers Avenue and :  
 East Ridley Avenue in the :  
 Borough of Ridley Park :  
 Initial Hearing :  
 Pages 1 through 10

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 Commissioner

Hearing Room A  
 Delaware County Courthouse  
 Front Street  
 Media, Pennsylvania

Thursday, September 18, 1986

The above-entitled matter met, pursuant to  
 notice, at 10:00 a.m.

BEFORE: THE HONORABLE MARTIN FOUNTAIN  
 Administrative Law Judge

FILED  
 L. FOLDER

DOCKETED  
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BLUM-MOORE REPORTING SERVICES, INC. 1986 9 18  
 350 SOUTH MAIN STREET, SUITE 203  
 DOYLESTOWN, PENNSYLVANIA 18901  
 (215) 345-4676

## 1 APPEARANCES:

2 ECKELL, SPARKS, LEVY, AUERBACH  
3 & MONTE, ESQS.  
4 BY STEPHEN J. POLAHA, ESQ.  
5 344 West Front Street  
6 Media, Pennsylvania 19063  
7 (Borough of Ridley Park)

8 HERBERT G. ZAHN, ESQ.  
9 521 Transportation & Safety Building  
10 Harrisburg, Pennsylvania 17120  
11 (PennDOT)

12 EDWARD HUSS, ESQ.  
13 130 South Ninth Street  
14 Philadelphia, Pennsylvania 19107  
15 (SEPTA)

16 HAROLD K. COHEN, ESQ.  
17 Room 524, Suburban Station Building  
18 Philadelphia, Pennsylvania 19103  
19 (Amtrack)

20 JAMES M. STEIN, ESQ.  
21 1138 Six Penn Center Plaza  
22 Philadelphia, Pennsylvania 19103  
23 (Conrail)

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WITNESS                      DIRECT              CROSS              REDIRECT      RECROSS

JAMES C. KELLY

By Mr. Polaha                      4

E X H I B I T S

NUMBER              DESCRIPTION                                      MK'D REC'D

COMPLAINANT'S

No.'s 1 Photographs                                      6  
to 13

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ADMINISTRATIVE LAW JUDGE MARTIN FOUNTAIN:

Let's have the hearing come to order, please. Call your first witness.

Would you kindly advise me of the correct pronunciation of your name?

MR. POLAHA: Your Honor, it's Polaha. Mr. Kelly.

- - - - -

JAMES C. KELLY, having been duly sworn, was examined and testified as follows:

- - - - -

JUDGE FOUNTAIN: Mr. Polaha, we have a question and procedure for this case. And I wish you would adhere strictly to the questions and elicit the proper answers, that way we will have a coherent record.

MR. POLAHA: May I ask some introductory questions beforehand?

JUDGE FOUNTAIN: Yes, that's understandable.

- - - - -

DIRECT EXAMINATION

- - - - -

BY MR. POLAHA:

Q. Would you state your full name, please?

A. James Charles Kelly.

Q. Are you employed by the Borough of Ridley Park?

1 A. I am the borough engineer.

2 Q. And how long have you been the borough  
3 engineer?

4 A. Since 1981.

5 Q. And are you a registered engineer in the  
6 Commonwealth of Pennsylvania?

7 JUDGE FOUNTAIN: Any questions on this  
8 gentleman's qualifications?

9 MR. ZAHN: No.

10 JUDGE FOUNTAIN: The witness is qualified.

11 MR. POLAHA: Thank you, your Honor.

12 - - - - -

13 BY MR. POLAHA:

14 Q. Are you familiar with the bridge commonly  
15 referred to as the Sellers Avenue bridge in Ridley  
16 Park?

17 A. Yes, I am.

18 Q. And have you had occasion to inspect that  
19 bridge?

20 A. Yes, I have.

21 Q. And how many times have you inspected that  
22 bridge within the last two years?

23 A. Several times, more than twice during the last  
24 two years during the semi-annual road inspections with  
25 the borough manager we inspected the condition of the

1 bridge, and most recently I inspected the condition of  
2 the bridge yesterday.

3 Q. How often do you inspect the bridge with the  
4 borough manager?

5 A. Semi-annually. We do a semi-annually road  
6 inspection, and we usually make that part of our  
7 inspection.

8 Q. And when did you recently inspect the bridge?

9 A. Yesterday. Wednesday.

10 MR. POLAHA: Your Honor, I have a series of  
11 photographs that I would like to mark.

12 JUDGE FOUNTAIN: All right. We will mark them  
13 C-1. Do you want to describe them, a series of  
14 photographs depicting what?

15 MR. ZAHN: Are you going to let us see them?

16 MR. POLAHA: Yes. Depicting the bridge, your  
17 Honor, and the condition of the bridge.

18 JUDGE FOUNTAIN: Fine.

19

20 (Whereupon, photographs were marked  
21 Complainant's Exhibits No.'s 1 through 13  
22 for identification.)

23

24 MR. POLAHA: Your Honor, would you like to  
25 review these pictures while the witness is describing

1 them?

2 JUDGE FOUNTAIN: I will.

3

4 BY MR. POLAHA:

5 Q. Mr. Kelly, have you had occasion to take  
6 pictures of the bridge and the area surrounding the  
7 bridge?

8 A. Yes, I have.

9 Q. I am showing you what has been marked exhibits  
10 C-1 through C-13. Are those the pictures you have  
11 recently taken?

12 A. Yes.

13 JUDGE FOUNTAIN: Wait a minute. Before you go  
14 any further. Is this a state highway?

15 MR. DAVIS: This is LR-180.

16 MR. COHEN: Your Honor, is it possible,  
17 perhaps, to stipulate that the bridge surface is  
18 potholed and unacceptable and in need of repair?

19 JUDGE FOUNTAIN: I am looking to see that some  
20 vital factors are considered here. I can go ahead and  
21 approve a stipulation as to resurfacing, that's no  
22 problem. But the question is when are they going to  
23 resurface it. I should think they could do it before  
24 the onset of the winter season, but I see Mr. Davis  
25 shaking his head in the negative. So when are they

1 going to resurface it?

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(Discussion held off the record.)

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JUDGE FOUNTAIN: Let the record reflect that  
6 there has been a comprehensive discussion by all  
7 parties with a view towards a feasible settlement of  
8 this matter. A stipulation has been submitted to me,  
9 which shall be deferred until we receive a core boring  
10 and an analysis of the deck to determine whether or  
11 not the deck should be replaced.

12

Amtrak shall obtain a core sample and process  
13 same at its initial cost and expense. And PennDOT  
14 shall perform the analysis thereof at its initial cost  
15 and expense. And we will meet again in November after  
16 receiving the results to gauge further action on the  
17 stipulation.

18

In the meantime, I would like the stipulation  
19 flushed out.

20

Is there anything else.

21

MR. COHEN: Is it feasible to set a date in  
22 November today?

23

JUDGE FOUNTAIN: Well, you can, but I don't  
24 know -- it depends on my schedule, but it will be  
25 either a Tuesday or Thursday in November. You

1 wouldn't want that on Thanksgiving Day?

2 MR. COHEN: No, sir.

3 MR. POLAHA: Your Honor, is it understood that  
4 by the time of the next hearing the core boring  
5 samples will be completed and analyzed and copies send  
6 to all parties?

7 JUDGE FOUNTAIN: Philadelphia Suburban Water  
8 Company will be a party of record. As I understand  
9 it, their utilities are located within the deck of the  
10 bridge. And you will make that determination and  
11 notify the Administrative Law Judge.

12 Anything else?

13 (No audible response)

14 JUDGE FOUNTAIN: All right.

15

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16 (Whereupon, the Hearing  
17 was concluded at 11:16 a.m.)

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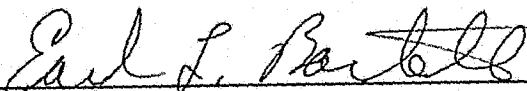
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I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter on September 18, 1986, and that this is a correct transcript of same.

  
\_\_\_\_\_

Earl L. Bartell

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Complainant's EX. NO. 2  
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EXHIBIT 9

# **OVERSIZE DOCUMENT(S)**

EXHIBIT 10

# **OVERSIZE DOCUMENT(S)**

EXHIBIT 11



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Complainant's EX. NO. 12

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Complainant's EX. NO. 13

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