

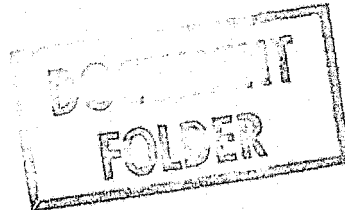


COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

October 14, 1986

IN REPLY PLEASE
REFER TO OUR FILE
C-850414

TO ALL PARTIES
(see attached list)



Borough of Ridley Park

v.

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

TO WHOM IT MAY CONCERN:

Enclosed is a copy of the Recommended Decision prepared by
Administrative Law Judge Martin R. Fountain.

An original and nine (9) copies of signed exceptions to the decision, if any, MUST BE FILED WITH THE SECRETARY OF THE COMMISSION IN ROOM B-18, NORTH OFFICE BUILDING, NORTH STREET AND COMMONWEALTH AVENUE, HARRISBURG, PA OR MAILED TO P.O. BOX 3265, HARRISBURG, PA 17120 and a copy served on each party of record within 15 days of the date of this letter. The signed exceptions will be deemed filed on the date actually received by the Secretary of the Commission or on the date the exceptions are deposited in the mail as shown on U.S. Postal Service Form 3817 certificate of mailing attached to the cover of the original document (52 Pa. Code §1.11(a)).

Replies to exceptions, if any, must be served on the Secretary of the Commission, in the manner described above, within 10 days of the date that the exceptions are due.

Exceptions and reply exceptions shall obey 52 Pa. Code 5.533 and 5.535, particularly the 40 page limit for exceptions and the 25 page limit for replies to exceptions. Exceptions should be clearly labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)".

Any reference to specific sections of the Administrative Law Judge's Recommended Decision shall include the page number(s) of the cited section of the Decision.

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

Very truly yours,

Allison K. Turner

Allison K. Turner
Chief Administrative Law Judge

jr
Enclosures
Certified Mail
Receipt Requested

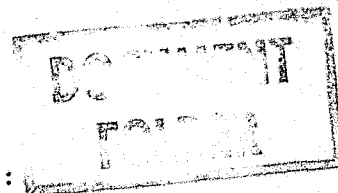
cc: ALJ Fountain/Office of ALJ/Bureau of S & C - Rail/OTS/Chairman/Commissioners
OSA/Mr. Bramson

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Borough of Ridley Park

v.

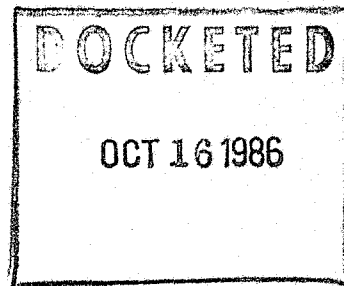
Southeastern Pennsylvania Transportation Authority,
Pennsylvania Department of Transportation, Consoli-
dated Rail Corporation, National Railroad Passenger
Corporation and Delaware County



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: Docket Number
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: C-850414
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:

RECOMMENDED DECISION

Before
Martin R. Fountain
Administrative Law Judge



HISTORY OF THE PROCEEDING

The Borough of Ridley Park, hereinafter complainant, filed a complaint on September 18, 1985 against Southeastern Pennsylvania Transportation Authority ("SEPTA"), Pennsylvania Department of Transportation ("PennDOT"), Consolidated Rail Corporation ("Conrail"), National Railroad Passenger Corporation ("Amtrak") and Delaware County, alleging a bridge and approaches thereto over respondent's railroad tracks at Sellers and East Ridley Avenues, in the said borough, are in a state of disrepair which requires 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 lines creating a 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.

Timely answers were filed, and a field investigation and conference took place at the site on April 9, 1986. A hearing on the merits was scheduled for Media on July 24, 1986, but was continued until September 18, 1986.

SUMMARY OF TESTIMONY

None adduced.

FINDINGS OF FACT

None.

CONCLUSION OF LAW

1. The Commission has jurisdiction over the subject matter and parties to this dispute.

DISCUSSION

The sole purpose of this decision is to recommend that the Commission approve the Administrative Law Judge's (ALJ) recommendation regarding expenditures for core borings and analysis as to subject structure.

In its requested relief, complainant mainly asks for the resurfacing of the deck of subject structure. The proceedings began by the Borough Engineer being sworn, but counsel for PennDOT, after conferring with the Department's Engineer, informed the ALJ that resurfacing of subject structure's deck was already on PennDOT's agenda. The

parties thereupon requested a recess to determine whether this case could be resolved by stipulation. PennDOT's Engineer, upon learning that another bridge in the vicinity was due for closure in the foreseeable future which would result in 100,000 vehicles weekly using subject structure, determined that mere resurfacing was an inadequate short-term remedy and advised instead that the entire deck be replaced.

A stipulation that PennDOT replace the deck at its initial cost and expense on or before December 1988 was offered to all counsel for approval. However, counsel for Amtrak balked on the ground that evidence was needed to establish the fact that a new deck was needed. The ALJ considered this reasonable and makes the following order subject to Commission approval.

ORDER

THEREFORE,

IT IS RECOMMENDED (Subject to Commission Approval):

1. That National Railroad Passenger Corporation, at its initial cost and expense, provide all material and do all work necessary to obtain sufficient core boring samples from the bridge deck of the bridge at Sellers Avenue and East Ridley Avenue in the Borough of Ridley Park; and to forward said core boring samples to Pennsylvania Department of Transportation.

2. That Pennsylvania Department of Transportation, at its initial cost and expense, provide all material and do all work necessary to perform such testing and analysis of the core boring samples to determine the structural adequacy and ion (salt) concentration of

the deck; and to send to all parties of record and to this Commission a report of its testing and results with recommendation as to repairs, replacement, or other work, if any, required to be performed on the bridge deck and the associated cost of said work.

3. That National Railroad Passenger Corporation and Pennsylvania Department of Transportation cooperate with each other during the performance of the work herein ordered and that all work be completed within 3 months of the service of the Commission order.

4. That upon completion of the report herein ordered and its submission to the Commission, a further hearing be held to consider said report and any other matters concerning this proceeding.

5. That Philadelphia Suburban Water Company be made a party of record to this proceeding since it is now known that they have facilities attached to the subject bridge.

9/22/86

Date

Martin R. Fountain

MARTIN R. FOUNTAIN
Administrative Law Judge