

1. <u>REPORT DATE:</u>	March 8, 1988	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	ALJ		APR-88-ALJ-54
4. <u>SECTION(S):</u>		5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>			
Chief ALJ:	Allison K. Turner		
Director:	Ext. 7-6108		April 21, 1988
Supervisor:			
7. <u>MONITOR:</u>			
8. <u>PERSON IN CHARGE:</u>	ALJ Fountain		
	8-325-2105		
9. <u>DOCKET NO:</u>	C-850414		

10. (a) CAPTION (abbreviate if more than 4 lines)
(b) Short summary of history & facts, documents & briefs
(c) Recommendation

- (a) Borough of Ridley Park v. Southeastern Pennsylvania Transportation Authority, Pennsylvania Department of Transportation, Consolidated Rail Corporation, National Railroad Passenger Corporation and Delaware County
- (b) On September 18, 1985, the Borough of Ridley Park filed a complaint alleging a bridge carrying Sellers Avenue over the tracks of the railroad was in a state of disrepair in that the concrete deck of the bridge was inadequately maintained with numerous large potholes and the highway approach slabs to the bridge had settled causing a vibration in the structure as heavy traffic enters upon the bridge. Hearings held.
- (c) Judge Fountain issued a Decision sustaining the complaint; accepting PennDOT's offer to rehabilitate the bridge in conjunction with a highway overlay project scheduled in 1989; ordering PennDot in the meantime to maintain the bridge deck surface in a smooth and satisfactory condition until it performs the ordered improvement; and assigning future maintenance.

Recommended Decision served: March 8, 1988.

Exceptions filed by: National Railroad Passenger Corporation, March 21, 1988.

Reply Exceptions filed by: Borough of Ridley Park, March 30, 1988.

11. MOTION BY: Commissioner Chm. Shane
Commissioner Taliaferro - Yes
Commissioner Smith - Yes
Commissioner

SECONDED: Commissioner Fischl

CONTENT OF MOTION: That the Decision of ALJ Fountain be adopted as the action of the Commission.

DOCUMENT
FOLDER

DOCKETED

MAY 4 - 1988

April 27, 1988

C-850414

Stephen J. Polaha, Esquire
Ronald J. Klimas, Esquire
Eckell, Spark, Levy,
Aurerbach, Monte & Moses
344 West Front Street
Media, PA 19063

Borough of Ridley Park

v.

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

To Whom It May Concern:

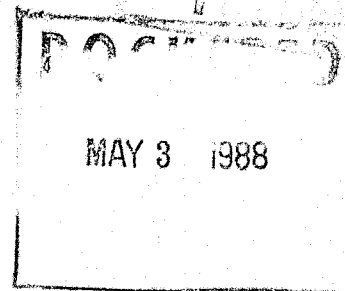
This is to advise you that an Order has been adopted by the Commission in public meeting held April 21, 1988 in the above entitled proceeding.

A copy of this Order has been enclosed for your records.

Very truly yours,

Jerry Rich, Secretary

fao
Encls.
Cert. Mail
Refer to letter dated March 8, 1988



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 21, 1988

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice Chairman
Linda C. Taliaferro, Commissioner
Frank Fischl, Commissioner

Borough of Ridley Park

C-850414

v.

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

O R D E R

BY THE COMMISSION:

We adopt as our action the Recommended Decision of
Administrative Law Judge Martin R. Fountain dated
February 24, 1988, and that Exceptions be denied; THEREFORE,

IT IS ORDERED:

1. That the Complaint be and is hereby sustained.
2. That Pennsylvania Department of Transportation,
having agreed to do so on or before December 31, 1989, at its
sole cost and expense, furnish all material and do all work
necessary to (1) rehabilitate the Sellers Avenue Bridge by the
construction of a latex modified concrete overlay on the bridge
deck and (2) rehabilitate the highway approaches to the Sellers
Avenue Bridge to accommodate the grade profile on the bridge.
3. That Pennsylvania Department of Transportation, at
its sole cost and expense, within 30 days from service of the
Commission Order, furnish all material and do all work necessary

COMM. ORDER

RECORDED
MAY 3 1988

to temporarily patch all existing potholes on the Sellers Avenue Bridge. Thereafter, to maintain the bridge deck surface in a smooth and satisfactory condition until Pennsylvania Department of Transportation performs the ordered improvements.

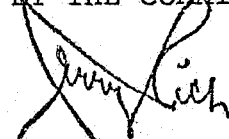
4. That Pennsylvania Department of Transportation, having agreed to do so, bear all its costs incurred in performing work in accordance with order paragraph 2 of the Commission's Order entered December 9, 1986 in this proceeding.

5. That National Railroad Passenger Corporation, having agreed to do so, bear all its costs incurred in performing work in accordance with order paragraph 1 of the Commission's Order entered December 9, 1986 in this proceeding.

6. That National Railroad Passenger Corporation, at its sole cost and expense, upon completion of the improvement ordered herein, furnish all material and do all work necessary thereafter to maintain its facilities, including the substructure and superstructure of the bridge carrying Sellers Avenue over and above the tracks of the Corporation, including bituminous roadway paving, if any, and curbs and sidewalks located on the superstructure.

7. That in all respects not inconsistent herewith, the Commission's Order dated May 16, 1949 at Docket C-13677, as relates to assignment of maintenance, remains in full force and effect.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: April 21, 1988

ORDER ENTERED: April 27, 1988