

DOCKET SHEET

PAGE 1

CASE NO C-00019707 REF NO C19707 UTILITY CODE 999999  
 RESPONDENT OR APPLICANT PARTY OR COMPLAINANT  
 READING CO. PENNDOT  
 DATE FILED 10/27/75 EFFECTIVE DATE / / SUSPENSION DATE / /  
 MONITOR JOHNSON ALJ PALLASTRONE ATTORNEY KUTZ  
 RESPON BUR LAW TECH STAFF KPEIGER CASE STATUS I DATE CLOSED 12/04/78  
 COUNTY MONTGOMERY FIRST HEARING DATE 03/10/77 TOTAL HEARING DAYS 002  
 AGENDA NO PUB MEET DT / / RPT DT / / TYPE COURT

DATE	TYPE	ACTION	ENTRY
03/10/77	H	HEARING	001
10/21/77	H	HEARING	002
02/23/78	N	ORDER SERVED	003
02/23/78	N	EXCEPTIONS DENIED	004
03/14/78	N	RECD DOT APPL-STAY OR SUPERS	005
03/21/78	N	STAFF RECOM ADOPTED	006
04/05/78	N	ORDER SERVED	007
04/05/78	N	STAY OR SUPERSEDEAS DENIED	008
12/04/78	N	OPINION BY JUDGE BOWMAN	009
12/04/78	N	SEE B-78022492	010

**DOCUMENT  
FOLDER**

RECEIVED  
1972 SEP 27 PM 1:44

SECRETARY'S OFFICE  
PUBLIC UTILITY  
COMMISSION

**COMPLAINT**

BEFORE  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DEPT. OF TRANSPORTATION OF THE COMMONWEALTH OF PENNA.

READING COMPANY, BOROUGH OF CONSHOHOCKEN, BOROUGH OF  
WEST CONSHOHOCKEN, PENNA. PUBLIC UTILITY COMMISSION  
AND COUNTY OF MONTGOMERY  
PENNSYLVANIA PUBLIC UTILITY COMMISSION:

COMPLAINT DOCKET  
No. 19707

1. The name and address of complainant are Department of Transportation,

Transportation & Safety Building, Harrisburg, Pennsylvania 17120

2. The name and address of complainant's attorney are Robert W. Cunliffe, Deputy

Attorney General, Capitol Associates Bldg., 7th and Forster Sts., Harrisburg, Pa. 17120

3. Respondents <sup>are</sup> ~~are~~ Reading Company, Borough of Conshohocken, Borough of

West Conshohocken and County of Montgomery

4. (This paragraph to contain a succinct statement of the subject matter of the complaint).

The structure (Matsonford Bridge) is in a state of disrepair. Your Complainant has prepared a plan, marked Exhibit 1 of 2, attached hereto and made a part hereof, to repair the crossing structure subject of former Complaint Docket No. 11279. Said repair is necessary to insure the life of the subject structure. Maintenance parties, other than your Complainant, as ordered by your Honorable Commission in the order dated December 13, 1937, will not agree to bear the repair expense, as shown on the cost estimate marked Exhibit 2 of 2, attached hereto and made a part hereof, for the portions of the crossing for which they are responsible as assigned by said order.

DUPLICATE RECORD.  
ORIGINAL CERTIFIED  
TO COMMONWEALTH COURT.

DOCKETED  
COMPLAINT DOCKET  
OCT 6 1972

FOUNDER

5. (This paragraph to contain a succinct statement of the relief sought).

Your Complainant prays your Honorable Commission adopt the attached plan and estimate and order each of the respective parties to reimburse Pennsylvania Department of Transportation for costs incurred to furnish material and perform work to repair the portions of the structure for which the respective parties are responsible for maintaining in accordance with the order dated December 31, 1937, in Complaint Docket No. 11279.

13

Wherefore complainant prays that respondent may 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.

*George S. Pulakos*

Signature of Complainant

GEORGE S. PULAKOS

AFFIDAVIT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA }  
County } ss:

\_\_\_\_\_ , being duly sworn (affirmed) according to law, deposes and says that the facts set forth (are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof).

\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Signature of Official Administering Oath

AFFIDAVIT (Corporation)

COMMONWEALTH OF PENNSYLVANIA }  
DAUPHIN County } ss:

GEORGE S. PULAKOS being duly sworn (affirmed) according to law, deposes and says that he is DEPUTY SECRETARY FOR ADMINISTRATION of DEPARTMENT OF TRANSPORTATION OF THE COMMONWEALTH OF PENNSYLVANIA; that he is authorized to and does make this affidavit for it; and that the facts set forth above (are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects the said DEPARTMENT OF TRANSPORTATION to be able to prove the same at the hearing hereof).

George S. Pulakos

Signature of Affiant

GEORGE S. PULAKOS

Sworn and subscribed before me this  
22nd day of September 1972  
My Commission Expires May 17, 1976

Joseph H. Dumnigan

Signature of Official Administering Oath

JOSEPH H. DUMNIGAN



# RULES

The Rules of Practice contain the following provisions:

## FORMAL COMPLAINTS (Rules 25 to 30 Inclusive)

(A) **CONTENT**:—Each formal complaint shall be divided into numbered paragraphs and shall set forth (1) Name and address of the complainant and the name and address of complainant's attorney, if any; (2) Name and address of the respondent complained against and the nature and character of its business; (3) The interest of the complainant in the subject matter; (4) The act or thing done or omitted to be done or about to be done or omitted to be done by the respondent in violation, or claimed violation, of any law which the Commission has jurisdiction to administer or of any regulation or order of the Commission, with specific reference to the section of the statute or particular regulation or order of the Commission involved; (5) A clear statement of the relief sought.

(B) **EXECUTION; JOINDER OF CAUSES AND PARTIES**:—Each formal complaint shall be in writing and shall be subscribed and verified; (1) By the party filing such complaint or by one of the parties if there be more than one; (2) By an authorized officer of the party filing the complaint if the party be a corporation or association. The form of the affidavit shall be as prescribed in Rule 7 of these rules. Complaints against rates and service shall not be included in the same document. Two or more grounds of complaint involving the same purpose, subject or state of facts may be included in one complaint, but shall be separately stated, and numbered. Two or more complainants may join in one complaint if their causes of complaint are against the same respondent, involve substantially the same purposes and subjects and are predicated upon like sets of facts.

(C) **FILING; SERVICE**:—An original and three copies of each complaint shall be filed and, in case more than one respondent is named, an additional copy shall be filed for each additional respondent. The Commission will serve a copy of the complaint upon each respondent together with a notice to satisfy the complaint or answer the same in writing, within ten (10) days after such service.

Complaints by a public utility or other person or corporation subject to the public utility law against any regulation or order of the Commission, which the complainant is or has been required to observe or carry into effect, shall be substantially in the form above described and reference shall be made to the particular regulation or order or part thereof complained against and shall quote the pertinent portions thereof.

Crossing Complaints. (a) Parties Respondent. Whenever a complaint is made under Section 409 of the Public Utility Law that any crossing is dangerous or inadequate and requires reconstruction, relocation, alteration or abolition, all public utilities and municipal corporations concerned and, where applicable, the Department of Highways of the Commonwealth of Pennsylvania, shall be made parties respondent.

## ANSWERS TO COMPLAINTS (Rule 34 to 36 Inclusive)

(D) **FORM AND EXECUTION; CONTENT; FILING AND SERVICE**:—Every answer shall be in writing and shall be subscribed and verified in the form stated in Rule 7 by the party filing such answer or by one of the parties if there is more than one or if the party is a partnership, or by an authorized officer of the party filing the answer if the party be a corporation or association. The answer shall set forth in paragraphs numbered to correspond with the complaint, the facts upon which respondent relies and shall specifically admit or deny the material allegations of the complaint. An original and two copies of each answer shall be filed. Proof of service of one copy of each answer upon each complainant or his attorney shall be attached to such answer.

## MOTIONS TO STRIKE OR DISMISS OR FOR AMPLIFICATION (Rule 37 to 39 Inclusive)

(E) Any party deeming a pleading insufficient in form may file with the Commission a motion to strike. Any party deeming a pleading insufficient in substance, or desiring to question the jurisdiction of the Commission, may file with the Commission a motion to dismiss. Any party deeming the allegations of fact in any pleading to be so insufficiently averred that adequate answer to the pleading is impossible, may file with the Commission a motion for amplification of the specific allegations deemed insufficient. An original and two copies of each motion to strike or dismiss or for amplification shall be filed. Proof of service of a copy of the motion upon each party of record shall be attached to such motion.

## HEARINGS (Rule 40 to 45 Inclusive)

(F) **PRELIMINARY STATEMENTS, EVIDENCE, CONTINUANCE, CORRECTIONS OF TRANSCRIPT**:—At any initial hearing all persons entering an appearance shall state for the record (before any testimony shall be received) their names, addresses, and for whom they appear. The presiding official may require or allow a factual statement of the scope of any pleading or the position of any party in the case.

All written pleadings and all Commission orders in a case shall constitute a part of the record without formal offer. Facts admitted by the adverse party of record or by testimony, exhibits or in writing need not be proved. Copies of each exhibit shall be submitted in sufficient number to provide one copy for each party and three copies for Commission use.

Only under exceptional circumstances will requests for continuance of a hearing be considered unless submitted at least five (5) days prior to the hearing date.

No correction of any transcript of testimony shall be made except upon: (a) written request within fifteen (15) days after the transcript has been filed with the Commission, such request being accompanied by proof of service upon all parties of record; or (b) upon written stipulation by all parties of record filed within twenty (20) days after the transcript has been filed with the Commission.

# OVERSIZED DOCUMENT(S)

DUPLICATE RECORD  
ORIGINAL CERTIFIED  
TO COMMONWEALTH COURT

Exhibit 2

General Summary  
of  
ACCS  
of  
Bridge

Item No.	Unit	Item	Unit Price	State		Reading R.R.		Bare of Crushables		Bare of H. Crushables	
				Quant.	Total	Quant.	Total	Quant.	Total	Quant.	Total
305-0200	Trk	Bromides Concrete Base Course (Build-Up)	\$15.00			20	\$ 300.00				
0202	S.Y.	Base Course (Build-Up)	12.00	5385	\$ 64,620.00	1614	19,368.00	958	\$ 2,874.00		
501-0007	S.Y.	Const. Base Course Pavement 10" Depth	60.00	59	3,540.00	464	27,840.00	47	2,820.00		
501-0215	S.Y.	Const. Base Course Pavement Variable Depth	60.00			23	1,380.00				
608-0001	L.S.	Inspector's Field Office & Inspection Facilities	---								
609-0001	L.S.	Inspector's Field Office & Inspection Facilities	---								
630-0001	L.S.	Inspector's Field Office & Inspection Facilities	15.00								
670-0001	L.S.	Cement Concrete Sidewalk	25.00								
700-0001	L.S.	Class AA Cement Concrete for Repair/Repair	35.00			179	6,265.00			16	\$ 240.00
700-0002	L.S.	Class AA Cement Concrete for Repair/Repair	200.00	150	39,000.00	42	8,400.00			10	250.00
700-0003	L.S.	Class AA Cement Concrete for Repair/Repair	40.00	125	5,000.00	160	6,400.00	190	7,600.00	5	200.00
701-0001	L.S.	Maintenance & Protection of Traffic During Constr.	---								
701-0004	Base	Pre-cast Mortar Build-Up	140.00	650	91,000.00	510	71,400.00	125	17,500.00		
701-0005	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0006	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0007	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0008	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0009	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0010	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0011	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0012	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0013	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0014	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0015	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0016	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0017	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0018	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0019	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0020	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0021	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0022	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0023	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0024	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0025	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0026	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0027	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0028	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0029	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0030	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0031	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0032	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0033	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0034	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0035	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0036	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0037	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0038	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0039	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0040	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0041	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0042	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0043	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0044	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0045	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0046	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0047	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0048	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0049	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0050	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0051	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0052	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0053	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0054	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0055	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0056	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0057	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0058	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0059	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0060	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0061	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0062	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0063	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0064	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0065	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0066	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0067	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0068	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0069	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				
701-0070	L.S.	Removal of Existing Structure, Sta. 130+08.71 to 130+10.00	---			1.5	2,000.00				

RECORDED  
FOLDER  
OCT 6 1972  
ENTRY NO.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
HARRISBURG

In re Complaint of  
Department of Transportation of the Common-  
wealth of Pennsylvania  
v.  
Reading Company, Borough of Conshohocken,  
Borough of West Conshohocken and County of  
Montgomery

Complaint Docket  
No. 19707  
1972

TO  
Alfred W. Hesse, Jr., Vice President and  
General Counsel  
Reading Company  
Reading Terminal  
Philadelphia, Pennsylvania 19107

DUPLICATE RECORD.  
ORIGINAL CERTIFIED  
TO COMMONWEALTH COURT.

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.

You are hereby required to satisfy the said complaint or to answer the same in writing, duly verified by affidavit, within TWENTY days from the date hereof.

In Witness Whereof, PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused its seal to be hereunto attached, duly attested by its Secretary, this SIXTH day of OCTOBER, 1972.

ATTEST:

WILL FETTER  
Secretary

NOTE: Attention is called to Rule \_\_\_\_\_ of the RULES OF PRACTICE before the Pennsylvania Public Utility Commission, reprinted on the reverse hereof.

Enclosure

Certified Mail  
Receipt Requested

SIMILAR NOTICES: See attached list (10 days)

AMH:jg

RECORD  
FOLDER

FILED  
COMPLAINT DOCKET  
OCT 6 1972  
ENTRY No. 14

(over)

## RULE

## COMPLAINTS—FORM

(a) All complaints must be by petition sworn to by the complainant. If complainant is a corporation or association, a duly authorized officer may execute the complaint. No particular form is required; the Commission will, upon request, furnish blank forms.

## CONTENTS

(b) The complaint must set forth the name and address of the complainant, and of his attorney, if any, the name and address of the public utility complained against, and the nature and character of its business; a concise statement of all the material facts upon which the complaint is founded; if a violation of any statute or ruling or order of the Commission is complained of, a reference to the section of the statute or particular ruling or order of the Commission must appear.

## ADDITIONAL COPIES

(c) In addition to the original verified complaint three copies thereof shall be furnished and in case more than one public utility is named as respondent, an additional copy for each additional respondent.

## SERVICE

(d) A copy of the complaint will be forwarded by the Commission to each of the public utilities complained against, accompanied by a notice from the Commission calling upon each such utility to satisfy the complaint or answer the same, in writing under oath, within such time as may be specified in said notice.

## ANSWER

(e) The answer, duly verified, must specifically admit or deny the material allegations of the complaint, and must clearly set forth the facts upon which respondent relies. Three copies of the answer shall be filed with the original, and one copy served by the respondent on the adverse party personally or by registered mail and due proof of such service filed with the Commission.

## MOTIONS TO STRIKE OR DISMISS OR FOR AMPLIFICATION

(f) Any party deeming a pleading insufficient in form may file with the Commission a motion to strike. Any party deeming a pleading insufficient in substance, or desiring to question the jurisdiction of the Commission, may file with the Commission a motion to dismiss. Any party deeming the allegations of fact in any pleading to be so insufficiently averred that adequate answer to the pleading is impossible, may file with the Commission a motion for amplification of the specific allegations deemed insufficient. An original and two copies of each motion to strike or dismiss or for amplification shall be filed. Proof of service of a copy of the motion upon each party of record shall be attached to such motion.

## HEARINGS

(g) If, from a consideration of the complaint and answer, or otherwise, the Commission determines that reasonable ground exists for investigating the complaint and that a hearing is necessary, a time and place for hearing will be fixed and notice thereof given to the complainant and the respondent.

## EVIDENCE

(h) The complainant must establish by evidence the facts alleged in the petition unless the respondent admits the same, except where the burden of proof is imposed by law upon the public utility complained against. Verified copies of all documents may be substituted for originals which have been offered in evidence.

## PARTIES

Whenever complaint is made that any grade crossing is dangerous and should be abolished, or that any overhead crossing, subway or underpass is dangerous or inadequate and requires reconstruction, relocation, alteration or abolition, any township, borough, city or county concerned shall be named as a party and shall be given due notice by the Secretary of all hearings of such complaint.

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

Show to whom, date and address where delivered  Deliver ONLY to addressee

**RECEIPT C. 19707 (SEC)**  
Received the numbered article described below.

REGISTERED NO. \_\_\_\_\_ SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)  
 CERTIFIED NO. **44583** ① *E. F. Kane*  
 INSURED NO. \_\_\_\_\_ ② SIGNATURE OF ADDRESSEE'S AGENT, IF ANY  
 DATE DELIVERED **10-10-72** ③ SHOW WHERE DELIVERED (only if requested)  
 Department of Transportation v. Reading Company, et al.  
 65-16-71848-11 347-108 GPO

POOR ORIGINAL

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

Show to whom, date and address where delivered  Deliver ONLY to addressee

**RECEIPT C. 19707 (SEC)**  
Received the numbered article described below.

REGISTERED NO. \_\_\_\_\_ SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)  
 CERTIFIED NO. **44580** ① *Deborah Milled*  
 INSURED NO. \_\_\_\_\_ ② SIGNATURE OF ADDRESSEE'S AGENT, IF ANY  
 DATE DELIVERED **10/9/72** ③ SHOW WHERE DELIVERED (only if requested)  
 Department of Transportation v. Reading Company, et al.  
 65-16-71848-11 347-108 GPO

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

Show to whom, date and address where delivered  Deliver ONLY to addressee

**RECEIPT C. 19707 (SEC)**  
Received the numbered article described below.

REGISTERED NO. \_\_\_\_\_ SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)  
 CERTIFIED NO. **44581** ① *Art Hessel, Reading Co.*  
 INSURED NO. \_\_\_\_\_ ② SIGNATURE OF ADDRESSEE'S AGENT, IF ANY  
 DATE DELIVERED **10/10/72** ③ SHOW WHERE DELIVERED (only if requested)  
 Department of Transportation v. Reading Company, et al.  
 65-16-71848-11 347-108 GPO

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

Show to whom, date and address where delivered  Deliver ONLY to addressee

**RECEIPT C. 19707 (SEC)**  
Received the numbered article described below.

REGISTERED NO. \_\_\_\_\_ SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)  
 CERTIFIED NO. **44582** ① *Robert J. ...*  
 INSURED NO. \_\_\_\_\_ ② SIGNATURE OF ADDRESSEE'S AGENT, IF ANY  
 DATE DELIVERED **10/10/72** ③ SHOW WHERE DELIVERED (only if requested)  
 Department of Transportation v. Reading Company, et al.  
 65-16-71848-11 347-108 GPO

POOR ORIGINAL

DUPLICATE RECORD!  
ORIGINAL CERTIFIED  
TO COMMON PLEAS COURT.

1972 OCT 16 AM 10:05

SECRETARY OF THE  
PUBLIC UTILITY  
COMMISSION

BEFORE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Dept of Transportation of the  
Commonwealth of Pennsylvania

: Complaint Docket  
No. 19707

vs.

Borough of West Conshohocken, et al

DUPLICATE RECORD.  
ORIGINAL CERTIFIED  
TO COMMONWEALTH COURT.

ANSWER  
OF  
BOROUGH OF WEST CONSHOCKEN

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied. Respondent is without information sufficient

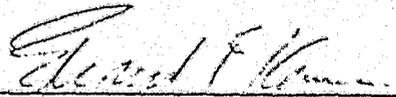
to form a belief as to the allegations contained in Paragraph 4 and proof thereof is demanded. By way of further answer, respondent has not been provided with the Order of December 13, 1937. By way of further answer, respondent denies any obligation with respect to the cost of repairing the structure for the following reasons:

a. Assuming that respondent at one time was responsible for the repair of a portion of the structure, respondent no longer is responsible because whatever disrepair exists has resulted from the increased activity on said structure occasioned by various construction projects of the State; and

b. Respondent is not in a financial position to continue to bear such responsibility especially in view of the fact that the structure is primarily the responsibility of the State and serves as an integral part of the state highway system.

EXTRA COPY

5. No answer required.

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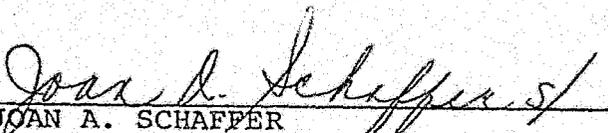
EDWARD F. KANE, ESQUIRE

COMMONWEALTH OF PENNSYLVANIA:

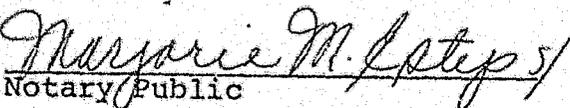
SS:

COUNTY OF MONTGOMERY:

JOAN A. SCHAFFER, Secretary of the Borough of West  
Conshohocken, being duly sworn according to law deposes and says  
that she may sign this affidavit for the Borough of West  
Conshohocken and that the facts set forth in the foregoing  
Answer are true and correct to the best of her knowledge, informa-  
tion and belief.

  
JOAN A. SCHAFFER  
Secretary

Sworn to and subscribed  
before me this *12* day  
of *October*, 1972.

  
Notary Public

BEFORE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Dept. of Transportation of the  
Commonwealth of Pennsylvania

:Complaint Docket  
No. 19707

vs.

Borough of West Conshohocken, et al

PROOF OF SERVICE

Edward F. Kane, being duly sworn according to law deposes and says that on the 12th day of October, 1972 he caused to be deposited in the United States Mails an Answer to the Complaint in the above-captioned matter directed to the Complainants, said Answer being sent Certified Mail, Return Receipt Requested, Receipt No. 561987.

Edward F. Kane  
EDWARD F. KANE

Sworn to and Subscribed  
before me this 12 day  
of October, 1972.

Maurice M. Estep  
Notary Public

# OVERSIZE DOCUMENT(S)

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
BRIDGE ENGINEER

*Exhibit 1 of 2*

Commonwealth of Pennsylvania



DEPARTMENT OF TRANSPORTATION  
DIVISION OF BRIDGE ENGINEERING

MONTGOMERY COUNTY  
L.R. 46140 SEC. A06

FAYETTE STREET BRIDGE OVER  
READING R.R. & SCHUYLKILL RIVER  
REPAIR OF 10 SPAN R.C. ARCH BRIDGE  
GENERAL PLAN



# READING COMPANY

RICHARDSON DILWORTH AND ANDREW L. LEWIS, JR., TRUSTEES

## LAW DEPARTMENT

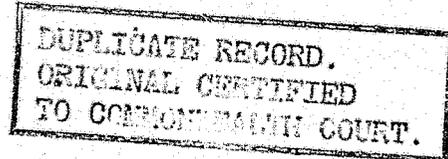
READING TERMINAL, PHILADELPHIA, PA. 19107

JOEL E. MAZOR  
E. DAVID SIGMAN  
JOSEPH M. O'MALLEY  
ASSISTANT GENERAL ATTORNEYS

ALFRED W. HESSE, JR.  
VICE PRESIDENT AND GENERAL COUNSEL  
LOCKWOOD W. FOGG, JR.  
GENERAL ATTORNEY

WILLIAM C. JAMOUNEAU  
ATTORNEY  
JACK J. BERNSTEIN  
CLAIMS ATTORNEY

October 24, 1972  
File: G-2294-V2



Complaint of Department of Transportation of the Commonwealth of Pennsylvania v. Reading Company, Borough of Conshohocken, Borough of West Conshohocken and County of Montgomery.  
Docket No. C-19707

Mr. Will Ketner, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, Pa. 17120

RECEIVED  
1972 OCT 26 AM 8:00  
SECRETARY'S OFFICE  
PUBLIC UTILITIES  
COMMISSION

Dear Sir:

I am forwarding for filing with the Commission original and two copies of Answer to complaint in the above matter on behalf of Richardson Dilworth and Andrew L. Lewis, Jr., Trustees of the property of Reading Company, Debtor.

I hereby certify that I have this day forwarded a copy of the Answer to the complaint to each party involved in the proceeding.

Very truly yours,

*Joel E. Mazor*  
Joel E. Mazor

JEM:ml  
Encs.

cc, with copy of Answer, to:

Department of Transportation, Transportation & Safety Bldg.,  
Harrisburg, Pa. 17120 - Att: Herbert Zahn, Esq.  
Robert W. Cunliffe, Deputy Attorney General, Capitol Associates  
Bldg., 7th & Forster Sts., Harrisburg, Pa. 17120.  
Commissioners of Montgomery County, Court House, Airy & Swede  
Sts., Norristown, Pa. 19407.  
Joan A. Schaffer, Secretary, Borough of West Conshohocken,  
210 Moir Ave., West Conshohocken, Pa. 19428.  
Elizabeth V. Brandt, Secretary, Borough of Conshohocken,  
8th Ave. & Fayette St., Conshohocken, Pa. 19428.

RECEIVED  
1972 OCT 26 AM 9:10  
SECRETARY'S OFFICE  
PUBLIC UTILITY  
COMMISSION

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Complaint of Department of Transportation of the Commonwealth of Pennsylvania v. Reading Company, Borough of Conshohocken, Borough of West Conshohocken and County of Montgomery. :  
: COMPLAINT DOCKET  
: NO. 19707 1972  
:

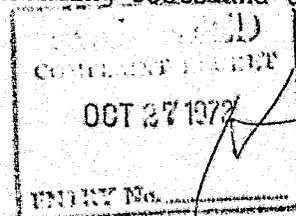
ANSWER OF READING COMPANY, DEBTOR

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

COME NOW, Richardson Dilworth and Andrew L. Lewis, Jr., Trustees of the property of Reading Company, Debtor, by Joel E. Mazor, attorney for the Debtor, and make answer to the above-captioned complaint as follows:

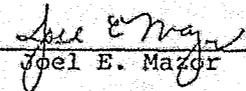
1. Admitted.
2. Admitted.
3. Denied as stated. Respondent designated in the complaint as, "Reading Company", should be designated as, "Richardson Dilworth and Andrew L. Lewis, Jr., Trustees of the property of Reading Company, Debtor".
4. Denied as stated. While there may be portions of the structure in various stages of disrepair, the plan attached to the complaint contains items not absolutely necessary to insure the life of the structure. It is admitted that Reading Company has not agreed to bear any expense in connection with whatever work is necessary.
5. Respondent prays your Honorable Commission conduct such investigations and hearings as are necessary to determine the extent to which repairs or rehabilitation are required; to determine the cause of whatever deterioration has occurred to aid the Commission in allocating costs and to

DUPLICATE RECORD.  
ORIGINAL CERTIFIED  
TO COMMONWEALTH COURT.



consider reassigning maintenance responsibility.

WHEREFORE, respondent prays the complaint be disposed of as indicated in paragraph 5 above.

  
\_\_\_\_\_  
Joel E. Mazor

Philadelphia, Pa.

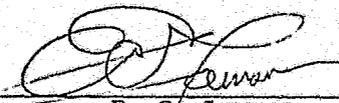
October 20, 1972.

COMMONWEALTH OF PENNSYLVANIA:

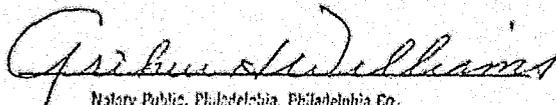
: ss.

COUNTY OF PHILADELPHIA :

E. C. LAWSON, being duly sworn according to law, deposes and says that he is Chief Engineer of Reading Company, Debtor; that he is authorized to make this Answer on its behalf, and that the facts set forth in the foregoing Answer are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
E. C. Lawson

Sworn to and subscribed before me  
this <sup>23rd</sup> day of October, 1972.



Notary Public, Philadelphia, Philadelphia Co.  
My Commission Expires January 17, 1974

BEFORE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Department of Transportation of the :  
Commonwealth of Pennsylvania :

v. :

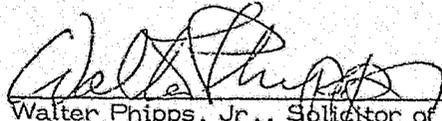
Complaint Docket  
No. 19707

Reading Company, Borough of :  
Conshohocken, Borough of West :  
Conshohocken and County of Montgomery :

RECEIVED  
OCT 17 AM 7 49  
PUBLIC UTILITY  
COMMISSION

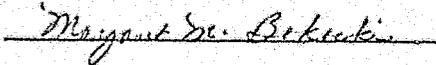
AFFIDAVIT OF SERVICE

WALTER PHIPPS, JR., being duly sworn according to law, deposes and says that he is Solicitor of the Borough of Conshohocken and that on October 16, 1972, he did serve upon Robert W. Cunliffe, Attorney for the Department of Transportation of the Commonwealth of Pennsylvania, complainant in the above captioned cause, a true and correct copy of the Answer of the Borough of Conshohocken by Registered Mail. Attached hereto is Registered Mail receipt issued by the Postmaster of the United States Post Office at Conshohocken, Pa.



Walter Phipps, Jr., Solicitor of the  
Borough of Conshohocken

Sworn to and Subscribed  
before me this 16th day of  
October, 1972.



MARGARET M. BOKOSKI, Notary Public  
Conshohocken, Montgomery Co., Pa.  
My Commission Expires June 25, 1976

DOCKETED  
COMPLAINT DOCKET  
OCT 19 1972  
ENCL. 3

DUPLICATE RECORD.  
ORIGINAL CERTIFIED  
TO COMMONWEALTH COURT.

RECORDED  
FOLDER

REGISTERED NO. <b>0763</b>	
Value \$ <b>NV</b>	Special Delivery \$ <b>60</b>
Reg. Fee \$ <b>45</b>	Return Receipt \$
Handling Charge \$	Restricted Delivery \$
Postage \$ <b>16</b>	<input type="checkbox"/> AIRMAIL
POSTMASTER (By) <b>RH</b>	

POSTMARK OF



MAILING OFFICE

FROM **312 Fayette St  
Conshohocken PA**

TO **Robert Cunliffe, Dept. Atty. Gen.,  
Capital Assoc. Bldg. 2<sup>nd</sup> + Forster St.  
HARRISBURG Pa 17120**

REG. NO. 1871-1-1

BEFORE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Department of Transportation of the :  
Commonwealth of Pennsylvania :

v. :

Reading Company, Borough of :  
Conshohocken, Borough of West :  
Conshohocken and County of Montgomery :

Complaint Docket No. 19707-112

RECEIVED  
OCT 17 AM 7  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ANSWER OF THE BOROUGH OF CONSHOHOCKEN

1. Admitted.
2. Admitted.
3. Admitted.

FILED

DOCKETED  
COMPLAINT DOCKET  
OCT 19 1972

4. It is admitted that parts of the structure are in a state of

disrepair. It is denied that the entire structure is in a state of disrepair.

It is further admitted that complainant has prepared a plan, marked Exhibit 1 of 2, and a cost estimate, marked Exhibit 2 of 2. It is denied, however, that said Exhibits indicate the necessary repairs or the repair expense for which the respondent Borough of Conshohocken may be responsible under Commission Order dated December 13, 1937. The Mill Street ramp referred to in said Order is not designated on either of said Exhibits. If material, strict proof of these averments is demanded at the hearing.

5. At the time the Order assigning areas of maintenance responsibility among the parties was entered on December 13, 1937, the structure, and particularly the Mill Street ramp between the main bridge and the Forrest Street ramp, was not an integral part of a major regional or interstate highway system; since the Order was entered, however, the vehicular traffic upon the said portion of the Mill Street ramp has materially increased because of the tremendous flow of traffic thereon and therefrom generated by

DUPLICATE RECORD.  
ORIGINAL CERTIFIED  
TO COMMONWEALTH COURT.

the Schuylkill Expressway and serving areas outside of the respondent Borough.

6. The Fayette Street approach to the bridge has also become an integral part of a regional or interstate highway system since the imposition of the Commission Order on December 13, 1937, and the wear and tear upon and maintenance cost of, said approach has consequently materially increased.

7. Complainant, by its admissions in the Complaint, has not fulfilled its responsibilities and obligations under the Order of the Commission, dated December 13, 1937.

8. Respondent requests that the Commission order the complainant forthwith to meet its responsibilities under the Commission Order dated December 13, 1937, and to reject the portions of the plan and estimate submitted relating to the responsibilities of the respondent Borough of Conshohocken, and to require strict legal proof of the averments in the Complaint regarding said responsibilities, and further, that the Commission review and rescind that portion of said Order assigning to the respondent Borough of Conshohocken responsibility for maintaining and repairing any part of the structure and, in lieu thereof, assign to the complainant the responsibility therefor.

WHEREFORE, respondent Borough of Conshohocken prays that the complainant be forthwith ordered to make the repairs for which it is responsible and which it has admitted are necessary and that upon final hearing, the Commission rescind or amend that portion of its Order dated December 13, 1937, assigning any responsibility to the respondent Borough of Conshohocken for the maintenance of any part or parts of the structure and make an order assigning upon the Department of Transportation of the

Commonwealth of Pennsylvania the responsibility heretofore imposed upon  
said Borough of Conshohocken .

BOROUGH OF CONSHOHOCKEN

BY:

Joseph P. Burns  
Joseph P. Burns, President of  
Borough Council

Walter Phipps, Jr.  
Walter Phipps, Jr., Solicitor of  
the Borough of Conshohocken

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF MONTGOMERY:

JOSEPH P. BURNS, being duly sworn according to law, deposes  
and says that as President of Conshohocken Borough Council he is authorized  
to take this affidavit on behalf of said Borough, and that the facts set forth in  
the foregoing Answer are true and correct to the best of his knowledge,  
information and belief, and he expects to be able to prove the same at hearing  
hereof.

Joseph P. Burns  
Joseph P. Burns

Sworn to and Subscribed  
before me this 16<sup>th</sup> day  
of October, 1972.

Margaret M. Birkbeck

MARGARET M. BIRKBECK, Notary Public  
Conshohocken, Montgomery Co., Pa.  
My Commission Expires June 25, 1976

Order C.19707 submitted by

\_\_\_\_\_  
Stenographer \_\_\_\_\_

Form Check \_\_\_\_\_

O. K. for Printing and Service

DUPLICATE RECORD.  
ORIGINAL CERTIFIED  
TO COMMONWEALTH COURT.