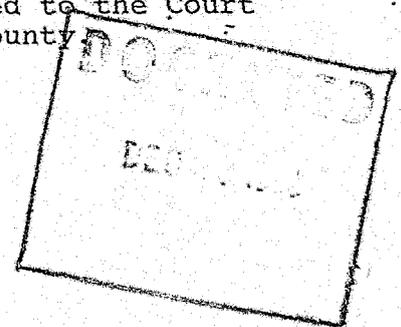


1. <u>REPORT DATE:</u>	November 17, 1986:	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Law Bureau		DEC-86-L-345*
4. <u>SECTION(S):</u>	Rail Division	5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>			
Director:	Delaney 7-5000		December 4, 1986
Supervisor:	Wilson 3-2840		
7. <u>MONITOR:</u>			
8. <u>PERSON IN CHARGE:</u>	Waggoner 3-2840		
9. <u>DOCKET NO:</u>	C-19707, D.C.1		

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

- (a) Pennsylvania Department of Transportation v. Consolidated Rail Corporation, et al.
- (b) On November 6, 1986, the Pennsylvania Department of Transportation filed a petition with the Commission to refer a property damage claim to the Court of Common Pleas of Montgomery County for a determination of the amount of damages due Conrail.
- (c) The Law Bureau recommends that the Commission adopt an order granting the petition and directs that the property damage claim be referred to the Court of Common Pleas of Montgomery County.



11. MOTION BY: Commissioner Chm. Taliaferro Commissioner Fischl - Yes
 Commissioner
 SECONDED: Commissioner Shane Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

December 9, 1986

C-19707,D.C. 1

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

Commonwealth of Pennsylvania, Department of Transportation
v.
Consolidated Rail Corporation, et al.

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in Public Meeting held December 4, 1986 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

Bureau of S&C-Rail Safety

Copy of order to: Daniel F. Donovan, Esquire

Consolidated Rail Corporation

1138 Six Penn Center Plaza

Philadelphia, PA 19104

DOCKETED

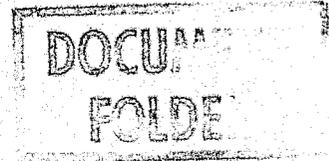
DEC 10 1986

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting Held December 4, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

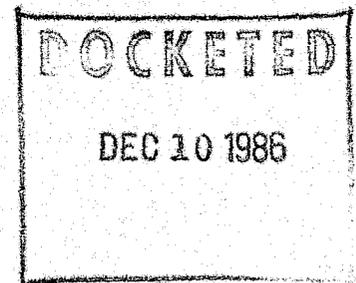


Commonwealth of Pennsylvania,
Department of Transportation

Docket No.
C-19707, D.C. 1

v.

Consolidated Rail Corporation, et al.



O R D E R

BY THE COMMISSION:

This Commission, by order adopted July 11, 1985, and entered December 4, 1985, (pages 7 and 8, paragraph 4) appropriated certain property of Consolidated Rail Corporation (Conrail) for the purpose of construction of a crossing in accordance with a previously recorded approved plan.

On November 6, 1986, the Pennsylvania Department of Transportation (PennDOT) filed a petition with this Commission requesting that this Commission certify the property damage claim to the Court of Common Pleas of Montgomery County for a determination of the amount of damages due, pursuant to Section 2704 of the Public Utility Code, 66 Pa. C.S. §2704.

Section 2704(a) of the Public Utility Code, 66 Pa. C.S. §2704(a) provides in pertinent part:

The compensation for damages which the owners of adjacent property taken, injured, or destroyed may sustain in the construction, relocation, alteration, protection, or abolition of any crossing under the provisions of this part, shall, after due notice and hearing, be ascertained and determined by the Commission.

Section 2704(b) of the Public Utility Code, 66 Pa. C.S. §2704(b), provides in pertinent part:

The Commission may, of its own motion, or upon application of any party in interest, submit to the Court of Common Pleas of the county wherein the property affected is located, the determination of the amount of damages to any property owner due to such condemnation. . .

We determine it appropriate to refer the subject property damage claim to the Court of Common Pleas of Montgomery County in accordance with 66 Pa. C.S. §2704(b).

Accordingly, this Commission finds that the instant petition of PennDOT should be granted and that the property damage claim should be referred to the Court of Common Pleas of Montgomery County. We further find that said petition is in proper form for said referral in conformity with Section 3.363 of the Commission's Special Provisions (52 Pa. Code §3.363); THEREFORE,

IT IS ORDERED:

1. That the petition filed by PennDOT on November 6, 1986 at C-19707, D.C. 1 is granted to the extent herein indicated.

2. That this matter is hereby referred to the Court of Common Pleas of Montgomery County for a determination of the amount of damages due Consolidated Rail Corporation, said property interests having been appropriated by and as more fully set forth in paragraph No. 4 of this Commission's order entered December 4, 1985 at C-19707 at pages 7 and 8, and designated as Parcel "A" containing 769.56 square feet of aerial easement right-of-way, which includes 189.20 square feet of surface easement for bridge piers and appurtenances; and, designated as Parcel "B" containing 4348.20 square feet of aerial easement right-of-way, which includes 1000.00 square feet of surface easement for bridge piers and appurtenances, and 1787.00 square feet of required right-of-way for Access Road No. 1.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: December 4, 1986

ORDER ENTERED: DEC 9 1986

RECEIVED

DEC 13 1986

SECRETARYS OFFICE
Public Utility Commission

This 12th 10th day of December, 1986

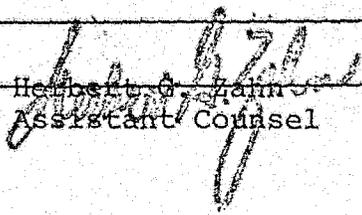
the undersigned hereby acknowledges receipt of

FOUR COPIES OF ORDER

rendered by the Commission in Docket No. C-19707,D.C.1

Under date of December 4, 1986 and accepts service

in behalf of PENNSYLVANIA DEPARTMENT OF TRANSPORTATION


Herbert G. Zain
Assistant Counsel

DOCUMENT
FOLDED

DATE: September 21, 1988

SUBJECT: Montgomery County
L. R. 46140, Section A00
Matsonford Bridge
Conshohocken and West Conshohocken Boros
PUC C-19707

TO: Jerry Rich, Secretary
Public Utility Commission

FROM: F. W. Bowser, P.E.
Director
Bureau of Design-Rm. 1118

BY: R. R. KOHLI, P.E. (DAVIS)
ACTING CHIEF
ROW & UTILITIES DIVISION

D. E.	
GRC	
ADE-DES	
ADE-CON	
ADE-MAINT	
PERSONNEL	
FISCAL	

RECEIVED
OCT 4 11 8 27
HARRISBURG, PA.

RRK

As directed by paragraph 19 of your Commission's order adopted July 11, 1985; entered December 4, 1985, please be advised that the subject project was satisfactorily completed on November 27, 1987.

The Department's Final Cost for the project will be submitted to your Commission as soon as it is compiled.

4350/MHD/as

CC: F. W. Bowser, P.E., Rm. 1118
*District 6-0 ATTN: Tom Stefanik

RECEIVED

OCT 5 - 1988
SECRETARY'S OFFICE
Public Utility Commission

RECEIVED
OCT 03 1988

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OCT 03 1988

ORIGINAL

DATE: October 4, 1988

RECEIVED

SUBJECT: Montgomery County
L. R. 46140, Section A00
Matsonford Bridge
Conshohocken and West Conshohocken Boros
PUC C-19707

OCT 5 1988

TO: Mr. Jerry Rich, Secretary
Public Utility Commission

SECRETARY'S OFFICE
Public Utility Commission

FROM: F. W. Bowser, P.E.
Director
Bureau of Design-Rm. 1118

BY: W. D. PICKERING, P.E. (DAVIS)
CHIEF
ROW & UTILITIES DIVISION

W. D. Pickering

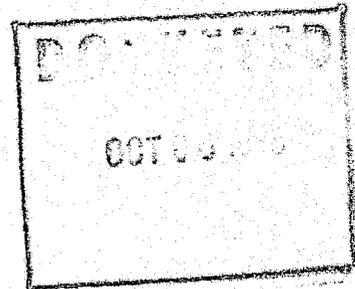
Reference is made to our letter dated September 21, 1988
advising that the subject project was completed.

The lump sum figure for construction of the subject project
to date is \$12,194,401.34. This figure is not expected to change
appreciably when the Department's District Finals Unit completes
its Audit Findings.

4350/MHD/as

CC: District 6-0

ATTN: Tom Stefanik



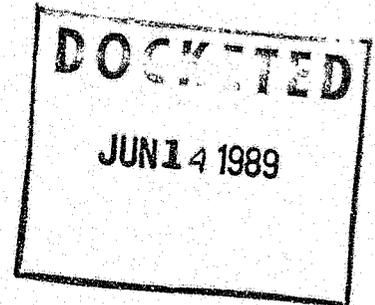


COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

June 9, 1989

IN REPLY PLEASE
REFER TO OUR FILE

John W. Boyer, Jr., President
Philadelphia Suburban Water Company
762 Lancaster Avenue
Bryn Mawr, PA 19010



In re: C-00019707 - Department of Transportation
v.
Consolidated Rail Corporation, et al.

Dear Mr. Boyer:

By order adopted July 11, 1985, in paragraph 19, each involved party is directed to report to the Commission the actual date of completion of its respective work and at the earliest practicable time subsequent to said date of completion, submit a detailed statement of the actual costs incurred in furnishing material and performing work in accordance with the order.

In subsequent paragraphs of the order, Pennsylvania Department of Transportation is directed to reimburse you for a portion of your costs incurred, when authorized by the Commission.

To date, we have not received notice that you have completed your work nor have we received a statement of the costs incurred; therefore, we have not been able to authorize any reimbursement to you.

Please comply with the requirements of the order so that the Commission can authorize reimbursements and close the record in this proceeding.

Very truly yours,

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

cc: Mr. William D. Pickering, P.E., Chief
Right-of-Way and Utility Division
Pennsylvania Department of Transportation
509 Transportation and Safety Building
Harrisburg, PA 17120



DCH:11

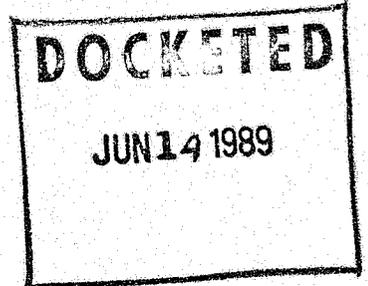


COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

June 9, 1989

IN REPLY PLEASE
REFER TO OUR FILE

Edward G. Bauer, Jr., Vice President
Philadelphia Electric Company
2301 Market Street
Philadelphia, PA 19101



In re: C-00019707 - Department of Transportation
v.
Consolidated Rail Corporation, et al.

Dear Mr. Bauer:

By order adopted July 11, 1985, in paragraph 19, each involved party is directed to report to the Commission the actual date of completion of its respective work and at the earliest practicable time subsequent to said date of completion, submit a detailed statement of the actual costs incurred in furnishing material and performing work in accordance with the order.

In subsequent paragraphs of the order, Pennsylvania Department of Transportation is directed to reimburse you for a portion of your costs incurred, when authorized by the Commission.

To date, we have not received notice that you have completed your work nor have we received a statement of the costs incurred; therefore, we have not been able to authorize any reimbursement to you.

Please comply with the requirements of the order so that the Commission can authorize reimbursements and close the record in this proceeding.

Very truly yours,

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

cc: Mr. William D. Pickering, P.E., Chief
Right-of-Way and Utility Division
Pennsylvania Department of Transportation
509 Transportation and Safety Building
Harrisburg, PA 17120

DCH:11





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

August 28, 1989

IN REPLY PLEASE
REFER TO OUR FILE

Edward G. Bauer, Jr., Vice President
Philadelphia Electric Company
2301 Market Street
Philadelphia, PA 19101

In re: C-00019707 - Department of Transportation
v.
Consolidated Rail Corporation

Dear Mr. Bauer:

Please refer to our letter dated June 9, 1989.

To date, we have not received a response. It would seem impossible that the company has not completed its work. The Department has informed us that the construction work was completed in November of 1987.

Please respond as to whether your work has been completed and secondly, whether you will be submitting a statement of costs.

Very truly yours,

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

cc: Mr. William D. Pickering, P.E., Chief
Right-of-Way and Utility Division
Pennsylvania Department of Transportation
509 Transportation and Safety Bldg.
Harrisburg, PA 17120

DCH:11



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

August 28, 1989

IN REPLY PLEASE
REFER TO OUR FILE

John W. Boyer, Jr., President
Philadelphia Suburban Water Company
762 Lancaster Avenue
Bryn Mawr, PA 19011

In re: C-00019707 -- Department of Transportation
v.
Consolidated Rail Corporation

Dear Mr. Boyer:

Please refer to our letter dated June 9, 1989.

To date, we have not received a response. It would seem impossible that the company has not completed its work. The Department has informed us that the construction work was completed in November of 1987.

Please respond as to whether your work has been completed and secondly, whether you will be submitting a statement of costs.

Very truly yours,

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

cc: Mr. William D. Pickering, P.E., Chief
Right-of-Way and Utility Division
Pennsylvania Department of Transportation
509 Transportation and Safety Bldg.
Harrisburg, PA 17120

DCH:11

PHILADELPHIA ELECTRIC COMPANY

LEGAL DEPARTMENT

2301 MARKET STREET

P.O. BOX 8699

PHILADELPHIA, PA 19101

(215) 841-4000

TELECOPIER/FAX (215) 568-3389
DIRECT DIAL NUMBER: 841-4257

James W. Durham
Senior Vice President
and General Counsel

Eugene J. Bradley
Vice President and
Associate General Counsel

BUREAU OF
S & C

SEP 11 1989

RAIL SAFETY
DIVISION

Paul Auerbach
Donald Blanken
Rudolph A. Chillemi
T. H. Maher Cornell
Edward J. Cullen, Jr.
Katherine K. Dodd
E. C. Kirk Hall
Assistant General Counsel

September 6, 1989

Mr. David C. Hart, P.E., Manager
Pennsylvania Public Utility Commission
Rail Safety Division
P.O. Box 3265
Harrisburg, PA 17120

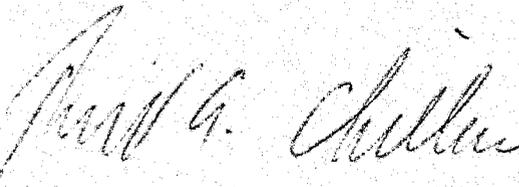
RE: Department of Transportation
v.
Consolidated Rail Corporation, et al.
PUC Docket No. C-00019707

Dear Mr. Hart:

In response to your letter of August 28, 1989, you are advised that the Philadelphia Electric Company completed its portion of the work in the above-captioned case sometime in November 1988.

The Company is in the process of preparing a bill for the reimbursable portion of its work and as soon as it is prepared it will be forwarded to PennDOT for payment.

Very truly yours,



Rudolph A. Chillemi, Esquire

RAC/cab

LAW OFFICES
JOEL E. MAZOR
1500 LOCUST ST., SUITE 2120
PHILADELPHIA, PA 19102

(215) 977-4995

ORIGINAL

RECEIVED

DEC 21 1989

SECRETARY'S OFFICE
Public Utility Commission

December 14, 1989

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, Pennsylvania 17120

Re: Commonwealth of Pennsylvania Department
of Transportation v. Conrail, et al.
Docket C-19707, D.C. 1
Conrail File Number: PCC-335



Dear Mr. Rich:

I enclose for filing on behalf of Consolidated Rail Corporation an original and two copies of the petition to modify the Commission's Order at the December 9, 1986 in the above-captioned matter.

I hereby certify that I have served a copy of said petition upon the Pennsylvania Department of Transportation.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Joel E. Mazor".

Joel E. Mazor

cc: William H. Cressler

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DEC 21 1989

SECRETARY'S OFFICE
Public Utility Commission

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

Docket No.

vs.

C-19707, D.C. 1

CONSOLIDATED RAIL CORPORATION,
et al.

DOCUMENT
FOLDER

DOCKETED
JAN 02 1989

PETITION OF CONSOLIDATED RAIL CORPORATION
TO MODIFY COMMISSION'S ORDER ENTERED
DECEMBER 9, 1986

1. The name and address of Petitioner are Consolidated Rail Corporation, 6 Penn Center Plaza, Philadelphia, Pennsylvania 19103.

2. The name and address of Petitioner's attorney are Joel E. Mazor, 1500 Locust Street, Suite 2120, Philadelphia, Pennsylvania 19102.

3. By order entered December 4, 1985 at the captioned Complaint Docket, your Honorable Commission appropriated certain parcels of property owned by Petitioner and as more fully described in Paragraph 4 and Paragraph 5 of said order.

4. By Paragraph 26 of said order entered December 4, 1985, the Pennsylvania Department of Transportation was required, at its sole cost and expense, to pay all compensation for damages due to the owners of property taken, injured, or destroyed by reason of the construction of the improvement.

5. On or about November 5, 1986, Commonwealth of Pennsylvania, Department of Transportation filed an application for certification of the question of determination of damages to the Court of Common Pleas of Montgomery County, Pursuant to 66 Pa. C.S.A. §2704. The Commonwealth, however, did not include in that Petition all properties of Petitioner described in the Commission Order entered December 4, 1985.

6. By order entered December 9, 1986 your Honorable Commission granted the Petition so filed by the Commonwealth and referred to the Court of Common Pleas of Montgomery County for determination of damages only the property appropriated by Paragraph 4 of the Commission's Order entered December 4, 1985.

7. By stipulation entered into by and between the Commonwealth and Petitioner, it has been agreed that the Commission's order entered December 9, 1986 should be

modified so as to include Petitioner's property as described in Paragraph 5 of the Commission's order entered December 4, 1985.

WHEREFORE, Petitioner respectfully requests that the Commission modify its order entered December 9, 1986 as follows:

That this matter is hereby referred to the Court of Common Pleas of Montgomery County for a determination of the amount of damages due Consolidated Rail, said property interests having been appropriated by and as more fully set forth in paragraphs 4 and 5 of this Commission's order entered December 4, 1985 at C-19707 at pages 7, 8, 11, 12, 13 and 14, and designated as Parcel "A" containing 769.56 square feet of aerial easement right-of-way, which includes 189.20 square feet of surface easement for bridge piers and appurtenances; and, designated as Parcel "B" containing 4348.20 of aerial easement right-of-way, which includes 1000.00 square feet of surface easement for bridge piers and appurtenances, and 1787.00 square feet of required right-of-way for Access Road No. 1 as provided in paragraph 4 of said order.

And further designated as Parcel "A" containing 8925 square feet; and designated as Parcel "B", containing 18,100 square feet; and designated as Parcel "C" containing 2,950 square feet, all of which parcels are required for construction of the crossing; and a parcel designated as Aerial Easement containing 5237.44 square feet.

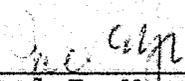
Respectfully submitted,

CONSOLIDATED RAIL CORPORATION

By: Joel E. Mazor
Joel E. Mazor
Attorney for Petitioner

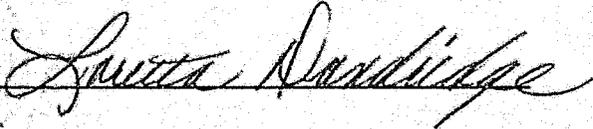
Commonwealth of Pennsylvania :
: SS
County of Philadelphia :

JOEL E. MAZOR, being duly sworn according to law,
deposes and says that he is the attorney for Consolidated
Rail Corporation, the Petitioner herein; that he is
authorized to and does make this affidavit on its behalf and
that the facts contained in this Petition are true and
correct.



Joel E. Mazor

Sworn to before me,
a Notary Public this
14th day of December, 1989.



Loretta Dandridge

NOTARIAL SEAL
LORETTA DANDRIDGE, Notary Public
City of Philadelphia, Phila. County
My Commission Expires Aug. 27, 1990