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BEFORE

THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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In re: C-913419 Representative Daniel L. Anderson vs. Bessemer & Lake Erie RR Company Alleging requests necessary repairs be done to Rural Ridge Tunnel on Russelton Road, Indiana Township. Initial hearing.

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Suite 203, Cranberry Court
212 North Third Street
Harrisburg, Pennsylvania 17101

CERTIFIED ORIGINAL

BEFORE

THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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In re: C-913419 Representative Daniel L. Anderson vs. Bessemer & Lake Erie RR Company Alleging requests necessary repairs be done to Rural Ridge Tunnel on Russelton Road, Indiana Township. Initial hearing.

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Stenographic report of hearing held in Hearing Room 1, Eleventh Floor, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania,

Thursday,
January 30, 1992
at 10:00 o'clock a.m.

BEFORE

JOHN CORBETT, JR., ADMINISTRATIVE LAW JUDGE

APPEARANCES:

DANIEL L. ANDERSON
Member, 31st District
House of Representatives
Commonwealth of Pennsylvania
4767 Route 8
Allison Park, PA 15101
appearing pro se

TRENT HARGROVE, ESQ.
Office of Chief Counsel
Commonwealth of Pennsylvania
513 Transportation & Safety Building
Harrisburg, PA 17120
appearing on behalf of Pennsylvania
Department of Transportation

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APPEARANCES (Cont.d)

K.J. GALLAGHER, ESQ.
135 Jamison Lane
P.O. Box 68
Monroeville, PA 15146
 appearing on behalf of Bessemer & Lake Erie
 Railroad Company

TIMOTHY S. COON, ESQ.
600 Grant Street
42nd Floor
Pittsburgh, PA 15219
 appearing on behalf of Township of Indiana

Also Present:

Frank Dermody, Member, 33rd District
House of Representatives
Commonwealth of Pennsylvania

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1 ADMINISTRATIVE LAW JUDGE CORBETT: This is the time
2 and place scheduled for a hearing on the Complaint of
3 Representative Daniel L. Anderson versus Bessemer & Lake
4 Erie Railroad Company.

5 This Complaint is docketed with the Pennsylvania
6 Public Utility Commission at C-913419.

7 I'm Administrative Law Judge John Corbett, and I have
8 been assigned to hear this case and render a recommended
9 decision to the Commission.

10 I note for the record the appearances of
11 Representative Daniel Anderson in the hearing room this
12 morning, Kimberly J. Gallagher for Bessemer & Lake Erie
13 Railroad Company, Trent Hargrove for the Department of
14 Transportation, and Timothy S. Coon for Indiana Township.

15 Do we have any other attorneys or counsel
16 representing any parties in this proceeding?

17 (No response.)

18 JUDGE CORBETT: Hearing none, we'll proceed.

19 Before we open the hearing this morning for
20 testimony, do we have any preliminary matters that need to
21 be addressed?

22 (No response.)

23 JUDGE CORBETT: Hearing none, then we'll turn to
24 Representative Anderson.

25 Are you ready to proceed, sir?

1 REPRESENTATIVE ANDERSON: Yes.

2 Well, several months back --

3 JUDGE CORBETT: First of all, are you going to
4 testify on your behalf, sir?

5 REPRESENTATIVE ANDERSON: Yes, I am.

6 JUDGE CORBETT: All right.

7 You are also, I take it, representing yourself?

8 REPRESENTATIVE ANDERSON: Yes, I am.

9 JUDGE CORBETT: All right.

10 Would you raise your right hand to be sworn, please.

11 REPRESENTATIVE DANIEL L. ANDERSON, having been first
12 duly sworn, was examined and testified as follows:

13 JUDGE CORBETT: It might be a convenient location for
14 you to testify from there, so we'll allow you to do so.

15 If you don't mind, we have certain questions and
16 procedures that were sent out to the parties in this
17 proceeding that accompanied the Notice of this morning's
18 hearing. I would like to stick to the outline stated in the
19 Questions and Procedures and then we'll ask you if you have
20 additional comments to make after that.

21 May I ask you, first of all, would you give us your
22 full name.

23 REPRESENTATIVE ANDERSON: Daniel Louis Anderson.

24 JUDGE CORBETT: Sir, in what capacity are you
25 appearing today?

1 REPRESENTATIVE ANDERSON: As Representative of the
2 31st Legislative District.

3 JUDGE CORBETT: All right.

4 And what area does that cover?

5 REPRESENTATIVE ANDERSON: All the parts of
6 McCandless, Hampton, Indiana, West Deer, Thorn, Creighton,
7 Brackenridge, Tarentum and Harrison.

8 JUDGE CORBETT: And I take it that you are somewhat
9 familiar with the rail crossing that is involved in this
10 proceeding?

11 REPRESENTATIVE ANDERSON: Yes, I have visited the
12 site several times.

13 JUDGE CORBETT: The first question in our Questions
14 and Procedures asks you to state whether the existing
15 crossing is adequate for the convenience and safety of the
16 public, or should be altered, rehabilitated or demolished
17 and if so, submit testimony regarding the general nature and
18 extent of all work or changes, if any, which you deem
19 advisable to provide a safe and convenient crossing at this
20 location.

21 For the record, we are referring, I take it, to a
22 crossing known as Rural Ridge on Russelton Road in Indiana
23 Township?

24 REPRESENTATIVE ANDERSON: Yes.

25 I have several pictures here of that, and they also

1 have it.

2 JUDGE CORBETT: Sir, would you care to respond to the
3 question that was posed, sir?

4 MS. GALLAGHER: Your Honor, Bessemer would like to
5 respond that this witness is not competent to testify as to
6 the structure defects.

7 We feel a technical background would be necessary
8 with respect to the alterations and safety of the structure.

9 JUDGE CORBETT: I understand your objection,
10 counselor, but I think the Representative is certainly
11 capable of giving his observations of the structure and why
12 he believes the structure needs some type of alteration,
13 rehabilitation or work on it.

14 So insofar as we stay away from any technical aspects
15 -- at least as of this point, we do not know whether
16 Representative Anderson is qualified to testify to any
17 engineering of the crossing. We'll allow him to state his
18 observations of the crossing.

19 REPRESENTATIVE ANDERSON: I have received many
20 complaints from District residents of debris falling from
21 the tunnel. They feel that it's structurally unsound.
22 That's why I had stopped to see the site myself.

23 I received many letters from people within the
24 District.

25 Here, I have a petition that Mrs. Kondrick brought

1 with her today, with many letters and signatures on it.

2 JUDGE CORBETT: All right.

3 You indicated the name of an individual. Would you
4 give us the spelling of that name, please?

5 REPRESENTATIVE ANDERSON: K-O-N-D-R-I-C-K.

6 JUDGE CORBETT: And you are indicating some type of
7 petition?

8 REPRESENTATIVE ANDERSON: A petition that she had
9 signed. She brought this with her this morning.

10 JUDGE CORBETT: Counsel, have you had the opportunity
11 to review it?

12 MS. GALLAGHER: No, sir.

13 JUDGE CORBETT: Would you care to look at the
14 petition?

15 MS. GALLAGHER: Yes, Your Honor.

16 JUDGE CORBETT: We'll allow you that opportunity.

17 REPRESENTATIVE ANDERSON: I have visited the site --

18 JUDGE CORBETT: Excuse me. Just a minute, sir.

19 We'll allow counsel the opportunity to review the
20 petition.

21 Okay, you've handed me a document, sir, of several
22 pages with, apparently, a number of signatures attached to
23 it.

24 Can you tell me what the nature of the petition is
25 and what the purpose is that you want me to consider this

1 petition for?

2 REPRESENTATIVE ANDERSON: The purpose of the petition
3 was that the people there that have signed the petition
4 believe that there has been neglect in maintaining the Rural
5 Ridge Tunnel on Russelton Road. That's why we're here
6 today.

7 I do have several pictures showing the -- how it is
8 deteriorating, and many of the cracks where debris has been
9 falling from.

10 I would like to submit those today.

11 JUDGE CORBETT: Well, wait a minute.

12 Representative, I want to handle one thing at a time.

13 The first thing I want to do is, I want to take care
14 of the petition. Let me take a minute to review the
15 petition.

16 Counsel, have you had the opportunity to review the
17 petition?

18 MS. GALLAGHER: Yes, Your Honor.

19 JUDGE CORBETT: Mr. Hargrove, have you had the
20 opportunity to review the petition?

21 MR. HARGROVE: No, Your Honor.

22 JUDGE CORBETT: Would you want to avail yourself of
23 that opportunity?

24 MR. HARGROVE: Not necessarily. I'm sure the
25 petition is signed by all of the parties that state their

1 complaint.

2 MS. GALLAGHER: Your Honor, before you rule on the
3 evidence, we would like to object on the basis of hearsay.

4 If these Complainants are personally available, we
5 would like to have the opportunity to cross-examine them.

6 REPRESENTATIVE ANDERSON: Ms. Kondrick is here, sir.

7 MS. GALLAGHER: Therefore, we don't need the
8 petition --

9 JUDGE CORBETT: All right. I understand Mrs.
10 Kondrick is the one who circulated the petition, and she
11 would be the party to introduce this particular petition, so
12 we'll wait to hear from her.

13 We'll put this aside for the time being.

14 Go ahead, Representative. You were mentioning
15 something about photographs?

16 REPRESENTATIVE ANDERSON: Yes.

17 I have these photographs here that were taken by this
18 gentleman, Andy Klebine.

19 JUDGE CORBETT: Again, would you spell that name for
20 us, please?

21 REPRESENTATIVE ANDERSON: Could you -- I don't have
22 the spelling of his name.

23 MR. KLEBINE: K-L-E-B-I-N-E.

24 REPRESENTATIVE ANDERSON: These pictures were taken
25 by the resident, but the reason for taking them was that not

1 only myself and the many residents and the Township
2 Supervisor, are fearful that a drainage problem at the span
3 of the tunnel will continue to loosen the concrete and that
4 some of it will fall onto some of the vehicles that pass
5 under that tunnel.

6 JUDGE CORBETT: Let me understand.

7 First of all, Indiana Township -- are we talking
8 about -- I'm not familiar with the location of Indiana
9 Township. Is that in Allegheny County?

10 REPRESENTATIVE ANDERSON: Yes, it is.

11 JUDGE CORBETT: Is this particular structure that
12 we're talking about, is that a rail over highway crossing;
13 is that what we're discussing?

14 REPRESENTATIVE ANDERSON: Yes.

15 JUDGE CORBETT: And then you were going to get into
16 your photographs, sir?

17 REPRESENTATIVE ANDERSON: I would like to submit
18 those to you here.

19 JUDGE CORBETT: Has other counsel had the opportunity
20 to review the photographs?

21 REPRESENTATIVE ANDERSON: No.

22 JUDGE CORBETT: Would you pass them around so counsel
23 will have the opportunity to review them, please?

24 Can you tell us what you're asking me to consider in
25 the photographs?

1 REPRESENTATIVE ANDERSON: Basically, showing the
2 deterioration and the cracks and the face of the structure
3 where the debris has been falling from for several years.

4 When we had met at the site with the PUC, there
5 wasn't any debris on the road. That could be due to it
6 being cleaned up, but you could see the debris has been
7 falling over the years.

8 I have not been the only Representative in this seat
9 to have received complaints. My predecessor, which was over
10 two years ago, had been receiving complaints. And the same
11 with the other Representative who shares the Township with
12 me, Frank Dermody, who is also here today.

13 JUDGE CORBETT: All right.

14 We'll have these photographs marked and identified as
15 Complainant Group Exhibit #1, consisting of seven
16 photographs.

17 The rules specify that two copies of the proposed
18 exhibits are to be supplied at the time the exhibit is
19 offered.

20 Do you have additional copies?

21 REPRESENTATIVE ANDERSON: No, I don't.

22 JUDGE CORBETT: In this one instance, we'll make the
23 copies in the office today. We usually don't do that.

24 REPRESENTATIVE ANDERSON: I appreciate that, sir.

25 JUDGE CORBETT: We'll do that this time. All right.

1 While we're reviewing the photographs, is there
2 anything in particular that you want to point out to me on
3 any of these photographs that you believe involve the
4 structural integrity of this particular structure?

5 REPRESENTATIVE ANDERSON: Yes.

6 If you would hand them to me, sir?

7 JUDGE CORBETT: Sure.

8 While you have them, why don't you mark each
9 individual photograph 1, 2, 3, 4, 5, 6, and 7.

10 REPRESENTATIVE ANDERSON: Simply, the first three
11 photographs show severe damage. They show the severe cracks
12 along the face at the top of the entrance to the tunnel.

13 Right above that location is where I believe to be a
14 drainage problem that exists.

15 As you can see, the debris had to have been falling
16 from there for many years, and I'm just concerned that the
17 -- with the drainage problem over the winter here, with the
18 freezing and thawing, that we're going to see much more
19 damage.

20 I'm not only fearful for what is going to happen to
21 the cars that pass under that section of the bridge, but
22 also what might happen to the trains that pass over.

23 JUDGE CORBETT: Counsel, does your witness want to
24 review the three photographs that were referred to?

25 MS. GALLAGHER: Thank you, Your Honor.

1 JUDGE CORBETT: Mr. Hargrove?

2 MR. HARGROVE: I have seen the pictures, Your Honor.

3 JUDGE CORBETT: Anything further, Representative

4 Anderson?

5 REPRESENTATIVE ANDERSON: No, sir.

6 JUDGE CORBETT: Do you have any other testimony to
7 present with regard to this crossing?

8 REPRESENTATIVE ANDERSON: Yes.

9 Before we met at the site, Representative Dermody who
10 is here today, had initiated a meeting in his office at
11 University Park. Myself, Representative Dermody, Mitch
12 Kovel, who is the Township Manager of Indiana Township, had
13 met with the two people sitting across the table from me.

14 Basically, we wanted to know what we could do
15 together to solve the problem that the residents were
16 complaining about.

17 Basically, the way I understood it was they said that
18 they had done their annual inspections. Not a structural --
19 I don't know what kind of structural engineer they had check
20 it -- site inspection, I believe.

21 Really, there was no need for them to do anything to
22 upgrade this tunnel. Basically showing me they weren't
23 going to work with us, and I saw no other route than to file
24 a Complaint with the PUC to try to get them to take some
25 action.

1 The citizens have been complaining for years, not
2 just while I have been in office, but during my
3 predecessor's term, as well.

4 The letter I have dated here from the Bessemer & Lake
5 Erie Railroad to Mrs. Kondrick, she was complaining about a
6 safety hazard that existed in the structure.

7 This letter was sent to her on May 19, 1977. The
8 complaint has been going on that long and, basically, this
9 is just my way of initiating some action to take care of the
10 problem.

11 JUDGE CORBETT: Okay.

12 Is there anything further that you have to say with
13 regard to this matter?

14 MR. ANDERSON: No.

15 JUDGE CORBETT: All right.

16 We'll start with you, Ms. Gallagher, do you have any
17 cross-examination of the witness?

18 MS. GALLAGHER: Yes, Your Honor.

19 CROSS-EXAMINATION

20 BY MS. GALLAGHER:

21 Q What is your educational background?

22 A I attended Penn State University and Robert Morris
23 College. I did not receive my degree at this point.

24 I am now the State Representative for the 31st
25 Legislative District and have been for the past year.

1 Q Have you had any time of technical or engineering
2 training in your educational background?

3 A No, I haven't, but whenever --

4 Q Mr. Anderson, just answer the question.

5 It is your testimony that the sole basis for filing
6 the PUC Complaint is that your office received complaints
7 from your constituents?

8 A No, that's not the sole basis.

9 Not only my constituents, but also other elected
10 officials within the Township.

11 Q Have received complaints?

12 A Yes.

13 Q How many complaints have you personally received,
14 or your office personally received?

15 A I couldn't give you an exact number at this point.

16 Q Any guesses?

17 A Thirty.

18 Q How many people do you have here today to testify
19 as to this Complaint?

20 A About six or seven.

21 Q Do you intend to put them on the stand as
22 witnesses to testify here today?

23 A I would like to, yes.

24 Q After you filed your Complaint -- let me correct
25 that statement.

1 You said that we had a meeting in June of 1991; is
2 that correct, at the RIDC facility?

3 A No, at the University Park facility.

4 Q Did you not advise the railroad at that meeting
5 that you already filed a PUC Complaint?

6 A No, not until we discussed the issue at hand.

7 I could have dropped the Complaint at any time. The
8 Complaint had been filed prior to the meeting.

9 Q That's my point; the Complaint had been filed
10 prior to the meeting?

11 A Yes, it had been filed, but you had no knowledge
12 of that. And we had our meeting -- and the reason I did
13 that was, that was my backup, basically.

14 We wanted to have you do something with the State,
15 some cooperation, and I saw none. So, I informed you that I
16 did file a Complaint and we would have to go through proper
17 channels.

18 Q But you did file the Complaint prior to the
19 meeting?

20 A Yes, I did.

21 Q Have you personally experienced any debris or
22 concrete falling from the structure?

23 A I have seen debris on the road surface at times
24 that I visited the site, but not at the time I visited with
25 you.

1 Q The photographs that you showed marked Exhibit 1,
2 photographs 1 through 3, they show a crack in the structure.
3 I believe that's the south end -- the west face of the
4 structure.

5 Could that concrete have been removed, in your
6 opinion, by scaling operations?

7 MR. COON: I'm going to object to the question,
8 because the railroad has already objected to Mr. Anderson's
9 qualifications to engineering opinions, and the railroad is
10 now asking engineering questions.

11 MS. GALLAGHER: Well, Mr. Anderson was allowed to
12 discuss that he thought that those were the cracks that
13 debris has fallen from, and since that door has been opened,
14 I would just like to explore the possibilities.

15 JUDGE CORBETT: If I can interrupt you, counsel.

16 I'm not sure if I see where we're going. I'm going
17 to sustain the objection in part.

18 I think you want to back up and lay a foundation to
19 see if this witness understands what scaling operations are,
20 and then proceed from there.

21 Q Mr. Anderson, do you understand what the operation
22 of scaling is as far as removing --

23 A Removing loose materials so that no debris does
24 fall.

25 Q So is it a possibility that where concrete is

1 missing from the structure, in your opinion, do you believe
2 that could have been scaled off the structure?

3 A I seriously doubt that could have removed all of
4 it by scaling operations.

5 MS. GALLAGHER: No further questions, Your Honor.

6 JUDGE CORBETT: All right.

7 Mr. Hargrove?

8 MR. HARGROVE: I don't have any questions in terms of
9 cross-examination, Your Honor.

10 However, I would like to propose that to the extent
11 that the six or seven witnesses that Mr. Anderson has with
12 him are all going to basically testify to the fact that the
13 concrete is falling off the bridge, or falling on the
14 roadway surface, that we could stipulate that into the
15 record if that is in fact the case, instead of putting on
16 all six people to testify to the same thing.

17 JUDGE CORBETT: All right. The stipulation would
18 have to be in agreement with all parties. And if you want
19 to take --

20 MR. HARGROVE: The stipulation would not be that the
21 concrete is in fact falling, but this would be what they are
22 in fact going to testify to.

23 JUDGE CORBETT: Is that agreeable to you, Ms.
24 Gallagher?

25 MR. HARGROVE: And I believe that's basically the

1 same as Mr. Anderson's testimony.

2 JUDGE CORBETT: Any objections?

3 MS. GALLAGHER: Your Honor, I guess I would like to
4 cross-examine any witnesses that have actually seen falling
5 debris.

6 JUDGE CORBETT: So we can't stipulate if one of the
7 parties wants to exercise their due process rights to cross-
8 examine.

9 So we'll have to call each individual witness.

10 Any cross-examination of this witness, Mr. Coon?

11 MR. COON: Just very briefly, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. COON:

14 Q How long have you been in office?

15 A Since January of 1990.

16 Q So, one year?

17 A Yes.

18 Q And you indicated that you have received
19 approximately 30 complaints or so?

20 A Yes.

21 Q Within a period of only one year?

22 A Yes, and several of those people have told me that
23 they filed complaints with my predecessor's office.

24 And I believe Representative Dermody also received
25 numerous complaints.

1 MR. COON: Nothing further.

2 JUDGE CORBETT: All right.

3 MS. GALLAGHER: Your Honor, may I ask one additional
4 question? I know it's out of order.

5 JUDGE CORBETT: Is this something that was brought up
6 on cross?

7 MS. GALLAGHER: No, Your Honor.

8 JUDGE CORBETT: Well, we'll let you do it, anyway.

9 REXCROSS-EXAMINATION

10 BY MS. GALLAGHER:

11 Q Mr. Anderson, you had brought out in your
12 testimony a letter from 1977?

13 A Yes, I have the letter here with me.

14 Q Could you briefly state what that letter says?

15 A "You contacted the Chief Engineer's Office --"
16 this is to Mrs. Kondrick from R.C. McMaster.

17 "You contacted the Chief Engineer's Office on May 19,
18 1977 relative to the alleged safety hazards that exist in
19 one of our structures.

20 I apologize for the delay, but I was unable to
21 contact you by phone and I had considerable difficulty in
22 obtaining your address.

23 We have reinspected the underpass to which you refer,
24 and we have confirmed the findings from our regular
25 inspections that this structure is sound and presents no

1 safety hazard to the public.

2 Thank you for your concern in this matter.

3 I again apologize for the delay in contacting you.
4 Sincerely, R.C. McMaster, Manager, Facilities and
5 Structures."

6 This is from -- I believe he is the Chief Engineer
7 for Bessemer & Lake Erie Railroad.

8 Q Is it your understanding that -- what was the
9 nature of her complaint?

10 A Basically, the same as what they are today.

11 Q Is it possible --

12 A They also filed a complaint -- she had received
13 response to a complaint, again on October 6th, 1980.

14 Q Is it possible that the complaint could have been
15 with respect to the alignment of the road and not the
16 structure itself?

17 A No, I don't believe so.

18 MS. GALLAGHER: Thank you.

19 JUDGE CORBETT: Any follow up cross-examination based
20 on the testimony with regard to the letter?

21 Mr. Hargrove?

22 MR. HARGROVE: No.

23 MR. COON: No.

24 JUDGE CORBETT: Mr. Anderson, do you have any other
25 witnesses that you would like to call at this time?

1 (An off-the-record discussion was held.)

2 REPRESENTATIVE ANDERSON: I would like to ask that
3 the photographs be moved into evidence at this time.

4 JUDGE CORBETT: Do we have any objection to the
5 admission of the photographs?

6 MS. GALLAGHER: No, Your Honor.

7 JUDGE CORBETT: They will be so admitted.

8 We'll make additional copies of the photographs after
9 the hearing.

10 REPRESENTATIVE ANDERSON: Thank you.

11 JUDGE CORBETT: Representative Anderson, do you have
12 any additional witnesses to call in support of the
13 Complaint?

14 REPRESENTATIVE ANDERSON: Yes. I would like to ask
15 Mrs. Kondrick to testify.

16 JUDGE CORBETT: Mrs. Kondrick, would you come
17 forward, please.

18 ANN KONDRICK, having been first duly sworn, was
19 examined and testified as follows:

20 JUDGE CORBETT: Would you give us your full name and
21 spell your last name for the record?

22 THE WITNESS: My full name is Ann Kondrick,
23 K-O-N-D-R-I-C-K.

24 JUDGE CORBETT: Mrs. Kondrick, may I ask you where
25 you reside?

1 THE WITNESS: On Little Deer Creek Road in Rural
2 Ridge, PA, Indiana Township.

3 JUDGE CORBETT: How far is that from the structure,
4 the crossing that we're referring to?

5 THE WITNESS: I would say about 2,000 or 3,000 feet.

6 JUDGE CORBETT: How long have you lived at this
7 address?

8 THE WITNESS: Fifty-two years.

9 JUDGE CORBETT: So you're somewhat familiar with the
10 structure?

11 THE WITNESS: I think so.

12 JUDGE CORBETT: Very good.

13 Okay, Representative Anderson, go ahead.

14 DIRECT EXAMINATION

15 BY REPRESENTATIVE ANDERSON:

16 Q I would like to know for how many years have you
17 been complaining about safety hazards with this tunnel and
18 what those complaints have been.

19 A I would say about 20 to 25 years. And that is the
20 second petition that we drew up.

21 One petition was drawn up and I don't know who go it.
22 I just happened to go back eight months ago and I found this
23 one.

24 Q Now, this letter I was referring to, the Complaint
25 you had filed on May 19, 1987, what was that Complaint

1 relative to?

2 A Well, for dangers -- it was getting obsolete for
3 the trucks that were going through. They were having to
4 back up -- they were too large, even at that time and mind
5 you, that was 15 years ago. Now the trucks are even
6 larger, and there is more damage to that tunnel.

7 Q At the time, was there any damage to the surface?

8 A Yes.

9 Q Do you believe there was debris falling at that
10 point 15 years ago?

11 A There was falling, and from where the trucks would
12 go into the tunnel, they couldn't go in it. They would get
13 jammed in the tunnel.

14 So a lot of the cement would be coming off.

15 Q How many people have you been filing complaints
16 with besides myself and Bessemer & Lake Erie Railroad; did
17 you speak with my predecessor many years ago?

18 A Yes, I did. I spoke with Mr. Duffy; I spoke to
19 the County Commissioners; I spoke to the Department of
20 Transportation.

21 I think you have all of the letters right there.

22 The public utilities, Bessemer Railroad. I contacted
23 anybody and everybody that I possibly could and never got
24 any results.

25 REPRESENTATIVE ANDERSON: Would it be possible to

1 make copies of all of these letters and have them submitted?

2 JUDGE CORBETT: How many letters are you referring
3 to:

4 REPRESENTATIVE ANDERSON: Five.

5 JUDGE CORBETT: All right.

6 Are you going to introduce them through this witness;
7 is that what you're going to do?

8 REPRESENTATIVE ANDERSON: Yes.

9 JUDGE CORBETT: All right.

10 Why don't you hand the letters to the witness and
11 have her identify them.

12 BY REPRESENTATIVE ANDERSON:

13 A This one here is from --

14 JUDGE CORBETT: Now are you referring to letters that
15 you received in response to complaints that you made to
16 Bessemer & Lake Erie? Is that what you're referring to?

17 THE WITNESS: Yes, I am.

18 JUDGE CORBETT: Before you start testifying with
19 regard to the letters, why don't you show them to counsel so
20 that we can have the opportunity to proceed with your
21 testimony without being interrupted.

22 Why don't you arrange those by date, starting with
23 the earliest letter and then the most recent being the last.

24 Now, first is a two-page letter dated October 24th,
25 1984 that you apparently wrote to a Mr. Raymond Peteritas,

1 P-E-T-E-R-I-T-A-S, with the Public Utility Commission.

2 We'll have this document marked as Complainant
3 Exhibit 2.

4 Next item is a letter dated October 6, 1980 addressed
5 to you, Ann Kondrick, from James I. Scheiner, Deputy
6 Secretary for the Administration, Department of
7 Transportation for the Commonwealth of Pennsylvania.

8 This will be marked and identified as Complainant
9 Exhibit #3.

10 Next item is a one-page letter dated -- I believe
11 that's May 22nd, 1980.

12 Ann Kondrick apparently wrote to the Commissioners of
13 Allegheny County. We'll have this letter marked and
14 identified as Complainant Exhibit #4.

15 The last item is a letter dated August 2nd, 1977
16 addressed to Ann Kondrick from R.C. McMaster,
17 M-C-M-A-S-T-E-R, Manager, Facilities and Structures,
18 Bessemer & Lake Erie Railroad.

19 We will mark this document Complainant Exhibit 5.

20 And I ask you, ma'am, are those documents letters
21 that you have received and that you have written with regard
22 to your complaints with regard to the structure?

23 THE WITNESS: Yes, they are.

24 JUDGE CORBETT: Do you want me to consider those in
25 support of your testimony that you have complained to

1 various authorities, including Bessemer & Lake Erie Railroad
2 Company with regard to this structure?

3 THE WITNESS: Yes, I do.

4 JUDGE CORBETT: Is there anything else that you want
5 to point out to me with regard to any other documents that
6 you have in your hand?

7 Is there anything with regard to Complainant Exhibits
8 Nos. 2, 3, 4 or 5 that you want me to pay particular
9 attention to?

10 THE WITNESS: I just wanted to show you all of the
11 different companies and public utilities that used this
12 tunnel and the danger that it creates for all of them.

13 JUDGE CORBETT: Pay attention to my questions,
14 please.

15 With regard to Complainant Exhibits 2, 3, 4 and 5,
16 are there any of those documents that you want me to pay
17 attention to?

18 THE WITNESS: Well, to the dangers.

19 JUDGE CORBETT: Okay.

20 REPRESENTATIVE ANDERSON: I would like to ask her a
21 question about the petition that she had circulated.

22 JUDGE CORBETT: All right.

23 BY REPRESENTATIVE ANDERSON:

24 Q I show you that now, Mrs. Kondrick.

25 JUDGE CORBETT: Before you show it to her, let me

1 mark it -- the petition that you referred to previously, it
2 was circulated by Mrs. Kondrick.

3 We will have the petition marked and identified as
4 Complainant Exhibit 6. And you wish to show this to Mrs.
5 Kondrick?

6 REPRESENTATIVE ANDERSON: Yes, I do.

7 BY REPRESENTATIVE ANDERSON:

8 Q Mrs. Kondrick, would you briefly leaf through that
9 document and tell us what you have?

10 A Well, this is a petition that was circulated
11 through West Deer Township, Indiana Township and Harmar
12 Township and many other people that passed through this
13 tunnel, for the dangers.

14 As you can see here, this big truck couldn't get
15 through. It had to be brought back, you know. Then they
16 had to back off because there is no place for them to turn
17 around, except for by the Post Office. So that meant it
18 tied up the traffic on the one side of the tunnel and the
19 other side.

20 In case of an emergency, nobody could get through.
21 It handles a lot of ambulances. It handles fire companies,
22 school buses, clinics, and just thousands and thousands
23 of people that pass through there, and it just is obsolete.

24 So this is what I'm trying to show you, that this
25 petition was drawn up at this stage and even before this,

1 but nothing has been done.

2 Q When was that petition drawn up?

3 A Oh, gosh, 1980.

4 If you notice, here I start off with Indiana Township
5 signatures.

6 I don't have my glasses here right now. I'm not a
7 teenager.

8 In 1980.

9 A Okay, that's fine.

10 REPRESENTATIVE ANDERSON: Basically, that's all I
11 have for now, but I understand Township counsel has some
12 witnesses he would like to call.

13 JUDGE CORBETT: All right, we'll get to that
14 eventually.

15 We'll ask Ms. Gallagher, do you have any cross-
16 examination for the witness?

17 REPRESENTATIVE ANDERSON: I'm not a lawyer, so I'm
18 not too familiar with the procedures. I apologize. I
19 thought we had enough lawyers here today.

20 JUDGE CORBETT: All right.

21 We'll ask Ms. Gallagher, do you have any questions of
22 this witness?

23 MS. GALLAGHER: Yes, Your Honor.

24 CROSS-EXAMINATION

25 BY MS. GALLAGHER:

1 Q Mrs. Kondrick, would you say that the biggest
2 concern that you have with respect to this structure is the
3 clearances and the fact that trucks get stuck and have to
4 back up and that causes a dangerous condition?

5 A No. I would say that the actual danger right now
6 is everything coming down. And it's also obsolete for the
7 traffic that we're having today.

8 Q Is it true, too, that there is a possible
9 alignment problem with the bend of the road going into this
10 structure and coming out?

11 A That's because it's so old. It needs to be
12 updated.

13 Q If you updated the structure, wouldn't the road
14 still need to be aligned?

15 A I have no idea; I'm not an engineer, dear, I'm a
16 housewife.

17 Q The petition that you brought today from 1980, who
18 did you submit that petition to?

19 A To all of the people that pass through -- first, I
20 went to Township meetings and got the Supervisors. I got
21 the fire company's backing.

22 As you people don't know, I have a service
23 station about 2,000 feet away from there. Everybody that
24 went through would have to go through this crazy tunnel and
25 they would all sign it.

1 Q After it was signed, what happened with the
2 petition?

3 A We presented it -- if I'm not mistaken, the
4 Bessemer & Lake Erie Railroad Company got a copy of it.

5 Because when I took this, Mr. Peteritas, I believe --
6 I took him for a ride to show him the alternate route where
7 we would have to go and he agreed with me. He said it would
8 be too dangerous for those trucks to go around Crawford Run
9 to get to West Deer, and the tunnel was just, you know --

10 JUDGE CORBETT: Anything else?

11 MS. GALLAGHER: Nothing further.

12 REPRESENTATIVE ANDERSON: I would like to move for
13 admission --

14 JUDGE CORBETT: Just one minute. We still have two
15 counsel that need to have the opportunity to cross-examine.

16 Mr. Hargrove?

17 MR. HARGROVE: I just have one question, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. HARGROVE:

20 Q Ma'am, could you state whether or not the
21 testimony that you have just provided adequately summarizes
22 the concerns that you and the other citizens here today have
23 about this bridge?

24 A I would say it's the dangers. Needs to be
25 updated.

1 Q Is your testimony a good summary of what the
2 concerns are of the residents that are here today?

3 A Yes, it is; 52 years of looking at it.

4 MR. HARGROVE: No further questions, Your Honor.

5 JUDGE CORBETT: Mr. Coon.

6 CROSS-EXAMINATION

7 BY MR. COON:

8 Q Mrs. Kondrick, have you ever had occasion to
9 observe concrete debris that has fallen from the --

10 A No, I haven't, sir.

11 Q You, personally, haven't?

12 A No.

13 MR. COON: Nothing further.

14 JUDGE CORBETT: All right.

15 REPRESENTATIVE ANDERSON: I would like to move that
16 we admit Exhibits 2 through 6.

17 JUDGE CORBETT: Do we have any objection to the
18 admission of these exhibits?

19 MS. GALLAGHER: Your Honor, I would like to object to
20 Exhibit 6 being admitted.

21 JUDGE CORBETT: On what basis?

22 MS. GALLAGHER: Hearsay. Those people are not here
23 to testify and cannot be subject to cross-examination.

24 As far as I'm aware, the Railroad has never received
25 a copy of that petition. We have some copies of the other

1 correspondence presented.

2 REPRESENTATIVE ANDERSON: Mrs. Kondrick said that she
3 has sent copies of the petition to the Bessemer & Lake Erie
4 Railroad.

5 MR. COON: That's correct, Your Honor.

6 JUDGE CORBETT: All right. I'm going to overrule the
7 objection and allow the admission of the exhibit.

8 MR. HARGROVE: Your Honor, again I would propose that
9 we possibly stipulate that the other witnesses brought here
10 today by Representative Anderson would again testify as to
11 the same matters that Mrs. Kondrick has just testified to,
12 and if we could stipulate to that, I think we could save
13 ourselves a lot of time.

14 JUDGE CORBETT: I appreciate that, counselor. I
15 really do. But we can't trod on anyone's due process rights
16 to cross-examine potential witness.

17 MS. GALLAGHER: Your Honor, we would agree to
18 stipulate at this point.

19 REPRESENTATIVE ANDERSON: I would not.

20 JUDGE CORBETT: You will or will not?

21 REPRESENTATIVE ANDERSON: Will not.

22 JUDGE CORBETT: You want to have the witnesses
23 testify?

24 REPRESENTATIVE ANDERSON: I would like to allow the
25 Township counsel to call any witnesses that he might have at

1 this point.

2 JUDGE CORBETT: Well, I don't think we're talking
3 about Township counsel; I think we're talking about other
4 witnesses that you may have brought with you today.

5 Why don't we go off the record for a minute and
6 counsel can get together with the Representative to see what
7 witnesses he proposes on calling, and see if their testimony
8 is going to be the same as Mrs. Kondrick's, and maybe save a
9 few minutes of testimony.

10 Before we go off the record, so the record is clear,
11 I have admitted Complainant's Exhibits 2, 3, 4, 5 and 6.

12 Mrs. Kondrick, thank you for your testimony. Thank
13 you for coming in.

14 (An off-the-record discussion was held.)

15 JUDGE CORBETT: While we were off the record, the
16 parties had an opportunity to discuss certain matters
17 between themselves, and it is my understanding that in order
18 to expedite matters, counsel for the Township, Mr. Coon,
19 will conduct the direct examination of public witnesses that
20 are here in support of the Complaint.

21 Is that correct?

22 MR. COON: Yes.

23 JUDGE CORBETT: Very good.

24 Would you care to call the next witness?

25 MR. COON: Andy Klebine.

1 JUDGE CORBETT: Sir, would you come forward, please.
2 We'll have you testify from up here.

3 ANDREW KLEBINE, having been first duly sworn, was
4 examined and testified as follows:

5 JUDGE CORBETT: Sir, would you begin by giving us
6 your full name and spelling your last name for us, please.

7 THE WITNESS: Andrew Klebine, K-L-E-B-I-N-E.

8 JUDGE CORBETT: Where do you reside?

9 THE WITNESS: I reside in Rural Ridge on the northern
10 end of the tunnel.

11 JUDGE CORBETT: How far from the tunnel, sir?

12 THE WITNESS: I would say about less than half a
13 mile.

14 JUDGE CORBETT: How long have you resided there, sir?

15 THE WITNESS: Fifty-two years in that area; not in
16 the same house, but in that area.

17 JUDGE CORBETT: Try to keep your voice up so the
18 court reporter can hear you.

19 Mr. Coon.

20 DIRECT EXAMINATION

21 BY MR. COON:

22 Q Are you familiar with the tunnel that's the issue
23 in this proceeding?

24 A Yes, I am.

25 Q Have you had occasion to pass through it?

1 A Yes, I have.

2 Q Have you had occasion to observe any concrete that
3 has fallen from the structure?

4 A Yes, I have.

5 Q On how many occasions has this occurred?

6 A Once I was going through and a piece fell in front
7 of my car and I didn't know who to notify. I notified the
8 Township. In turn, they notified the Railroad and the
9 Railroad called me about it.

10 They went down there and they did some chipping away
11 at it.

12 Q Where was your car located?

13 A On the northern end towards the Russelton side
14 going into the tunnel.

15 Q Okay.

16 And do you know, or did you observe, or did you see
17 where this piece of concrete fell from?

18 A It fell out of the northern end part.

19 Q How long was this piece of concrete?

20 A I would say a couple of inches.

21 Q Have you ever had occasion to observe any debris
22 in the roadway?

23 A Yes, I have.

24 Q So in addition to the occasion when you actually
25 saw the piece falling, you had occasion to see debris in the

1 railway?

2 A After I saw the piece fall, I had been watching
3 carefully as I go through there. It's not a safe place to
4 go through.

5 JUDGE CORBETT: Excuse me. If I could just
6 interrupt.

7 Mr. Klebine, can you tell me when did this incident
8 occur when this piece of concrete fell in front of your car?

9 THE WITNESS: No, I can't. It's been a while.

10 JUDGE CORBETT: Can you tell me, was that within the
11 last year?

12 THE WITNESS: It would have to be last year.

13 JUDGE CORBETT: That would be sometime in '91?

14 THE WITNESS: I think so.

15 JUDGE CORBETT: All right.

16 Can you narrow it down any? Did it occur in any
17 particular season, Spring, Summer, Fall?

18 THE WITNESS: That, I can't recall.

19 JUDGE CORBETT: All right.

20 Mr. Coon, anything further?

21 MR. COON: No.

22 JUDGE CORBETT: Representative Anderson, I take it
23 you're allowing Mr. Coon to conduct the direct examination
24 of this witness; is that correct?

25 REPRESENTATIVE ANDERSON: Yes.

1 JUDGE CORBETT: Ms. Gallagher, any cross-examination
2 of this witness?

3 MS. GALLAGHER: Just one question.

4 CROSS-EXAMINATION

5 BY MS. GALLAGHER:

6 Q Mr. Klebine, you said that the Township had
7 notified the Railroad of the incident that happened sometime
8 last year?

9 A Yes.

10 I called Mitch and Mitch in turn called -- I thought
11 it was the State that was responsible, but then somebody
12 from the Bessemer & Lake Erie Railroad called me and asked
13 me where the loose concrete looked like -- where it was. It
14 was on the northern end at the top. They went down there
15 and chipped away at it.

16 Q Do you remember who at the Railroad it was that
17 spoke with you?

18 A I didn't speak to anybody.

19 When they called me on the phone I spoke with
20 somebody, but who it was, I don't know. All they said is it
21 was somebody who worked for the Bessemer & Lake Erie
22 Railroad.

23 MS. GALLAGHER: No further questions, Your Honor.

24 JUDGE CORBETT: Mr. Hargrove.

25 MR. HARGROVE: No questions, Your Honor.

1 JUDGE CORBETT: Any further direct, Mr. Coon?

2 MR. COON: No, Your Honor.

3 JUDGE CORBETT: Thank you very much for coming in to
4 see us. You're excused, sir.

5 Next witness, Mr. Coon.

6 MR. COON: George Erceg, Your Honor.

7 JUDGE CORBETT: Sir, please have a seat.

8 GEORGE ERCEG, having been first duly sworn, was
9 examined and testified as follows:

10 JUDGE CORBETT: Sir, begin by giving us your full
11 name and spelling your last name.

12 THE WITNESS: George Erceg, E-R-C-E-G.

13 JUDGE CORBETT: And where do you reside, sir?

14 THE WITNESS: Rural Ridge.

15 JUDGE CORBETT: And is there an address?

16 THE WITNESS: 11 Ring Street.

17 JUDGE CORBETT: R-I-N-G?

18 THE WITNESS: Yes.

19 JUDGE CORBETT: And how long have you lived there,
20 sir?

21 THE WITNESS: Well, all my life, outside of three or
22 four years.

23 JUDGE CORBETT: I take that to mean in excess of 20
24 years, sir?

25 THE WITNESS: Yes, I would say. I was born in

1 Russelton and I've lived in Rural Ridge all of my life
2 outside of the time I was down in Verona for three years.

3 JUDGE CORBETT: Are you familiar with the structure
4 that is the matter before us this morning?

5 THE WITNESS: Yes, I am.

6 JUDGE CORBETT: How far away from the structure do
7 you live, sir?

8 THE WITNESS: I guess a half mile. I really don't
9 know; a half mile. Not much more than that.

10 JUDGE CORBETT: Mr. Coon.

11 DIRECT EXAMINATION

12 BY MR. COON:

13 Q Mr. Erceg, do you hold any positions with the
14 Township of Indiana?

15 A Yes, I'm Mayor.

16 Q How long have you been Mayor?

17 A I was just this term. I was Mayor one time
18 before, but for this year it just started in January.

19 Q You have also been a Supervisor?

20 A Since 1979.

21 Q As a supervisor for Indiana Township, have you had
22 occasion to receive complaints concerning this tunnel?

23 A So many, that I can't keep track of them.

24 Q Have any of those complaints concerned falling
25 debris?

1 A Yes, they have.

2 Q Did you receive more than one complaint concerning
3 falling debris?

4 A Yes, I have.

5 Q Can you estimate how many you have received?

6 A Over the 13 years, I wouldn't know. It's hard to
7 tell. I would honestly say maybe 50 or more.

8 Q In your capacity as Supervisor and Mayor of
9 Indiana Township, do you know whether Bessemer & Lake Erie
10 Railroad conducted an inspection or examination of the
11 tunnel?

12 A Yes.

13 Right before we had the meeting set for -- I forget
14 the day it was set for. It was on a Thursday.

15 A week before that, I got a complaint that traffic
16 was lined up about a mile back and that they were doing
17 something to the tunnel.

18 I wasn't there at that time, but then right away I
19 got in the car and went up there, but they were gone
20 already.

21 Now, they were doing something in there with a boom,
22 as I understand it. Maybe they were chipping away or
23 whatever it was.

24 I can recall going in there many, many, many times
25 where the debris was just building up in that tunnel. But

1 after that day when I went up there, it was all cleaned up.
2 This was a week before we had made the inspection and had
3 the meeting with Mr. Keefer.

4 Q More than a week prior to the inspection between
5 the Township and the Railroad when you went up to look at
6 the bridge, was there any debris laying on or about the
7 bridge?

8 A Yes.

9 In fact, I was there one time when I got a complaint.
10 I went up to see what was what.

11 I was leaning up against the tunnel and I looked --
12 it seemed to me where the arch was at -- I'm not an
13 engineer, but I pulled a piece out with my hand. It was
14 about four inches anyhow and about three inches thick. I
15 just got my fingers and just pulled it right out.

16 Q And so you said two weeks before the inspection
17 there was debris on the Railroad and then --

18 A One week before.

19 We had the meeting set up already.

20 Q Then at some point in between that, debris was
21 cleaned up?

22 A Yes, the week exactly before it was.

23 Q And at the time of the meeting, the roadway
24 itself --

25 A It was as good as could be.

1 MR. COON: I have no further questions.

2 JUDGE CORBETT: When was that meeting, sir?

3 THE WITNESS: I'm not like Ann. I don't keep the
4 good records, but I would say -- the record shows it,
5 doesn't it? He has it.

6 I would say roughly -- I think it was on the 14th.

7 JUDGE CORBETT: Of what month?

8 THE WITNESS: August, was it?

9 JUDGE CORBETT: Was that last year, sir?

10 THE WITNESS: Yes.

11 JUDGE CORBETT: That was sometime in August, you
12 believe?

13 THE WITNESS: Yes. I can't remember exactly.

14 JUDGE CORBETT: Any cross-examination, Ms. Gallagher?

15 MS. GALLAGHER: No, Your Honor.

16 MR. HARGROVE: No questions, Your Honor.

17 JUDGE CORBETT: Thank you, Mr. Erceg, you're excused.

18 MR. COON: We'll conclude with the public witnesses
19 at this point.

20 JUDGE CORBETT: All right, very good.

21 Representative Anderson, is there anything further
22 that you have in support of your Complaint at this time?

23 REPRESENTATIVE ANDERSON: No, sir.

24 JUDGE CORBETT: Then we'll turn to Bessemer & Lake
25 Erie Railroad and begin with the questions to the Questions

1 and Procedures.

2 Ms. Gallagher, do you have a witness to present?

3 MS. GALLAGHER: Yes, Donald Keefer.

4 JUDGE CORBETT: All right.

5 Sir, would you come up here and we'll have you
6 testify from this position.

7 Would you raise your right hand to be sworn.

8 DONALD E. KEEFER, having been first duly sworn, was
9 examined and testified as follows:

10 JUDGE CORBETT: Sir, would you begin by giving us
11 your full name and spelling your last name?

12 THE WITNESS: Donald E. Keefer, K-E-E-F-E-R.

13 JUDGE CORBETT: Ms. Gallagher.

14 DIRECT EXAMINATION

15 BY MS. GALLAGHER:

16 Q For the record, would you state your address?

17 A I live at 1534 Nash Avenue, Pittsburgh,
18 Pennsylvania 15235.

19 Q And where are you employed, Mr. Keefer?

20 A Bessemer & Lake Erie Railroad.

21 Q What is your position with the Bessemer?

22 A My title is Engineer-Design Inspector and
23 Environmental.

24 Q How long have you been employed with the Railroad
25 as a bridge engineer?

1 A Since 1965; a little over 26 years.

2 Q Mr. Keefer, where and when did you receive your
3 engineering degrees?

4 A Carnegie Institute of Technology in 1959.

5 Q Are you a licensed civil engineer in the
6 Commonwealth of Pennsylvania?

7 A Yes.

8 Q Are you authorized to give testimony today on
9 behalf of the Bessemer?

10 A Yes.

11 Q Mr. Keefer, are you familiar with the bridge which
12 is the subject of this proceeding?

13 A Yes.

14 Q What is the exact corporate name of the owner and
15 operator of the Railroad that has its line over the bridge?

16 A The Bessemer & Lake Erie Railroad Company.

17 Q How many tracks are located at the crossing?

18 A There is two tracks; one of them is out of service
19 because of low business level.

20 Q How many trains traverse this crossing during a 24
21 hour period?

22 A Right now, a maximum of about six trains a day.

23 Q What is the classification of these trains?

24 A They're freight trains, transporting coal, ore,
25 pallets, stone, scrap steel and steel products.

1 Q Does the Bessemer transport any hazardous
2 materials over this bridge?

3 A No.

4 Q What is the maximum speed of the trains at this
5 crossing?

6 A Thirty-five miles per hour.

7 Q Does Bessemer anticipate any significant change in
8 its operations at this bridge?

9 A We're hoping it drastically increases by 1994,
10 probably getting up to around eight trains per day.

11 Q Could you please describe the existing bridge?

12 A The bridge is double concrete arch, with two
13 26-foot spans under the railroad tracks. The two spans are
14 each 107 foot long, passing east to west under the railroad.

15 One span provides passage for the public on State
16 Route SR-1026; the second span is for a stream, Little Deer
17 Creek.

18 Q Do you have any engineering drawings to offer at
19 this time which depict the structure?

20 A Yes.

21 I have two pictures showing cross-section elevations
22 of the structure.

23 MS. GALLAGHER: Your Honor, I will offer all of the
24 Bessemer Exhibits into evidence at the conclusion of Mr.
25 Keefer's testimony.

1 JUDGE CORBETT: Well, why don't we identify them as
2 he goes through them for the clarity of the record.

3 MS. GALLAGHER: Very good.

4 JUDGE CORBETT: Are you referring to the folders that
5 have been distributed between the parties?

6 MS. GALLAGHER: Yes, Your Honor.

7 This is a folder of our exhibits which have been
8 distributed to all counsel of record.

9 BY MS. GALLAGHER:

10 Q Would you please explain the drawing labeled
11 Bessemer Exhibit #1, which is contained in our brochure?

12 A Exhibit #1 is a cross-section showing one-half of
13 the arch looking as it goes through in an east-west
14 direction. This would be parallel to the highway.

15 Under the railroad tracks -- the railroad tracks
16 would be running north-south.

17 The other half of the arch is identical to this.
18 That's why it's marked symmetrical at about the center line.

19 The tracks are approximately 39 foot above the road,
20 with about 16 feet, 9 inches of fill between the top of the
21 concrete arch and the subgrade of the railroad.

22 There are wingwalls on both ends of the structure,
23 extending out 24 feet and coming from -- extending from a
24 height of about 24 feet, about 18 feet out from the arch.

25 Q Okay.

1 Would you please explain the engineering drawing
2 entitled Bessemer Exhibit #2.

3 A Exhibit #2 is a cross-section span over the
4 highway and an elevation view of the span over the creek.
5 And we're looking from the east towards the west end of the
6 bridge.

7 The east would be, I believe, what the residents
8 consider the south side. This drawing shows the bridge is
9 actually two parallel concrete arches connected at the
10 center. The open span through the arches is 26 foot and the
11 arch over the road has an open height of 18 foot at the
12 center of the span.

13 Q Mr. Keefer, do you have any photographs of this
14 bridge?

15 A Yes, I have two.

16 Q Did you personally take these photographs?

17 A Yes.

18 Q When were these photographs taken?

19 A November 22, 1991.

20 Q Do these photographs accurately reflect the
21 current condition of the bridge?

22 A Yes.

23 Q Could you please explain the first photograph
24 which is labeled Bessemer Exhibit #3?

25 A Okay.

1 Bessemer Exhibit #3 is a photograph, and is a view of
2 the west face of the structure.

3 Q Could you explain Bessemer Exhibit #4, the second
4 photograph?

5 A The second photograph is of the east face of the
6 structure.

7 Q Mr. Keefer, when was the arch constructed?

8 A The arch was built in 1910.

9 Q Have there been any major alterations to the
10 structure since then?

11 A No.

12 Q What is the Bessemer's obligation with respect to
13 the maintenance of the structure?

14 A I'm not aware of any PUC Order assigning
15 responsibility to the B&LE Railroad; however, the Railroad
16 constructed the structure and on its own initiative has been
17 maintaining it.

18 Q Has Bessemer performed any substantial maintenance
19 and/or repairs to the structure?

20 A No, only minor scaling has been required or
21 performed on the structure.

22 Q In your opinion as a licensed civil engineer, is
23 this crossing structure adequate for the convenience and
24 safety of the public?

25 A Yes.

1 Q Should the existing structure be altered,
2 rehabilitated or demolished?

3 A No.

4 The structure is a gravity masonry arch. Arches are
5 designed to support loads in compression and masonry
6 structures are extremely effective in resisting compressor
7 forces without reducing the life of the structure.

8 Q Are you familiar with any other masonry structures
9 in your capacity as a bridge engineer which are similar to
10 this structure?

11 A Yes.

12 I have been responsible for the maintenance of 150
13 bridges on the Union Railroad and Bessemer & Lake Erie
14 Railroad. Twenty-two of those are masonry arches
15 constructed before 1930, of which 14 were constructed before
16 1910.

17 Q Have any of these particular structures failed or
18 required major rehabilitation to prevent failure?

19 A No.

20 Q Have any of the structures required substantial
21 repair or maintenance?

22 A No. The only maintenance has been scaling of
23 loose surface material on the concrete structures over
24 highways.

25 The salt used on the highways is spread by traffic

1 onto the exposed surface of the concrete, causing layers to
2 become loose and eventually fall.

3 Scaling is a procedure used to remove the loose
4 concrete to prevent it from falling onto the vehicles
5 passing through the arch.

6 Q Does the loss of this concrete affect the
7 structural stability of the arch?

8 A No.

9 Since these structures are large masses of concrete,
10 they could lose up to about 20 percent of their section
11 without it affecting their ability to hold the load.

12 Q As a railroad engineer, are you aware of any other
13 structures of similar age and construction on other
14 railroads?

15 A Yes.

16 As a member of the American Railroad Engineer
17 Association, I have attended meetings and read publications
18 on masonry arches and structures.

19 There are many of these types of structures carrying
20 railroads over highways and streams, especially in the
21 northeast part of the United States.

22 Q Do you receive and review technical publications
23 on a regular basis concerning the failure of structures?

24 A Yes.

25 The American Railroad Engineer Association and the

1 National Transportation Bureau both publish reports on
2 failure of structures, which I read.

3 Q And these materials, have you ever read or become
4 aware of any structural failure of a masonry arch of this
5 type?

6 A I'm not aware of any failure as a result of age,
7 deterioration or loss of mass to the falling of the surface.

8 Q Would Bessemer agree to prepare plans for working
9 on, or modifications, to the structure?

10 A Since no work is needed, the B&LE will not agree
11 to prepare plans.

12 Q Will the B&LE agree to perform or bear the cost of
13 any construction work at this crossing?

14 A The B&LE agrees to bear the future maintenance
15 costs to the railroad facilities at the crossing.

16 Q What maintenance work does the B&LE plan to
17 perform on the concrete arch at this crossing?

18 A Inspection and scaling; and if future inspection
19 deems it necessary that the surface of the concrete should
20 be sealed, we would seal it.

21 Q How often is this structure inspected?

22 A Annually.

23 However, as a result of these proceedings, additional
24 cursory inspections have been done on a six week interval.

25 Q You stated that scaling is performed on the arch

1 over the highway to protect vehicular traffic from falling
2 pieces of concrete.

3 Do you believe this is a problem at this crossing?

4 A No.

5 Q What information do you have to support this
6 opinion?

7 A When material falls from railroad structures and
8 strikes public vehicles and the B&LE Claims Department
9 receives complaints, they call me to go out and inspect the
10 arches to see what caused the problem.

11 We have nothing on record to show that we ever
12 received a complaint about debris falling from this arch
13 causing a problem with traffic going through.

14 Q Are you aware of other complaints relating to the
15 alignment of the structure?

16 A Yes.

17 Q Have you received, or are aware, of any complaints
18 dealing with the clearance elevation of the structure?

19 A Yes.

20 Q Do you have any other information to offer at this
21 time, Mr. Keefer?

22 A Yes.

23 At the field conference that was held on August 14th,
24 1991, a Township Supervisor told us that he was going to
25 have everyone in the Township call in a complaint.

1 We did not receive any complaints, but I did have the
2 structure inspected on October 23, 1991 and again on
3 December 6th, 1991, specifically checking for falling debris
4 or material missing from the surface of the structure.

5 No evidence was found to indicate a problem.

6 Q That Township Supervisor, was that Mr. Erceg, who
7 testified earlier in this proceeding?

8 A Yes, it was.

9 Q Mr. Keefer, do you have any written inspection
10 reports from your inspections of the structure?

11 A Yes.

12 I have two reports marked as Exhibit Nos. 5 and 6
13 that were sent to Mr. Fisher of the PUC, with copies to
14 Representative Anderson.

15 Q Mr. Keefer, could you briefly summarize the
16 essence of those two written reports that were designated
17 Exhibit 5 and 6?

18 A Yes.

19 The two reports indicate that there was no debris
20 found on the roadway, and there was no sign of new material
21 falling from the arch on those two dates.

22 Q Do you have anything else to offer at this time?

23 A No.

24 MS. GALLAGHER: Your Honor, at this time I would like
25 to offer into evidence Bessemer Exhibits Nos. 1 through 6.

1 JUDGE CORBETT: Any objections?

2 MR. COON: No, Your Honor.

3 JUDGE CORBETT: They will be so admitted.

4 MS. GALLAGHER: Your Honor, I would make my witness
5 available for cross-examination.

6 JUDGE CORBETT: All right.

7 Representative Anderson?

8 REPRESENTATIVE ANDERSON: I have no questions.

9 JUDGE CORBETT: Mr. Hargrove?

10 MR. HARGROVE: I just have one, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. HARGROVE:

13 Q Sir, isn't it true that the Railroad built this
14 structure?

15 A Yes.

16 Q And that clearance that is existing today, is that
17 the clearance that was built by the Railroad?

18 A Yes, in 1910.

19 MR. HARGROVE: No further questions.

20 JUDGE CORBETT: All right.

21 Mr. Coon?

22 MR. COON: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. COON:

25 Q Just so the record is clear, you were asked a

1 series of questions, were you not, sir, and you provided
2 answers?

3 A Yes.

4 Q Those answers you were reading from a written
5 prepared statement, were you not?

6 A Yes.

7 Q You were not providing them from your own memory
8 and recollection, were you?

9 A I prepared the answers from my own recollection
10 and records.

11 Q You're not denying, are you, that concrete does
12 occasionally fall from this concrete arch tunnel?

13 A It is possible, and I would say that there
14 probably is some minor spalling at times and it falls off.
15 I have never seen it along the roadway. I've seen it along
16 the curbing.

17 Q Let's take a look at Exhibit #3, which you
18 identified as a picture.

19 That would be the west end of the bridge, or the east
20 end?

21 A This is the west face.

22 Q Now, if you look at the arch depicted on the left-
23 hand arch --

24 A The one over the roadway?

25 Q The one over the roadway.

1 Is there not a pretty large missing portion of
2 concrete in the upper right portion of that arch?

3 A Yes. That was moved by our crews during scaling
4 operations.

5 Q So, there was a large piece of concrete that had
6 to be removed by your crews?

7 A Yes.

8 Q Are there not cracks throughout the face of that
9 arch?

10 A Yes.

11 Q And I would like to ask you a little about -- you
12 said you do annual inspections of this bridge?

13 A That's true.

14 Q What is the nature of those inspections? Can you
15 explain to the Court what is done?

16 A We have an engineer who is also qualified through
17 PennDOT to be a bridge inspector who goes out to the arch.
18 He visually inspects the arch. He uses a sounding hammer to
19 test the concrete to determine if there is loose spots.

20 And in addition to that, we have a crew that goes to
21 the arch in the Spring of the year and scales any loose
22 material off and determines if there is any large pieces of
23 material that are loose and need to be removed.

24 Q So in terms of your annual inspection, basically
25 you have an engineer go out there and he looks at the

1 tunnel; does he not?

2 A He also sounds it with a hammer.

3 Q Then he hits it with a hammer?

4 A Yes.

5 Q Does he go over every square inch of that tunnel
6 and hit it with a hammer?

7 A No.

8 Q So he sort of does a random sample?

9 A Yes.

10 Q Are you familiar with the term ultrasonic testing?

11 A Yes.

12 Q Could you explain very briefly what is ultrasonic
13 testing?

14 A Ultrasonic testing is basically using sound to
15 determine if there is changes in the density -- if you're
16 working with concrete, as you're going through it.

17 It will pick up -- if you have reinforcing steel, it
18 will pick that up because it is more dense than the
19 concrete. If there is a void in the concrete, it will pick
20 that up.

21 It's basically like a sonogram. It sends a sound
22 signal out and it bounces back and it tells you how deep the
23 change is.

24 Q So that ultrasonic testing is a method that is
25 utilized in the industry to test concrete. One that --

1 A Yes.

2 Q Does ultrasonic testing also assist in locating
3 areas within the concrete that might be structurally
4 unsound?

5 A Yes.

6 Q Have you ever done an ultrasonic test on this
7 bridge?

8 A No.

9 Q Is that a relatively inexpensive process?

10 A I don't know the cost.

11 Q Are you familiar with the type of testing that is
12 called the taking of core samples?

13 A Yes.

14 Q Is that a type of testing that is done on concrete
15 structures?

16 A Yes.

17 Q Does that include concrete tunnels?

18 A Only if there was a reason for it.

19 Q And what type of information would you gather from
20 taking core samples?

21 A Usually, core samples are taken to determine salt
22 content of the concrete. Because the salt content gets over
23 a certain level, then the concrete no longer has structural
24 stability.

25 Q And are you familiar with a test to determine the

1 sale content of concrete that is known as a chloride ion
2 test?

3 A Yes.

4 Q And didn't you indicate before that it was your
5 opinion that the flaking or falling of this concrete was due
6 to salt being deposited?

7 A Yes, on the surface of the arch.

8 Q Did you ever do a core sample on this tunnel?

9 A No.

10 Q Did you ever do the chloride ion test on this
11 tunnel?

12 A No.

13 Q So you never determined whether salt being
14 deposited on the tunnel has affected the strength of the
15 concrete at all?

16 A No.

17 Q Are you familiar with the type of test known as a
18 density determination test?

19 A Not in those terms, no.

20 Q Are there tests or types of examinations that are
21 available or utilized by engineers to determine the density
22 and strength of concrete?

23 A That's done by taking the core and determining the
24 volume and then weighing it to get the density, and if you
25 want to know the strength of the concrete, you would take a

1 core and actually put it under a compression test where you
2 could measure the load.

3 Q And that type of test, again, would allow you to
4 determine whether the strength and the resiliency of the
5 concrete might have been affected over time?

6 A Yes.

7 Q Are you familiar with the type of test known as a
8 petrographic examination?

9 A Yes.

10 I have never done it, and I'm not real familiar with
11 it.

12 Q Would you agree with me that it's basically a test
13 where the microstructure of the concrete is examined --

14 A Yes.

15 Q Does not that type of test allow an engineer to
16 determine, with rather good specificity, areas which might
17 have lost their strength?

18 A Yes.

19 Q Have you ever done a petrographic examination?

20 A No.

21 Q With the exception of the petrographic
22 examination, what other types of tests that we discussed are
23 relatively inexpensive tests?

24 A The core sample is not an expensive test.

25 Q And ultrasound, we're not talking about spending

1 thousands and thousands of dollars, are we?

2 A I can't really say what the cost of ultrasound
3 testing is.

4 Q Now, I believe you have admitted that concrete has
5 fallen from this tunnel from time to time?

6 A Yes.

7 Q And it's your opinion that that concrete has
8 fallen due to splashing from salt?

9 A My opinion is that the effect of the salt on the
10 surface is causing it to spall off and pieces come off.

11 Q Is it also a possibility that this spalling of
12 concrete is due to the infiltration of surface water above
13 the tunnel?

14 A Yes, but we have not seen any evidence of that.

15 Q But pieces of concrete have fallen out, though?

16 A Later, they have come off.

17 Q That could be one symptom of water infiltration?

18 A That's one symptom, but one of many, and the
19 others aren't there.

20 Q I would like to direct your attention back to
21 Exhibit #3.

22 Looking at the left-hand side tunnel, again the
23 roadway tunnel, does it not appear that there has been
24 spalling of concrete above the edge or rim of the tunnel?

25 A Well, there has been spalling, but whether it was

1 done by our scaling or whether it was done on its own, I
2 can't tell.

3 Q How high did you say this tunnel was?

4 A It's 18 foot at the center -- the clearance is 18
5 foot at the center of the roadway.

6 Q Would it be your contention that salt is being
7 sprayed on the upper portion of that arch?

8 A Yes.

9 Q It's spraying 18, 20 feet in the air?

10 A Yes, sir.

11 Q You mentioned an August, 1991 meeting with
12 Township officials where you reviewed the condition of this
13 tunnel?

14 A Yes.

15 Q Prior to this meeting, did Bessemer & LE Railroad
16 have this roadway clear?

17 A No.

18 Prior to that meeting, our crews performed their
19 annual scaling of the arch. I didn't schedule it.

20 In fact, I wasn't aware of it until I went to the
21 meeting.

22 The people that are handling the crews now, they did
23 their annual inspection. They did clean the road off when
24 they were done because they knocked material from the tunnel
25 when they were doing it.

1 Q In the course of the scaling operation, they would
2 have also cleaned up any other debris that might have
3 existed?

4 A Yes.

5 Q So, when Bessemer & Lake Erie Railroad came to
6 this meeting, the area was basically clean, wasn't it?

7 A Yes.

8 Q Looking at Exhibit #5, which is your report dated
9 October 23, 1991, you mentioned a cursory inspection.
10 That's the word you used.

11 What was the nature of this inspection?

12 A This was a visual inspection that was performed
13 that I asked be done because of the complaint that we had on
14 August 14th. It was done -- to go out and visually look at
15 the arch, determine if anything was falling onto the
16 roadway, and check the arch to see if anything was missing
17 from the previous inspection.

18 Q Did you do this personally?

19 A No.

20 Q Do you know how long your employee, or whoever did
21 this, was out there?

22 A He spent approximately three hours both times.

23 Q And, again, you refer to a cursory inspection in
24 your December, 1991 report.

25 A For the same reason.

1 Q Mr. Keefer, other than visual inspections and this
2 type of testing that you refer to with the hammer, has
3 Bessemer & Lake Erie Railroad ever done any other type of
4 examination or testing?

5 A Not to my knowledge.

6 Q Then your opinion that this tunnel was
7 structurally sound, which I believe you stated, is based
8 solely on a visual examination and tapping the concrete with
9 a hammer?

10 A Yes, and experience.

11 Q Mr. Keefer, there is also spalling or falling of
12 this concrete on the inside portion of the archway, right,
13 not just on the face?

14 A Yes.

15 Q So the concrete is falling in areas which would be
16 more protected from the weather, at least?

17 A Yes.

18 MR. COON: I have no further questions at this time,
19 Your Honor.

20 JUDGE CORBETT: All right.

21 Ms. Gallagher?

22 MS. GALLAGHER: I have several redirect questions,
23 Your Honor.

24 REDIRECT EXAMINATION

25 BY MS. GALLAGHER:

1 Q Do you believe there is a drainage problem
2 existing at this crossing?

3 A No, I do not.

4 Q Could you elaborate on why you do not believe
5 there is a drainage problem?

6 A When you have a drainage problem with a concrete
7 structure, you get what we call effervescence, which is a
8 white staining of materials running down inside.

9 You get icicles in the wintertime, and we have never
10 observed any of these.

11 Q Mr. Keefer, do you believe any additional testing
12 of this structure would be necessary to determine if the
13 structure was sound?

14 A No.

15 From my experience and observations at this arch, I
16 don't think that it's necessary to do further testing at
17 this time.

18 When we run into a structure that is deteriorated to
19 a point that we're concerned, that's when we do further
20 testing.

21 MS. GALLAGHER: No further questions, Your Honor.

22 JUDGE CORBETT: Any further recross, Representative
23 Anderson?

24 REPRESENTATIVE ANDERSON: No, sir.

25 JUDGE CORBETT: Mr. Hargrove?

1 MR. HARGROVE: No, Your Honor.

2 JUDGE CORBETT: Mr. Coon?

3 MR. COON: Just briefly, Your Honor.

4 RE-CROSS-EXAMINATION

5 BY MR. COON:

6 Q Again, I would like to direct your attention to
7 the Railroad Exhibit #3.

8 You mentioned the existence of a white staining
9 pattern as being perhaps an indication of water
10 infiltration.

11 Now, I'm looking at this photograph.

12 Would you agree with me that there appears to be
13 portions of what appear to be white stains on the concrete?

14 A This is on the surface that is exposed to weather.
15 You don't find this inside the arch.

16 If you had a drainage problem, that's where it would
17 come through. This is coming -- it's running off the bank
18 and down over the sides, and you would naturally find stains
19 along the face.

20 Q Now, if you look at the top edge of this wall,
21 that projects up from what I would call the top edge of the
22 roof of the tunnel?

23 A Yes.

24 Q So there is like a raised lip there, is there not?

25 A Yes, I believe there is; maybe about a foot high.

1 Q So is it not possible that there is also water
2 seeping underneath that lip and down through the concrete;
3 that's a possibility?

4 A You can see where some of the drainage behind that
5 lip is coming out. It's coming out right under the lip.
6 It's not coming out from the arch of the structure itself.

7 Q That drainage coming out from that lip could be
8 affecting the concrete, the interior portion of the
9 concrete?

10 A Not the arch. It would only be affecting the
11 portion of the lip that sticks up there.

12 All it does is keep dirt from falling on the road.
13 This is a not a load bearing portion of the structure up
14 there at all. That lip just keeps the dirt from falling
15 down on the road.

16 Q What would happen if a large portion of that lip
17 fell off? Would that be possible from the water
18 infiltration?

19 A The only thing that's happened so far is the two
20 that came off the edge. I see no signs that look -- we
21 check that every time.

22 We also have some points set on the top of that to
23 determine if there is any movement, and we check that every
24 time we inspect it annually. There hasn't been any
25 movement.

1 Q But, again, you have done no testing to determine
2 what the strength of the concrete is inside --

3 A No.

4 My experience is -- all of the experience that I have
5 had in concrete arches, this one is not to the point where I
6 felt it needed further testing.

7 Q Have you ever ordered any further testing on
8 concrete arches?

9 A Yes, one just up the road from here.

10 MR. COON: I think I'm done, Your Honor.

11 JUDGE CORBETT: Anything further, Ms. Gallagher?

12 MS. GALLAGHER: Nothing further.

13 JUDGE CORBETT: Thank you very much, Mr. Keefer.

14 MS. GALLAGHER: I have no other witnesses, Your
15 Honor.

16 JUDGE CORBETT: All right.

17 The next party up on our Questions and Procedures is
18 the Pennsylvania Department of Transportation.

19 Mr. Hargrove?

20 MR. HARGROVE: Your Honor, we would like to call Mr.
21 Henry Farrell.

22 JUDGE CORBETT: Sir, would you come up here and take
23 a seat, please.

24 HENRY W. FARRELL, having been first duly sworn, was
25 examined and testified as follows:

1 JUDGE CORBETT: Sir, would you begin, please, by
2 giving us your full name and spelling your last name?

3 THE WITNESS: My name is Henry W. Farrell,
4 F-A-R-R-E-L-L.

5 JUDGE CORBETT: Mr. Hargrove.

6 DIRECT EXAMINATION

7 BY MR. HARGROVE:

8 Q Mr. Farrell, would you please state your place of
9 employment?

10 A I'm employed by the Pennsylvania Department of
11 Transportation in Harrisburg.

12 Q In what capacity?

13 A My present capacity is civil engineer in the
14 Bureau of Design.

15 Q Have you ever worked with the Department in any
16 other capacity?

17 A Yes, I have.

18 I worked with construction, and I was also working
19 in the Bureau of Maintenance.

20 Q And in the Bureau of Maintenance, were you also a
21 civil engineer at that time?

22 A Yes, I was.

23 Q Could you also just briefly give the court
24 reporter your business address as well?

25 A The business address is Transportation and Safety

1 Building, Room 508, Harrisburg, Pennsylvania 17120.

2 Q Are you familiar with the structure, Mr. Farrell,
3 that is the subject of these proceedings?

4 A Yes, I am.

5 Q Have you personally visited that structure?

6 A Yes, I did.

7 Q Are you familiar with the Questions and Procedures
8 promulgated by the Commission with respect to this
9 proceeding?

10 A Yes, I am.

11 Q Are you authorized to testify on behalf of the
12 Department in this proceeding?

13 A Yes, I am.

14 Q Mr. Farrell, I would refer to question #10 which
15 reads: Pennsylvania Department of Transportation submit
16 testimony describing the general location of the existing
17 rail highway crossing at the low grade involved in this
18 proceedings.

19 A The crossing is in Allegheny Township or, I'm
20 sorry, Allegheny County, Indiana Township. It's near the
21 community of Russelton.

22 The highway involved is State Route 1015, which
23 passes beneath the structure.

24 State Route 1015 is a two-lane highway running in a
25 north-south direction, and it basically serves local

1 traffic.

2 Q Mr. Farrell, could you provide testimony to us
3 describing the general type of existing bridge, number of
4 spans, principal dimensions and clearances above the highway
5 and state the general condition thereof?

6 A The existing structure is a two-span arch carrying
7 tracks of the Bessemer & Lake Erie Railroad Company over
8 State Route 1015, and a small stream which is adjacent to
9 the highway which, I believe, is Deer Creek.

10 The alignment passing under the arch is very poor.
11 There are site distance problems for motorists using State
12 Route 1015.

13 At the field view on August 14th, the motorists were
14 observed stopping their vehicles and sounding their horns
15 before passing through this particular arch.

16 There are virtually no shoulders and vertical
17 clearance due to the configuration of the arch. It
18 restricts truck traffic in this particular crossing.

19 Q Could you provide us any data concerning the
20 present and estimated future highway traffic, including the
21 breakdown of truck traffic at this location?

22 A The last available traffic count was from 1986.
23 Traffic at that time was 6,150 vehicles.

24 We haven't done a traffic count since, but if you
25 would project about two percent a year, the present traffic

1 count would be 6,300 vehicles.

2 As far as percentage of trucks, there would be
3 minimal trucks using this particular area because of the
4 clearance problems.

5 JUDGE CORBETT: Excuse me, sir, if I could interrupt
6 a minute.

7 The figures that you quoted me, that 6,000 figure, is
8 that per day?

9 THE WITNESS: Yes, that would be per day.

10 JUDGE CORBETT: Thank you.

11 BY MR. HARGROVE:

12 Q Mr. Farrell, could you state the nature, type,
13 extent, date, cost and other pertinent specific details as
14 to any of the recorded substantial items of maintenance or
15 repairs performed by the Department on the existing
16 structure?

17 A The Department performed no maintenance on this
18 structure. This is a railroad structure built and
19 historically maintained by the operating railroads.

20 Neither the Department or any of its contractors have
21 performed any maintenance or repairs on the structure.

22 Q In your opinion, Mr. Farrell, is the existing
23 crossing structure adequate for the convenience and safety
24 of the public, or should it be altered, rehabilitated or
25 demolished and if so, submit testimony regarding the general

1 nature and extent of changes, if any, which PennDOT deems
2 advisable to provide a safe and convenient crossing at this
3 location.

4 A Whether or not the roadway and passage beneath the
5 structure is safe for passing motorists, depends very much
6 on the driving habits of the passing motorists.

7 Obviously, we have highway alignment that's not
8 desirable. There are no shoulders; there are stop
9 conditions in the area of the structure. However, that
10 condition has been the same way for -- as I understand from
11 the testimony of area residents, approximately 50 years.

12 It's a condition that is repeated many times in the
13 State of Pennsylvania in other similar areas and structures.

14 If the idea would be to provide a roadway that would
15 meet all present design criteria, higher speed railway to
16 accommodate truck traffic and vehicles with passage ideal
17 site distance, proper alignment, vertical clearance,
18 everything up to date, then of course the entire structure
19 would have to be demolished. It would have to be
20 reconstructed.

21 The roadway would have to be realigned, the Deer
22 Creek would have to be rechanneled, the vehicular traffic
23 would have to be maintained or detoured.

24 Well, traffic would have to be maintained or detoured
25 or shut off at this particular time. Private property would

1 have to be appropriated, utilities would have to be moved,
2 and it would be a major undertaking to prepare plans and
3 straighten this roadway and structure to what we would call
4 ideal design standards.

5 Q For 1992?

6 A Correct.

7 Q Has the Department prepared any plans or cost
8 estimates for any work necessary or advisable at this
9 location?

10 A No, the Department has not.

11 As I stated, this is not a Department structure and
12 it's not on any department program and there is no funding
13 set aside to do anything in this area.

14 Q Are any bridge bill funds available for this
15 structure?

16 A No.

17 Q It's not programmed for any Department program
18 whatsoever?

19 A It's on no Department program.

20 Q Mr. Farrell, could you testify as to what portion
21 of the work, if any, that the Department -- or any proposed
22 construction that the Department would agree to perform?

23 A This is not a Department structure. Consequently,
24 the Department of Transportation has no responsibility for
25 this structure.

1 The structure accommodates rail traffic which passes
2 overhead State Route 1015 and provides no real benefit to
3 the motoring public.

4 Historically, the structure has been maintained by
5 the operating railroad. The Department of Transportation
6 would accept no responsibility for maintenance or
7 construction costs.

8 The Department feels that maintenance and
9 construction responsibilities should be assigned to the
10 structure owner.

11 Q If the structure were demolished, in your opinion,
12 Mr. Farrell, what would happen to the rail traffic that
13 would travel overhead?

14 A I would have no idea. I'm not familiar with the
15 train movements in that area as far as what goes from one
16 place to another.

17 Q But certainly a train wouldn't be able to continue
18 to travel on that route?

19 A Certainly, they would have to go somewhere else.

20 Q I understand the Department has not done any cost
21 estimates or has not prepared any plans, but if you had to
22 guess, in your knowledge as a civil engineer with respect to
23 road maintenance and highways, what would you say,
24 generally, would be the cost to do everything that you said
25 needed to be done?

1 A Without a detailed engineering study, I would hate
2 to try to put a price on that type of construction at this
3 point.

4 It would take the Department at least 18 months to
5 prepare a detailed plan and engineering study to come up
6 with those sort of --

7 Q And you're not suggesting that that is the
8 Department's responsibility?

9 A No, I'm saying that's what it would take if it
10 were necessary.

11 Of course, it would have to be done by a consultant,
12 as the Department is very limited in forces and manpower
13 right now.

14 I think it would take at least a year before we would
15 have a reasonable preliminary estimate as to the cost.

16 If you're asking me for a guess off the top of my
17 head right now, I would say at least several -- it would be
18 several million dollars to bring this entire --

19 Q To keep this railroad running over this highway?

20 A To construct a structure in a road system in this
21 area that would meet the present design standards. That
22 would be complete realignment of the highway,
23 rechannelization of Deer Creek, demolishing the existing
24 structure and constructing a new structure, maintaining all
25 of the traffic and procreating right-of-way and relocating

1 all of the utilities.

2 It would be a very big project.

3 Q And in your opinion, that would be the Railroad's
4 responsibility since they're the primary beneficiary of the
5 structure?

6 A If the structure were to be constructed, as I
7 previously stated, the Department of Transportation
8 recognizes no responsibility for the maintenance or any cost
9 associated with the structure.

10 Q Mr. Farrell, you briefly heard testimony from the
11 Railroad's witness that somehow salt from this highway would
12 splash up onto the inside of this arch and make the concrete
13 spall.

14 You previously also testified, Mr. Farrell, that you
15 were a civil engineer in the Bureau of Road Maintenance with
16 the Department.

17 Can you tell us a little bit about that? Would you
18 have any knowledge, previously working in the Bureau of Road
19 Maintenance as a civil engineer, as to whether or not salt
20 would be used on this type of location or highway?

21 A Yes.

22 To answer the first part of your question, from the
23 mid-'70's to 1988, I was in the Bureau of Maintenance in
24 Central Office as a civil engineer. I had several positions
25 at that time.

1 I was a Division Engineer working with operations
2 here in Western Pennsylvania. I was in a program service
3 support division which dealt with contracts, rental
4 equipment, and research projects.

5 I also worked in the mid-1970's, and one of my
6 functions was snow and ice control engineer. One of my
7 duties at that time was to recommend appropriate roadway
8 treatments for the highways in Pennsylvania. This would be
9 the entire State.

10 The basic problem of the Department of Transportation
11 is the salt on an interstate and high primary traffic route.

12 When we work a highway -- when we treat a highway
13 such as State Route 1015 which we would consider a secondary
14 route --

15 Q Which is the route in question?

16 A In Allegheny County, the route in question today.

17 Normal policy would be for that road to be treated
18 primarily with an anti-skid material. The definition of an
19 anti-skid material is an inert material, something that has
20 no chemical action to melt ice and snow.

21 Anti-skid would be cinders, sand, or stone.

22 Now there may be some salt -- some small amount may
23 be mixed with these materials, maybe five or ten percent to
24 keep the anti-skid material from freezing, but without
25 reviewing the maintenance operations of that particular

1 route, I couldn't totally state that straight salt was not
2 used on that road. But it would certainly be contrary to
3 the policy at the time that I was in charge of operations.

4 I have no knowledge since that time that that policy
5 has been changed.

6 Q So in your opinion, is it probable that salt was
7 used at this location?

8 A My opinion is that primarily anti-skid materials
9 would be used at this location.

10 Q Thank you.

11 MR. HARGROVE: I have no further questions, Your
12 Honor.

13 JUDGE CORBETT: All right.
14 Representative Anderson?

15 REPRESENTATIVE ANDERSON: Well, I do have one
16 question.

17 CROSS-EXAMINATION

18 BY REPRESENTATIVE ANDERSON:

19 Q Even if this anti-skid material did contain any
20 salt, is it possible that it could spray 15, 20 feet high to
21 the top of the face of the structure by the machinery used?

22 A Well, the method of dispersing salt and anti-skid
23 material is the same. It comes out the back of the truck,
24 dumps into a small trough and is conveyed by an auger to an
25 opening on the left side -- left rear side of the truck. It

1 falls through this opening onto a spinner, which is
2 hydraulically operated and the material is then placed on
3 the roadway. There is no way that the material being
4 dropped from this truck could possibly hit that arch.

5 Now, it is possible through the movement of traffic
6 that some of the vapors or materials could be splashed into
7 the arches that traverse over the roadway, but everybody in
8 here can imagine that, possibly as well as I can.

9 So there is no sense in my trying to elaborate on
10 that.

11 REPRESENTATIVE ANDERSON: That's all I have.

12 JUDGE CORBETT: Anything, Ms. Gallagher?

13 MS. GALLAGHER: Yes, Your Honor.

14 CROSS-EXAMINATION

15 BY MS. GALLAGHER:

16 Q Mr. Farrell, three times in your direct testimony,
17 you referred to this as State Route 1015; is that correct?

18 A That's the routing that I have prepared for
19 testimony, to the best of my knowledge.

20 Q I believe that this proceeding involves State
21 Route 1026.

22 A My County map shows 1015.

23 Well, I'm sorry. There is a small segment of 1026 at
24 the top of the map, and it could -- there is a small segment
25 -- it's hard to see this without looking at it.

1 On the County map that I have referred to, the entire
2 route is 1015 and there is a very small segment right in the
3 center that does list 1026. And it is possible that this
4 arch could be on the 1026 designation.

5 Q Okay.

6 Mr. Farrell, the traffic count that you quoted was
7 6,000. Was that for 1015?

8 A That was for the roadway where the arch is
9 located. It would have been 1015 or 1026.

10 Again, could I show you this? I think it would help.

11 MS. GALLAGHER: Your Honor?

12 JUDGE CORBETT: Sure, you can approach the witness.

13 (An off-the-record discussion was held.)

14 BY MS. GALLAGHER:

15 A If I could further elaborate, the traffic count
16 was given to me by the District and I'm sure that the
17 District has taken the traffic count in the area in
18 question.

19 Q Correct me if I missed this, but when was the
20 traffic count conducted?

21 A 1986.

22 Q Mr. Farrell, when you were talking about the
23 complete rebuild if it was ordered of this bridge, it would
24 cost approximately in the millions.

25 With respect to the road realignment and the creek

1 realignment, would PennDOT be willing to absorb any of those
2 costs as it pertains to the highway?

3 A The Department has no program for funding any road
4 realignment or structure rehabilitation in this area.

5 Q Is it the Department's position that the structure
6 in its current condition is a safe structure?

7 A The Department has performed no detailed
8 inspection of the structure. It's a railroad structure and
9 we're not prepared to comment on the structural adequacy of
10 this particular structure.

11 Q So would it be fair to say that PennDOT has no
12 comment relative to the structural integrity of the bridge?

13 A We have performed a cursory field inspection of
14 the structure, but it does not really deal with the
15 integrity of the structure. It has to do with a cursory
16 field observation, and I really wasn't going to introduce
17 this unless it was necessary.

18 MS. GALLAGHER: No further questions.

19 JUDGE CORBETT: Mr. Coon?

20 CROSS-EXAMINATION

21 BY MR. COON:

22 Q You cited a traffic study in 1986 that indicated
23 6,150 vehicles in the area used this --

24 A It wasn't a traffic study; it was simply a count
25 of vehicles.

1 Q Then you provided an estimate based on -- I think
2 you said a two percent rate of growth?

3 A Yes.

4 Q If Indiana Township and West Deer Township and the
5 communities in the area were rapidly growing communities,
6 then that traffic count could be even higher than your
7 estimate?

8 A Yes, that's possible.

9 Q Now, you were asked by PennDOT's counsel to
10 address -- I guess it was question #14 as to whether or not
11 you had an opinion as to whether this structure was adequate
12 for the convenience and safety of the public.

13 Do you recall that question?

14 A Yes.

15 Q And would it be fair to say that you responded to
16 that question from the standpoint of road alignment and
17 other physical layout factors as opposed to the actual
18 adequacy of the structure itself?

19 A I think that would be fair to say.

20 Q I believe you testified maybe a couple of times
21 that there are virtually no shoulders at this location; is
22 that right?

23 A I was referring to the area as the roadway passes
24 beneath the arch.

25 Q So underneath the arch there are no shoulders at

1 all?

2 A It is very restrictive.

3 Q So if any concrete is falling from the edge of
4 that arch, it is going to be landing on the roadway, would
5 it not?

6 A There is certainly more roadway area than shoulder
7 area beneath the arch. Whatever the ratio would be, I
8 assume that would be the probability of the concrete landing
9 on the roadway.

10 Q Now, you heard some witnesses here testify today
11 that they have observed debris on the roadway and have
12 actually seen, in some cases, concrete falling from this
13 arch.

14 Based on your experience as a civil engineer in
15 PennDOT's Transportation Division, do you have an opinion as
16 to whether concrete falling onto a roadway such as this
17 creates a hazard for the traveling public?

18 A I personally have not inspected the underside of
19 this arch. I don't feel that I could adequately answer that
20 question.

21 Q I asked Mr. Keefer a couple of questions about
22 Exhibit 3.

23 Did you get a chance to look at that?

24 A Briefly.

25 Q Would you take that photograph, the copy that is

1 in front of you there, and take a look at that?

2 A (Witness complies.)

3 Q Now, if you look at the portion of the arch that
4 is just to the left and above the sign that says Clearance
5 10' 8" -- do you see that sign?

6 A Yes.

7 Q Do you see the portion of the concrete that
8 appears to be missing, that very large portion?

9 A Yes.

10 Q Do you recall Mr. Keefer testifying that that
11 portion was removed by Bessemer & Lake Erie Railroad repair
12 crews during an inspection or maintenance?

13 A I recall him testifying that a section was
14 removed.

15 Q Now, if that section had to be removed, based on
16 your opinion as a civil engineer, would you recommend that
17 further tests beyond a visual inspection be done to
18 determine the structural integrity?

19 A It's very difficult for me to answer that
20 question, because this is not a Department structure. We
21 have performed no tests on this structure. We have
22 performed no preliminary tests other than a cursory
23 observation.

24 We don't feel that the Department of Transportation
25 should comment on testing procedures for a structure that is

1 owned by another organization.

2 Our only inspection of a structure of this type would
3 be a cursory inspection to make sure there was no imminent
4 danger to the public.

5 Q Let me ask you, then, generally from your
6 experience with concrete bridges and structures, if given a
7 bridge or a tunnel that you were responsible for, that
8 PennDOT was responsible for, and you found a large piece of
9 concrete having to be taken out of that structure, do you
10 deem it advisable to at least do some further testing to
11 determine the structural integrity?

12 A Yes, I do.

13 MR. COON: I have no further questions.

14 JUDGE CORBETT: All right.

15 Mr. Hargrove, do you have anything further?

16 MR. HARGROVE: No further questions, Your Honor.

17 JUDGE CORBETT: Thank you very much, Mr. Farrell,
18 you're excused.

19 I take it that you have no further testimony, Mr.
20 Hargrove?

21 MR. HARGROVE: No further testimony, Your Honor.

22 JUDGE CORBETT: Mr. Coon, we'll turn to you, sir.

23 MR. COON: We have one witness, Your Honor. Mitchell
24 Kovel.

25 MITCHELL T. KOVEL, having been first duly sworn, was

1 examined and testified as follows:

2 JUDGE CORBETT: Would you begin, sir, by giving us
3 your full name and spelling your last name?

4 THE WITNESS: Mitchell T. Kovel, K-O-V-E-K-L.

5 JUDGE CORBETT: All right.

6 Mr. Coon?

7 DIRECT EXAMINATION

8 BY MR. COON:

9 Q Mr. Kovel, would you state your employer, please.

10 A I'm employed by the Township of Indiana as its
11 Manager.

12 Q How long have you been Manager?

13 A About four and a half years.

14 Q Are you familiar with the bridge or overpass in
15 question here today?

16 A Yes, I am.

17 Q Would you describe to the Court the importance of
18 this bridge or tunnel to Indiana Township and the community
19 in general that surrounds that bridge?

20 A Little Deer Creek Road is used by a portion of the
21 Township residents for regress and egress to their homes.
22 It's also used by the Township Fire Department and Police
23 Department as well as by our Ambulance Service.

24 Q What are Indiana Township's present obligations
25 with respect to this bridge?

1 A None.

2 Q And on what basis do you state this?

3 A This is a privately-owned facility by Bessemer &
4 Lake Erie Railroad.

5 Q As Township Manager, have you had occasion to
6 receive complaints from residents concerning this overpass?

7 A Yes, I have.

8 Q What is the nature of those complaints?

9 A They were concerned about the safety of the
10 scaling, falling off of the inside surface of the facility.

11 Q Were there any other concerns voiced by Township
12 residents as to this tunnel?

13 A Mostly, it was for the falling material and as was
14 cited by the PennDOT engineer, there is a site distance
15 problem with the roadway itself.

16 However, there are two stop signs on either side of
17 the facility, so that there is not any direct flow of
18 traffic without stopping.

19 Q Did you have occasion to inspect the bridge
20 yourself?

21 A I went over at the August 14th meeting with the
22 PUC and the Railroad, as well as the two Board Members and
23 Representative Anderson. I was present there.

24 I have also looked at it separately by myself.

25 Q Does the Township have a position as to whether

1 this overpass is adequate for the convenience and safety of
2 the traveling public?

3 A The Township doesn't feel that it's adequate as
4 far as site distances, and that's probably due to the
5 alignment of the road.

6 They have a concern about the debris, again falling
7 on the passing motorists.

8 Q Has the Township undertaken any project or design
9 program to determine what should be done?

10 A No.

11 Q And why is that?

12 A Again, that's a privately-owned facility owned by
13 others.

14 Q Does the Township have a position as to whether it
15 will agree to pay any portion of repair or rehabilitation
16 costs if the Board should so order?

17 A No, it will not.

18 Q Why is that?

19 A The Township does not have any responsibility
20 towards the maintenance of the privately-owned facility.

21 Q Is that a Township road that transits the
22 overpass?

23 A The roadway is owned by PennDOT.

24 Q And it's maintained by PennDOT?

25 A The Township has a winter maintenance program with

1 PennDOT for that portion that crosses through Indiana
2 Township.

3 MR. COON: Nothing further, Your Honor.

4 JUDGE CORBETT: Representative Anderson?

5 REPRESENTATIVE ANDERSON: I have nothing.

6 JUDGE CORBETT: Ms. Gallagher?

7 MS. GALLAGHER: Nothing, Your Honor.

8 JUDGE CORBETT: Mr. Hargrove?

9 MR. HARGROVE: No questions, Your Honor.

10 JUDGE CORBETT: Thank you very much, Mr. Kovel. You
11 may be excused.

12 Any further testimony for any witnesses, Mr. Coon?

13 MR. COON: No, sir.

14 JUDGE CORBETT: Do we have any other parties who
15 desire to submit any additional testimony, exhibits, or
16 proposals relevant to this proceeding?

17 (No response.)

18 JUDGE CORBETT: All right.

19 Hearing none, then, we'll move on.

20 On December 13th, 1991, I received a letter from
21 counsel for Pennsylvania American Water Company. The letter
22 is addressed to me from Velma Redman as counsel for
23 Pennsylvania American Water Company, indicating that its
24 facilities are not located in the immediate vicinity of this
25 particular crossing and it will not be attending the hearing

1 scheduled for today.

2 On December 31st, 1991, I received a letter from W.A.
3 Kessler, K-E-S-S-L-E-R. He is a representative from West
4 Penn Power Company, indicating that it has no facilities
5 involved in this proceeding and it will not attend the
6 hearing scheduled for today.

7 Is there any further testimony that any party wishes
8 to present?

9 MS. GALLAGHER: Your Honor, I would ask the Court's
10 permission to recall Mr. Keefer.

11 JUDGE CORBETT: All right.

12 Mr. Keefer, would you return to the stand, please.
13 And you are still under oath.

14 DONALD E. KEEFER, recalled as a witness, was examined
15 and testified further as follows:

16 REBUTTAL EXAMINATION

17 BY MS. GALLAGHER:

18 Q Mr. Keefer, did the Railroad conduct a traffic
19 study at the subject crossing?

20 A We did a traffic count on August 22nd, '91 and
21 again on August 23, '91.

22 Q Could you explain to this Court what the results
23 of that traffic count were?

24 A Yes.

25 We performed a count for an eight-hour period on both

1 dates. We used the standard form for calculating annual
2 average traffic.

3 On 8/22, we had a count of 3,133 vehicles; on August
4 23rd, we had a count of 2,593 vehicles.

5 MS. GALLAGHER: No further questions, Your Honor.

6 JUDGE CORBETT: Any cross-examination, Mr. Anderson?

7 REPRESENTATIVE ANDERSON: No.

8 JUDGE CORBETT: Mr. Hargrove?

9 MR. HARGROVE: No.

10 JUDGE CORBETT: Mr. Coon?

11 MR. COON: No.

12 JUDGE CORBETT: Thank you, Mr. Keefer.

13 Any other parties have anything further?

14 (No response.)

15 JUDGE CORBETT: Hearing none -- I'm sorry.

16 REPRESENTATIVE ANDERSON: This basically is the
17 envelope that the petition that Mrs. Kondrick had handed me
18 came in.

19 Basically, it explains what they are and where she
20 received the signatures from on the petition.

21 JUDGE CORBETT: Well, I think that should have come
22 through with her testimony. I'm not really sure that we
23 need that at this point.

24 The petition is already in the record.

25 All right, we've heard all of the testimony we're

1 going to hear in this particular matter.

2 The procedure from this point is that I'll wait to
3 receive a copy of the transcript from this morning's
4 hearing. When I receive that transcript, I will then send
5 out to the parties a letter indicating that those parties
6 who wish to file briefs in this matter may do so.

7 However, those briefs will be due -- main briefs will
8 be filed by all parties at the same time, 30 days after the
9 date of the letter. Reply briefs will be filed by all
10 parties 20 days after that, or 50 days after the date of the
11 letter.

12 As I indicated, that letter will be sent out by me
13 when I receive a copy of this morning's transcript. After I
14 receive the briefs of the parties, I will then sit down as
15 my schedule permits, and write a recommended decision in
16 this matter. That decision will be filed with the
17 Commission in Harrisburg. Approximately three or four weeks
18 after that decision is filed with the Commission, you will
19 receive a copy of that decision directly from the
20 Commission.

21 Does any party have any questions with regard to
22 procedures?

23 (No response.)

24 JUDGE CORBETT: Hearing none, then I thank everyone
25 for their participation. We'll give this matter our careful

1 consideration and you'll receive my decision in due course.

2 Thank you very much.

3 (The hearing concluded at 12:30 p.m.)

4 - - -

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8
9 I hereby certify that the proceedings and evidence
10 taken by me in the above-entitled matter are fully and
11 accurately indicated in my notes and that this is a true and
12 correct transcript of same.

13
14
15 Paula R. Davis
16 Paula R. Davis, Reporter/slg

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Apt. P. Davis

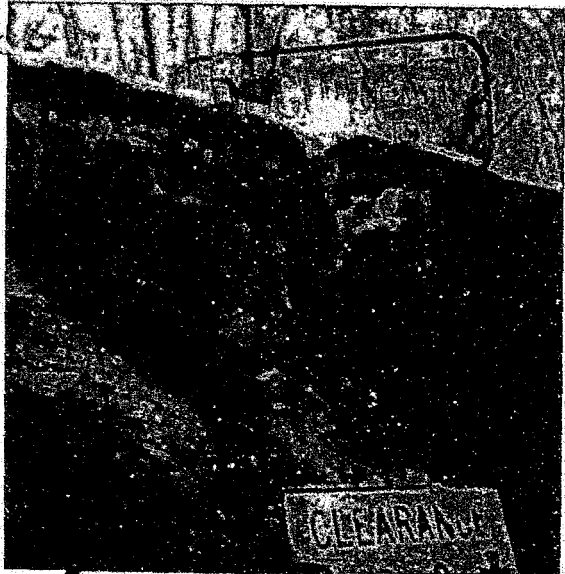


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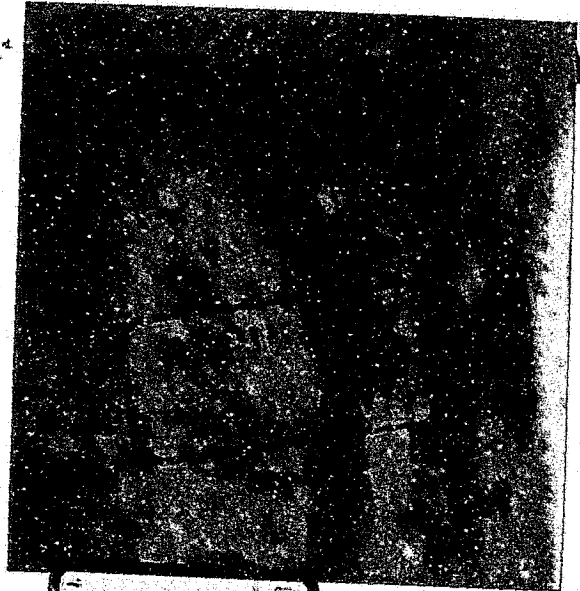
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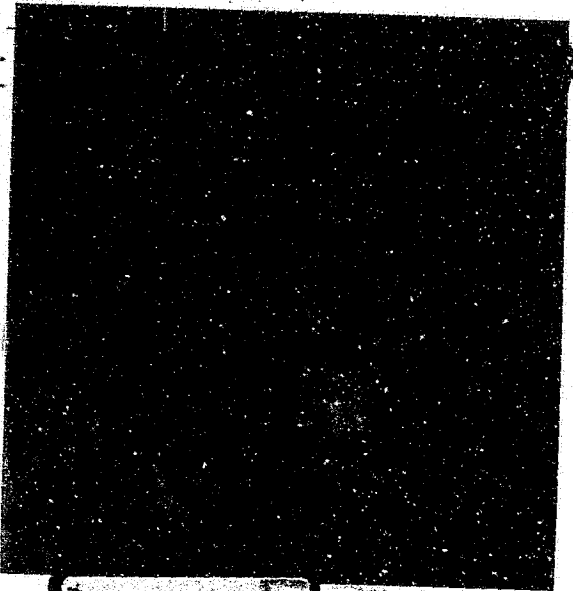
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FEB 21 1992



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1/30/92
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FEB 21 1992

RECEIVED
FEB 19 1992
SECRETARY'S OFFICE
Public Utilities Commission

Wed. October 24, 1984
Rural Ridge, Pa. 15075
9:00 P.M.

Mr. Raymond Peteritas
Public Utilities Commission
P.O. Box 3265,
Harrisburg, Pa. 17120

SECRETED

FEB 21 1992

DOCUMENT
FOLDER

Dear Mr. Peteritas,

Earlier this year I had gotten in touch with Mr. Pat Edwards in regards to the dangers and obsolescence of the Besamer and Lake Erie Railroad Tunnel crossing over L.R.02307, Little Deer Creek Road in Indiana Township. Mr. Edwards, came out and saw how dangerous it really was. It is entirely too low for the trailer trucks of today to go thru to their destinations and many have gotten stuck in it and damaged their trucks to thousands of dollars. I have a Service Station nearby but can't let them use it as we are afraid of the damage they could do to our storage tanks, gas lines and electric service lines from their turn arounds. So they end up backing up about 5000 feet to Crawford Run Road and turning around to get back to Rt.28 or the Turnpike and not making their deliveries. It is very dangerous while they are backing up and creates a traffic jam on both sides of the tunnel and causes many to be late for their jobs. We have 4 to 10 trucks a week in this predicament and this evening at the time shown above we had 5 trailer trucks jammed back to back so that I called our Indiana Twp. Police out to help and see how dangerous it was.

Mr. Peteritas, when Mr. Edwards from our Pittsburgh office came out, we took a ride on Crawford Run Road towards West Deer Township where many of these trucks make deliveries as a alternate route and he agreed it was too hilly, narrow, and too dangerous for the big trucks to travel on. Mr. Jim Phillips, our Indiana Township Manager was with us and can verify the need for upgrading this tunnel to the needs of today. It is about 50 or 60 years old.

Mr. Peteritas, I gave Mr. Edwards a copy of some 5000 signatures of Taxpayers on a petition that was fully supported by all the Supervisors of Harmar Township, Indiana and West Deer Township.

Compliments Et. No. 2
C-913419
Pittsburgh
1/30/92 P.R.D.

We started a drive on the improvement of this tunnel in April of 1980 but due to a very unexpected illness of my husband and various hospitals, I could not continue and no one carried on til now again.

Mr. Edwards said that he would send you the full report and I would be hearing from you and your office but to this date have not. I am enclosing a news story on this particular tunnel and you can see the truck has to come to the middle of the two lane road to prevent damage to his right side of the roof and this is a smaller truck than the trailers that use this State Road. Please send this picture back or bring it with you if you come out before Nov.10 as I hope to take my Husband to a warmer climate for the winter. Please see if we can get this tunnel upgrated to the same size and structure of the two tunnels in West Deer Township and also owned by Bessemer and Lake Erie Failroad. I am only doing this for the safety of our Taxpayers and future citizens that may have to travel this road. This tunnel serves 20,000 people going daily to and from work.

3 Hospitals

2 Medical Clinics

4 Fire Companies and 2 Ambulance Co,s

2 Senior Citizen Homes

4 School Districts

It is also the main road between Rt 8 and 28

It is also the Orange Belt going to the Greater Pgh. Airport.

I hope you can see the importance of this very much needed improvement. Thank you for your time and we hope to hear from you soon. I will be taking care of a Senior Citizen in her home from Nov.3 to the 6th but will be available the rest of the time. Best Regards to All.

Sincerely,

Anne Kondrick

Anne Kondrick
P.O. Box 66,
Bural Ridge, Pa. 15075
Phone # 12--265-1160



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
HARRISBURG, PENNSYLVANIA 17120

OFFICE OF
SECRETARY OF TRANSPORTATION

October 6, 1980

1980
1980
12/9/80

RECEIVED
FEB 21 1992

Ms. Anne Kondrick, Chairman
Concerned Taxpayers for Better Roads
Post Office Box 66
Rural Ridge, PA 15075

Dear Ms. Kondrick:

I appreciated the opportunity to review first-hand the problems on Little Deer Creek Road during my visit on October 2, 1980.

As immediate-action steps, I have requested the following:

- o That our Engineering District review incipient slide conditions and structures on the road to determine if any truck weight restriction may be warranted;
- o That our Engineering District inspect the Lake Erie-Bessemer railroad overpass approaches, and consider improved signing, a mirror mounting for the blind approach, reflectors or other devices to improve safety at this location; and
- o That a State Police/Department of Transportation truck weight enforcement team revisit Little Deer Creek Road within the next four-six weeks, and periodically thereafter.

Our Allegheny County maintenance forces will continue to give Little Deer Creek Road attention to improve drainage and maintain pavement conditions. Concurrently, our District Office will explore opportunities for cost-effective contract maintenance improvements on certain sections of the road.

Sincerely,

James I. Scheiner
Deputy Secretary for Administration

DOCUMENT
FOLDER

RECEIVED

FEB 19 1992

SECRETARYS OFFICE
Public Utility Commission

Compliments' Etc. No. 3
C-913419
Pittsburgh
1/30/92
P.D.

Thursday, Feb. 12, 1992
Petal Ridge, Pa. 15075

Commissioners of Allegheny County
Mr. Thomas J. Forrester, Chairman.
Mr. W. Wacht, Jr., P.D.
Mr. E. Hunt, P.D.

12 4/2/92

Gentlemen,

For the past 30 or 40 years the people have been paying their taxes as they were updated by the assessment boards and yet traveling on roads built 50 years ago. We have tried to appeal to the Pennsylvania Department of Transportation office in Fox Chapel but only got a promise of a very poor patched job, that is sometimes more dangerous than the pothole was. This is our only outlet to our jobs, schools, churches, clinics, hospitals daily and is used by some 20,000 Taxpayers of West Deer, Indiana, and Warner Townships. Now we are told we are a secondary road, yet we are paying top rate taxes and no one has any money to take care of the drainage, guard rails, or widen the road to the 22 feet that we were to get in 1967 or 68. We also have a lake-rice tresser tunnel that is costing thousands of dollars damage to our Taxpayers and Truckers daily and should be updated so that our traffic of 1990 can travel safely. Also the Fox Chapel office told us that Allegheny County was responsible in replacing the guard rails, is this true? If so, please have some one help us.

Gentlemen, about 4 weeks ago a group of Taxpayers of the Townships mentioned above met and formed the Taxpayers Concerned for Better Roads organization. We have gone to the Township meetings and gotten the full support of the supervisors and elected officials. Now we are coming to you as our Allegheny County Commissioners for a letter or written Resolution giving us your support and understanding the need of the updating and repairing our drainage, bridges, roads, and tunnel on Little Deer Creek Road, 22307. We hope you all will give us your support. This road is surveyed quite a few times but no big change and we feel it is about time we get something done. I am enclosing a copy of the petition we hope to present in person to Mr. Larson in Harrisburg, Pa. at his convenience. Thank You. Hope To hear from you as soon as possible.

Sincerely,
Taxpayers Concerned for Better Roads
Anne Nordrick, Chrm.
Dellie Franker, V. Chrm.

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SECRETARYS OFFICE
Public Utility Commission

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FEB 21 1992

**DOCUMENT
FOLDER**

Complaints Ex No. 4
Pittsburgh
C-913419
1/30/92
P.D.

BESSEMER AND LAKE ERIE RAILROAD COMPANY

GREENVILLE, PENNSYLVANIA 16125

TELEPHONE: 412-588-5700

M. ROUGAS, P. E.
CHIEF ENGINEER

199A
1977
15 9/22/92

August 2, 1977

Ms. Ann Kondrick
P. O. Box 66
Rural Ridge, PA 15075

Dear Ms. Kondrick:

You contacted the Chief Engineer's office on May 19, 1977, relative to an alleged safety hazard that exists in one of our structures. I apologize for the delay but I was unable to contact you by phone and I had considerable difficulty in obtaining your address.

We have reinspected the underpass to which you refer and have confirmed the findings from our regular inspections that this structure is sound and presents no safety hazard to the public.

Thank you for your concern on this matter, and I again apologize for the delay in contacting you.

Sincerely,

R. C. McMaster

R. C. McMaster
Manager Facilities and Structures

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Public Utility Commission

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Complainant's Ex No. 5 C-913419
Pittsburgh
1/30/92
P.D.

PETITION DEMANDING INSPECTION, REPAIR AND MODERNIZATION
OF STATE-MAINTAINED ROADS IN WEST DEER TOWNSHIP, INDIANA TOWNSHIP
AND HARMAR TOWNSHIP

AND NOW, come the undersigned elected officials, Police Department members, employees, and tax payers of West Deer Township, Indiana Township and Harmar Township in conjunction with the Concerned Tax Payers for better roads and respectfully petition Governor Richard Thornburg, the Pennsylvania Department of Transportation, the Pennsylvania General Assembly, the Commissioners of Allegheny County, and the Lake Erie Bessemer Railroad Company and respectfully represent the following:

1. Little Deer Creek Road, Lefever Hill Road, and Rich Hill Road, and other roads maintained by the Commonwealth of Pennsylvania in our townships have not been repaired for approximately ten years.

2. Said roads, together with other roads in our townships, are in deplorable condition, are dangerous, are antiquated, and have been neglected by the Commonwealth notwithstanding the fact that they are heavily traveled roads by citizens of our townships.

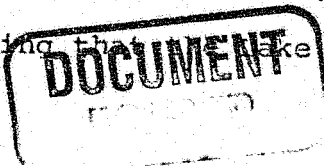
3. In addition, various bridges maintained by the Commonwealth are in dire need of inspection and repair and have also been totally neglected by the Commonwealth for an extensive period of time.

4. It is our understanding that Lake Erie Bessemer Railroad

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Public Utility Commission



-1-

Complainants' Exp. No. 6

*C-913419
Pittsburgh
1/30/92
P.D.*

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road Company is responsible for maintaining their tunnel in Rural Ridge, Indiana Township, Pennsylvania on Little Deer Creek Road, Legislative Route 02307. Said tunnel is too low and dangerous to accommodate the enormous amount of vehicular traffic which must pass through it as it is our only outlet to Route 8 and Route 28 which must be reached for purpose of travel to and from places of employment, schools, hospitals, clinics, shopping areas, and airports.

5. The purpose of said Petition is to call to the attention of our appropriate elected officials our dissatisfaction with the lack of attention the Commonwealth and the Lake Erie Bessemer Railroad Company have given to our dilemma.

WHEREFORE, it is respectfully demanded as evidenced by all signatures hereto, that action be immediately taken to rectify the above-described problems in West Deer, Indiana and Harmar Townships.

George Erceg - Indiana Twp Supervisor
Samuel Melick - Township Supervisor (Indiana)
Jack A. Rafferty - Mayor - Supervisor - Indiana Twp
Leroy D. Jansen - Indiana Twp Supervisor
Walter J. Gannon - Indiana Twp Supervisor
Patrick J. Rosal - Indiana Township Solicitor

ARTHUR E. HUSSEY, JR.

362-9200
226-0621



TESONE ENTERPRISES, INC. - PENN ALLEGH COAL CO., INC.
5374 WILLIAM FLYNN HIGHWAY - (RT. 8) - GIBSONIA, PA. 15044
(PITTSBURGH) OFF. 412 781 4551 RESIDENCE 412 782-2255

PETITION DEMANDING INSPECTION,
REPAIR AND MODERNIZATION OF
STATE-MAINTAINED ROADS IN
WEST DEER TOWNSHIP, INDIANA
TOWNSHIP AND HARMAR TOWNSHIP

P. O. Maly Co., 447 Fourth Avenue, Pittsburgh, Pa. 15229

Mon

David P. Siegel
ATTORNEY AT LAW
SEEWALD, CARB AND SIEGEL, PC

DOWNTOWN
SUITE 1107 - LAW & FINANCE BLDG.
429 FOURTH AVENUE
PITTSBURGH, PA. 15219
(412) 391-4120

RUSSELLTON OFFICE
CREIGHTON-RUSSELLTON RD
RUSSELLTON, PA. 15076
(412) 265-2222

WEST DEER TOWNSHIP BOARD OF SUPERVISORS:

Peter Catanese

Donald Cushman

Joseph S. Yourish, Jr.

Joseph D. Gizienski

Raymond W. Geiser

Valerio Simonetti

Catherine Kurtiak

WEST DEER TOWNSHIP
Municipal Building
P.O. Box 2,
Russellton, PA 15076

265-2341

Angie Proctor
Dorothy Kaczmarek

Population: 12,400

Department of Transportation
Jerry Johnson, County Maintenance Mgr.
Box 11352
Pittsburgh, PA 15238
Phone: 781-3260

Department of Transportation
Roger E. Carrier, District Engineer
Four Parkway Center
875 Greentree Road
Pittsburgh, PA 15220

Brian Clark - 224-4408

*= Russellton P.O. Dept =
265-3666
= Postal Dept =*

HARMAR Township OFFICIALS & TAXPAYERS

Date	NAME	Address
5/12/80	M.T. Konec	37 Laurel Hill Rd. Cheswick, Pa. 15024
5-12-80	Joseph Welkover	425 Meadow St. Cheswick, Pa. 15024
5/12/80	Robert W. Dierbeck	22 Danny Road, Pa. Pa. 15238
5-12-80	Frederick Domantz	135 OAK HILL Cheswick, Pa. 15024
5-12-80	Yvette Dummige	2338 Inverport Rd. Tgh. Pa. 15038
5-13-80	John Spehar	243 Russellton Rd Cheswick 15024
5-13-80	Marjorie A. Bombardo	140 Ave Ave, Cheswick Pa. 15024
5-13-80	John T. Birch	Crane Rd. Warwick Pa. 15049
5-16-80	Jane Meyers	R.D. #1 Box 104 Cheswick Pa. 15024
5-15-80	Joyce Cochran	Box 256 Rural Ridge
5-16-80	Leibel Reese	R.D. #1, Box 3919 Natrona Hills, Pa
5-16-80	Mary Lynn	Rural Ridge Pa.
5-16-80	Cheryl Lynn	Rural Ridge Pa.
5-16-80	Cynthia R. Wyrzy	" " " "
5-17-80	Ray Castello	Box 281 R.D. #3 Tarentum Pa. 15084
5-17-80	James O Taylor	Rural Ridge, Pa. 15075
5-17-80	Helen W. Taylor	Rural Ridge, Pa. 15075
5-17-80	Nicholas J. Spehar	Rural Ridge, Pa. 15075
5-17-80	Jeffrey L. Dinitz	229 Vineberry Dr. Cheswick, Pa. 15024
5-17-80	Margaret L. P. Wreel	
5-17-80	Andrew Tronarda	Rural Ridge.
5-17-80	Anton e. HABA	Box 245 PA2 Cheswick
5-17-80	John Maguire	" " "
5-17-80	Russell DeFever	Box 227 Cheswick Pa
5-17-80	Margaret DeFever	" " "
5-17-80	John S. S. S. S.	339 Meadowood Dr. R.D. #1 Cheswick
5-17-80	John Harmon	RURAL RIDGE
5-17-80	John Harmon	R.D. Russellton
5-18-80	Jerry Verkins	Box 61 Rural Ridge PA
5-17-80	J. Simonoff	48 Howe St. Rural Ridge, Pa 15075
5-19-80	Fred Ricail	45 Crawford Run Rd. Cheswick, Pa. R. 101, 15024

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SECRETARYS OFFICE
Public Utility

5/22/80 Mrs. Longfellow 101st Cresswick Rd.

5-22-80 R. M. Mcel Just R. R. D. #1 Channah, Pa.

5/22/80 Frank Cipek Rural Ridge, Pa. 15075

5/22/80 Ernie Miller West Pass, Pa.

5-22-80 Steve Lawrence Rural Ridge, Pa. 15075

Andrew M. Rohay Crawford Lakes 5/17/80
 Leann Maholic RR#1 Box 107 Cheswick, Pa 5/17/80
 Leann Maholic RR#1 Box 266 Russellton Pa 5/17/80
 Donald G. Gohier R.D. 1, Box 107, Cheswick, Pa. 15024 5-17-80
 Carol A. Pramewig RR#1 Box 107, Cheswick, Pa. 15024 5-17-80
 Mary Maholic RR#1 Box 107 Cheswick, Pa. 15024 5-17-80
 Walter Fardos RR#3 Tarentum Pa 5-17-80
 Paul Kurtiak Pomar Rt Russellton Pa 5-17-80
 Edward J. Smith Box 316 Russellton Pa 5-17-80
 Stanley Troyal RR#4 Tarentum Pa 5-17-80
 George Palmer Russellton Pa. Box 306 5-17-80
 Donald F. Pierce Russellton Pa. 1106 Eisenhower Dr. 5-17-80
 George F. Cowie Russellton Pa. 1120 Eisenhower Dr.
 James D. Marsack Russellton Pa. 15076 5-17-80
 Jim Maholic Russellton 5/17/80
 B. Simonette Russellton Pa 5/17/80
 John Rehis Bradford Pa 5-19-80
 Edward J. Rokoski Russellton Pa 5-19-80
 Ronald W. Wilhel Harman Twp Pa 5-19-80
 David Luvety West Deer Twp. 5-19-80
 Bruce Jay Stump Springdale Twp 5-19-80
 Edward J. Smith West Deer Twp. 5-19-80
 R.W. Smith West Deer Twp 5-19-80
 E. F. Rokoski Russellton Pa.
 Frank Y. Pompe Russellton, Pa 5-20-80
 Joe Smutz 5-20-80
 Bill Marshall Rural Ridge 5-20-80
 Ken Bubenheim Babcockton, Pa 5-23-80
 John Miller Russellton Pa 5-24-80
 Joann Hansen Rural Ridge 5-24-80
 Paul Maholic Rural Ridge 5-25-80
 Helen M. Stitt R.D. 1, Cheswick 5-25-80
 Grant C. Stitt " " 5-25-80
 Eugene Tselbini Russellton Pa 5-27-80
 John Batchler Cheswick - 5-27-80

Thomas E Underwood	Curtisville	5-29-80
Harvey H. Kuntz, Jr.	Russellton Pa	5-29-80
Medard Sundecki	Russellton Pa	5/31/80
Tanya Bubenreiss	Bakerstown, Pa.	6/2/80
Edward G. Hall	Penn Hills	6/2/80
Bill Fonga	NEW KENSINGTON, Pa.	6/4/80
Larry Dwyer	Russellton	6-7-80
Alan Twilley	Russellton Pa	6-5-80
Dee W. Branch	R. 10, 1 Box 159 - Charwick, Pa.	6-17-80
Charles Harberger	Box 182 Rural Ridge	
Best V. Stoff	Box 281 Russellton, Pa.	7-2-80
Steve Loran	RURAL RIDGE PA.	7-9-80
Ward Counts	19 Pine St. Rural Ridge Pa	7/26/80

4/80 Julian Krosch
 4/150 E. J. Midky
 5/14/80 Geo. Pross Curtisville, Pa.
 5/14/80 Frank P. Haines Rural Ridge Pa
 5-14-80 Kathleen Atkins, RD#4 Tarentum, Pa
 5-14-80 Cheryl Snyder RD#3 Tarentum, Pa
 5-14-80 Kathy L. Syde, RD3 Tarentum, Pa.
 5-14-80 Stephen & Makimayk Main St. Russellton Pa
 5-14-80 Rita Snyder, Tarentum, Pa
 5-14-80 E. Roche 8 Madell Dr. Chewick Pa.
 5-14-80 Frank Trojak Rural Ridge, Pa.
 5-14-80 Ed Jarshine Rural Ridge, Pa.
 5-14-80 Mary Gatten Curtisville, Pa.
 5/14/80 Smith & Bee Baker Cheswick RD#1 - Magill Hgts
 5/14/80 N. J. Brubaker Cheswick RD#1 - Magill Hgts
 5/14/80 Marie Williams RD#1 Cheswick, Pa 15024
 5/14/80 Ruth Lanzetta L.D.#1 Cheswick Pa. 15024
 5/14/80 Kenneth Keathen Russellton Pa.
 5/14/80 Polly Keshine R.D.#1 Cheswick, Pa.
 5/14/80 Andrew & Kristoff RD#3 Box 244-B TARENTUM, PA
 5/14 Marge Castello R.D.3 Tarentum Pa.
 5/14 Bruno Castello RD3 Tarentum Pa
 5/14 Susan Haycock RD#5 Libernia Pa
 5/14 Zeymond Haycock RD#5 Libernia Pa.
 John H. Brink 116 Pughnol-Rae
 5/14 Regina Murray Box 52 Russellton, Pa
 5/14 Marian Brown K.D.#1 Box 200 Saxenburg, Pa.
 5-16-80 Tina McElkhan Laverage #1 15000
 5-16-80 Terri Malley Cheswick Pa. 15024
 5-14-80 Wignat Purjee RD-1 - Cheswick Pa. 15024
 5-14-80 Georgina D'Angelis F.D.#3 Tarentum 15084
 5-14-80
 5-14-80 Marco Mancino Box 27 Tarentum

5-14-80 ~~Paul F. [unclear]~~
 5-14-80 Helen Bizjak - RD#1 Cheswick, Pa.
 5-14-80 Lucia Bizjak " " "
 5-14-80 Ann Massack Box 327 Russellton Pa.
 5-14-80 Jerry Massack " " "
 5-14-80 Gertrude A Rubel " 118 Tarentum Pa
 5-14-80 Phil Bizjak Russellton 15076
 5-14-80 SAM-CATANESE 15076
 5-14-80 Stella Alcorn 5 Park Drive R.D. 1. Cheswick, Pa.
 5-14-80 Elaine Shirkus Russellton
 5-14-80 Theresa Makuta Curtsville, Pa.
 5-14-80 Joe D'Sarquak West Deer
 5-14-80 Mary Mital Rural Sp. 240 OA
 5-14-80 S Johnster Freeport Pa
 5-14-80 Margaret L. Sabatini Box 153, Rural Ridge, PA 15075
 5-14-80 Frank J. Luccasone Rural Ridge 15074
 5-14-80 Walter Shustis Russellton Pa
 5-14-80 Walter E. Swera Jr. RD#1 CHESWICK, PA.
 5-15-80 Thomas L. Covitt Cedar Ln Bawdford Pa
 5-15-80 Kathy Cochran Box 110 E & W Cheswick Pa 15074
 5/15/80 Violet Staniszewski 53 Hays St Rural Ridge 15075
 5/15/80 Stanley Staniszewski 53 Hays St. Rural Ridge Pa. 15075
 5/15/80 Irene Rubinsky 49 Hays St. Rural Ridge, Pa. 15075
 5/15/80 Casmer Rubinsky 49 Hays St. Rural Ridge, Pa. 15075
 5/15/80 J.C. Szweringer 1112 PITTSBURGH ST, CHESWICK 15074
 5/15/80 Joe J. Carr 183 MARTIN RD Sarven PA.
 5/15/80 Patricia S. [unclear] 230 Cline St S.P.H. Pa. 15075
 5/15/80 Sigmund Grossick Russellton, Pa.
 5/15/80 J. J. Kozlowski Cheswick Pa
 5/15/80 Donald W. Pepu Box 162 Rural Ridge Pa. 15075
 5/15/80 Brian C. Knight Box 133 RD#1 GIBSONIA, PA
 5/15/80 Janice Pauloski Box 114 Russellton, Pa. 15076
 5/15/80 [unclear] Box 95 [unclear] PA 15075

Set Pennsylvania Dept. of Transportation - 1980 Traffic Survey.

- 5/13/80 Samuel Melick 143 Kerry Hill Rd
- 5-13-80 Jack A. Rafferty 715 Norseyville Rd (Ind. Twp)
- 5-13-80 Wynn Lammom 712- Indiv. v. Indiv. Indiv. Indiv.
- 5/13/80 George Erceg 11 Perry St. Rural Ridge Penna
- 5/13/80 Robert J. Bond 308¹⁵³ Potts 90 Schuylk, Pa. 15051
- 5/13/80 James L. Doolan P.O. Box 100 Indiv. Indiv. Indiv.
- 5/13/80 Mary Maholin Rural Ridge Pa
- 7/13/80 Desanna Erceg - Little Deer Creek Rd Rural Ridge Pa 15077
- 7/13/80 Diana Miller Box 253 Rural Ridge Pa 15075
- 5/14/80 Angelo Traciani P.O. Box 4017 main St Russellton Pa 15076
- 5-14-80 Anne Kondrick P.O. Box 66. Rural Ridge, Pa. 15075
- 5-14-80 Joseph Myers RD #1 Box 59 Cheswick, Pa
- 5-14-80 James Myers P.O. Box 59 Cheswick, Pa.
- 5-14-80 Charles Stroman Russellton, Pa 15076
- 5-14-80 Joseph Myers P.O. Box 59 Cheswick, Pa. 15024
- 5-14-80 James Myers P.O. Box 59 Cheswick, Pa. 15024
- 5-14-80 Elsie McNeill 1 P.O. Cheswick, PA 15024
- 5-14-80 Norvald McNeill R.O. Cheswick, Pa. 15024
- 5-14-80 Mary Simonoff 48. Rose St. Rural Ridge, Pa. 15075
- 5-14-80 Jean Swaney RD #1 Cheswick Pa. 15024
- 5-14-80 Linda L. Masici 44 Saxonburg Blvd Cheswick 15024.
- 5-14-80 Walter Elhopal 959 R 8th Ave Brackenridge Pa 15014
- 5-14-80 Marvin M. Christy 1812 Sackington St, Frigate, PA 16221
- 5-14-80 Anna May Duncan Box 191-A R 0th Tarenton, Pa.
- 5-14-80 Art Bremer Box 93 Curfshell
- 5/14/80 C. W. Doolan R.D. #1 Cheswick, Pa.
- 5/14/80 J. Lammom R.D. #1 Tarenton, Pa.
- 5/14/80 Neil Polosky Russellton Pa. 15076
- 5/14/80 Russellton Pa. x 293, 11 main St. Russellton, Pa. 15076
- 5/14/80 James D. Wallington 201 Box 645 Little Deer Creek Rd 15077

RURAL Ridge VOL. Fire Department

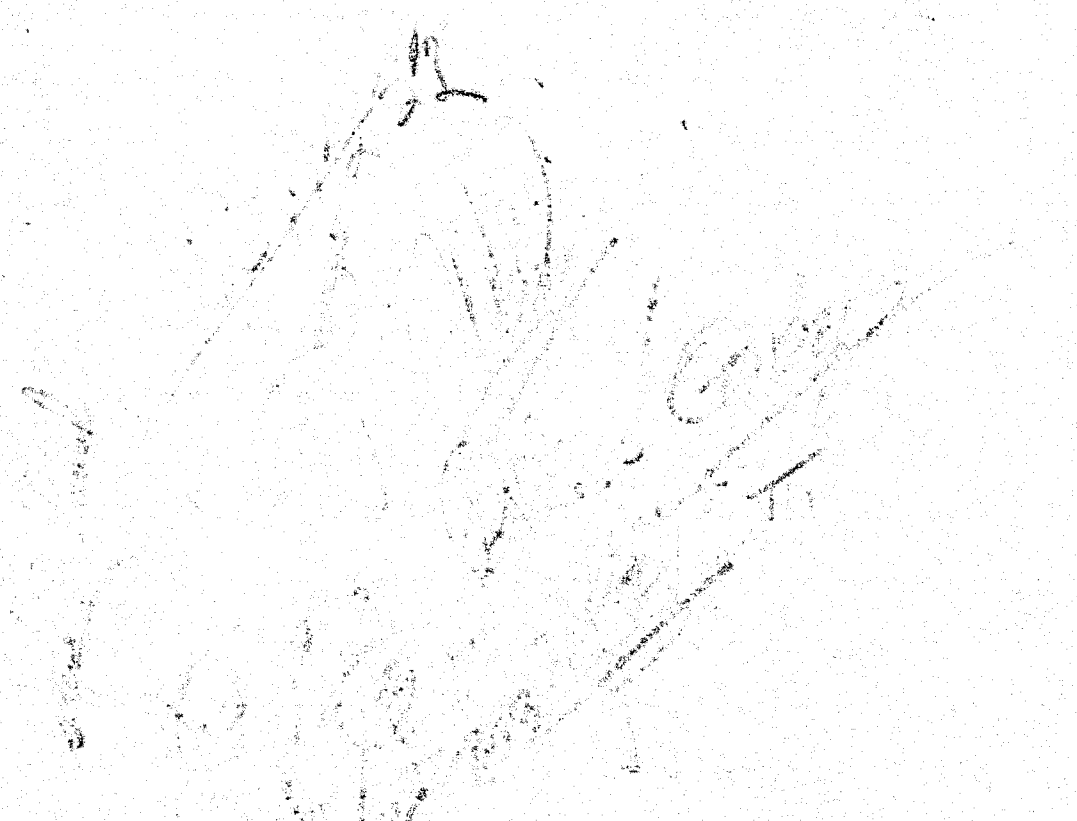
OFFICERS & Committee Members

- 5-15-80 Melvin E. Kenwick 47. Rowe St. Rural Ridge Pa.
- 5-15-80 Ed & J. W. Kelly R.D. 2 Box 25 Cheswick PA 15024
- 5-17-80 Pete Radach Box 273 RURAL RIDGE PA
- 5-17-80 Ed. V. ... Box 202 Rural Ridge Pa.
- 5-17-80 ... Box 213 Rural Ridge Pa
- 5-17-80 Rose Bermanich Post 2 - Rural Ridge Pa
- 5-18-80 ... Box 9 - Rural Ridge Pa
- 5-17-80 Theresa Maccaullin Box 1 - Rural Ridge Pa.
- 5-17-80 ... Box 32 Rural Ridge Pa.
- 5-18-80 Andy McFadden Box 322 R.D. 1 Cheswick 15024

POOR ORIGINAL

L... Makolic R Box 266 Russellton Pa 5/17/80
 5-17-80
 Carol H. Prameny Rt 4 Box 177 Russellton Pa 5-17-80
 Mary Makolic RR1 Box 107 Russellton, Pa. 15074 5-17-80
 Walter Ludwig RD # 3 Russellton Pa 5-17-80
 Paul Kurjak Corner St Russellton, Pa 5-17-80
 Edward Smith Box 316 Russellton Pa 5-17-80
 George Palmer Russellton Pa Box 366 5-17-80
 George F. Cowf Russellton Pa. 1120 Eisenhower Ave
 James Marsack Russellton Pa 15076 5-17-80
 Jim Makolic Russellton Pa 5/17/80
 John Techie Bardford Pa 5-19-80
 Edward F. ... Russellton Pa 5-17-80
 Ronald W. Wilkin Hanna Twp Pa 5-19-80
 David Luvety West Deer Twp. 5-19-80
 Edward Luvety West Deer Twp. 5-19-80
 El F. Rakoski Russellton Pa. 5-20-80
 Frank N. Kope Russellton, Pa 5-20-80
 Joe ... 5-21-80
 Bill Marshack Rural Ridge 5-20-80
 Jan ... Russellton, Pa. 5-23-80
 John ... Russellton Pa 5-24-80
 ... Rural Ridge
 ... Rural Ridge
 ... Rural Ridge
 ... Russellton Pa 5-27-80
 ... Russellton Pa 5-27-80

Thomas E Underwood	Curtisville	5-29-80
Andrew A. Spurr Jr	Russellton Pa	5-29-80
Michael Sunderlin	Russellton Pa	5/31/80
John B. Burcham	Russellton Pa	6/2/80
Edward G. Hall	Penn Hills	6/2/80
Bill Farga	NEW KENSINGTON, Pa.	6/4/80
Lay Dwyer	Russellton	6-7-80
Adam Twilini	Russellton Pa	6-9-80
Leop Vranich	R. 10, 1 Box 159 - Cheswick, Pa.	6-12-80
Charles Harbarger	Box 182 Rural Ridge	
Bert Petuff	Box 28 Russellton Pa	7-2-80
Steve Dorman	RURAL RIDGE PA.	7-9-80
James ...	Rural Ridge Pa	7-10-80



RURAL Ridge VOL. Fire Department OFFICERS & Committee Members

- 5-15-80 Melvin E. Kenwick 47. Rowe St. Rural Ridge Pa.
5-15-80 Leonard S. Wally R.D. 2 Box 25 Cheswick PA 15024
5-17-80 Pete Radach Box 273 RURAL RIDGE PA
5-17-80 Olga Vashine Box 202 Rural Ridge Pa.
5-17-80 Stella Zouch Box 213 Rural Ridge Pa.
5-17-80 Rose Bevanich Box 2 - Rural Ridge Pa.
5-18-80 Frances Schutte Box 4 - Rural Ridge Pa.
5-17-80 Theresa Maccanillo Box 1 - Rural Ridge Pa.
5-17-80 Sam Jones Box 32 Rural Ridge Pa.
5-18-80 Cindy McFadden Box 322 R.D. 1 Cheswick 15024

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SECRETARY'S OFFICE
Public Utility Commission

C-913419

REPUBLIC ARCH 7.77

PUC HEARING C-913419

JANUARY 30, 1992

Eym # 1-6 Pgh
1/30/92 P. Davis

I N D E X

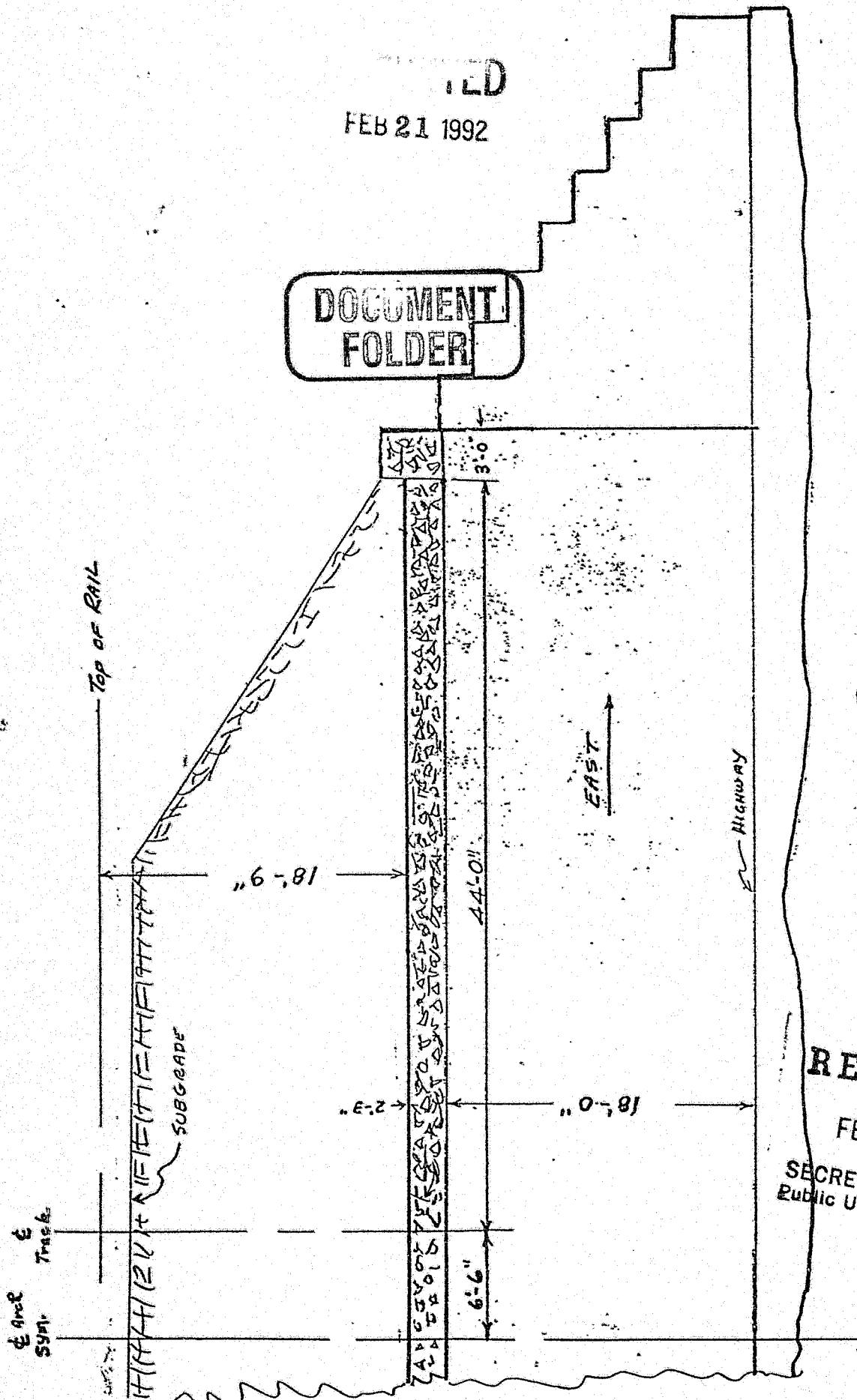
- EXHIBIT 1 DRAWING - CROSS SECTION ELEVATION THROUGH
CENTERLINE OF EAST HALF OF ARCH OVER HIGHWAY
- EXHIBIT 2 DRAWING - ELEVATION VIEW OF EAST FACE OF STRUCTURE
WITH PORTION OVER HIGHWAY. SHOWN IN CROSS SECTION
- EXHIBIT 3 PHOTOGRAPH - WEST FACE OF STRUCTURE
- EXHIBIT 4 PHOTOGRAPH - EAST FACE OF STRUCTURE
- EXHIBIT 5 LETTER - REPORT OF OCTOBER 23, 1991 INSPECTION OF
STRUCTURE
- EXHIBIT 6 LETTER - REPORT OF DECEMBER 3, 1991 INSPECTION OF
STRUCTURE

C-913419
Pittsburgh
1/30/92
P.D.

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FEB 21 1992

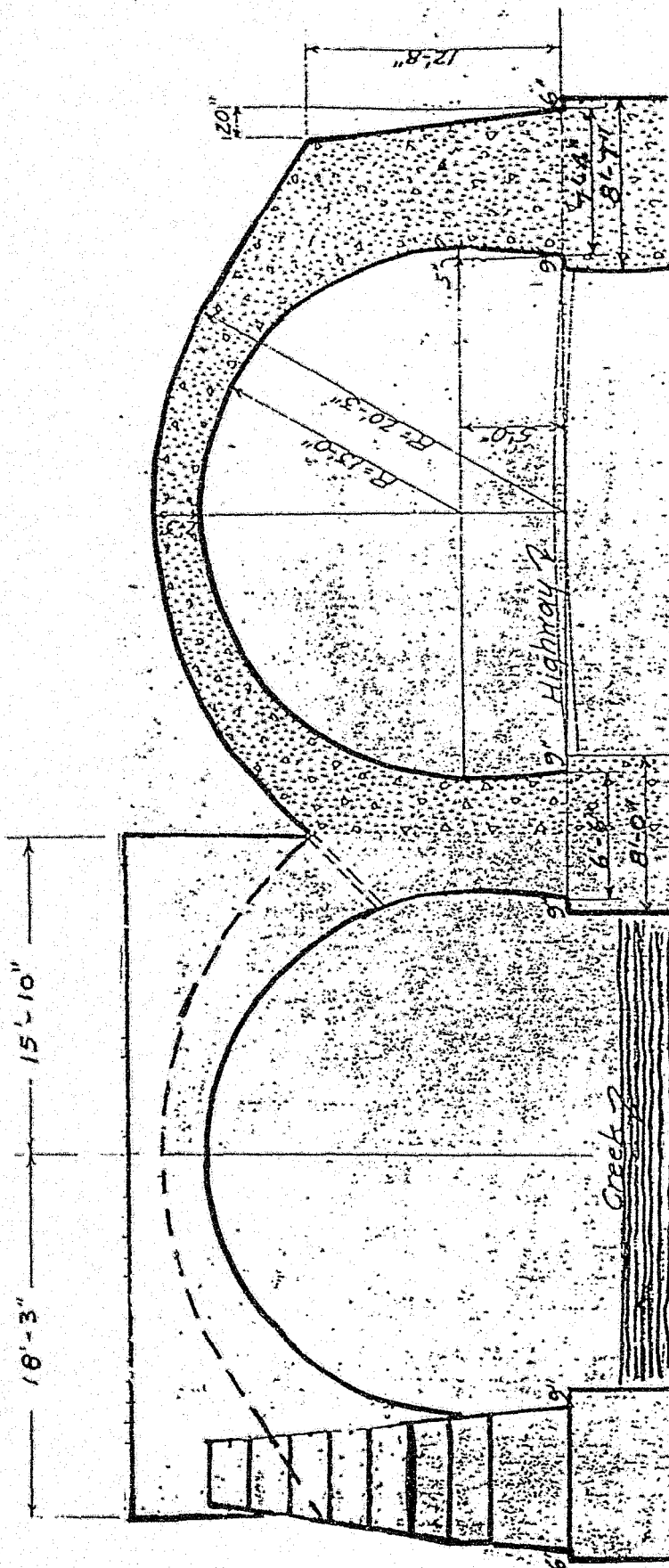
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FOLDER

REPUBLIC DOUBLE ARCH
BRIDGE 7.77



CROSS SECTION - ELEVATION

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SECRETARYS OFFICE
Public Utility Commission



HALF SECTION

HALF END ELEVATION

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FEB 21 1992

LOOKING WEST

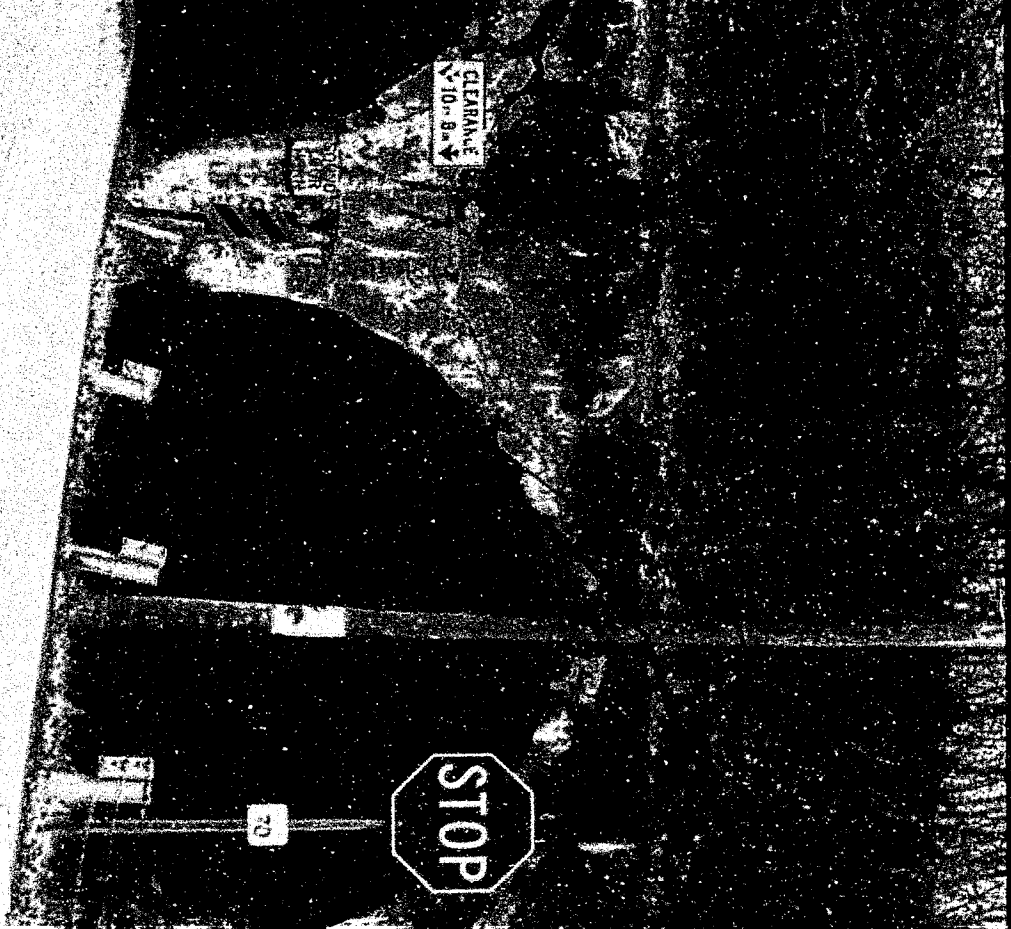
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FEB 19 '92
SECRETARYS OFFICE
Public Utility Commission

REPUBLIC DOUBLE ARCH
BRIDGE 7.77

EXHIBIT 3

POOR ORIGINAL



POOR ORIGINAL

STOP



BESSEMER AND LAKE ERIE RAILROAD COMPANY

135 JAMISON LANE * P. O. BOX 68 * MONROEVILLE, PENNSYLVANIA 15146

October 23, 1991

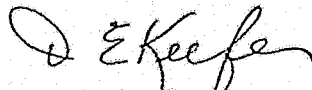
Mr. D. A. Fischer, P.E.
Public Utility Commission
PO Box 3265
Harrisburg, PA 17120

Dear Mr. Fischer:

RE: C-913419, SR1026 - Republic Arch 7.77

This is to inform you that a cursory inspection of the subject arch was made on October 23, 1991. There was no concrete debris found on the roadway or shoulders and no indication of loose concrete or loss of concrete from the barrel or portals of the arch since our last inspection.

Sincerely,



D. E. Keefer
Engineer - Design, Inspection and
Environmental

RECEIVED
FEB 21 1992

DOCUMENT
FOLDER

DEK/joh

cc: Honorable Daniel L. Anderson
Representative, U. S. Congress
District 31 - 4767 Route 8
Allison Park, PA 15701

bc: M. A. Paull

RECEIVED

FEB 19 1992

SECRETARYS OFFICE
Public Utility Commission

BESSEMER AND LAKE ERIE RAILROAD COMPANY

135 JAMISON LANE • P. O. BOX 68 • MONROEVILLE, PENNSYLVANIA 15146

December 6, 1991

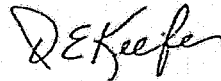
Mr. D. A. Fischer, P. E.
Public Utility Commission
PO Box 3265
Harrisburg, PA 17120

Dear Mr. Fischer:

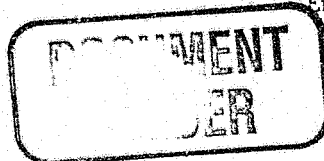
RE: C-913419, SR1026 - Republic Arch 7.77

The Railroad performed another cursory inspection of the referenced arch on December 3, 1991. Attached is the inspector's report that indicates no problem with falling debris since the last inspection on October 23, 1991.

Sincerely,



D. E. Keefer
Engineer - Design, Inspection and
Environmental

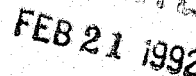


DEE/jmb

Attachment

cc: Honorable Daniel I. Anderson
Representative, U. S. Congress
District 31 - 4767 Route 8
Allison Park, PA 15701

cc: M. A. Paull


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FEB 19 1992

SECRETARYS OFFICE
Public Utility Commission

INTER-OFFICE CORRESPONDENCE

Monroeville, PA

December 4, 1991

TO: D. E. Keefer
FROM: M. A. Paul
SUBJECT: Concrete Arch - Republic 7.77

One December 3, 1991, I made a visual inspection of the above referenced arch. There was no sign of concrete scale on the roadways or shoulders. The interior barrel had no sign of loose concrete; however, the horizontal portion of both faces showed signs of minor loosening of the concrete. (I was able to pull some aggregate from the west portal.) The vertical face of the portals showed no sign of loose concrete. There are only minor changes since the visual inspection on October 23, 1991. I do not recommend any action at this time since the loose concrete is very minor and most likely will not fall away.

Mark A. Paul

MAP/jmh

cc: D. M. Gevaudan