



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

September 2, 1987

IN REPLY PLEASE
REFER TO OUR FILE

Mr. J. N. Michel, Senior Director
Engineering Design
National Railroad Passenger Corporation
2000 Market Street, 6th Floor
Philadelphia, PA 19103

C-00018838 - Pennsylvania Public Utility Commission
v.
Pennsylvania Department of Transportation,
City of Coatesville, Amtrak, et al.

Dear Mr. Michel:

This is to advise that a field investigation and conference will be held at the site of the former Graham Avenue crossing on September 10, 1987 at 10:00 a.m. to discuss the removal of the northern abutment of the former crossing structure.

Please arrange to have a representative present.

Very truly yours,

Donald R. Fleisher, P.E.
Rail Safety Division
Bureau of Safety and Compliance

DOCUMENT
FOLDER

DOCKETED
SEP 04 1987



City of Coatesville

CITY HALL

(215) 384-0300

September 15, 1987

DOCUMENT
FOLDER

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S & C

SEP 21 1987

RAIL SAFETY
DIVISION

Mr. Donald R. Fleisher, P.E.
Rail Safety Division
Bureau of Safety and Compliance
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

RE: C-00018838
Pennsylvania Public Utility Commission
v.
Pennsylvania Department of Transportation,
City of Coatesville, Amtrak, et al.

DOCKETED
SEP 23 1987

Dear Mr. Fleisher:

During their regular meeting last night, September 14, the Coatesville City Council unanimously approved the request of Amtrak not to remove the northern bridge abutment on the former Graham Avenue Crossing, with the firm understanding that Amtrak will maintain this substructure in a satisfactory condition and would agree to remove the structure in the future if it ever became a hazard. While the City would rather have had the bridge reconstructed, they do understand the Commission's order not to allow reconstruction and recommends the Commission modify that order to allow the substructure to remain until such time it does become a hazard.

Should you have any questions or require additional information, please advise.

With best regards, I am

Sincerely,

Rodger J. Johnson, President
Coatesville City Council

RJJ/em

cc: Mr. James Ottinger, PennDOT
Mr. Richard H. Cooper, Amtrak

ORIGINAL

National Railroad Passenger Corporation, 2000 Market St., Philadelphia, PA 19103



NOV 12 1987

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NOV 16 1987

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

SECRETARYS OFFICE
Public Utility Commission

Re: Pennsylvania Public Utility Commission vs.
Department of Highways of the Commonwealth of
Pennsylvania, City of Coatesville, Chester County,
National Railroad Passenger Corporation and
Consolidated Rail Corporation
Application Docket #C-00018838

Dear Secretary Rich:

I am enclosing an original and three (3) copies of the
Petition of National Railroad Passenger Corporation with
reference to the above-captioned matter, to be filed with the
Commission.

Please note that a true and correct copy of the foregoing
document is being served upon the other parties of record, and
that a Certificate of Service is attached.

Very truly yours,

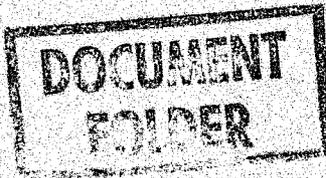
A handwritten signature in black ink, appearing to read "Harold K. Cohen".

Harold K. Cohen
Associate General Counsel

HKC/sb

Enclosure

cc: Parties of Record



PARTIES OF RECORD

Thomas L. Whiteman, Esquire
Janet M. Colliton, Esquire
John S. Halsted, Esquire
Solicitor's Office
County of Chester
20 North Church Street
West Chester, PA 19380

Herbert G. Zahn, Esquire
Assistant Counsel
Commonwealth of Pennsylvania
Department of Transportation
Harrisburg, PA 17120

William M. Posner, Esquire
The Bell Telephone Company of Pennsylvania
One Parkway
Philadelphia, PA 19102

Ms. Christina K. Frey, Executive Director
City of Coatesville Authority
114 East Lincoln Highway
Coatesville, PA 19320

Daniel F. Donovan, Esquire
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, PA 19103

Alan Novak, Esquire
(for the City of Coatesville)
22 North Third Avenue
Coatesville, PA 19320

Dennis Paul Elko, City Manager
City of Coatesville
53 South First Avenue
Coatesville, PA 19320

T. H. Maher Cornell
Philadelphia Electric Company
2301 Market Street
Philadelphia, PA 19101

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NOV 16 1987

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION SECRETARYS OFFICE
Public Utility Commission

Pennsylvania Public Utility Commission :
:
vs. :
Department of Highways of the Commonwealth :
of Pennsylvania, City of Coatesville, :
Chester County, National Railroad :
Passenger Corporation and Consolidated Rail :
Corporation :

Application
Docket No.
C-00018838

DOCUMENT
FOLDER

PETITION OF THE NATIONAL RAILROAD PASSENGER CORPORATION
FOR MODIFICATION OF ORDER OF JUNE 5, 1987

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

The Petition of the National Railroad Passenger
Corporation for Modification of the Order of June 5, 1987
respectfully represents:

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1. That the name and address of your Petitioner is the
National Railroad Passenger Corporation, (hereinafter "Amtrak")
400 North Capitol Street, N.W., Washington, D.C. having a place
of business in this Commonwealth at 2000 Market Street,
Philadelphia, PA 19103.

2. That the name and address of Counsel for the
Petitioner is Harold K. Cohen, 2000 Market Street, 5th Floor,
Philadelphia, PA 19103.

3. That your Honorable Commission in Complaint Docket No. 00018838 issued an Order dated June 5, 1987 which ordered Amtrak, at its initial cost and expense, on or before November 30, 1987, to furnish all material and perform all work necessary to complete removal of the subject bridge by removing the substructure to a minimum distance of one foot below a plane which slopes upward at an angle of one vertical to one-and-one-half horizontal in a direction from the railroad tracks from a point at the face of abutments at the existing ground line.

4. That on Thursday, September 10, 1987, certain parties in this matter met at the site of the subject bridge at the request of Amtrak to discuss leaving the substructure as it presently exists since it poses no immediate danger to the operation of the railroad or to the travelling public.

5. That on the north side, the existing substructure serves to retain the embankment above and behind it, prevents erosion of the embankment onto railroad property and further prevents erosion of the property of the landowners adjacent to the former roadway of Graham Avenue.

6. That on the southside of the railroad, the existing substructure serves to retain the embankment material behind it which supports a utility pole line that crosses the railroad on

the alignment of the former road, and poses no threat to the operation of the railroad or to the travelling public.

7. That the Pennsylvania Department of Transportation has indicated an interest in having the embankment material on the southside of the railroad available to its contractors for future highway projects proposed in the area of the City of Coatesville.

8. That the City of Coatesville, by letter dated September 15, 1987, to Donald R. Fleisher, P.E., Bureau of Safety and Compliance, Pennsylvania Public Utility Commission stated its approval of Amtrak's request not to remove the northern abutment (or substructure) but made no reference to the southern abutment (or substructure).

9. That Amtrak is willing, at its sole cost and expense, to provide the labor, material and equipment and to perform such work as may be necessary hereafter to maintain the existing substructure on both sides of the railroad in a safe manner. Further, Amtrak will cooperate with the Pennsylvania Department of Transportation to allow the Department's contractor(s) to remove the embankment material on the southside of the railroad provided said contractor(s) at that time demolish the substructure on the southside and relocate the utility pole line, all at no cost or expense to Amtrak.

10. That no other party attendant at the meeting on Thursday, September 10, 1987 voiced any objection to the continued existence of the substructure of the former Graham Avenue bridge, or submitted written objections within a reasonable period of time thereafter.

WHEREFORE, Your Petitioner prays that this Honorable Commission amend its Order dated June 5, 1987 as follows:

a) Modify Paragraph 3 of said Order to read:

3. That National Railroad Passenger Corporation, at its sole cost and expense, furnish all material and perform all work necessary hereafter to maintain the existing substructure of the former Graham Avenue bridge on the northside and southside of the railroad in a manner so as to provide for the continuing safety of the operation of the railroad and of the property owners adjacent to both the railroad and former roadway of Graham Avenue.

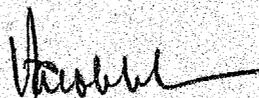
b) To add a paragraph which reads:

That National Railroad Passenger Corporation, at such time as the Pennsylvania Department of Transportation offers the embankment material of the southern approach roadway to the former Graham Avenue bridge to its contractors to haul away,

cooperate with the said Department, which Department will be responsible at its sole cost and expense for the removal and relocation of the existing utility pole line along the approach roadway and for the removal of the substructure on the southside of the railroad.

In all other respects not inconsistent with the Modifications contained hereinabove, the Order of June 5, 1987 remain in full force and effect.

Respectfully submitted,



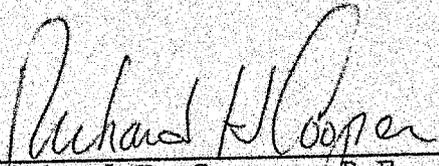
HAROLD K. COHEN
Associate General Counsel
2000 Market Street
5th Floor
Philadelphia, PA 19103
(215) 557-1544

Counsel for Petitioner

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF PHILADELPHIA :

Before me, the undersigned, personally appeared, Richard H. Cooper, P.E., Engineer of Public Projects, who, being duly sworn according to law, deposes and says that he is authorized and does make this affidavit on behalf of the National Railroad Passenger Corporation, and the averments contained and set forth in the foregoing Petition of National Railroad Passenger Corporation for Modification of Order of June 5, 1987, are true and correct, to the best of his knowledge, information and belief.


Richard H. Cooper, P.E.
Engineer of Public Projects

Sworn to and subscribed
before me this 10th day of

November, 1987

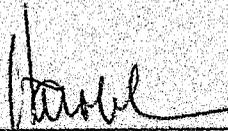

Notary Public

JO-ANN RUSH
Notary Public, Phila., Phila. Co
My Commission Expires October 28, 1991

CERTIFICATE OF SERVICE

This is to certify that I have this day served copies of the foregoing document upon all parties of record, postage pre-paid, properly addressed and by first class mail.

Dated at Philadelphia, Pennsylvania, this 12th day of November, 1987



HAROLD K. COHEN

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Harrisburg, PA 17120



ORIGINAL

Office of Chief Counsel
November 24, 1987

IN REPLY REFER TO

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NOV 24 1987
SECRETARY'S OFFICE
Public Utility Commission

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17120

Re: C-00018838

DOCUMENT

Dear Mr. Rich:

Enclosed please find the original and two (2) copies of the Answer of the of the Pennsylvania Department of Transportation To Petition of National Railroad Passenger Corporation in the above matter.

I hereby certify that a true and correct copy of the foregoing Answer has been sent to all parties of record.

Very truly yours,

Herbert G. Zahn
Herbert G. Zahn
Assistant Counsel

220/HGZ/mvh
787-5931

Enclosures

cc: W. J. Clements, P.E (ATTN: Milton H. Davis)
District 6-0 (Attn: Jim Ottinger)
Parties of Record - Page 2

Jerry Rich, Secretary
November 24, 1987
Page 2
C-00018838

PARTIES OF RECORD

Thomas L. Whiteman, Esquire
(Solicitor for the County of Chester)
20 North Church Street
West Chester, Pennsylvania 19380

Janet M. Colliton, Esquire
(Solicitor for the County of Chester)
20 North Church Street
West Chester, Pennsylvania 19380

John S. Halsted, Esquire
(Solicitor of the County of Chester)
20 North Church Street
West Chester, Pennsylvania 19380

Harold K. Cohen, Esquire
(AMTRAK)
2000 Market Street
5th Floor
Philadelphia, Pennsylvania 19103

William M. Posner, Esquire
(The Bell Telephone Company of Pennsylvania)
One Parkway
Philadelphia, Pennsylvania 19102

Ms. Christina K. Frey, Executive Director
(City of Coatesville Authority)
114 East Lincoln Highway
Coatesville, Pennsylvania 19320

Daniel F. Donovan, Esquire
(Consolidated Rail Corporation)
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19103

Alan Novak, Esquire
(Solicitor for the City of Coatesville)
22 North Third Avenue
Coatesville, Pennsylvania 19320

Jerry Rich, Secretary
November 24, 1987
Page 3
C-00018838

PARTIES OF RECORD (cont'd)

Dennis Paul Elko, City Manager
(City of Coatesville)
53 South First Avenue
Coatesville, Pennsylvania 19320

T., H. Maher Cornell
(Philadelphia Electric Company)
2301 Market Street
Philadelphia, Pennsylvania 19101

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Denied as stated. The averments in paragraph 9 are admitted except for the averment "relocate the utility pole line". It is denied that the Department's contractor, if and when any of the Department's projects will require a contractor to remove any embankment material on the south side of the railroad, is directed or permitted to relocate a utility facility; or whether it will be necessary for the existing utility on the south side of the railroad to be relocated.

If a utility company's facility is required to be relocated, neither the Department or its contractor relocate utility facilities; a utility company does its own work to relocate its facilities - whether or not its work is reimbursed by others.

The existing utility pole referred to by AMTRAK is located within the public right-of-way and is within the juris-

diction of the Public Utility Commission. If the utility company will not relocate its pole at its sole cost and expense, the matter may be referred to the Commission for allocation of costs.

10. Admitted.

WHEREFORE, the Pennsylvania Department of Transportation agrees to Modify paragraph 3 of the Order of June 5, 1987 as requested by AMTRAK in paragraph a) of its prayer in its Petition.

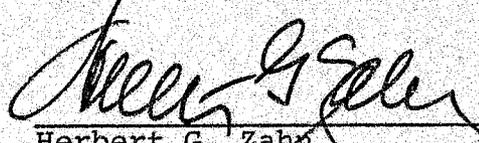
A paragraph be added to the Order of June 5, 1987 which reads:

That National Railroad Passenger Corporation, at such time as the Pennsylvania Department of Transportation requires and offers the embankment material of the southern approach roadway to the former Graham Avenue Bridge to its contractor's to haul away, cooperate with the said Department; should the removal of the embankment material require the demolition of the substructure on the said south side and/or relocation of the utility pole line, the said work shall be done at no cost or expense to the National Railroad Passenger Corporation.

In all other respects not inconsistent with the Modifications contained herein above, the Order of June 5, 1987 remain in full force and effect.

AND, it will ever pray.

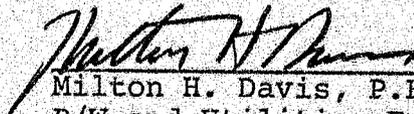
Respectfully submitted,



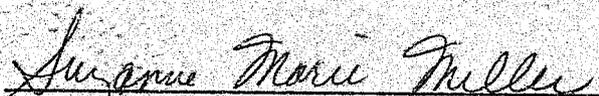
Herbert G. Zahn
Assistant Counsel
Office of Chief Counsel
Department of Transportation
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania 17120
(717) 787-5931

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF DAUPHIN :

Before me, the undersigned, personally appeared, Milton H. Davis, P.E., Right-of-way and Utilities Engineer who, being duly sworn according to law, deposes and says that he is authorized and does make this affidavit on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and the averments contained and set forth in the foregoing Answer of the Pennsylvania Department of Transportation To Petition of National Railroad Passenger Corporation are true and correct, to the best of his knowledge and belief.


Milton H. Davis, P.E.
R/W and Utilities Engineer

Sworn and subscribed before me
this *24* day of *November* 1987


Notary Public

My Commission Expires: *02/17/90*

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DEC 11 1987

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DEC 14 1987

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

SECRETARY'S OFFICE
Public Utility Commission

Re: Graham Avenue Bridge
Application Docket #C-00018838

Dear Secretary Rich:

I have received and reviewed PennDOT's Answer to Amtrak's Petition to Modify Order with regard to the above matter. Amtrak is agreeable to the addition of the paragraph contained in PennDOT's Answer to the Order issued by the Commission previously in this matter.

If any further action on Amtrak's part is necessary, I hope you will indicate same to me at your convenience. I hereby certify that a true and correct copy of this letter has been forwarded to all parties of record.

Very truly yours,

Harold K. Cohen
Associate General Counsel

HKC/sb

cc: Parties of Record

DOCKETED
DEC 17 1987

DOCUMENT
FOLDER

PARTIES OF RECORD

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(Solicitor for the County of Chester)
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