





COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120  
March 2, 1982

IN REPLY PLEASE  
REFER TO OUR FILE  
C-00018838

Christopher K. Walters, Esquire  
Reed, Smith, Townsend & Munson  
1600 Western Savings Bank Building  
Broad and Chestnut Streets  
Philadelphia, PA 19107

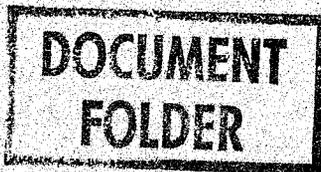
Pennsylvania Public Utility Commission  
v.  
Pennsylvania Department of Transportation, City of  
Coatesville, County of Chester, Penn Central Cor-  
poration, National Railroad Passenger Corporation  
and Consolidated Rail Corporation.

To Whom It May Concern:

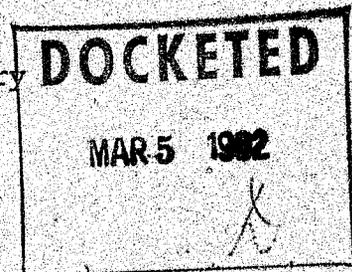
This is to advise you that an order has been adopted by  
the Commission in public meeting on February 5, 1982 in the  
above entitled proceeding.

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

Very truly yours,



Jerry Rich, Secretary



fao  
Encls.  
Cert. Mail  
Receipt Req.  
Bureau of Rail Transportation  
Law Bureau

Similar letters to: See letter dated August 28, 1981.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held February 5, 1982

Commissioners Present:

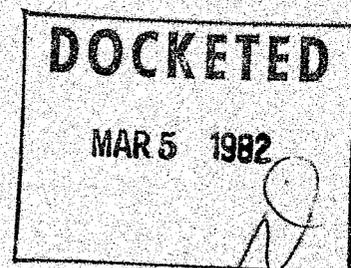
Susan M. Shanaman, Chairman  
Michael Johnson  
James H. Cawley  
Linda C. Taliaferro  
Clifford L. Jones



Pennsylvania Public Utility Commission

G-00018838

v.  
Pennsylvania Department of Transportation,  
City of Coatesville, County of Chester,  
Penn Central Corporation, National Railroad  
Passenger Corporation and Consolidated  
Rail Corporation



O R D E R

BY THE COMMISSION:

This matter is before us upon the prayer of the petition of City of Coatesville, filed February 26, 1981, requesting this Commission to rescind the order entered May 31, 1978 and to reinstate the order adopted January 10, 1972.

The petition states that the crossing where State Highway Route 15122 (Graham Avenue) crosses over and above the grade of the electrified tracks now owned and operated by National Railroad Passenger Corporation has been closed since at least 1972.

By order entered May 31, 1978, and at the request of the petitioner, City of Coatesville was directed to reconstruct the subject crossing structure at an anticipated cost of \$100,000. Pennsylvania Department of Transportation and County of Chester were directed to reimburse the City 50 percent and 25 percent, respectively, of the cost of reconstructing the bridge.

The petition further states the County of Chester filed an appeal from this Commission's order of May 31, 1978, with the Commonwealth Court of Pennsylvania. After full briefing and argument, the order was affirmed November 19, 1979. Thereafter, County of Chester filed a petition for allowance of appeal with the Supreme Court of Pennsylvania. After briefing, said petition was finally denied June 18, 1980.

The petitioner alleges that a change in circumstances has occurred during the lengthy period during which said appeals were being pursued in the appellate courts of Pennsylvania, in that the anticipated costs of reconstruction of the subject bridge have increased dramatically and are now far in excess of \$100,000. It is alleged that such increased costs have outstripped the net benefits originally sought by the petitioner and have rendered the originally requested reconstruction financially impractical and no longer feasible.

The order adopted January 10, 1972, abolished the crossing and directed Trustees of Penn Central Transportation Company (the owner and operator of the rail line at that time) to remove the superstructure of the subject bridge.

Proof of service of a copy of the instant petition upon each party in interest has been received. Pennsylvania Department of Transportation filed an answer to the petition and stated that it has no objection to the Petition to Set Aside the Order of May 31, 1978.

A field conference, scheduled by a staff engineer, was held on April 28, 1981, to discuss the matters relating to the instant petition, specifically whether there were any objections and whether any of the parties would agree to assume the responsibility to remove the superstructure of the subject bridge and assume the costs thereof.

All parties notified of the time and place of the field conference, with the exception of Penn Central Corporation, were represented thereat. None of these parties objected to the abolition of the crossing but none agreed to remove the superstructure.

Since the matters relating to the instant petition could not be resolved at the field conference, a hearing was scheduled so that all parties could submit evidence on the record regarding their position in the matters involved. Further hearing was scheduled and held on October 5, 1981.

The Bell Telephone Company of Pennsylvania sent a letter to this Commission prior to the hearing stating that it does not maintain any facilities in the area of the subject crossing; therefore, it would not actively participate at the scheduled hearing.

Chester County and Octoraro Water Company were advised of the time and place set for the hearing but did not make an appearance at the hearing nor submit any testimony or evidence on the record in this proceeding.

A witness for City of Coatesville, Mr. Paul Aucker, City Manager and City Secretary, testified that the subject structure should be removed because there does not seem to be any need for it. There

have been no complaints within recent years about the bridge being closed to vehicular traffic. There are two (2) alternate means for pedestrian and vehicular traffic to traverse from one side of the railroad tracks to the other, both railroad underpasses, one located about two blocks west of the subject crossing and the other located about two blocks east.

The witness also testified that the plank sidewalk on one side of the bridge was set on fire recently caused by faulty railroad electrification lines passing under the bridge.

The witness further testified that the work of removal of the existing structure and the cost thereof should be the responsibility of the railroad company or companies involved at this crossing, as was the case in the order adopted by this Commission on January 10, 1972. He also stated that the City would not agree to assume any other costs such as adjustment of non-carrier public utility company facilities.

Pennsylvania Department of Transportation's witness, Milton H. Davis, engineer in the Grade Crossing Section of the Bureau of Design, testified that it is the Department's position that the subject crossing is not necessary, that the crossing should be abolished and the structure demolished. He stated that the Department will not agree to remove the structure or assume any of the costs involved therewith. He also stated that the railroad company or companies involved should be made responsible for performing the work involved to demolish the structure and to assume the costs thereof.

A witness for Penn Central Corporation, J. M. Gilmore, Director of Engineering Projects, testified that the line of railroad involved at the subject crossing was conveyed to Consolidated Rail Corporation (hereinafter Conrail) by Penn Central Transportation Company. He stated that since all interest in the line of railroad was conveyed to Conrail for passage onto National Railroad Passenger Corporation (hereinafter Amtrak), the corporation has no opinion regarding the subject crossing structure nor any position with respect to who should bear any costs involved and Penn Central is not willing to bear any costs itself.

Richard H. Cooper, Structural Engineer, testified for National Railroad Passenger Corporation, stating that it is the corporation's opinion that it would be more expensive to rehabilitate and maintain the subject structure than it would be to remove it. Since the bridge has been closed for a number of years and there is no apparent hardship created thereby, the crossing should be abolished and the structure should be demolished. He stated that if the demolition of the structure is ordered, the removal of the abutments should be included in such an order. He stated further that the corporation will agree to perform the work to demolish the subject bridge but cannot volunteer to assume any of the costs associated therewith.

Consolidated Rail Corporation's witness, Roger W. Heebner, Senior Civil Engineer, testified that the corporation has no objection to either the demolition or rehabilitation of the crossing structure but will not agree to perform any work or assume any portion of any costs associated therewith. He also stated that, in his opinion, costs should be allocated to the same parties and in the same proportion as the costs were allocated in the latest order directing rehabilitation.

We make the following findings considering the record in this proceeding:

1. The subject rail-highway crossing is located in City of Coatesville, Chester County.
2. Amtrak currently owns and operates passenger trains over the line of railroad involved at the subject rail-highway crossing.
3. Conrail operates freight trains over the line of railroad involved under agreement with Amtrak.
4. The highway that crosses the existing structure is State Highway Route 15122 (Graham Avenue).
5. The existing bridge has been closed to vehicular traffic since 1972.
6. There have been no complaints within recent years about the bridge being closed to vehicular traffic.
7. There are two (2) alternate means for pedestrian vehicular traffic to traverse from one side of the railroad track to the other, a railroad underpass located about two blocks west of the subject crossing and another located about two blocks east of the subject crossing.
8. The existing bridge is a liability to Amtrak and City of Coatesville due to the potential hazard of railroad electrification faulting and fires resulting therefrom.
9. The subject crossing is not necessary for the proper service, accommodation, convenience and safety of the public.
10. The removal of only the existing superstructure leaves an attractive nuisance in the form of the high abutment walls adjacent to the railroad tracks.
11. The cost of removal of the subject bridge is less than the cost of rehabilitation and continued maintenance.

Upon full consideration of all the above findings, we determine that the crossing should be abolished and the structure removed, including

the abutments, to a point one-foot below the existing grade immediately in front of the walls. Because of the railroad facilities involved, especially the electrification system, we conclude that Amtrak should perform the structure removal work.

We further determine and conclude that non-carrier public utility companies involved should alter, relocate or remove their facilities which may interfere with the removal of the subject bridge and should maintain their facilities remaining in service thereafter.

We also determine that barricades are necessary to warn and protect vehicular traffic on Graham Avenue, on either side of the crossing, from traversing beyond certain limits on the approaches to the abolished crossing and conclude that since the barricades will be within the municipal limits of City of Coatesville, it should install and maintain the same.

In addition, we determine that the removal of the subject bridge will be more economical than the probable cost of rehabilitation. The railroad company will benefit from the fact that no crossing will exist which could conceivably increase its operation and maintenance costs. Other parties, Department of Transportation, Chester County and City of Coatesville will benefit by being relieved of earlier allocated rehabilitation costs and other allocated maintenance costs. As a result we conclude that the costs of removing the subject bridge should be allocated 60 percent to the railroad company and 40 percent to the other above named parties to be divided in the same proportion as rehabilitation costs were allocated in our earlier order.

Further, we determine and conclude that if Amtrak chooses to modify its electrification facilities after the existing bridge is removed, it should bear all costs associated therewith as well as future maintenance of all of its facilities; THEREFORE,

**IT IS ORDERED:**

1. That the order adopted by this Commission on May 23, 1978 and entered May 31, 1978, be and is hereby rescinded.
2. That the crossing where State Highway Route 15122 (Graham Avenue) crosses over and above the electrified tracks of National Railroad Passenger Corporation, in the City of Coatesville, Chester County, be and is hereby abolished.
3. That the Philadelphia Electric Company, at its sole cost and expense, furnish all material and perform all work necessary to immediately remove from service, the gas line occupying the bridge superstructure, so that the demolition of the superstructure may proceed without incident or delay.

4. That Octoraro Water Company, at its sole cost and expense, furnish all material and perform all work necessary to remove, adjust or relocate its water line, if necessary, so that removal of the abutments may proceed without incident or delay.

5. That National Railroad Passenger Corporation, at its initial cost and expense, furnish any watchmen, flagmen or electrical clearance personnel necessary to protect its signal and electrification lines and the operation of its train during the time the subject bridge is being removed from above and adjacent to its tracks.

6. That National Railroad Passenger Corporation, at its initial cost and expense, furnish all material and perform all work required to make any temporary alterations or relocations to its signal and electrification lines or other facilities required to permit the removal of the subject structure in accordance with Paragraph No. 7.

7. That National Railroad Passenger Corporation, at its initial cost and expense, and within sixty (60) days from the date this order is entered, furnish all material and perform all work necessary to remove the superstructure and the substructure of the subject bridge 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 away from the railroad tracks from a point at the face of the abutments at the existing ground line.

8. That City of Coatesville, at its sole cost and expense, and within sixty (60) days from the date this order is entered, furnish all material and perform all work necessary to install permanent-type barricades at a proper location on each side of the crossing herein ordered abolished.

9. That National Railroad Passenger Corporation, at its sole cost and expense, furnish all material and perform all work required to make any permanent modifications to its electrification lines after the subject structure has been removed.

10. That any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any public utility company, other than National Railroad Passenger Corporation, Philadelphia Electric Company and Octoraro Water Company, located within the limits of any highway within the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the demolition, be made by said public utility company, at its sole cost and expense, and in such manner as will not interfere with the execution of the demolition.

11. That any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any public utility company, other than National Railroad Passenger Corporation, Philadelphia

Electric Company and Octoraro Water Company, located beyond the limits of any highway within the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the demolition, be made by said public utility company in such manner as will not interfere with the execution of the demolition.

12. That National Railroad Passenger Corporation notify Philadelphia Electric Company, Octoraro Water Company and City of Coatesville ten (10) days prior to the time that it intends to commence work on the demolition of the subject bridge.

13. That National Railroad Passenger Corporation, Consolidated Rail Corporation, Pennsylvania Department of Transportation, City of Coatesville, Philadelphia Electric Company and Octoraro Water Company cooperate with each other so that the work of demolishing the existing bridge will not be delayed, the operation of the trains will not be endangered or impeded, or the facilities of other public utility companies will not be unnecessarily interrupted.

14. That Pennsylvania Department of Transportation pay National Railroad Passenger Corporation, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to twenty (20) percent of the actual cost of material furnished and work performed in accordance with Paragraphs 5, 6 and 7 of this order.

15. That County of Chester pay National Railroad Passenger Corporation, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to ten (10) percent of the actual cost of material furnished and work performed in accordance with Paragraphs 5, 6 and 7 of this order.

16. That City of Coatesville pay National Railroad Passenger Corporation, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to ten (10) percent of the actual cost of material furnished and work performed in accordance with Paragraphs 5, 6 and 7 of this order.

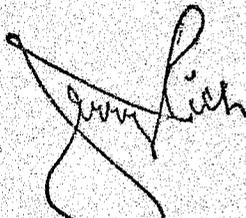
17. That upon completion of the demolition of the crossing structure, each non-carrier public utility company, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its respective facilities within the limits of the project.

18. That upon completion of the installation of the permanent barricades, City of Coatesville, at its sole cost and expense, furnish all material and perform all work required thereafter to maintain the permanent barricades installed in accordance with Paragraph 8 of this order.

19. That upon completion of the demolition of the crossing structure, National Railroad Passenger Corporation, at its sole cost and

expense, furnish all material and perform all work necessary thereafter to maintain its remaining facilities at and in the vicinity of the former crossing.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is stylized with a large, sweeping loop at the end.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: February 5, 1982

ORDER ENTERED: MAR 2 1982