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Before The

PENNSYLVANIA PUBLIC UTILITY COMMISSION

DEC 19 8 41 AM '69

SECRETARY'S OFFICE  
PUBLIC UTILITY  
COMMISSION

Pennsylvania Public Utility Commission

vs.

Department of Highways of the Commonwealth  
of Pennsylvania, City of Coatesville, County  
of Chester and Penn Central Transportation  
Company

:  
: COMPLAINT DOCKET

:  
: NO. 18838

:  
: 1969

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION,  
Harrisburg, Pa.

COMES NOW Penn Central Transportation Company and makes  
answer to the questions in numbered paragraph 2 propounded in  
the Order of November 17, 1969 as follows:

(a) The existing structure is posted by Penn Central for  
five (5) tons and such posting is in accordance with the Order  
in Investigation Docket No. 97. However, the posting by the  
Pennsylvania Department of Highways is for seven (7) tons.  
Respondent suggests that the Commission order consistent postings  
and further suggests that whether the structure is adequate is  
a matter for the Commission to determine in light of present  
conditions.

(b) The existing bridge was constructed by respondent  
Penn Central's predecessor, Pennsylvania Railroad Company, and

DUPLICATE RECORD.  
ORIGINAL CERTIFIED  
TO COMMONWEALTH COURT.

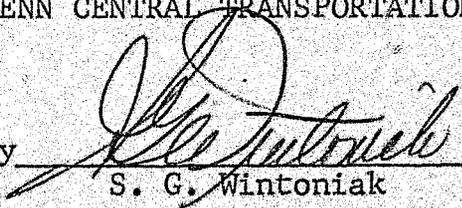
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has been maintained by Penn Central Transportation Company and its predecessors. The Highway approaches are maintained by others.

(c) The work of completing any corrective measures found necessary at this crossing should be performed by those parties responsible for the highway traffic at the crossing.

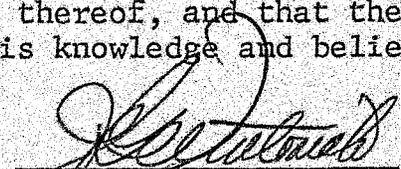
(d) The cost of completing any corrective measures at this crossing should be borne by the beneficiaries of any such corrective measures.

Respectfully submitted,  
PENN CENTRAL TRANSPORTATION COMPANY

By   
S. G. Wintoniak

COMMONWEALTH OF PENNSYLVANIA: : SS  
COUNTY OF PHILADELPHIA :

S. G. WINTONIAK, being duly sworn according to law, deposes and says that he is Regional Engineer-Design & Construction of Penn Central Transportation Company; that he is authorized to and does make this affidavit on its behalf; that he has read the foregoing statement and knows the contents thereof, and that the same are true and correct to the best of his knowledge and belief.

  
S. G. Wintoniak

Sworn to and subscribed  
before me this 17th day  
of December, 1969.

  
Notary Public  
Philadelphia, Philadelphia County, Penna.  
My Commission expires:

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :  
vs. : COMPLAINT DOCKET  
DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH : NO. 18838  
OF PENNSYLVANIA, CITY OF COATESVILLE, COUNTY :  
OF CHESTER AND PENN CENTRAL TRANSPORTATION :  
COMPANY. :

ANSWER OF DEPARTMENT OF HIGHWAYS

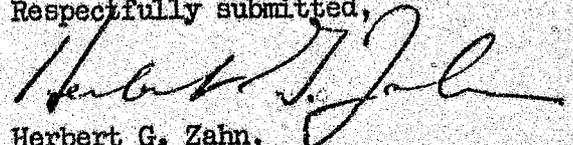
NOW COMES, the Department of Highways of the Commonwealth of Pennsylvania and makes answer to the interrogatories propounded in the Commission's Order dated November 17, 1969 as follows:

1. (Requires no answer).
2. (a). The prevention of accidents and promotion of the safety of the public requires replacement of this bridge and reconstruction of the approaches.  
(b). The bridge is owned by the Penn Central Transportation Company and said Company is responsible for the construction and maintenance of the said bridge. The Pennsylvania Department of Highways is responsible for the maintenance of the highway approaches to the bridge.  
(c). The actual work of completing such corrective measures as may be found necessary at the bridge should be performed by parties other than the Department of Highways. However, the Department of Highways admits that any corrective measures required in connection with the approaches to the bridge are the said Department's responsibility.

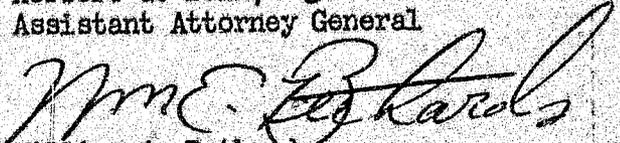
DUPLICATE RECORD.  
ORIGINAL CERTIFIED  
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(d). The cost and expense of completing any necessary corrective measures that may be found necessary and ordered by the Commission should be allocated to parties other than the Department of Highways, except for any required cost in connection with the approaches to the bridge; the Department of Highways agrees that it is responsible for any cost in connection with corrective measures that may be found necessary at the approaches to the bridge.

Respectfully submitted,



Herbert G. Zahn,  
Assistant Attorney General



William A. Bethards,  
Assistant Attorney General

Department of Highways  
Commonwealth of Pennsylvania

A F F I D A V I T

Commonwealth of Pennsylvania . :  
County of Dauphin : SS

V. W. ANCKAITIS, being duly sworn according to law, deposes and says that he is Deputy Secretary and Chief Engineer, Department of Highways, Commonwealth of Pennsylvania; that he is authorized to and does make this Affidavit for and on behalf of the plaintiff above and he is authorized so to do, and that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information, and belief.

  
V. W. Anckaitis  
Deputy Secretary and Chief Engineer,  
Department of Highways

Sworn and subscribed before me this

15th day of Jan, 1980.

  
Margaret I. Albright, Notary  
My Commission expires: 5/15/82

Pennsylvania Public Utility Commission  
v.  
Department of Highways of the Commonwealth of Pennsylvania,  
City of Coatesville, County of Chester and Penn Central  
Transportation Company

ANSWER TO INTERROGATORIES

- (a) The bridge carrying State Highway, Route 15122, (Graham Avenue) over and above the tracks of Penn Central Transportation Company, in the City of Coatesville, Chester County, Pennsylvania, is unsafe for highway and pedestrian traffic in the opinion of the City of Coatesville. The condition of the bridge is extremely poor. The grade is very steep, and the passage for pedestrian traffic is inadequate and unsafe. The approach to the bridge from the North is on a curve and the approach from the South is a dead end. In the opinion of the City Engineer no consideration should be given to reconstruction at the existing location, but relocation is recommended to connect Black Horse Hill Road to North Fifth Avenue by means of a bridge over the Penn Central right-of-way, as shown on the attached drawings. The relocation will eliminate two 90° turns in approaching the bridge from the South, and would also eliminate the curve at the North end of the bridge by conforming to the principal direction of the highway. Relocation would provide increased safety and better traffic flow.
- (b) The City of Coatesville believes that Penn Central should be responsible for maintenance of the existing railroad-highway crossing and any reconstruction or relocation thereof.
- (c) The City of Coatesville believes that the Pennsylvania Department of Highways is best able to perform the actual work which may be found necessary.
- (d) The City believes that the expense of corrective measures should be borne by Penn Central, whose operations and right-of-way make the bridge necessary. The present bridge was reconstructed by Pennsylvania Railroad on their petition, Application Docket No. 35568, July 1937, after the said route had been taken over in 1933 as a State Highway. The City feels that it should not be assessed with any portion of the cost of any work in consideration of the foregoing, and that this bridge is located very near the City--Cain Township boundary and serves only a negligible portion of the City, and a larger portion of Cain Township. The main traffic on this route is from Cain Township, including the Veterans Administration Hospital (a Federal installation) and the U.S. 30 by-pass exit near the Veterans Administration Hospital, both of which are located in Cain Township. If the entire expense is not assessed against Penn Central, the City believes that the Commonwealth should bear a portion thereof by reason of designation of this route as a State Highway, which, although located in the City, primarily benefits Cain Township and other users of the highway. If any part of the cost is to be placed on the municipality, consideration should be given to including Cain Township and the County.

ALEXANDER ENDY  
ATTORNEY AT LAW  
22 NORTH THIRD AVENUE  
COATESVILLE, PA. 19320

*Alexander Endy*  
CITY SOLICITOR

DUPLICATE RECORD.  
ORIGINAL CERTIFIED  
TO COMMONWEALTH COURT.

# OVERSIZE DOCUMENTS

MAP GRAHAM AVE. Bridge