

1. <u>REPORT DATE:</u>	June 9, 1983	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Rail Transportation		JUN-83-TR-183*
4. <u>SECTION(S):</u>		5. <u>PUBLIC MEETING DATE:</u>	
6. <u>APPROVED BY:</u>			June 24, 1983
Director:	Peteritas 3-5941		
Supervisor:			
7. <u>MONITOR:</u>	Johnson		
8. <u>PERSON IN CHARGE:</u>			
	Fleisher 7-5936		
9. <u>DOCKET NO:</u>	C-00018838		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)			
(b) Short summary of history & facts, documents & briefs			
(c) Recommendation			

(a) PENNSYLVANIA PUBLIC UTILITY COMMISSION  
V.  
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION, CITY OF COATESVILLE, COUNTY OF CHESTER, AMTRAK, ET AL.

(b) Investigation instituted on November 26, 1969. Initial hearing held September 23, 1970. Initial order adopted January 10, 1972, abolished crossing.

Petition filed by City of Coatesville November 15, 1973, and hearings held on petition on January 17, September 14, 1974 and January 16, 1975. Second order adopted October 21, 1975, rescinded abolition of crossing and directed City to prepare plans for reconstruction of bridge.

City submitted plans August 20, 1976. Hearing held April 28, 1977. Order adopted May 23, 1978, directed City to reconstruct.

Petition filed by City February 26, 1981, requested rescission of order directing reconstruction and reinstatement of order directing abolition of crossing. Hearing held on October 5, 1981. Order adopted February 5, 1982, directed the crossing be abolished and the structure demolished.

11. MOTION BY: Commissioner Chm. Taliaferro Commissioner Cawley - Yes  
Commissioner  
SECONDED: Commissioner Johnson Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT  
FOLDER

JUN 29 1983

C-00018838

Petition filed by Department of Transportation May 5, 1983, requested modification of prior order to permit the substructure to remain in place.

(c) The Bureau of Rail Transportation recommends that the Commission approve an order granting a stay for one year in the requirement that Amtrak remove the substructure of the existing bridge.

DRF:llr

July 11, 1983

C-00018838

Spencer A. Manthorpe, Chief Counsel  
PennDOT  
Room 521, Trans. & Safety Bldg.  
Harrisburg, PA 17120

Pennsylvania Public Utility Commission  
v.  
Pennsylvania Department of Transportation,  
City of Coatesville, County of Chester, Penn  
Central Corporation, National Railroad Passen-  
ger Corporation and Consolidated Rail Corpora-  
tion

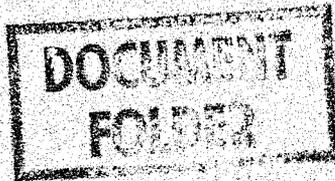
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Dear Sir:

This is to advise you that an Order has been adopted by the Commission in Public Meeting on June 24, 1983, in the above entitled proceeding.

An Executed and three (3) Copies of Order have been enclosed for your records.

Very truly yours,

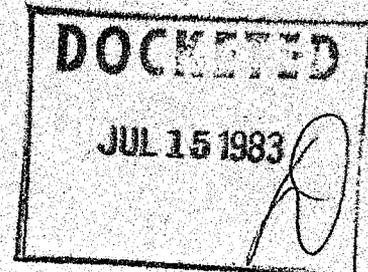


Jerry Rich, Secretary

jr  
Encls.

Bureau of Rail Trans.  
Law Bureau

Copies of order to: see attached list



PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held June 24, 1983

Commissioners Present:

Linda C. Taliaferro, Chairman  
Michael Johnson  
James H. Cawley

Pennsylvania Public Utility Commission

C-00018838

v.

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

O R D E R

BY THE COMMISSION:

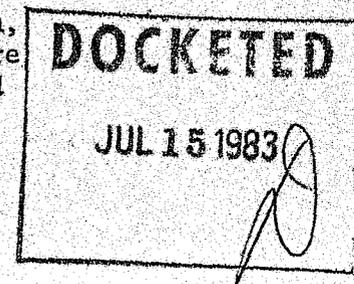
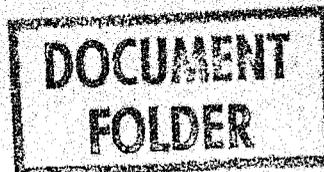
This matter is before us by reason of a petition filed May 5, 1983, by Pennsylvania Department of Transportation. The petition requests that the order adopted February 5, 1982 and modified by the order adopted June 25, 1982, be further modified to permit the existing substructure of the bridge carrying State Highway Route 15122 (Graham Avenue) over the tracks of National Railroad Passenger Corporation to remain in place.

By the aforementioned orders, National Railroad Passenger Corporation (hereinafter Amtrak) was directed to remove the superstructure and substructure of the subject bridge. Amtrak removed the superstructure on September 28, 1982, but to date, has not removed the substructure.

In the petition, it is averred that City of Coatesville desires to have the subject bridge replaced with funds appropriated by Act 235 of 1982. It is further averred that the existing substructure, if altered to provide an adequate vertical clearance above the railroad track, could possibly be used, thus resulting in a savings in cost of replacing the bridge.

It is requested in the petition that the words "and the substructure .... etc." be deleted from Paragraph 7 of the order adopted February 5, 1982, and modified by order adopted June 25, 1982, so that the paragraph would read:

7. That National Railroad Passenger Corporation, at its initial cost and expense, on or before September 15, 1982, furnish all material and



perform all work necessary to remove the superstructure of the subject bridge, and submit monthly reports indicating its progress toward completion of this work.

The petition states that when the petitioner has developed plans to replace the bridge, another petition will be filed to request additional modification to the above referenced orders.

Proof of service of the petition on all parties in interest has been received. More than twenty (20) days have elapsed since the petition was filed, and none of the parties has advised that it has any objection to the granting of the petition as presented or desires to be heard in this matter.

We find that since Amtrak has not removed the substructure of the subject bridge and the City of Coatesville has expressed a desire to have the bridge replaced, the removal of the substructure should be delayed until a firm decision has been made as to whether it will be useful in the replacement of the bridge. However, we believe that this substructure should not be left in place indefinitely. We will grant the petition to the extent of staying the requirement to remove the substructure for a period of one year, giving the Department time to request the Commission to direct replacement of the superstructure and to give the Department time to ascertain whether the substructure will be useful if the bridge is to be replaced; THEREFORE,

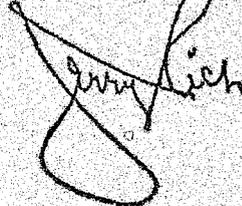
IT IS ORDERED:

A. That the petition filed by Pennsylvania Department of Transportation on May 5, 1983, be and is hereby granted to the extent hereinafter provided and, in all other respects, be and is hereby denied.

B. That the requirement in Paragraph 7 of the order adopted February 5, 1982, as modified by the order adopted June 25, 1982, requiring National Railroad Passenger Corporation to remove the substructure of the bridge carrying State Highway Route 15122 over the tracks, be and is hereby stayed for a period of one year from the date this order is entered.

C. That Pennsylvania Department of Transportation, within a period of one year from the date this order is entered, shall report to this Commission whether it requests that the superstructure be replaced and whether the existing substructure will be incorporated into the replacement structure or, whether the substructure will not be incorporated into a replacement structure and can be removed as directed in the modified order adopted June 25, 1982.

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: June 24, 1983

ORDER ENTERED: JUL 11 1983