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BEFORE

THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: C-902998 Borough of Chambersburg vs. Consolidated
Rail Corporation, Pennsylvania Department of
Transportation, United Telephone Company of
Pennsylvania, Warner Cable Communications,
Incorporated, and Franklin County. Hearing.

Chambersburg,, Pennsylvania
October 8, 1991

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Pages 1 to 57, inclusive

FOLDER

HOLBERT ASSOCIATES
EUGENE W. HOLBERT, RPR
Suite 203, Cranberry Court
212 North Third Street
Harrisburg, Pennsylvania 17101

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Public Utility Commission

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BEFORE
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Rail Corporation, Pennsylvania Department of
Transportation, United Telephone Company of
Pennsylvania, Warner Cable Communications,
Incorporated, and Franklin County. Hearing.

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Stenographic report of hearing held
in Jury Assembly Room Franklin County
Courthouse, 157 Lincoln Way East,
Chambersburg, Pennsylvania,

Tuesday,
October 8, 1991
at 10:00 o'clock a.m.

- - - - -

BEFORE

MORRIS SOLOMON, ADMINISTRATIVE LAW JUDGE

APPEARANCES:

COLLEEN COMERFORD, ESQUIRE
1138 South Penn Center Plaza
Philadelphia, Pennsylvania 19103
Appearing on behalf of Consolidated
Rail Corporation

THOMAS FINUCANE ESQUIRE
P. O. Box 187 A
Chambersburg, Pennsylvania 17207
Appearing on behalf of Borough of Chambersburg

1 APPEARANCES: (Continued)

2 WELTON J. FISCHER, ESQUIRE
3 530 Cleveland Avenue
4 Chambersburg, Pennsylvania 17201
5 Appearing on behalf of Franklin County

6 STUART LINER, ESQUIRE
7 513 Transportation & Safety Building
8 Harrisburg, Pennsylvania 17120
9 Appearing on behalf of PennDOT

10 - - - - -

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INDEX TO WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE-CROSS</u>
<u>FRANKLIN COUNTY:</u>				
John Hart	5			
<u>HOROUGH:</u>				
Bob Wagner	6	13		
<u>CONRAIL:</u>				
John Youngdahl	16	24		
<u>FENNDOT:</u>				
John Ebersole	37	45		
Milton H. Davis	47	50	53	

INDEX TO EXHIBITS

	<u>IDENTIFIED</u>	<u>ADMITTED</u>
<u>HOROUGH:</u>		
✓ No. 1	11	16
<u>FENNDOT:</u>		
✓ No. 1	41	47
✓ No. 2	43	47
✓ No. 3	44	47

1 JUDGE SOLOMON: All right, folks. Let's go on the
2 record at this time on these proceedings. This is the time
3 and place set for a public hearing in the matter of the
4 Borough of Chambersburg versus Consolidated Rail
5 Corporation, Pennsylvania Department of Transportation,
6 United Telephone Company of Pennsylvania, Warner Cable
7 Communications, Incorporated and Franklin County, in the
8 matter docketed to C-902998.

9 I am Morris Solomon, the judge assigned to preside in
10 this matter. At this time, I have the appearances of
11 Colleen Comerford for Conrail, Thomas Finucane for the
12 Borough of Chambersburg, Stuart Liner for PennDOT and Welton
13 J. Fischer for Franklin County.

14 The procedure we'll follow this morning is we'll use
15 the questions and procedures that were served upon all the
16 parties, and we'll go down through the list of items. We
17 have been asked by Franklin County if they may begin first
18 and because the roll is not a large roll, we'll take their
19 testimony first. However, I will, as a matter of fact,
20 swear the witnesses at one time. All parties testifying
21 please rise and raise your right hand.

22 (Witnesses sworn en masse.)

23 JUDGE SOLOMON: Be seated. Mr. Fischer?

24 MR. FISCHER: I'd like to call John Hart, Chief Clerk
25 of Franklin County.

1 JUDGE SOLOMON: Very well.

2 JOHN HART, called as a witness, having been duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. FISCHER:

6 Q. John, will you state your name and position with
7 the county.

8 A. John Hart. I am Chief Clerk for the Franklin
9 County Board of Commissioners.

10 Q. Please spell your name for the reporter.

11 A. H-a-r-t.

12 Q. Are you familiar with the crossings in question
13 here this morning?

14 A. Yes, I am.

15 Q. Are those crossings within the confines of
16 Franklin County traversed by Franklin County residents?

17 A. Yes, they are.

18 Q. Do you have any information or do you have any
19 opinion on behalf of the county as to whether those
20 crossings are adequate or pose a hazard to those using them?

21 A. I have no opinion on that matter.

22 Q. Is there any work that is proposed to be done
23 here this morning that Franklin County is willing to
24 participate in or contribute financing for?

25 A. No.

1 Q. Is there any portion of the work that's proposed
2 here this morning or that the county will agree to
3 participate in maintenance in the future?

4 A. No.

5 MR. FISCHER: I have no further questions of the
6 witness.

7 JUDGE SOLOMON: All right. Ms. Comerford, cross?

8 MS. COMERFORD: No cross, Your Honor.

9 JUDGE SOLOMON: Mr. Finucane?

10 MR. FINUCANE: No questions, Your Honor.

11 JUDGE SOLOMON: Mr. Liner?

12 MR. LINER: No questions.

13 JUDGE SOLOMON: Very well. Thank you very much.

14 JUDGE SOLOMON: We'll begin, then, in the regular
15 order with the Borough of Chambersburg.

16 MR. FINUCANE: I call Bob Wagner,

17 BOB WAGNER, called as a witness, having been
18 previously duly sworn, was examined and testified as
19 follows:

20 DIRECT EXAMINATION

21 BY MR. FINUCANE:

22 Q. Mr. Wagner what is your position with the Borough
23 of Chambersburg?

24 A. Borough Engineer slash Director of Public Works.

25 Q. Spell your last name.

1 A. W-a-g-n-e-r.

2 Q. Do you want to describe the three sidewalk areas
3 that we are concerned with today, what their conditions are
4 and as to each one, the estimated cost, in your opinion, to
5 make repairs?

6 A. I'll start off with SR 30 which is Lincoln Way
7 East and Conrail overpass. There's a section of sidewalk
8 and curb missing on the northeast side of the sidewalk. I
9 mean of the bridge. The area probably nine square feet plus
10 six foot of, lineal feet of curb. The estimated cost there
11 would run somewhere between 500 and a thousand dollars to
12 repair that.

13 Q. Now, which -- that is Lincoln Way?

14 A. That's Lincoln Way and Conrail.

15 JUDGE SOLOMON: Just so I can follow your testimony,
16 I gather that the track in question runs north to south and
17 the northernmost crossing is Lincoln Way? Is that correct.

18 THE WITNESS: The northernmost crossing of the three,
19 yes.

20 JUDGE SOLOMON: Then Katherine Street is next further
21 south and Wayne Avenue is the southernmost of the three
22 crossings?

23 THE WITNESS: Yes.

24 JUDGE SOLOMON: You are speaking now of the first
25 crossing, Lincoln Way been the northern most crossing in

1 this matter?

2 THE WITNESS: Yes.

3 JUDGE SOLOMON: Proceed.

4 BY MR. FINUCANE:

5 Q. Is there sidewalk on both sides of that street,
6 and it's only this one portion on the north side that needs
7 the repairs?

8 A. Yes.

9 Q. In its present condition, do you consider it to
10 be, that portion that you just mentioned, to be dangerous or
11 inadequate to the users of the sidewalk?

12 A. Yes.

13 Q. Now, as to the what we'll call the middle
14 crossing, the one at Katherine Street, what is, is there a
15 sidewalk on both sides of the crossing there?

16 A. Yes.

17 Q. And that is an underpass?

18 A. That is an underpass.

19 Q. And what is the condition of the sidewalk at that
20 location?

21 A. This area is somewhat greater in deterioration.
22 Most of the sidewalk in a ten square yard area has been
23 deteriorated or missing. The cost for that damage to be
24 repaired is somewhere between a thousand and \$1,500.00.

25 Q. Which side of the street is that sidewalk on?

1 A. Again, the northeast side.

2 Q. And the other sidewalk areas there are adequate?

3 A. Yes.

4 Q. Now, directing your attention to the Wayne Avenue
5 overpass, what is the condition of the sidewalk at that
6 location?

7 A. Condition of the sidewalk on the Wayne Avenue
8 overpass is a complete deterioration of all smooth surfaces
9 of the sidewalk for an area of approximately 110 feet. What
10 we mean is it's not even a smooth area. It has coarse
11 aggregate stones in the concrete of about an inch of
12 diameter protruding through the cement causing a tripping
13 hazard, and if someone does trip and fall, it's very
14 abrasive.

15 Q. Which side of the bridge is the sidewalk on?

16 A. I always get mixed up in directions there. I
17 believe it's the east side and there is only one sidewalk on
18 that overpass.

19 Q. It's the side of the overpass that would be
20 closest to Harrisburg?

21 A. Yes.

22 Q. Now, of those three approaches or those three
23 crossings that we are referring to, at the present time,
24 would you tell the judge who maintains the sidewalk at each
25 of those crossings?

1 A. I don't know who maintains them. I know that the
2 Borough of Chambersburg does not.

3 Q. Okay. The -- are any of the three areas that we
4 are talking about borough streets?

5 A. Yes.

6 Q. Which one is that?

7 A. The Katherine Street. The one in the middle.

8 Q. And the other two are streets controlled by --

9 A. The State of Pennsylvania. PennDOT.

10 Q. And they are official state routes?

11 A. Yes.

12 Q. Now, except for the Wayne Avenue sidewalk, have
13 you been able to ascertain who constructed, from the borough
14 records, the sidewalks at the Katherine Street underpass and
15 the Lincoln Way underpass?

16 A. No. We have no records as to who constructed
17 them.

18 Q. Now, the one that's the state highway there is
19 the Lincoln Way underpass?

20 A. Yes.

21 Q. Is there, further down Lincoln Way and in the
22 borough, a bridge that goes across the stream?

23 A. Yes.

24 Q. Okay. And that's also on U.S. 30?

25 A. Yes.

1 Q. Do you know who constructed the sidewalk that's
2 located on that particular bridge?

3 A. PennDOT, whenever they reconstructed the entire
4 bridge.

5 Q. Do you know who maintains that particular
6 sidewalk?

7 A. I am pretty sure that it's the PennDOT. I have
8 seen some of their crew there shoveling snow off the
9 sidewalk in the winter.

10 MR. FINUCANE: Now, as to the Wayne Avenue bridge, I
11 want to show you and exhibit that's marked Borough Exhibit
12 1.

13 (Borough Exhibit No. 1 was produced and marked for
14 identification.)

15 BY MR. FINUCANE:

16 Q. Is that a record that you have been provided
17 showing who constructed the Wayne Avenue --

18 A. Yes.

19 Q. -- bridge. Overpass, rather. And is this a copy
20 of an order of the PUC?

21 A. Yes.

22 JUDGE SOLOMON: What is the docket number on that
23 order?

24 MR. FINUCANE: 32558.

25 JUDGE SOLOMON: Do you have -- how many copies of

1 that exhibit?

2 MR. FINUCANE: He has two.

3 MR. FINUCANE: It is sufficient on --

4 BY MR. FINUCANE:

5 Q. On page 2 of that particular Commission order,
6 does it state that the improvements are going to consist in
7 part of a five foot sidewalk on the east side of that Wayne
8 Avenue bridge?

9 A. Yes.

10 Q. And does the order provide that the remainder of
11 the improvements shall be maintained by the Department of
12 Highways?

13 A. Yes.

14 Q. Now, as far as actually performing the work,
15 could the borough, if it was ordered by the Commission --
16 excuse me. Strike that question.

17 Q. Is the borough willing to, to facilitate matters,
18 agree to actually perform the sidewalk improvements that you
19 feel are needed?

20 A. Yes.

21 Q. And is the borough willing to bear the cost of
22 those sidewalk improvements on the state streets?

23 A. No.

24 Q. And concerning the improvement, maintenance in
25 the future, is the borough willing to maintain any of the

1 sidewalk areas involved in the future?

2 A. No.

3 MR. FINUCANE: Cross examine.

4 JUDGE SOLOMON: Ms. Comerford?

5 MS. COMERFORD: Yes, thank you.

6 CROSS EXAMINATION

7 BY MS. COMERFORD:

8 Q. Mr. Wagner, do residents of the borough use all
9 three sidewalks in question today?

10 A. Yes.

11 Q. Do they benefit from the use of the sidewalks?

12 A. Yes.

13 Q. And I am sorry. Did you say you were willing to
14 assume the cost of the non-state highway sidewalk?

15 A. No.

16 MS. COMERFORD: No further questions, Your Honor.

17 JUDGE SOLOMON: Mr. Finucane -- Mr. Liner, rather.

18 MR. LINER: Good morning.

19 THE WITNESS: Good morning.

20 BY MR. LINER:

21 Q. Is the basis of your complaint basically with
22 respect to the sidewalks and curbs of these three
23 crossings?

24 A. Yes.

25 Q. It's your opinion, then, that the roadway paving

1 of the three bridges are adequate?

2 A. Yes.

3 Q. With respect to Katherine Street, that is not a
4 state route. Is that correct?

5 A. Right.

6 Q. I believe -- did you state on direct that
7 responsibility for maintenance for the sidewalks belongs to
8 PennDOT? Is that your testimony?

9 A. From the Wayne Avenue?

10 Q. Right?

11 A. I believe that's what the docket reads.

12 Q. Is that with respect to the PUC order?

13 A. Yes.

14 MR. FINUCANE: That's our interpretation.

15 BY MR. LINER:

16 Q. Is that with respect to the last paragraph?

17 A. Yes.

18 Q. And Wayne Avenue, is it Route 316?

19 A. Yes.

20 MR. LINER: I have no further questions.

21 JUDGE SOLOMON: Very well. Any redirect?

22 MR. FINUCANE: Yes. Just one.

23 REDIRECT EXAMINATION

24 BY MR. FINUCANE:

25 Q. At the intersection of U.S. 30, also known as

1 Lincoln Way and Interstate 81, the portion that's inside the
2 Borough of Chambersburg, are there actually sidewalks there?

3 A. Not east of that intersection toward --

4 Q. Toward the borough line.

5 A. No. There are no sidewalks.

6 Q. And people do walk there?

7 A. Yes.

8 Q. But in effect, the borough has not chosen to
9 incur the expense of having sidewalks installed either by
10 the owner or by the borough?

11 A. That's correct.

12 Q. And -- all right. That's all.

13 JUDGE SOLOMON: Very well. Any further cross, Ms.
14 Comerford?

15 MS. COMVERFORD: No, Your Honor.

16 JUDGE SOLOMON: Mr. Liner?

17 MR. LINER: No.

18 JUDGE SOLOMON: You are excused. Thank you very
19 much. Mrs. Comerford, Conrail's next.

20 MS. COMVERFORD: Yes, Your Honor. One moment,
21 please.

22 JUDGE SOLOMON: Do you have a motion as to your
23 exhibit?

24 MR. FINUCANE: We would like to offer Borough's
25 Exhibit 1.

1 JUDGE SOLOMON: Any objection to the exhibit, Ms.
2 Comerford?

3 MS. COMVERFORD: No objection, Your Honor.

4 JUDGE SOLOMON: Mr. Liner, any objection to the
5 exhibit?

6 MR. LINER: No objection.

7 JUDGE SOLOMON: Very well. It's admitted into
8 evidence at this time.

9 (Borough Exhibit No. 1 was admitted in evidence.)

10 MR. LINER: Just, I have a clearer copy of that same
11 order, if you want to look. I want to introduce it as a
12 PennDOT exhibit at the appropriate time.

13 JUDGE SOLOMON: We can substitute that for the
14 exhibit that's been admitted. That's no problem.

15 JUDGE SOLOMON: Proceed, Ms. Comerford.

16 MS. COMERFORD: Conrail would like to call Mr. John
17 Youngdahl.

18 JOHN YOUNGDAHL, called as a witness, having been
19 previously duly sworn, was examined and testified as
20 follows:

21 DIRECT EXAMINATION

22 BY MS. COMERFORD:

23 Q. Mr. Youngdahl, would you please spell your name
24 and give your business address for the record?

25 A. John E. Youngdahl, Y-o-u-n-g-d-a-h-l. Senior

1 civil engineer, Conrail, 15 North 32nd Street, Philadelphia,
2 Pennsylvania Pa. 19104.

3 Q. And what are your responsibilities in that
4 capacity?

5 A. I am senior civil engineer in the Public
6 Improvements Department and I am the contact with the city
7 and state in Pennsylvania for public improvement projects.

8 Q. Are you a registered engineer in the Commonwealth
9 of Pennsylvania?

10 A. Yes.

11 Q. Are you familiar with the facts and circumstances
12 involved in this proceeding today?

13 A. Yes.

14 Q. Are you authorized to testify on behalf of
15 Conrail?

16 A. Yes.

17 Q. Mr. Youngdahl, please state for the record the
18 corporate name of the owner and the operators of line of
19 railroad involved in the subject crossings?

20 A. Consolidated Rail Corporation.

21 Q. And is does Conrail have any future plans with
22 respect to this line of railroad?

23 A. I am not aware of any planned changes to this
24 line of railroad.

25 Q. And how many tracks are presently located at

1 these crossings, including the volume, class and approximate
2 speed of the trains operated over said tracks?

3 A. There are presently two tracts at the crossing.
4 Conrail presently operates an average of six freight moves
5 per day at a maximum speed of 40 miles an hour.

6 JUDGE SOLOMON: Number of tracks the same throughout
7 the entire area of the crossings?

8 THE WITNESS: These questions are the same replies
9 for each of the three bridges.

10 JUDGE SOLOMON: Very well.

11 MS. COMERFORD: Your Honor, we can either present the
12 individual bridges or the first questions here that I just
13 asked were all appropriate for each one of them. Now, we
14 are going to get into the separate crossings. Do you want
15 me to handle each bridge separately?

16 JUDGE SOLOMON: I just want to make sure the trackage
17 didn't change in the course of each of these crossings.

18 That's all.

19 BY MS. COMERFORD:

20 Q. Mr. Youngdahl, with respect to the Lincoln Way
21 crossing, please state or describe in detail the bridge
22 structure that is currently there, including the general
23 physical condition of the structures and the date of
24 construction and for what purpose the structure was
25 originally constructed?

1 A. SR 30 under grade bridge 5174 is a single span
2 through concrete arch bridge 60 foot long built in 1912.
3 The structure is in good condition. I assume that the
4 bridge was built to separate the railroad from the highway.

5 Conrail has no record of constructing nor maintaining
6 the sidewalk. Let me make a correction. It's in good to
7 fair condition. No items are listed as critical and no
8 repairs are recommended.

9 Q. And with respect to Katherine Street, the same
10 question, Mr. Youngdahl?

11 A. Katherine Street under grade bridge 5211 is a
12 three span through girder bridge, 65 foot long built in 1912
13 with a transfer trough deck. The spans are 11, 43 and 11
14 foot. We assume that the railroad bridge was built to
15 separate the railroad from the highway.

16 Conrail has no record of constructing nor maintaining
17 the sidewalk. The bridge is in fair to poor condition. No
18 items are listed as critical and no repairs are
19 recommended.

20 JUDGE SOLOMON: Mr. Youngdahl, let me interrupt you
21 one second for a question. At the beginning of each of your
22 statements concerning the bridge, you gave a number. Is
23 this a Conrail bridge number.

24 THE WITNESS: That's a Conrail bridge number.

25 JUDGE SOLOMON: Very well. Thank you.

1 BY MS. COMERFORD:

2 Q. Mr. Youngdahl, please, the same question for
3 Wayne Avenue, which is State Route 316.

4 A. SR 16 overhead bridge 52.60 is presently a three
5 span bridge, 168 foot long built in 1934 by the state in
6 accordance with Public Service Commission order A-32558
7 dated May 14, 1934. The order indicates that the previous
8 bridge was a single span steel through plate girders about
9 90 foot in length supported by concrete masonry.

10 The bridge had roadway width of 24 foot and had no
11 sidewalks. The order provided that the bridge be
12 constructed by the Department of Highways at their cost.
13 The center 70 foot span consists of steel through plate
14 girders supported by concrete piers with a solid floor of
15 steel surface carrying a reinforced concrete floor span.

16 The two end spans each, having a length of about 49
17 foot, are composed of reinforced concrete deck carrying a
18 solid concrete floor supported at either end by concrete
19 masonry piers. The clear width is 23 foot with one sidewalk
20 along the east side.

21 Q. Mr. Youngdahl, what party, to the best of our
22 knowledge, was responsible for the construction of these
23 bridges?

24 A. The Cumberland Valley Railroad constructed the
25 two under grade bridges and the Department of Highways

1 constructed the overhead bridge.

2 Q. Okay. And Mr. Youngdahl, what is Conrail's
3 present obligation with respect to maintenance of each of
4 these crossings?

5 A. I have to go one at time. Also, in the previous
6 question, I hadn't finished, to say that the structure was
7 in good to fair condition, completing the remainder of
8 question, and Conrail had no record of performing
9 maintenance on the sidewalk.

10 Now, let's do one bridge at a time.

11 Q. Okay. Let's go in the same order. Lincoln Way,
12 which is State Route 30.

13 A. Conrail has not been assigned maintenance
14 responsibility for the crossing structure. No previous
15 orders were located in the files of Conrail's chief
16 engineer. Conrail assumes maintenance responsibility for
17 the bridge carrying the railroad tracks but denies
18 responsibility for sidewalk which we consider to be part of
19 the highway facility.

20 Q. And Katherine Street?

21 A. The same reply applies to Katherine Street. With
22 respect to Wayne Avenue, SR 316, Conrail has not been
23 assigned or assumed maintenance responsibility for the
24 crossing structure. Although a prior railroad was assigned
25 maintenance responsibilities for the substructure and

1 superstructure, Conrail does not accept that responsibility
2 and considers the sidewalk not part of the substructure and
3 superstructure.

4 The capabilities, generally accepted responsibilities
5 have changed since the bridge was built and Conrail believes
6 it is no longer appropriate to assume maintenance
7 responsibilities on a railroad for a bridge carrying highway
8 traffic, especially when that bridge was not built by a
9 railroad.

10 MR. FINUCANE: I am going to object to that testimony
11 as going beyond the scope of this particular hearing.

12 JUDGE SOLOMON: Response, Counsel?

13 MS. COMERFORD: That's fine.

14 THE WITNESS: Okay. In addition, the original bridge
15 had no sidewalks, so it would not be reasonable to assign
16 maintenance of the sidewalk to the railroad.

17 BY MS. COMERFORD:

18 Q. Okay. Mr. Youngdahl, in your opinion -- and
19 we'll go in the same order -- are these crossings dangerous
20 or inadequate, and what would Conrail recommend to fix the
21 situation?

22 A. It's Conrail's opinion that the railroad portion
23 of the crossing is safe and adequate. This is with respect
24 to SR 30. Conrail has no interest or opinion concerning the
25 highway portion of the crossing which includes the sidewalk,

1 since it's not needed for rail operations.

2 Sidewalk surface is spalling. If the borough
3 believes that the sidewalks should be removed and rebuilt,
4 the work to be done to the borough since the sidewalk
5 benefits the residents of Chambersburg.

6 Adjacent property owners are usually responsible for
7 maintenance of abutting sidewalks. This is logical since
8 the property owners are usually the users of the sidewalks.
9 The railroad is an exception, since the railroads generally
10 do not need nor use the sidewalk adjacent to its
11 right-of-way.

12 Therefore, they should not be responsible for their
13 maintenance, and existing Pennsylvania Law recognizes this
14 difference and provides --

15 JUDGE SOLOMON: At this point, that's for brief. We
16 are going to have briefing in this case subsequently so
17 let's leave the argument to the brief, not in testimony.

18 THE WITNESS: Okay.

19 BY MS. COMERFORD:

20 Q. Katherine Avenue, number 10.

21 A. The same reply applies to Katherine Avenue as
22 Lincoln Highway SR 30.

23 Q. Please respond with respect to Wayne Avenue.

24 A. With respect to Wayne Avenue, SR 316, it's
25 Conrail's opinion that the railroad portion of the crossings

1 is safe and adequate. Conrail has no interest concerning
2 the highway portion of the crossing which includes the
3 bridge carrying the highway and the sidewalk, since it's not
4 needed for rail operations.

5 The sidewalk surface is spalling. If the borough
6 believes that the sidewalks should be repaired or replaced,
7 the work should be done by the borough or PennDOT, since the
8 sidewalk benefits the public, not the railroad.

9 Q. And lastly, Mr. Youngdahl, what portion of the
10 work will Conrail agree to perform and what portion of the
11 costs would it agree to bear?

12 A. With respect to all the bridges, Conrail will not
13 agree to perform any work nor bear any costs nor maintain
14 any portion of the improvement of the sidewalk if the
15 complaint is sustained.

16 Q. And Mr. Youngdahl, does Conrail have any further
17 testimony today?

18 A. No.

19 MS. COMVERFORD: Mr. Youngdahl is available for cross
20 examination.

21 JUDGE SOLOMON: All right. Mr. Finucane.

22 CROSS EXAMINATION

23 BY MR. FINUCANE:

24 Q. Mr. Youngdahl, to the best of your knowledge,
25 does Conrail own the land we are concerned with here where

1 the railroad tracks are? The bed?

2 A. I am not sure -- I know we have a right to have
3 the railroad through there and there may be a joint highway
4 railroad right-of-way there. I don't know who owns the
5 underlying, but we both have a right to be there.

6 Q. You control the area of the right-of-way?

7 A. As far as railroad traffic. The highway
8 authority would control the highway portion.

9 Q. For example, if anyone wants to, where this track
10 goes through Chambersburg, if anyone wants to like put a
11 garden or use any portion of the property located near your
12 track, they have to get permission from Conrail; correct?

13 A. Away from, out of the highway limits, yes. They
14 would.

15 Q. Correct. Okay?

16 A. But this is within the highway limits.

17 Q. You're exercising control in those other areas.

18 Now, when you get to the highway, do you have any record
19 that would show that you -- with exception of the Wayne
20 Avenue Bridge, do you have any record that would show that
21 when you put in the bridges in 1912, your predecessor did,
22 that they did not put the sidewalk in?

23 A. I don't have any records either way, whether they
24 did or whether they didn't.

25 Q. Now, Mr. Youngdahl, there is a benefit, is there

1 not, to overpasses and underpasses to Conrail? Your traffic
2 can move more quickly through town because the speed limits
3 can be higher. For example, your 45 mile an hour limit you
4 referred to in your opening testimony, you could not do that
5 if you had an at grade crossing through Chambersburg?

6 A. We could still go 45 with an at grade crossing,
7 but it's done in many places. Generally, we consider
8 crossings to be a detriment rather than a benefit. We'd
9 rather not have any crossing at all.

10 JUDGE SOLOMON: You mean an at grade crossing.

11 THE WITNESS: Grade crossings. We'd rather not have
12 a bridge, either.

13 BY MS. HEILIG:

14 Q. But there is a benefit, is there not, to these
15 overpasses, underpasses to the railroad, because you don't
16 have the problems you get from an at grade crossing?

17 A. Assuming the crossing has to be there. We would
18 rather have no crossing at all, so we consider it a
19 detriment rather than any --

20 Q. You are saying an at grade crossing is a
21 detriment. That is the same thing as saying if there has to
22 be some way of getting traffic through there from the
23 railroad's standpoint, there's benefit to there being an
24 overpass or an underpass?

25 A. The bridge is safer than an at grade crossing, I

1 would say.

2 Q. Is there a benefit, Mr. Youngdahl, to the
3 railroad? Please answer the question.

4 A. We don't consider it a benefit, no.

5 Q. Are the detriments associated with an at grade
6 crossing nonexistent when you have an overpass or an
7 underpass?

8 A. They are greatly reduced.

9 Q. Do you consider that reduction in detriment a
10 benefit to the railroad?

11 A. Not -- it's less worse but we don't consider it a
12 benefit.

13 Q. Mr. Youngdahl, Conrail gets sued because trains
14 sometimes collide with pedestrians or vehicles.

15 A. Right.

16 Q. You don't have that risk with an overpass or an
17 underpass? Okay?

18 A. That's correct.

19 JUDGE SOLOMON: Why don't you argue the conclusion
20 he's driving at on brief. I know what he's saying. Conrail
21 invariably says this in a proceeding like this and
22 invariably, the Commission finds there's some benefits
23 because for not hitting people and hitting things as you
24 drive through the town. I think the point you are getting
25 at is conclusion rather than basic point. Anyway, there's

1 less of a detriment, at least.

2 MR. FINUCANE: That's all we have.

3 JUDGE SOLOMON: Very well. Mr. Liner?

4 MR. LINER: Thank you. Good morning.

5 THE WITNESS: Good morning.

6 BY MR. LINER:

7 Q. Just briefly, I didn't catch your answer totally
8 to the testimony regarding the condition of the Wayne Avenue
9 bridge. Just specifically, can you summarize that? The
10 Route 316?

11 A. The structure is in good to fair condition.

12 Q. And that is the bridge that is subject to the
13 prior PUC order. Is that correct?

14 A. Correct.

15 Q. And that's the one that gave Pennsylvania
16 Railroad Company responsibility for the maintenance of the
17 substructure and superstructure?

18 A. That's correct.

19 Q. And Pennsylvania Railroad Company is a
20 predecessor in interest to Conrail?

21 A. I don't believe --

22 MS. COMERFORD: That's a legal question; that it is
23 established that we are a transferee and any prior railroad
24 was a transferor, not a predecessor, successor in interest.

25 JUDGE SOLOMON: I am not sure what significance that

1 really makes. Perhaps you can enlighten me.

2 MS. COMERFORD: Yes, Your Honor. There are
3 significant reasons for having it a transferor, transferee,
4 especially for what documents and what responsibilities that
5 we received from the railroad, any prior railroad. We did
6 not succeed to all their interests and specifically, we deny
7 responsibility of previous agreements of any particular
8 railroad in the past.

9 JUDGE SOLOMON: You are saying if the Commission had
10 affixed the responsibility for some maintenance, you would
11 shed that as the creation which followed Penn Central?

12 MS. COMERFORD: Congress did provide that, Your
13 Honor.

14 MR. LINER: I have to disagree, Your Honor.

15 JUDGE SOLOMON: I think this is something, again,
16 that will be argued in brief.

17 MR. LINER: That's the point I am driving at.

18 JUDGE SOLOMON: I think you'll have to argue in brief
19 as to what the rules of the game are and whether they apply
20 or not to these situations. I am not sure the documentation
21 in the record is there from which you can draw these
22 conclusions.

23 You may have to perhaps make an after-filed exhibit
24 laying out documentation of the legal citation, as the case
25 may be that sets forth your status. I am quite unclear

1 about that as I sit here. If you need to submit some
2 documentation, documents creating -- about which we'll see
3 certain trackage, fine. If it's a matter of legislation,
4 you can argue the legislation at the appropriate time.

5 We're not fully cognizant of the details you are
6 getting to. Okay? It's a fine point I am not aware of.
7 Today it's Conrail. Before it was Penn Central. Before it
8 was something else; Lower Puttam Valley Railroad, and I see
9 a line of succession. What the legal ins and outs of that
10 may be might need some clarification.

11 MR. LINER: We have statements that Conrail is the
12 owner of the tracks today. We have a prior PUC order for
13 the same -- talking about Wayne Avenue bridge, now, 316.
14 Pennsylvania Railroad Company was the owner of the track as
15 of the date of the existence of this order.

16 JUDGE SOLOMON: Kind of like when the banks spin off;
17 they go bankrupt and the question is they pick up all the
18 good loans, good assets, shed the liabilities and everybody
19 is happy with that with the exception of the shareholders
20 and the creditors.

21 I am not sure that situation is likely when Conrail
22 was created. We need some clarification upon that to the
23 extent to which when Conrail was issued, it did manage to
24 shed, if it did, these various liabilities.

25 So we need to be clarified on that very definitely.

1 The brief is in place for that kind of edification, both as
2 as to what the status is and what it means. Okay?

3 MS. COMERFORD: Okay.

4 MR. LINER: With respect to the ownership of the
5 tracks, is it your requirement to submit late filed
6 exhibits?

7 JUDGE SOLOMON: Yes. I would like to see exhibits if
8 you have them, which would clarify the matter. If Conrail
9 claims a successor status of one sort and the documents
10 would show a different situation was recreated, then we have
11 evidence with which to argue a difference.

12 MS. COMERFORD: We do not deny owning the tracks at
13 this present time.

14 JUDGE SOLOMON: How you got them and how much of them
15 you got.

16 MS. COMERFORD: Correct.

17 JUDGE SOLOMON: How much of the rights you got, and
18 that is a very clear issue. If you would shed some light on
19 this with both documents and argument, I'd appreciate it. I
20 am not sure you can oust the Commission of its -- someone
21 ultimately has the responsibility. But we'll see what you
22 come up with. I need to be convinced. Go ahead.

23 MS. COMERFORD: The Commission, Your Honor, has full
24 right to assign anything to Conrail as an entity at this
25 time, but as to prior PUC orders, applying to another

1 railroad, that is where the distinction comes.

2 JUDGE SOLOMON: It may not apply but then again, may
3 be a useful guideline to us in this case with respect to
4 assigning future maintenance; if not in terms of succession,
5 in terms of a determination. We'll see. Go ahead.

6 BY MR. LINER:

7 Q. Would the same questions apply, then, to
8 Cumberland Valley Railroad who, according to the testimony,
9 constructed the Katherine Street bridge and the SR 30
10 bridge?

11 JUDGE SOLOMON: Same question in terms of what --

12 MR. LINER: Predecessor in interest.

13 JUDGE SOLOMON: I guess any place the question
14 arises, what happens if we continue this day from some prior
15 action. The question is what did succeed to the present
16 time. I don't know. If there's some lineage to be pointed
17 out, fine. If it's a determination of what the obligations
18 ought to be, it's a horse of a different color.

19 BY MR. LINER:

20 Q. Mr. Youngdahl, to your knowledge, are there any
21 prior PUC orders with respect to the Katherine Street Bridge
22 or the SR 30 bridge?

23 A. I am not aware of any.

24 Q. On the prior PUC order involving the Wayne Street
25 bridge, the Pennsylvania Railroad Company was given

1 maintenance responsibility for substructure and
2 superstructure. As an expert, would you interpret as to
3 whether maintenance of a structure and superstructure would
4 or would not include sidewalks and curbs?

5 MR. FTNUCANE: Your Honor, I am going to object to
6 this particular question. What he's asking this witness to
7 do is to interpret a PUC order.

8 JUDGE SOLOMON: I think as anyone with engineering
9 opinion as to what normally falls within the ambit of the
10 terminology of this proceeding helps to understand the
11 order. If he has an opinion as to what the order means in
12 terms of engineering definition, I'd like to hear it. I am
13 not saying I am going to agree with it, but I'd like to hear
14 what he has to say, just the same.

15 THE WITNESS: I think I said in my testimony that I
16 considered it not part of the superstructure especially in
17 light of the fact there's no sidewalk on previous bridges
18 that it seemed logical that it wouldn't been assigned to the
19 railroad. And there's another paragraph that says that the
20 remainder of the improvements is assigned to PennDOT. So I
21 assume that's part of the remainder of the improvements.

22 BY MR. LTNER:

23 Q. What is a substructure?

24 A. Huh?

25 Q. What is the substructure?

1 A. Piers and abutments.

2 Q. Would they include sidewalks?

3 A. No.

4 Q. Would they include parapets?

5 A. No.

6 Q. And the superstructure would not include
7 sidewalks and parapets either. Is that correct?

8 JUDGE SOLOMON: Let him finish. Superstructure is
9 first. Then we'll go from there.

10 BY JUDGE SOLOMON:

11 Q. What is a superstructure?

12 A. It would be the beams and -- the beams carrying
13 the highway traffic and the beams and deck carrying the
14 highway traffic. But --

15 Q. In other words, the substructure would be the
16 support and the superstructure would be the actual beams and
17 timbers and --

18 A. Slabs that --

19 Q. That's what holds the track on the highway, as
20 the case may be over the grade of the other?

21 A. Correct.

22 Q. If this were a highway bridge over track, would
23 not the sidewalks then be part of the superstructure,
24 whatever it takes to hold the highway up, holds the
25 sidewalks up, holds the entire works up over the traffic

1 below?

2 A. I think there's a question here what the intent
3 is. I think there's a question mark which way it is.

4 Q. If a superstructure holds up whatever it is that
5 you are carrying over the other, carrying track over a
6 highway, then it's support of the trackage overhead. The
7 signal lines, whatever else you have.

8 A. A structure.

9 Q. Trackage?

10 A. Substructure holds the superstructure.

11 Q. And the superstructure contains the base for the
12 track, does it not? Holds the track up if you have a track
13 over a highway.

14 A. If you have a track.

15 Q. If it's highway over track then that
16 superstructure contains the highway surface and all the
17 abutments and appurtenances and sidewalks, does it not?
18 Otherwise, what holds it up? If you have a highway crossing
19 over track?

20 A. Correct.

21 Q. The highway is on a superstructure which rests on
22 its supporting structure?

23 A. Correct.

24 Q. The superstructure would contain the beams on
25 which the paving is laid? Is that true?

1 A. I would say that.

2 Q. The superstructure would contain the beams
3 holding the paving?

4 A. Correct.

5 Q. Would that superstructure also contain the
6 structures that hold the sidewalk up and the sidewalk,
7 itself?

8 A. It could. It could.

9 Q. If not, what does?

10 A. Yes. It depends on how it's constructed. Some
11 of them are cantilevered off to the side and some of them --

12 Q. But it's all part of -- however you cantilever it
13 or supports other building, whatever holds a sidewalk up in
14 a highway over a bridge structure is going to be the same
15 structure. This is your support framing?

16 A. Correct. The superstructure would support the
17 sidewalk, that's correct.

18 Q. It's a track over highway situation. I need not
19 have sidewalks to hold up a bridge holding track. Is that
20 correct?

21 A. Correct.

22 JUDGE SOLOMON: The sidewalk is completely ancillary
23 to the structure which holds the tracks overhead?

24 THE WITNESS: Correct. Yes.

25 JUDGE SOLOMON: I understand you now. Thank you.

1 MR. LINER: I have no further questions.

2 JUDGE SOLOMON: Any redirect, Ms. Comerford?

3 MS. COMERFORD: No, Your Honor.

4 JUDGE SOLOMON: Very well. You are excused, sir.

5 Thank you.

6 JUDGE SOLOMON: Next is PennDOT? Mr. Liner?

7 MR. LINER: Our first witness will be John Ebersole.

8 JUDGE SOLOMON: Mr. Ebersole?

9 MR. LINER: Mr. Ebersole, we'll be answering
10 questions 12, 13 and 14. Then Milt Davis will answer
11 questions 15 and 16.

12 JOHN EBERSOLE, called as a witness, having been
13 previously duly sworn, was examined and testified as
14 follows:

15 DIRECT EXAMINATION

16 BY MR. LINER:

17 Q. Would you give your position with the Department
18 of Transportation?

19 A. Yes. I am a bridge inspection supervisor for
20 District 8 of PennDOT.

21 Q. And as supervisor, would that include supervision
22 or would it include review of the bridges that are part of
23 this proceeding today?

24 A. Yes.

25 Q. Now, are you authorized to speak on behalf of the

1 department with respect to those bridges today?

2 A. Yes.

3 Q. With respect to question 12, you were asked to
4 testify as to whether the crossings involve highway bridges
5 that are on the state highway system. First with respect to
6 the Wayne Avenue Bridge, is that on a state highway system?

7 A. Yes, it is.

8 Q. And what is that route number?

9 A. That's -- we designated it as SR 316, segment
10 0350 offset 2540.

11 Q. And the other underpass following State Route 30,
12 is that on the state highway system?

13 A. Yes, it is.

14 JUDGE SOLOMON: That's the Lincoln Way crossing?

15 THE WITNESS: Right.

16 BY MR. LINER:

17 Q. And with respect to the Katherine Street
18 crossing, is that on the state highway system?

19 A. Katherine Street is not part of the state highway
20 system.

21 Q. With respect to question 14 -- I'm sorry,
22 question 13, we were asked to describe in detail the
23 existing crossing structures and indicate whether the
24 crossings are dangerous or inadequate. Do you have an
25 opinion as to this with respect to those crossings?

1 A. Yes, I do.

2 MR. FINUCANE: I am going to object to that question
3 as stated. Call of this meeting is concerned in the
4 sidewalk. He can testify as to the dangerousness of the
5 sidewalks. It was in the advertisement that we sent out,
6 the notice, and that's what the complaint concerns, the
7 sidewalks.

8 JUDGE SOLOMON: Well, the Commission has jurisdiction
9 over crossings --

10 MR. FINUCANE: I understand.

11 JUDGE SOLOMON: -- and crossings involve highways as
12 sidewalks and includes the appurtenances so we'll treat the
13 question as a whole. That is the Commission's concern. So
14 let's deal with the crossings. You can discuss the
15 sidewalks. If it turns out we have a larger question than
16 we first realized, we'll deal with that in a subsequent
17 proceeding.

18 MR. LINER: If I may, question 14 deals with any
19 reports or documentation that could tie in with question
20 13.

21 JUDGE SOLOMON: Okay. Let's go back to question 13,
22 then.

23 JUDGE SOLOMON: Let's take -- first question really
24 is do you disagree with the prior testimony describing the
25 physical structures in terms of their length, width and so

1 forth, construction. Would you agree with those details as
2 given earlier?

3 THE WITNESS: On the bridges involving the state
4 highways. I have no knowledge of the Katherine Street
5 structures.

6 JUDGE SOLOMON: As to the other two structures, our
7 description is the same as that offered previously by the
8 witness for Conrail?

9 THE WITNESS: I would say they are in fair
10 condition.

11 JUDGE SOLOMON: And as far as the physical structure,
12 the stone construction --

13 THE WITNESS: Structure type and sizes.

14 JUDGE SOLOMON: Length of the spans, you would agree
15 with that testimony?

16 THE WITNESS: Correct, yes.

17 BY MR. LINER:

18 Q. With respect to the Lincoln Way bridge and the
19 Wayne Avenue bridge, what is your opinion regarding as to
20 whether they are dangerous or inadequate?

21 A. We do not feel that they are dangerous or
22 inadequate.

23 Q. With respect to question 14 -- let me hand out
24 our Exhibit Number 1 and the witness can identify the --

25 JUDGE SOLOMON: We'll call this PennDOT Exhibit 1,

1 then.

2 MR. LINER: Number 1.

3 (PennDOT Exhibit No. 1 was produced and marked for
4 identification.)

5 BY MR. LINER:

6 Q. Would you identify this document that's been
7 identified as PennDOT Exhibit Number 1?

8 A. That's our latest field inspection notes of our
9 inspectors for the Route 30 railroad overpass.

10 MR. FINUCANE: If I may, Your Honor, object to this
11 bridge inspection report in the sense that there's nothing
12 here that I see on it that relates to the sidewalk and my
13 objection can be just in the nature of a continuing
14 objection to any testimony beyond the condition of the
15 sidewalks at the Wayne Avenue bridge.

16 JUDGE SOLOMON: Your objection is noted and
17 overruled.

18 MR. FINUCANE: Okay. Thank you.

19 BY MR. LINER:

20 Q. Would you explain this report?

21 A. Well, in our bridge inspections we do not do a
22 detailed inspection of overhead structures not carrying a
23 highway. We just look at them in an overview to see if
24 there's any problems that may cause a hazard or safety
25 problem with the traveling public on the highway underneath

1 and to make sure our under-clearance information is
2 correct.

3 So and really, all we note is minor spalling problems
4 and things like that with the structure which at this time,
5 do not appear to be of any harm or danger.

6 JUDGE SOLOMON: Let me understand, then, if you are
7 making a bridge inspection and the structure does have
8 sidewalks below it, your inspection would not merely entail
9 examining the sidewalk. Is that what you are saying to us?

10 THE WITNESS: No. We are -- we are just tasked with
11 sort of the inventory of the overhead structure over the
12 highway and it's effects on the highway.

13 JUDGE SOLOMON: So as long as the bridge is up and
14 not down on the highway, you are satisfied with that
15 situation. You don't go beyond that in terms of your
16 inspections?

17 THE WITNESS: Right.

18 JUDGE SOLOMON: Very well.

19 BY MR. LINER:

20 Q. Was there any review of the sidewalks with
21 respect to this particular bridge?

22 A. There was none noted, and that would not be
23 something that we would normally be looking at.

24 JUDGE SOLOMON: I guess my question, speaking in
25 terms of the greater public safety issue, is when you are

1 there looking at the bridge, why wouldn't you note a problem
2 and forward the information to the appropriate political
3 subdivision, make them aware of a hazard to the traveling
4 public, suppose, saying it's not our highway. It's not our
5 street. Why worry about it?

6 THE WITNESS: Well, we often do. All I can go by
7 right now is say that we, the men that I supervise, did not
8 note any, you know, really problems with the sidewalk during
9 this inspection.

10 JUDGE SOLOMON: Would this be a normal activity that
11 they are expected to note such things and are you going to
12 conclude from the absence of a comment there's no problem or
13 the absence of a comment means they didn't look at it?

14 THE WITNESS: At this time I would probably say that
15 the absence of a comment was more that they did not look at
16 it.

17 JUDGE SOLOMON: Fine. Thank you.

18 (PennDOT Exhibit No. 2 was produced and marked for
19 identification.)

20 MR. LINER: Next we'll discuss PennDOT Exhibit Number
21 2 which will involve the Wayne Avenue bridge.

22 BY MR. LINER:

23 Q. Would you identify this report.

24 A. This is our latest inspection notes on the Wayne
25 Avenue crossing.

1 Q. Could you summarize this report, particularly
2 with any comments with respect to the sidewalks.

3 A. Well, as noted on the sidewalks, it is very
4 severely scaled and there's rebar exposed and would
5 definitely be hazardous. The overall condition of the
6 structure is fair. There are not any other major problems
7 in the superstructure. There are some minor deficiencies on
8 the substructure, including a poor bearing area under the
9 one end floor beam.

10 MR. LINER: Finally, the last exhibit would be
11 PennDOT Exhibit Number 3, dealing with the prior application
12 docket number.

13 JUDGE SOLOMON: Very well.

14 (PennDOT Exhibit No. 3 was produced and marked for
15 identification.)

16 BY MR. LINER:

17 Q. Just for the record, would you identify PennDOT
18 Exhibit Number 3.

19 A. That's a copy of the, I guess the most recent PUC
20 order on the Wayne Avenue crossing.

21 JUDGE SOLOMON: And it is identical to Borough
22 Exhibit Number 1, is it not?

23 THE WITNESS: Yes.

24 MR. LINER: I have no further questions of this
25 witness with respect to those questions 12 through 14.

1 JUDGE SOLOMON: Ms. Comerford?

2 MS. COMERFORD: Yes, thank you, Your Honor.

3 CROSS EXAMINATION

4 BY MS. COMERFORD:

5 Q. Sir, with respect to Exhibit 1 and 2 of PennDOT,
6 can you explain to me how the breakdown of the noted items
7 have been categorized? For example, one starts out approach
8 roadway, deck, superstructure and substructure. Were you
9 present in the hearing room when the Conrail witness was
10 asked what the difference between sub and superstructure
11 were?

12 A. Yes, I was.

13 Q. And whether sidewalk was included in the sub or
14 superstructure?

15 A. Yes, I was.

16 Q. Now, referring back to your exhibit, do you note
17 here that the sidewalks would be not part of the
18 superstructure or substructure as defined by the Pennsylvania
19 Department of Transportation?

20 A. No. I would not say that. This is a bridge
21 inspection form set up in a way that it's convenient in
22 areas that you are going and working, that you are looking
23 at things, you know.

24 This is not a breakdown as to what is superstructure
25 and substructure as far as how a structure is built. It is

1 laid out according to what items and stuff reflect in
2 ratings according to the National Bridge Inspection
3 Standards and how ratings apply there.

4 Q. Well, what is a deck? What would you qualify the
5 deck area to be?

6 A. It is -- we consider everything from the bearing
7 seats up as superstructure and below that, substructure.

8 Q. But you don't qualify --

9 A. But that is --

10 Q. You don't qualify it in your report as such?

11 A. No. That's what I said. This is laid out, you
12 know, arranged more to suit the way bridge inspection items
13 are coded according to the federal Bridge Inspection Coding
14 Manual.

15 MS. COMERFORD: Okay. Thank you, Your Honor.

16 JUDGE SOLOMON: All right. Mr. Finucane?

17 MR. FINUCANE: I have no questions.

18 JUDGE SOLOMON: Redirect?

19 MR. LINER: No redirect.

20 JUDGE SOLOMON: You are excused. Thank you. Did you
21 have a motion as to your Exhibits?

22 MR. LINER: May I have one moment.

23 (Pause.)

24 MR. LINER: Okay I'll move for their admission now. I
25 have one more witness. I will move for their admission.

1 JUDGE SOLOMON: Do you want to move these into
2 evidence now?

3 MR. LINER: I'll move them now. I move admission of
4 Exhibits 2 and 3.

5 JUDGE SOLOMON: Any objection?

6 MR. FINUCANE: Subject to my objection to those
7 portions that don't relate to the sidewalk.

8 JUDGE SOLOMON: I will overrule that objection. These
9 are admitted into evidence at this time.

10 (PennDOT Exhibits Nos. 1, 2 and 3 were admitted in
11 evidence.)

12 MILTON H. DAVIS, called as a witness, having been
13 previously duly sworn, was examined and testified as
14 follows:

15 DIRECT EXAMINATION

16 BY MR. LINER:

17 Q. State your name and address for the record.

18 A. Milton H. Davis. I am the grade crossing
19 engineer.

20 Q. For the record, would you spell your last name.

21 A. Davis, D-a-v-i-s.

22 Q. And is part of your responsibilities the subject
23 bridges that are part of today's proceeding?

24 A. Yes.

25 Q. Are you authorized to speak on behalf of the

1 department?

2 A. Yes, I am.

3 Q. With respect to question 15, what is the
4 department's position with respect to its present obligation
5 concerning maintenance of the existing crossings?

6 A. At the Route 30 underpass, which is the subject
7 of this proceeding, PennDOT has assumed the obligation of
8 maintaining the roadway between curbs. At the Katherine
9 Street underpass, PennDOT has no responsibility because
10 Katherine Street is not on the state highway system.

11 At Route 316 overpass, PennDOT has assumed the
12 maintenance responsibility assigned to the Pennsylvania
13 Department of Highways by the last paragraph of the Public
14 Service Commission order in application docket number 32557,⁸
15 dated May 7, 1934. By the order the Pennsylvania Department
16 of Highways which was assigning the maintenance
17 responsibilities are the roadway paving on the bridge.

18 Regarding the city was on either of the two crossings
19 involving state highways, PennDOT has never assumed or been
20 obligated to maintain the sidewalks or any facilities
21 outside of the face of the curb. Based on the State Highway
22 Law, 670-513, PennDOT is only responsible for maintaining
23 the roadway between curbs.

24 JUDGE SOLOMON: What was that citation, again?

25 MR. LINER: 670-513. It's in Title 36.

1 JUDGE SOLOMON: Thirty-six?

2 MR. LINER: Title 36.

3 JUDGE SOLOMON: 36 PS 670 --

4 MR. LINER: Dash 513.

5 JUDGE SOLOMON: Dash 513. That was not repealed.

6 MR. LINER: This is a statement relating to
7 maintenance, boroughs and cities. It's not the most --

8 JUDGE SOLOMON: Very good.

9 BY MR. LINER:

10 Q. With respect to question 16, what is the
11 department's position with respect to the portion of the
12 work it will agree to perform or portion of the costs it
13 will agree to bear and what portion of the improvements it
14 will agree to maintain in the future?

15 A. PennDOT will not agree at this time to perform
16 any work on the three crossings which are subject to the
17 instant complaint. Regarding the Route 316 overpass, the
18 involved bridge is not on the Bridge Bill, Billion Dollar
19 Bridge Bill, and there are no public funds available, either
20 state or federal, to rehabilitate or replace the subject
21 structure.

22 With regard to future maintenance, the department
23 will continue to -- will agree to continue to maintain the
24 roadways between curbs.

25 With respect to the sidewalks, it is the department's

1 opinion that the sidewalks are part of the superstructure.
2 The surface of the sidewalks are, in our opinion,
3 responsibility of the local municipality to maintain.

4 With respect to the bearing of any costs, the
5 department does not agree to bear any cost for any of the
6 work being necessary by the Public Utility Commission to
7 alleviate the subject complaint.

8 BY MR. LINER:

9 Q. With respect to your answer the department's
10 position that we will agree to maintain the roadway pavings,
11 is this with respect strictly to the Wayne Avenue bridge and
12 the Lincoln Way bridge?

13 A. Yes.

14 Q. And not to Katherine Street bridge.

15 A. Yes. It does not -- we do not agree to maintain
16 any part of the Katherine Street crossing.

17 MR. LINER: I have no further questions.

18 JUDGE SOLOMON: All right. Ms. Comerford?

19 MS. COMERFORD: Yes, thank you, Your Honor.

20 CROSS EXAMINATION

21 BY MS. COMERFORD:

22 Q. Mr. Davis, you mentioned in response to one of
23 the questions that the Public Service Commission ordered the
24 Pennsylvania Department of Highways to maintain the roadway
25 paving. Does it not also include the remainder of the

1 improvements?

2 A. The remainder of the improvements refers to the
3 approaches to the structure; the sidewalks, the parapets.
4 Anything having to do with the superstructure or anything
5 having to do with the substructure is the responsibility of
6 the railroad.

7 Q. Pennsylvania Railroad Company?

8 A. The railroad that is the successor to the
9 railroad, to the Pennsylvania Railroad.

10 MS. COMERFORD: Thank you, Your Honor.

11 JUDGE SOLOMON: Very well. Mr. Finucane?

12 BY MR. FINUCANE:

13 Q. The PUC order that had been entered on the Wayne
14 Avenue bridge was based on an application by the predecessor
15 of PennDOT; correct?

16 A. Yes.

17 Q. In other words, the Department of Highways as it
18 was referred to at that time?

19 A. Yes.

20 Q. And one of the improvements that PennDOT
21 requested was to construct a sidewalk?

22 A. The improvement that we requested to construct
23 was the bridge structure over the railroad tracks --

24 Q. Including --

25 A. -- and included --

1 MR. LINER: Let him finish.

2 MR. FINUCANE: I asked him whether or not it included
3 a side --

4 JUDGE SOLOMON: Gentlemen, gentlemen.

5 MR. LINER: He's trying to answer.

6 JUDGE SOLOMON: Let him finish the question and he
7 can object.

8 BY MR. FINUCANE:

9 Q. My question only deals with the sidewalk, nothing
10 else, Mr. Davis. Did the proposed PennDOT construction that
11 applied to the PUC for approval include a five foot sidewalk
12 across that bridge?

13 A. Yes, it did.

14 Q. And to the best of your knowledge, did PennDOT
15 construct that improvement?

16 A. Yes, it did.

17 MR. LINER: I object to the word improvement.

18 MR. FINUCANE: He's already answered the question.

19 BY MR. FINUCANE:

20 Q. What's your position with PennDOT, again?

21 A. I am the grade crossing engineer out of the
22 Bureau of Design in the central office of PennDOT.

23 Q. Do you have any knowledge, yourself, of PennDOT
24 employees maintaining sidewalks across a stream in the
25 Borough of Chambersburg on a state route?

1 A. I do not know.

2 Q. Are you aware of the Borough of Chambersburg ever
3 being given notice by PennDOT concerning any deficient
4 condition in the sidewalk over the Wayne Avenue overpass?

5 A. Your question asks me, so I can understand it,
6 has Chambersburg ever notified --

7 Q. No. Has PennDOT. There's an inspection report
8 offered, I think, as Exhibit 2 that shows there are problems
9 with the sidewalk. My question is are you aware of PennDOT
10 ever notifying the Borough of Chambersburg that there was a
11 deficiency in that sidewalk and it needed to be corrected?

12 A. No, I am not.

13 MR. FINUCANE: That's all.

14 JUDGE SOLOMON: Any redirect?

15 MR. LINER: Just one question.

16 REDIRECT EXAMINATION

17 BY MR. LINER:

18 Q. In the prior PUC order, the Department of
19 Highways was requested to construct a sidewalk as part of
20 the reconstruction. Is that correct?

21 A. Yes.

22 MR. LINER: I have no further questions.

23 JUDGE SOLOMON: Any further cross on the matter?

24 (No response.)

25 JUDGE SOLOMON: Okay. You are excused, sir.

1 THE WITNESS: Thank you.

2 JUDGE SOLOMON: I take it, from the lack of anyone
3 else present that the Borough of Chambersburg Telephone and
4 Warner Cable have no facilities in the vicinity of the
5 crossing. Actually, the sidewalks in question. Is that
6 correct?

7 (No response.)

8 JUDGE SOLOMON: We will assume, then, that there are
9 no fixed utility equipment in the immediate area that would
10 impact upon the work to be done.

11 I take it, just to clarify for my understanding, Mr.
12 Finucane, that the work to be done basically is a matter of
13 tearing out and replacing concrete sidewalk.

14 MR. FINUCANE: That's correct. We did not ask what
15 the cost was on Wayne Avenue but I would suggest to the
16 Court it's about \$4,000.00. So we are talking about maybe a
17 \$6,000.00 total of all three areas together.

18 JUDGE SOLOMON: In no case is it a complicated
19 process. It's part of tearing out and having someone lay
20 cement. Is that the size of it? It's not a matter of
21 engineering design and all the rest; having concrete, have
22 the low bidder on the job come in and do it.

23 MR. YOUNGDAHL: On the two bridges. On the third
24 bridge, it would be complicated. The highway bridge it
25 would be complicated.

1 JUDGE SOLOMON: Because it's on the overpass?

2 MR. YOUNGDAHL: The two would be the easy ones.

3 MR. FINUCANE: I think a \$4,000.00 cost for that
4 length of sidewalk is what it would normally be because it
5 is on --

6 JUDGE SOLOMON: Involve getting to it and maybe
7 working at night or something.

8 MR. FINUCANE: It's a little more difficult.

9 MR. YOUNGDAHL: You are saying on the highway bridge.

10 MR. FINUCANE: Wayne Avenue. If you have a different
11 estimate.

12 JUDGE SOLOMON: We don't have estimates in the record
13 other than the testimony we have and it's superficial but
14 the obvious thing is a matter of replacing the number of
15 square yards of concrete on the sidewalk and that's all
16 there is to it.

17 MR. YOUNGDAHL: On the two bridges. On the third I
18 would --

19 JUDGE SOLOMON: Do we have any more detailed
20 estimates?

21 JUDGE SOLOMON: I want --

22 MR. DAVIS: Are we off the record?

23 JUDGE SOLOMON: I want to get it on the record to
24 determine what we are talking about.

25 MR. DAVIS: PennDOT will ask our bridge engineer to

1 make the answer.

2 MR. EBERSOLE: Thank you.

3 JUDGE SOLOMON: All right.

4 MR. EBERSOLE: The Wayne Avenue bridge, depending on
5 how it's approved, could get into a messy job or it could be
6 a simple job, depending on the actual condition of the
7 concrete that's there. There is a possibility that if it's
8 sound enough underneath, that you could just put a new top
9 on it or patch the top. If you can't do that, the sidewalk
10 is the only thing that's there. To remove it, you'd have to
11 re-form the whole thing underneath and all and start over.

12 JUDGE SOLOMON: And you can't tell them this until
13 you tear it out? Is that the idea?

14 MR. DAVIS: Your Honor, from our vision, looking up
15 underneath, the structure of the sidewalk is in good
16 condition. It hasn't spalled or hasn't broken a bit off.

17 JUDGE SOLOMON: My expectation is, then, it is a very
18 simple job unless there's some hidden damage that is far
19 worse than you can imagine at this time.

20 MR. EBERSOLE: Right.

21 JUDGE SOLOMON: We'll leave it at that. So barring
22 any hidden damage that could be seen from below, it could be
23 a fairly simple job to replace the upper surface.

24 MR. EBERSOLE: Yes.

25 JUDGE SOLOMON: I think that covers all the bases.

1 Thank you all for your time and attention. We are adjourned
2 at this time.

3 Upon receipt of the transcript, I'll do a briefing
4 letter to you spelling out a schedule for main and reply
5 briefs. That will give you a chance to enlighten us as to
6 PennDOT's views as to what it's responsibilities are and
7 Conrail's view of what it's responsible for when it acquires
8 a piece of track. Let's keep that open. Thank you all.

9 (Whereupon, at 11:30 a.m., the hearing was
10 adjourned.)

11 I hereby certify that the proceedings and evidence
12 are contained fully and accurately in the notes taken by me
13 during the hearing of the within cause, and that this is a
14 true and correct transcript of the same.

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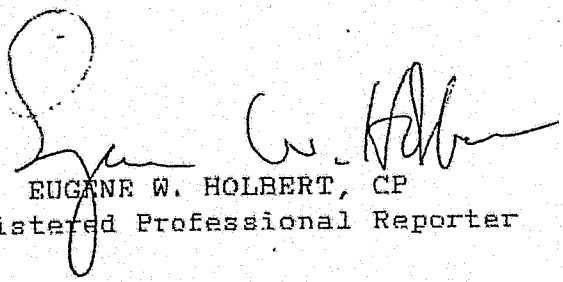
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The foregoing certification does not apply to any
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direct control and/or supervision of the certifying
reporter.

HOLBERT ASSOCIATES
EUGENE W. HOLBERT
Suite 203, Cranberry Court
212 North Third Street
Harrisburg, Pennsylvania 17101


EUGENE W. HOLBERT, CP
Registered Professional Reporter

U.C.No. C-902998

Date of Hearing 7-23-91

COMMONWEALTH OF PENNSYLVANIA

Application Docket No. 32558

RECEIVED

OCT 31 1991

SECRETARY'S OFFICE
Public Utility Commission

DOCUMENT
FOLDER

Application of DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA for approval of the reconstruction of a crossing above grade, above State Highway Route No. 588, crosses over and above the tracks of the Pennsylvania Railroad Company in Chambersburg Borough, Franklin County, and the allocation of the costs and expenses incident thereto.

REPORT AND ORDER OF THE COMMISSION

BY THE COMMISSION:

The Department of Highways, by virtue of the provisions referred upon it by an act of Assembly, approved May 31, 1911, P.L. 169, and the supplements and amendments thereto, proposes to reconstruct the bridge carrying State Highway Route No. 588 over the grade of the two tracks of the Chambersburg Valley Branch of the Pennsylvania Railroad Company at a point in the Borough of Chambersburg, Franklin County, and in this proceeding seeks the Commission's approval of the reconstruction of said bridge and the allocation of the costs and expenses incident thereto. It is, in effect, a complaint alleging the necessity of such reconstruction, which should be eliminated.

FR: Page 1 thr Pages 6 -
**OVERSIZE
DOCUMENT(S)**

present and 1976
glanders, about
subments, by
of about 24 feet

clear width
the

highway approaches at each end of the bridge are constructed upon sharp curves.

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SECRETARY'S OFFICE
Public Utility Commission

10-1-91
R. H. 16



BRIDGE MANAGEMENT SYSTEM BRIDGE INSPECTION REPORT

BMS Updated By WPL Date 5/14/90

Inspection Report for Entire Bridge <input type="checkbox"/> Main spans only <input type="checkbox"/> Appr. spans only <input type="checkbox"/>	A01 STRUCTURE IDENTIFICATION NUMBER <u>28</u> <u>0030</u> <u>0391</u> <u>0733</u>	STRUCTURE TYPE <u>CLOSED SPANDREL</u> <u>R.C. ARCH</u>
	<u>RAILROAD</u> <u>OVER US 30 W.B.</u>	

INSPECTOR BY <u>EAS</u>	DATE OF INSPECTION <u>4-24-90</u>	WEATHER CONDITION <u>CLEAR</u>
----------------------------	--------------------------------------	-----------------------------------

E15 APPROACH ROADWAY - Cond. Rating N, Details on Pages _____

Pavement _____

Shoulders _____

E14 Appr. Slab Yes No Cond. M

C18 Relief Joint Yes No

Gulderall _____

Drainage _____

Embank Slope _____

BRIDGE SIGNING

Leg. & Visibility _____

D13 **D15** Posted Load Lmts: _____ Tons (Wt. Lmt); _____ Tons (Comb.); Adv. Signs Yes No

B22 **B23** **B31** Vert. Cl. Signs: Overhead _____ Ft. _____ In.; Under 13 Ft. 5 In.; Adv. Signs Yes No

D14 Br. Lmt. One Truck: Yes No Other Signs: _____

E17 DECK - Cond. Rating N, Details on Pages _____

E16 Wrg. Surface N

Deck _____

Expansion Joints _____

Median Barrier _____

Curb - Parapets _____

Railings _____

Sidewalks _____

Drains/Scuppers _____

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OCT 8 1 1991

SECRETARY'S OFFICE
Public Utility Commission

E18 SUPERSTRUCTURE - Cond. Rating 5, Details on Pages SEE EXIST PHOTOS

Drainage System (Below Deck) _____

Beatings CONC ARCH & SPANDRELS: APPROX 4 SQ SPALLED AREA ON BTM OF ARCH

Stringers WITH REBARS EXPOSED. LONGITUDINAL CRACKING

AND SPALLING OF BOTH NEAR & FAR BTM. EDGES

OF ARCH RING WITH REBARS EXPOSED. MUST

RANDOM CRACKING & SCALING OF SPANDRELS.

Girders _____

Floorbeams _____

Diaphragms _____

Trusses _____

—Portals _____

—Bracing _____

E19 Paint Condition WW

G09 Year Painted

(If instructed) Dry Film Thickness _____ Mills.; Adhesion Class _____; **G14** Color _____

Fire Damage _____

Collision Damage TO ARCH RING EDGES CAUSING SOME OF THE SPALLING

Inspection Walk _____

Utility Attachments _____

Penn DOT Exhibit No. 1

Chamberlain
P. U. C. No. C-902998

10-8-91
Date of Hearing 10-8-91

E20 SUBSTRUCTURE - Cond. Rating , Details on Pages _____
Abutments - Wings CONC. (MINOR CRACKING & FEW SPOTS OF HEAVY TO SURFACE SCALING)
MOSTLY ON FAR RT

- Backwalls _____

- Stems CONC. (MINOR CRACKING & SCALING)

- Embank-Slope Wall _____

- Footing NOT VISIBLE

- Piles _____

- Scour/Undermine _____

- Settlement _____

Piers or Bents - Caps _____

- Columns/Stems _____

- Footing _____

- Piles _____

- Scour/Undermine _____

- Settlement _____

Bridge Seats _____

Collision Damage NONE

E21 CHANNEL PROTECTION - Cond. Rating , Details on Pages _____

Channel Alignment _____

Scour _____

Embank Erosion _____

Chan./Emb. Protect. _____

Debris _____

Vegetation _____

Highwater Mark _____

E22 CULVERTS - Cond. Rating , Details on Pages _____

Barrel _____

Settlement _____

Headwall _____

Wings _____

Debris _____

E23 EST. REMAINING LIFE Comments _____

APPRAISAL RATING

Deficiencies

E24 Structural Condition SUPER

E25 Deck Geometry

E26 Underclear - Vert. & Lateral 13'-5"

E27 Waterway Adequacy

E28 Appr. Rdwy Alignment

E29 Safe Load Capacity

A24 TRAFFIC SAFETY FEATURES

Bridge Railing

Transitions

Appr. Guiderail

Appr. Guiderail Transit

Comments _____

E01 Next Insp. Freq. 24 E03 Equip. Next Insp. E04 Spec. Insp. Type E05 By Date

Recalculate IR/OR: Yes No Calculation Attached: Yes No

Remarks _____



BRIDGE MANAGEMENT SYSTEM BRIDGE INSPECTION REPORT

BMS Updated

By

WPL

Date

6/14/90

Inspection Report for Entire Bridge <input checked="" type="checkbox"/> Main spans only <input type="checkbox"/> Appr. spans only <input type="checkbox"/>	AD1	STRUCTURE IDENTIFICATION NUMBER 218 03116 03510 25410	STRUCTURE TYPE ST. PLATE GIRDER & R.C.'T" BEAM
	WAYNE AVE. SR 0316 PA 316 over R.R.		

INSPECTION BY D.R. Varner & J.E. MYERS.	DATE OF INSPECTION 5-18-90	WEATHER CONDITION
--	-------------------------------	-------------------

E15 APPROACH ROADWAY - Cond. Rating 7, Details on Pages _____

Pavement ASPHALTIC (SOME MINOR RANDOM & TRANSV. CRACKS AT PAVING NOTCH AREAS)

Shoulders " (GOOD)

E14 Appr. Slab Yes No Cond. N

C15 Relief Joint Yes No

Guiderail STEEL PANEL (GOOD)

Drainage GOOD

Embank Slope OK

BRIDGE SIGNING

Leg. & Visibility GOOD

D13 **D15** Posted Load Lmts: NONE Tons (Wt. Lmt); NONE Tons (Comb.); Adv. Signs Yes No

B22 **B23** **B31** Vert. Cl. Signs: Overhead N/A Ft. In.; Under Ft. In.; Adv. Signs Yes No

D14 Br. Lmt. One Truck: Yes No Other Signs: CL. MKRS, ROADWAY CONSTRUCTION & BRIDGE MAYBE CLOS.

E17 DECK - Cond. Rating 5, Details on Pages _____

E16 Wrg. Surface 7 ASPHALTIC (MINOR CRACKING OVER EXP. DAMS) (NOTE: 5" OF CURB EXPOSED)

Deck CONC. (U.SIDE - SHOWING SIGNS OF GENERAL DETERIORATION SUCH AS AREAS OF LIGHT TO MED. EFFL. SOME SPALLING WITH EXPOSED REBARS WITH SEVERE RUST AND MUCH 1/2 CRACKING)

Expansion Joints STEEL PLATES (PAVED OVER)

Median Barrier

Curb - Parapets CONC. (SEVERE SCALING ON CURBS WITH SOME REBAR EXPOSED) (SOME REBAR REMOV.)

Railings

Sidewalks CONC. ON RT. ONLY (MUCH HEAVY TO SEVERE SCALE ON TOP SURFACE - SOME REBAR EXPOSED)

Drains/Scuppers

SECRETARY'S OFFICE
Public Utility Commission

E18 SUPERSTRUCTURE - Cond. Rating 4, Details on Pages _____

Drainage System (Below Deck)

Bearings STEEL PLATES ON ABUTS. FOR T BEAMS (HEAVY TO SEVERE RUST) ST. ROCKERS FOR GIRDERS (SEV. RU FROZEN)

Stringers CONC. T BEAMS ON SPANS #1 & #3 (SOME AREAS OF HONEYCOMB/SCALING AND MINOR CRACKING PRESPALLING AND A FEW MINOR/SMALL SPALLS AND AREAS OF EFFL.)

Girders STEEL PLATE (AREA ABOVE DECK - SOME SEVERE RUST WITH SOME SECTION LOSS ADJACENT TO CONC. TOP OF SIDEWALK/CURBING) AREA BELOW DECK - ENCASED WITH CONC. WHICH HAS 1/2 CRACKING & EFFL. AND SOME MINOR SPALLING)

Floorbeams STEEL ENCASED IN CONC. (MUCH 1/2 RANDOM CRACKING AND EFFL. AND SOME MINOR SPALLING)

Diaphragms CONC. (SOME MINOR CRACKING & MINOR SPALLING)

Trusses

—Portals

—Bracing

E19 Paint Condition 33 AREA ABOVE DECK

(If Instructed) Dry Film Thickness _____ Mils.; Adhesion Class _____

Fire Damage NONE

Collision Damage NONE

Inspection Walk NONE

Utility Attachments OK

Penn DOT Exhibit No. <u>2</u>
<u>10-891</u>
P. U. C. No. <u>C-902998</u>
<u>Chamberlain</u>
Date of Hearing <u>10-8-91</u>

E20 SUBSTRUCTURE - Cond. Rating **4**, Details on Pages _____

Abutments- Wings _____

Backwalls _____

Stems CONC. VERT. AND RANDOM CRACKING $\frac{1}{16}$ TO $\pm \frac{1}{4}$ " MORE ON NEAR THAN FAR ALSO SOME POSSIBLE OLD MOVEMENT ± 1 " AT TOP OF FAR AT RT. HALF)

Embank-Slope-Wall EARTH

Footing NOT VISIBLE

Piles _____

Scour/Undermine N/A

Settlement _____

Piers or Bents - Caps CONC. $\pm \frac{1}{16}$ TO $\pm \frac{1}{4}$ " HORIZ. CRACKING ON BOTTOM AND $\frac{1}{16}$ VERT. ON FACES AND SOME FROM 4" TO ± 10 " UP ACROSS BOTTOM BETWEEN COLS. AND AT BREAK FROM COLS.

Columns/Stems CONC. LARGE VERT. CRACK IN PIER #1 COL. 3 RT. CORNER AT FACE/PRESBALL AND OTHER MINOR CRACKING ON OTHER COLS. ALSO A FEW SMALL SPALLS AND PRESBALLS

Footing NOT VISIBLE

ALSO A PRESBALL ON FAR FACE OF PIER #1 COL. #3 AT TO WHICH WILL BE SOME LOSS OF BRG. AREA FOR THE END

Piles _____

Scour/Undermine N/A

FLOORBEAM FOR SPAN #2 - SEE PHOTO OF 1988

Settlement NONE

Bridge Seats CONC.

Collision Damage NONE

E21 CHANNEL/PROTECTION - Cond. Rating **N**, Details on Pages _____

Channel Alignment _____

Scour _____

Embank Erosion _____

Chan/Emb. Protect. _____

Debris _____

Vegetation _____

Highwater Mark _____

E22 CULVERTS - Cond. Rating **N**, Details on Pages _____

Barrel _____

Settlement _____

Headwall _____

Wings _____

Debris _____

E23 EST. REMAINING LIFE **1** Comments _____

APPRAISAL RATING

Deficiencies

E24 Structural Condition **4** DETERIORATION OF SUPER & SUBSTR.

E25 Deck Geometry **2** C-C = 23.2' ADT = 17.333

E26 Underclear - Vert. & Lateral **5** VT. CL 21'-06" LAT. CL = 11'

E27 Waterway Adequacy **N** N/A

E28 Appr. Rdwy Alignment **6** SHARP HORIZ. MINOR SPEED REDUCTION NEEDED

E29 Safe Load Capacity **6** 936/954

A24 TRAFFIC SAFETY FEATURES

Bridge Railing **4**

Transitions **8**

Appr. Guiderail **8**

Appr. Guiderail Transit **8**

Comments _____

E01 Next Insp. Freq. **244** **E03** Equip. Next Insp. **1** **E04** Spec. Insp. Type **1** **E05** By Date **1** **1** **1** **1**

Recalculate IR/OR: Yes No Calculation Attached: Yes No

Remarks _____

STRUCTURE INVENTORY RECORD SYSTEM BRIDGE INSPECTION REPORT

5-18-90

D.R.V. &
J.E.M.

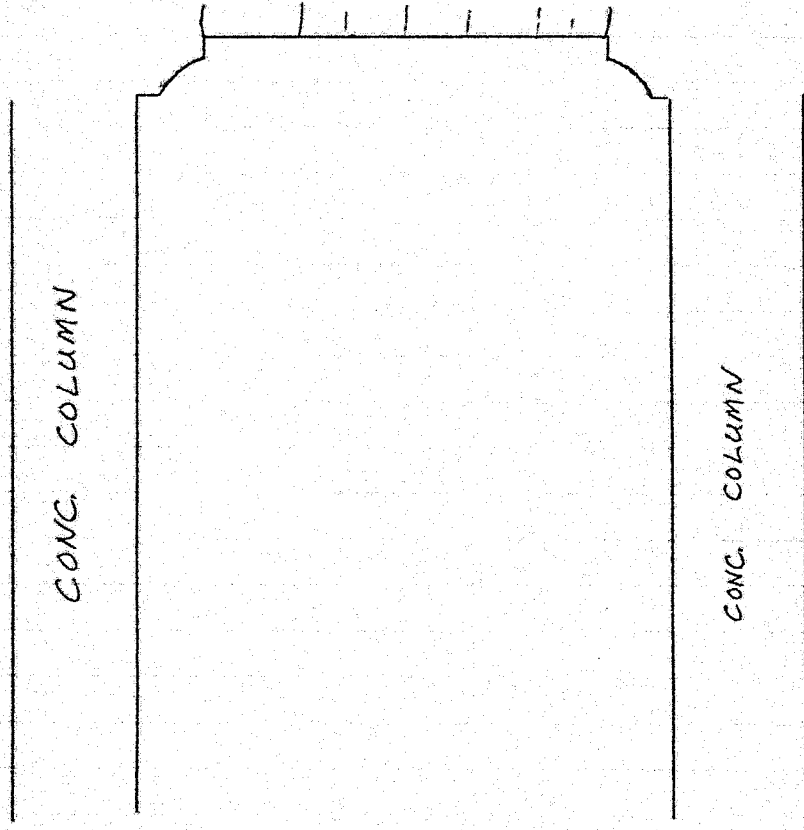


COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

STRUCTURE IDENTIFICATION NUMBER
28 0316-0350-2540
LR 588 STA. 706+70

TYP. FACE OF CONC. PIER CAP
FOR "T" BEAM SPANS

1/2 VERT. CRACKS



RECEIVED

Penn DOT Exhibit No. 3

OCT 31 1991

SECRETARY'S OFFICE 902998
Public Utility Commission

THE PUBLIC SERVICE COMMISSION
OF THE
COMMONWEALTH OF PENNSYLVANIA

Application Packet, No. 32558

Chambersburg
Date of Hearing 10-8-91
15 - 1402

In re: Application of DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA - For approval of the reconstruction of a crossing above grade, where State Highway Route No. 588 crosses over and above the tracks of The Pennsylvania Railroad Company in Chambersburg Borough, Franklin County, and the allocation of the costs and expenses incident thereto.

REPORT AND ORDER OF THE COMMISSION

BY THE COMMISSION:

The Department of Highways, by virtue of the powers conferred upon it by an Act of Assembly, approved May 31, 1911, P.L. 438, and the supplements and amendments thereto, proposes to reconstruct the bridge carrying State Highway Route No. 588 over the grade of the two tracks of the Cumberland Valley Branch of The Pennsylvania Railroad Company at a point in the Borough of Chambersburg, Franklin County, and in this proceeding seeks the Commission's approval of the reconstruction of said bridge and the allocation of the costs and expenses incident thereto. It is, in effect, a complaint alleging the existence of dangerous conditions which should be eliminated.

At present bridge girders, about abutments. of about 24 feet highway approaches at each end of the bridge are constructed upon sharp curves.

FR: Page 1 thr Pages 6 -
**OVERSIZE
DOCUMENT(S)**

ission.
that the
h plate
asonry
clear width
ns. The