

1. <u>REPORT DATE:</u> July 27, 1992	:	2. <u>BUREAU AGENDA NO.</u> :
3. <u>BUREAU:</u> ALJ	:	AUG-92-ALJ-128*
4. <u>SECTION(S):</u> :	:	5. <u>PUBLIC MEETING DATE:</u> :
6. <u>APPROVED BY:</u> Chief ALJ: Allison K. Turner Director: Ext. 7-6108 Supervisor:	:	August 6, 1992
7. <u>Monitor:</u> :	:	
8. <u>PERSON IN CHARGE:</u> ALJ Solomon 7-4723	:	
9. <u>DOCKET NO:</u> C-00902998	:	

DOCKETED  
NOV 03 1992

DOCUMENT  
FOLDER

10. (a) CAPTION (abbreviate if more than 4 lines)  
 (b) Short summary of history & facts, documents & briefs  
 (c) Recommendation
- (a) Borough of Chambersburg v. Consolidated Rail Corp., PennDOT, United Telephone Co. of PA, Warner Cable Communications, Inc., and Franklin County
- (b) On July 19, 1990, the Borough of Chambersburg (Borough) filed a complaint against the Consolidated Rail Corporation (Conrail), the Pennsylvania Department of Transportation (PennDOT) and others with respect to the restoration of deteriorated sidewalks at three rail-highway crossings within the Borough. A prehearing conference was held July 23, 1991 and an evidentiary hearing was held October 8, 1991. During the hearing an Order issued in 1934 by the Public Service Commission with respect to one of the crossings was made part of the record.
- (c) Judge Solomon issued a recommended decision sustaining the complaint, directing the replacement of the deteriorated sidewalk at the three crossings and allocating the cost of the replacement work and future maintenance between the Borough and Conrail.

Recommended Decision served: June 24, 1992  
No Exceptions were received by this Commission.

HL THIS CASE IS TO BE ASSIGNED TO THE BUREAU OF SAFETY & COMPLIANCE, RAIL SAFETY DIVISION TO MONITOR THIS PROCEEDING DURING THE CONSTRUCTION PHASE AND TO SUMMARIZE FINAL CONSTRUCTION COSTS.

11. MOTION BY: Commissioner Chm. Rolka Commissioner Holland - Yes  
Commissioner  
SECONDED: Commissioner Rhodes Commissioner

CONTENT OF MOTION: That the Decision of ALJ Solomon be adopted as the action of the Commission.



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

August 14, 1992

IN REPLY PLEASE  
REFER TO OUR FILE

C-902998



TO ALL PARTIES

Borough of Chambersburg  
vs  
Consolidated Rail Corporation,  
Pennsylvania Department of Transportation,  
United Telephone Company of Pennsylvania,  
Warner Cable Communications, Incorporated,  
and Franklin County

This is to advise you that the Commission at Public Meeting held August 6, 1992 adopted an Order in connection with the above entitled proceeding.

A copy of the Order is enclosed for your records.

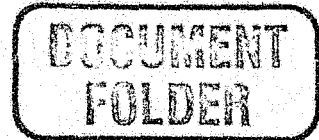
Very truly yours,

John G. Alford  
Secretary

kk  
Encls.  
Certified Mail  
Receipt Requested

SOCKETED  
AUG 28 1992

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265



Public Meeting held August 6, 1992

Commissioners Present:

David W. Rolka, Chairman  
Joseph Rhodes, Jr., Vice Chairman  
Wendell F. Holland, Commissioner

Borough of Chambersburg

v.

C-00902998

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

**DOCKETED**  
AUG 28 1992

O R D E R

BY THE COMMISSION:

We adopt as our action the Recommended Decision of  
Administrative Law Judge Morris J. Solomon dated May 18, 1992;  
THEREFORE,

IT IS ORDERED:

1. That the Complaint of the Borough of Chambersburg,  
at Docket No. C-00902998, be and is hereby sustained.

2. That the Borough of Chambersburg, having agreed to  
do so, at its initial cost and expense, shall, within six (6)  
months from the date of service of the Commission's Order,  
furnish all materials and do all work necessary to replace the  
concrete in the sidewalk and curb areas at the following  
locations:

(a) northeast side of the Lincoln Way crossing (nine square foot area of sidewalk and six linear feet of curb);

(b) northeast side of the Catherine Street crossing (ten square yard area of sidewalk); and

(c) east side of the Wayne Avenue crossing (110 linear feet distance of sidewalk, the sidewalk replacement to be the same as that originally installed).

3. That Consolidated Rail Corporation shall, at its sole cost and expense, furnish flagmen, watchmen and inspectors, if necessary, during the construction of the project in accordance with this Order.

4. That the Borough of Chambersburg shall provide all interested parties with not less than fourteen (14) days notice prior to the start of work.

5. That the parties involved in this proceeding shall cooperate with each other so that the operations or facilities of any of the parties will not be endangered or unnecessarily impeded.

6. That the Borough of Chambersburg shall, upon completion of the improvements specified in Paragraph 2 of this Order, inform the Commission in writing of the actual date of completion of its work as ordered herein and submit to the Commission a detailed statement of the actual costs incurred in furnishing materials and performing work for the ordered repairs at the Wayne Avenue crossing.

7. That Consolidated Rail Corporation shall, when and as certified by the Commission, pay the Borough of Chambersburg a sum or sums of money equal to the actual costs incurred by the Borough of Chambersburg for materials furnished and work performed at the Wayne Avenue crossing in accordance with Paragraph 2 of this Order.

8. That the Borough of Chambersburg shall bear the remaining costs incurred by it for the materials furnished and work performed at the Lincoln Way and Catherine Street crossings in accordance with Paragraph 2 of this Order.

9. That Consolidated Rail Corporation shall, at its sole cost and expense, furnish all materials and do all work necessary to maintain its facilities at the subject crossings in a safe and satisfactory condition.

10. That Consolidated Rail Corporation shall, at its sole cost and expense, furnish all materials and do all work necessary to maintain the substructure and superstructure of the bridge at the Wayne Avenue crossing, to include the sidewalk and curb on the bridge but exclusive of the bituminous paving on the bridge deck and removal of snow, ice and debris from the surface of the bridge deck and sidewalk.

11. That Consolidated Rail Corporation, having agreed to do so, at its sole cost and expense, furnish all materials and do all work necessary to maintain the substructures and superstructures of the bridges at Lincoln Way and Catherine Street crossings in a safe and satisfactory condition.

12. That the Borough of Chambersburg shall, at its sole cost and expense, furnish all materials and do all work necessary to maintain the sidewalks and curbs, including, but not limited to, removal of snow, ice and debris from the sidewalks, at the Lincoln Way crossing in a safe and satisfactory condition.

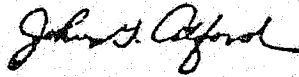
13. That the Borough of Chambersburg shall, at its sole cost and expense, furnish all materials and do all work necessary to maintain the highway, sidewalks and curbs, including, but not limited to, removal of snow, ice and debris from the highway and sidewalks, at the Catherine Street crossing in a safe and satisfactory condition.

14. That the Borough of Chambersburg shall, at its sole cost and expense, perform snow, ice and debris removal from the sidewalks at the Wayne Avenue crossing, so as to maintain the sidewalks in a safe and satisfactory manner.

15. That this Order, insofar as it places these costs of the project on the parties involved, is without prejudice to their right to recover such costs from others in accordance with any lawful agreements.

16. That in all respects not inconsistent herewith, previous Orders of the Commission issued in this proceeding and of this Commission's predecessors shall remain in full force and effect.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: August 6, 1992

ORDER ENTERED: AUG 14 1992

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT  
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ORIGINAL

AMH

In Re: Borough of Chambersburg vs.  
Consolidated Rail Corporation,  
Pennsylvania Department of Transportation,  
United Telephone Company of Pennsylvania,  
Warner Cable Communications, Inc., and  
Franklin County  
Docket No. C-902998

DOCKETED  
JAN 7 1993

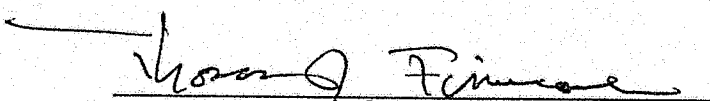
JAN 5 1993

SECRET  
Public Utility Commission MOTION FOR EXTENSION OF TIME TO COMPLETE SIDEWALK REPAIR

1. Pursuant to an order adopted August 6, 1992 the Borough of Chambersburg was required to repair certain sidewalk areas at 3 locations.
2. Work at two (Lincoln Way East and Catherine Street underpass sidewalks) of the three required locations has been completed.
3. Due to weather conditions and other work obligations (including the repairs that have been completed, referred to above) the Borough will not be able to make the Wayne Avenue overpass sidewalk repairs within the 6 months required in the PUC order of August 6, 1992, which order required the work to be completed in 6 months (ie. by February 5, 1993).
4. The Borough will be able to complete the repairs to the sidewalk at the Wayne Avenue overpass by July 1, 1993.

WHEREFORE, the Borough of Chambersburg, by its solicitor, Thomas J. Finucane, requests that the time to complete the Wayne Avenue overpass sidewalk repairs, as set forth in the PUC order of August 6, 1992, be extended to July 1, 1993.

January 4, 1993

  
Thomas J. Finucane, Borough  
Solicitor  
Wingerd and Long  
Room 500 - 14 North Main Street  
P.O. Box 187A  
Chambersburg, PA 17201  
(717) 264-4104  
Attorney I.D. No. 07290

CERTIFICATE OF SERVICE

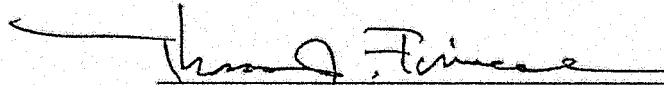
On this 4th day of January, 1993, I, Thomas J. Finucane, an attorney in the law offices of Wingerd and Long, hereby certify that I have served this day the foregoing document in the above captioned case, by depositing same in the United States First Class Mail, postage prepaid, in Chambersburg, Pennsylvania, to those persons and addresses indicated below:

Office of the Chief Counsel  
PennDOT  
Transportation and Safety Building  
Harrisburg, PA 17129

Office of the Chief Counsel  
PennDOT  
513 Transportation and Safety Building  
Harrisburg, PA 17120

Charles E. Mechem, Esquire  
Senior General Attorney  
Consolidated Rail Corporation  
1138 Six Penn Center Plaza  
Philadelphia, PA 19103

Franklin County Commissioners  
Franklin County Courthouse  
Chambersburg, PA 17201



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