

OVERSIZE DOCUMENT(S)

CITY EXHIBIT A-1

PHILADELPHIA COUNTY		
58th. St. BRIDGE over the CONSOLIDATED RAIL CORP MAIN LINE S. OF WOODLAND AVE.		
P.U.C. PLAN		
PLAN PREPARED BY CITY OF PHILADELPHIA DEPARTMENT OF STREETS BUREAU OF SURVEYS & DESIGN BRIDGE SECTION		
CONTRACT <u>H. 2810</u> . 6-26-75 <u>J. W. McQuinn</u> CHIEF BRIDGE ENGINEER	SCALE <u>AS SHOWN</u>	
<u>J. W. McQuinn</u> CHIEF ENGINEER & SURVEYOR	DRAWN <u>L. F. E.</u>	DATE <u>6-19-75</u>
<u>J. W. McQuinn</u> STAFFS COMMISSIONER	CHECKED <u>D. S.</u>	DATE <u>6-19-75</u>
	SHEET NO 1 OF 1	B-7502-P.U.C.

Amtrak



February 6, 1978
File: E-54-3.21

RECEIVED

FEB 14 1978

SECRETARY'S OFFICE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

A 98061

Mr. C. J. McElwee, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

RE: Philadelphia, PA - Reconstruction of O.H.B. #3.21
58th Street (@ M.P. 3.80+)

Dear Mr. McElwee:

The City of Philadelphia, by letter of December 9, 1977, has sent us more detailed information concerning the subject bridge. As a result, we have been able to refine our original Force Account Estimate, submitted to the Commission at its March 22, 1977 hearing, to include work not anticipated at the time of the original estimate.

We, hereby, certify that the attached revised Force Account Estimate, dated January 23, 1978, is being sent to the parties of record.

Very truly yours,

W P Houwen, P.E.

W. P. Houwen, P.E.
Assistant Chief Engineer
Design & Construction - NEC

Attachment

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

DOCUMENT
FOLDER

Mr. C. J. McElwee
Page 2
February 6, 1978

PARTIES OF RECORD

Herbert Smolen, Esq.
Deputy City Solicitor
1518 Municipal Services Bldg.
Philadelphia, PA 19107

Herbert G. Zahn, Esq.
Penn D.O.T.
Office of Chief Counsel
Harrisburg, PA 17120

Joel E. Mazor, Esq.
ConRail
1138 Six Penn Center
Philadelphia, PA 19102

Judith B. Soken, Esq.
SEPTA
2028 PSFS Building
Philadelphia, PA 19107

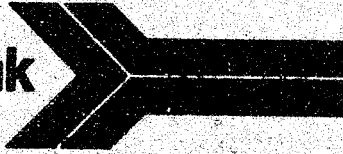
Stephen Schachman, Esq.
Philadelphia Gas Works
Packard Bldg. 14th Floor
Philadelphia, PA 19102

Rudolph A. Chillemi, Esq.
Philadelphia Electric Company
2301 Market Street
Philadelphia, PA 19101

Stephen S. Dittmann, Esq.
Penn Central Transportation Company
3100 IVB Building
1700 Market Street
Philadelphia, PA 19103

A98061

Amtrak



OFFICE OF CHIEF ENGINEER
NORTHEAST CORRIDOR OPERATIONS
PHILADELPHIA, PA.

RECEIVED

FEB 14 1978

SECRETARY'S OFFICE
PUBLIC UTILITY COMMISSION

O.H.B. #3.21 - 58th St.
Philadelphia, PA

FORCE ACCOUNT ESTIMATE

A98661

PRELIMINARY ENGINEERING

CONSTRUCTION INSPECTION

TRACK WORK

C & S WORK

E.T. WORK

FLAGGING

ACCOUNTING

E.T. PROTECTION

EQUIPMENT

SUBTOTAL

CONTINGENCY

TOTAL

Maint. & Prot. of Traffic	Item E-3
\$ 1,250.00	\$ 1,250.00
8,300.00	1,500.00
-	-
1,000.00	-
-	55,680.00
9,500.00	-
1,200.00	1,200.00
38,300.00	38,300.00
-	12,750.00
59,550.00	110,680.00
6,019.00	11,020.00
\$ 65,569.00	\$ 121,700.00

GRAND TOTAL

\$187,269.00

DATE: 1/23/78

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

February 17, 1978

Your File: E-54-3.21

A. 98061
A. 99374

W. P. Houwen, P.E.
Assistant Chief Engineer
Design & Construction - NEC
National Railroad Passenger Corporation
Northeast Corridor Operations
1617 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103

A. 98061

Application of the City of Philadelphia

A. 99374

Application of the City of Philadelphia

Dear Sir:

Receipt is acknowledged of your letter of February 6, 1978, together with one copy of revised Force Account Estimate submitted for filing in the above docketed proceedings.

Very truly yours,

for C. J. McElwain
Secretary

cc: Bureau of Transportation

HHH:lmc

**DOCUMENT
FOLDER**

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.



CITY OF PHILADELPHIA

LAW DEPARTMENT
15th Floor, Municipal Services Building
Philadelphia, Pa. 19107

SHELDON L. ALBERT
City Solicitor

March 2, 1978

RECEIVED

MAR 3 1978

**SECRETARY'S OFFICE
PUBLIC UTILITY COMMISSION**

Public Utility Commission
North Office Building
Harrisburg, PA

Attention: Secretary

RE: Application Dockets 99374 and 98061

Dear Sir:

Enclosed herewith, please find original and fourteen (14) copies of the petition of the City of Philadelphia for modification of a portion of commission order entered in the above matters.

Please note that I have forwarded a copy of same to all other parties of record.

Very truly yours,

HERBERT SMOLEN
Deputy City Solicitor

HS:bn

Enclosure

**DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.**

SECRET

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

SECRETARY'S OFFICE
PUBLIC UTILITY COMMISSION

Application Docket No. 99374 - Application of the City of Philadelphia for approval of (1) the alteration of the crossing by the reconstruction of the bridge carrying 58th Street over and above the grade of the tracks of Penn Central Transportation Company, in the City of Philadelphia, (2) an exemption from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations and (3) the allocation of the costs and expenses incident thereto.

Application Docket No. 98061 -- Application of the City of Philadelphia for approval of (1) the construction, alteration or reconstruction of the crossings of Penn Central Transportation Company, Debtor, Reading Company, Debtor, The Baltimore and Ohio Railroad Company and SEPTA involved in the construction of a high-speed passenger line from Suburban Station to the Philadelphia International Airport, in the City of Philadelphia, (2) the allocation of the costs and expenses incident thereto and (3) exemptions from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations.

PETITION FOR MODIFICATION
OF PORTION OF COMMISSION ORDER

1. Petitioner herein is the City of Philadelphia.
2. On February 8, 1978, after hearings and briefs, the Commission adopted an Order, which was entered as of February 16, 1978.

3. Paragraph 13 of said Order provides as follows:

"13. That The Bell Telephone Company of Pennsylvania, at the City of Philadelphia's initial cost and expense, furnish all material and do all work necessary to make any temporary or permanent alterations, relocations and/or changes to its existing aerial and underground lines, conduits, structures, equipment or other facilities located within public right-of-way as may be required, by reason of and to accommodate construction of the improvement in accordance with this order."

4. Paragraphs 31 and 32 of said Order provide as follows:

"31. That the initial costs incurred by the City of Philadelphia in the relocation of Bell Telephone Company's facilities, in accordance with numbered Paragraph 13 of this order, be borne finally by the City of Philadelphia, less any salvage value of materials recovered or reused by Bell Telephone Company, and exclusive of any betterments to Bell's system and facilities.

32. That City of Philadelphia pay The Bell Telephone Company of Pennsylvania a sum or sums of money equal to the actual costs incurred by the Telephone Company in furnishing material and in performing work in accordance with numbered Paragraph 14 of this order, less any salvage value of materials recovered or reused by the company, and exclusive of any betterments to its system and facilities."

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

5. The City avers that prior to the issuance of the aforesaid Order, i.e. on December 6, 1971, it did file with the Commission under Section 911 of the Public Utility Law, an Agreement dated November 23, 1977 between the City of Philadelphia and The Bell Telephone Company of Pennsylvania, which Agreement covers, inter alia, the relocation of the Bell Telephone facilities at the situs involved in the instant matter, as well as at other locations, and also provides, for the allocation of costs therefor between the parties.

6. On the same date, i.e. December 6, 1977, copies of said Agreement were filed as exhibits in each of the above dockets.

7. On or about January 8, 1978, the Public Utility Commission certified that the aforesaid Agreement had been on file since December 9, 1977, and that no proceedings were instituted by the Commission under Section 911 of the Public Utility Law, 66 P.S. 1351.

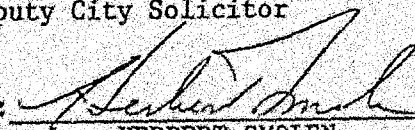
8. While Paragraph 42 of the Order of the Commission does recognize the validity of existing agreements between the parties, the City respectfully requests that the Commission modify its Order to provide that with respect to Telephone Company facilities, that the work, furnishing of materials and payments of costs in the instant matter, be in accordance with the aforesaid Agreement between the parties.

WHEREFORE, Petitioner prays your Honorable Commission to enter an Order modifying its Order adopted February 8, 1978 and entered February 16, 1978, consistent with the within Petition.

Respectfully submitted,

SHELDON L. ALBERT
City Solicitor
STEPHEN ARINSON
Chief Deputy City Solicitor
RAYMOND KITTY
Deputy City Solicitor

By:

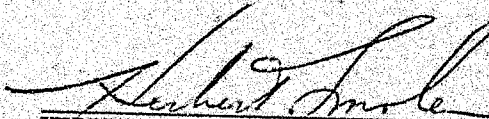


HERBERT SMOLEN
Deputy City Solicitor

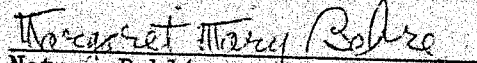
A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF PHILADELPHIA : SS

HERBERT SMOLEN, being duly sworn according to law, deposes and says that he is Deputy City Solicitor of the City of Philadelphia; that he is authorized to and does make this Affidavit on its behalf; that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.


HERBERT SMOLEN
Deputy City Solicitor

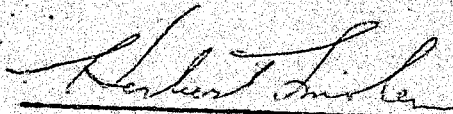
Sworn to and subscribed
before me this *2nd* day
of *March*, 1978.


Notary Public

MARGARET MARY DEHRE
Notary Public, Phila., Phila. Co.
My Commission Expires Nov. 15, 1980

C E R T I F I C A T I O N

I, herefore certify that I have this date served a true and correct of the foregoing petition upon all known parties of record, by first-class mail postage prepaid.



HERBERT SMOLEN
Deputy City Solicitor

1911

March 3, 1978

A. 98061

Application of the City of Philadelphia for approval of (1) the construction, alteration or reconstruction of the crossings of Penn Central Transportation Company, Debtor, Reading Company, Debtor, The Baltimore and Ohio Railroad Company and SEPTA involved in the construction of a high speed passenger line from Suburban Station to the Philadelphia International Airport, in the City of Philadelphia, (2) the allocation of the costs and expenses incident thereto and (3) exemptions from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations.

A. 99374

Application of the City of Philadelphia for approval of (1) the alteration of the crossing by the reconstruction of the bridge carrying 58th Street over and above the grade of the tracks of Penn Central Transportation in the City of Philadelphia, (2) an exemption from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations and (3) the allocation of the costs and expenses incident thereto.

Petition of the City of Philadelphia praying for modification of the Commission's order of February 8, 1978.

Herbert Smolen, Deputy Solicitor
City of Philadelphia
15th Floor, Municipal Services Building
Philadelphia, Pennsylvania 19107

Dear Sir:

Receipt is acknowledged of your letter of March 2, 1978, together with the original and 14 copies of the petition of the City of Philadelphia praying for modification of the Commission's order of February 8, 1978, issued in the above entitled proceedings, as set forth in the petition.

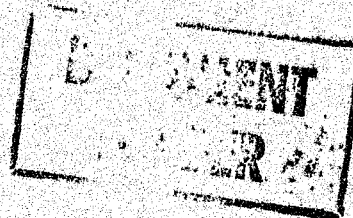
Receipt is also acknowledged of proof of service of copies of said petition upon all other parties in interest.

The matter will receive the attention of the Commission, together with any Answer that may be filed, and you will be advised of its action.

Very truly yours,

for C. J. McELWEE
Secretary

CKG:mpk



DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

W. Preston Granbery
Attorney

RECEIVED
MAR 16 1978
SECRETARY'S OFFICE
PUBLIC UTILITY COMMISSION

*File
see our letter
assignment
3/10/78*

The Bell Telephone Company
of Pennsylvania
Law Department
One Parkway
Philadelphia, Pennsylvania 19102
Phone: (215) 466-4717

March 8, 1978

Mr. C. J. McElwee, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17120

Re: Application Docket Nos. 98061 and 99374

Dear Mr. McElwee:

Enclosed herewith please find an original and two true copies of The Bell Telephone Company of Pennsylvania's Opposition To Petition For Modification Of Commission Order in the above-captioned proceedings.

Very truly yours,

W. Preston Granbery
W. Preston Granbery

WPG/njr

Enclosures

cc: All active parties

EXTRA COPY

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

RECEIVED

MAR 16 1978

SECRETARY'S OFFICE
PUBLIC UTILITY COMMISSION

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: Application of City of Philadelphia
for approval of (1) the construction, altera-
tion or reconstruction of the crossings of
Penn Central Transportation Company, Debtor,
Reading Company, Debtor, The Baltimore and
Ohio Railroad Company and SEPTA involved in
the construction of a high-speed passenger
line from Suburban Station to the Phila-
delphia International Airport, in the City
of Philadelphia, (2) the allocation of the
costs and expenses incident thereto and (3)
exemptions from the minimum overhead and side
clearance requirements of Part III of the
Commission's Railroad Regulations.

Application
Docket
No. 98061

In Re: Application of City of Philadelphia
for approval of (1) the alteration of the
crossing by the reconstruction of the bridge
carrying 58th Street over and above the grade
of the tracks of Penn Central Transportation
Company in the City of Philadelphia, (2) an
exemption from the minimum overhead and side
clearance requirements of Part III of the
Commission's Railroad Regulations and (3) the
allocation of the costs and expenses incident
thereto.

Application
Docket
No. 99374

OPPOSITION TO PETITION FOR
MODIFICATION OF COMMISSION ORDER

The Bell Telephone Company of Pennsylvania (Bell), in
opposition to the Petition of the City of Philadelphia (the City)
for Modification of a Portion of the Commission Orders in the
above-captioned proceedings adopted February 8, 1978, respectfully
states:

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

EXTRA COPY

1. On December 6, 1977, the City filed with the Commission, under Section 911 of the Public Utility Law, an agreement, dated November 23, 1977, between the City and Bell providing for the allocation of cost between the City and Bell for the relocation of Bell's facilities made necessary by the proposed projects which are subject to the above-captioned proceedings and other matters relating to said relocation of Bell's facilities.

2. On February 8, 1978, the Commission adopted Orders in the above-captioned proceedings which required the City to bear all of the costs incurred by Bell in relocating its facilities as required by the proposed projects. The Orders further provided in paragraph 42 thereof as follows:

"That this order, insofar as it imposes certain costs upon City of Philadelphia is without prejudice to the right of the city to recover part or all of such costs thus incurred in furnishing material and in performing work in accordance with this order, from Department of Transportation, Urban Mass Transportation Administration, Bell Telephone Company of Pennsylvania, or others, in such proportions and in accordance with the terms of any lawful agreement existing, or subsequently consummated, between it and such other party."

3. On or about March 2, 1978, the City filed its instant petition requesting the Commission to modify its Orders to provide that the relocation of Bell's facilities be done and the costs thereof be allocated in accordance with the aforesaid agreement between the City and Bell.

4. Bell believes and avers that the aforesaid agreement between the City and Bell is lawful, and Bell intends to comply fully with the terms and conditions of said agreement, in accordance with paragraph 42 of the Commission's Orders set forth above, as long as said agreement remains lawful and effective.

5. Therefore, it is submitted that the Orders in the above-captioned proceedings adequately account for the existence of an agreement between the City and Bell and that the only reason for modifying said Orders as requested by the City would be to give the parties an additional method of enforcing the terms of the agreement (as a Commission Order) should the agreement itself ever be found to be unlawful or otherwise unenforceable. This does not constitute a legitimate ground for a modification of Order.

WHEREFORE, The Bell Telephone Company of Pennsylvania respectfully requests that your Honorable Commission deny the Petition of the City of Philadelphia for Modification of Order.

Respectfully submitted,

W. Preston Granbery
Raymond F. Scully,
Donald F. Clarke,
W. Preston Granbery
One Parkway
Philadelphia, Pa. 19102

Attorneys for The Bell Telephone Company of Pennsylvania

March 8, 1978

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon counsel of each party of record active in this proceeding, in accordance with the requirements of 1 Pa. Code § 33.32 (relating to service by a participant).

Dated at this 8th day of March, 1978.

W. Preston Grubbs

OF Counsel for
THE BELL TELEPHONE COMPANY
OF PENNSYLVANIA

March 9, 1978

A. 98061

Application of the City of Philadelphia for approval of (1) the construction, alteration or reconstruction of the crossings of Penn Central Transportation Company, Debtor, Reading Company, Debtor, The Baltimore and Ohio Railroad Company and SEPTA involved in the construction of a high speed passenger line from Suburban Station to the Philadelphia International Airport, in the City of Philadelphia, (2) the allocation of the costs and expenses incident thereto and (3) exemptions from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations.

A. 99374

Application of the City of Philadelphia for approval of (1) the alteration of the crossing by the reconstruction of the bridge carrying 58th Street over and above the grade of the tracks of Penn Central Transportation in the City of Philadelphia, (2) an exemption from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations and (3) the allocation of the costs and expenses incident thereto.

Petition of National Railroad Passenger Corporation
(AMTRAK) praying for modification of the Commission's
order of February 8, 1978 and for rehearing.

W. Scott Armentrout, Northeast
Corridor Counsel
National Railroad Passenger Corporation
AMTRAK
1617 J. F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103

Dear Sir:

Receipt is acknowledged of your letter of March 7, 1978, together with the original and two copies of the petition of National Railroad Passenger Corporation (AMTRAK) praying for modification of the Commission's order of February 8, 1978, issued in the above entitled proceedings and, in the alternative, for a rehearing.

Receipt is also acknowledged of proof of service of copies of said petition upon other parties of record.

The matter will receive the attention of the Commission, together with any Answer that may be filed, and you will be advised of its action.

Very truly yours,

for C. J. McELWEE
Secretary

DOCUMENT
FOLDER

DUPLICATE FILED.
ORIGINAL SENT TO
TO COMMONWEALTH COURT.

HHH:mpk

HAND DELIVERED

RECEIVED

MAR 8 1978

SECRETARY'S OFFICE
PUBLIC UTILITY COMMISSION

Amtrak



March 7, 1978

Application Docket No. 99374 - Application of the City
of Philadelphia

Application Docket No. 98061 - Application of the City
of Philadelphia

PETITION FOR MODIFICATION OF
COMMISSION'S ORDER AND REHEARING


Mr. C. J. McElwee, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pa. 17120

Dear Sir:

Enclosed for filing with the Commission are
original and two copies of Petition for Modification
of Commission's Order and Rehearing, in connection with
the captioned applications, on behalf of National
Railroad Passenger Corporation.

My affidavit covering proof of service to all
parties of record is attached.

Very truly yours,


W. Scott Armentrout
Northeast Corridor Counsel

WSA:bw

Encs.

cc: with copy of Petition, to:
Herbert Smolen, Esq.
Herbert G. Zahn, Esq.
Preston Granbery, Esq.
Rudolph Chiliemi, Esq.
Joel E. Mazor, Esq.
Judith B. Soken, Esq.
Stephen Schachman, Esq.
Stephen Dittman, Esq.

DUPLICATE REC'D.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

DOCUMENT
FOLDER

PROOF OF SERVICE

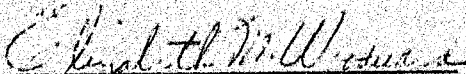
Judith B. Soken, Esq., SEPTA, 2028 PSFS Building,
Philadelphia, Pa. 19107.

Stephen Schachman, Esq., Philadelphia Gas Works, Packard
Building, 14th Floor, Philadelphia, Pa. 19102.

Stephen Dittman, Esq., Penn Central Trustees, IVB Building
20th Floor, 1700 Market Streets, Philadelphia, Pa. 19103.


W. Scott Armentrout

Sworn to and subscribed before me this
7th day of March, 1978.


Notary Public

ELIZABETH M. WOODWARD

Notary Public, Philadelphia, Pa.
My Commission Expires July 7, 1980

Before the

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of the City of Philadelphia for approval of (1) the alteration of the crossing by the reconstruction of the bridge carrying 58th Street over and above the grade of the tracks of Penn Central Transportation Company, in the City of Philadelphia, (2) an exemption from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations and (3) the allocation of the costs and expenses incident thereto.

Docket No. A. 99374

Application of the City of Philadelphia for approval of (1) the construction, alteration or reconstruction of the crossings of Penn Central Transportation Company, Debtor, Reading Company, Debtor, The Baltimore and Ohio Railroad Company and SEPTA involved in the construction of a high-speed passenger line from Suburban Station to the Philadelphia International Airport, in the City of Philadelphia, (2) the allocation of the costs and expenses incident thereto and (3) exemptions from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations.

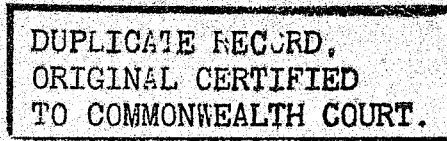
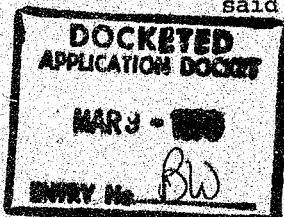
Docket No. A. 98061

PETITION FOR MODIFICATION OF
COMMISSION'S ORDER AND REHEARING

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. This Petition is filed by National Railroad Passenger Corporation, hereinafter referred to as Amtrak.
2. Petitioner seeks to modify an order adopted by the Commission on February 8, 1978 and served on Petitioner on February 21, 1978.
3. Petitioner seeks to modify those portions of said order which seek to impose upon it costs in connection with temporary or permanent construction of the 58th Street Bridge in the City of Philadelphia, in connection with Application Docket No. 99374 and necessary protection and engineering services connected therewith. The specific paragraphs of said order are:

7. That National Railroad Passenger Corporation, at its sole cost and expense, furnish all material and do all work necessary to make any temporary or permanent adjustments, alterations or modifications of its electrification system, tracks, wire lines, signal lines, or other facilities required by reason of the construction of the improvement, all in accordance with the approved plans, City Exhibit A-3.



9. That National Railroad Passenger Corporation, at its sole cost and expense, furnish and maintain Class A electrification protection employees to ensure the safety of its facilities and equipment at this location, and to avoid personal injury or property damage to itself or to other parties, including the city's contractor, its employees and operations, during the time work is being performed on, over, under, across or adjacent to the electrification system.

25. That National Railroad Passenger Corporation pay City of Philadelphia, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to 25 percent of the actual costs incurred by the city for engineering services and in the preparation of the construction drawings for that portion of the project covered by A. 99374 (Stage A).

26. That National Railroad Passenger Corporation pay City of Philadelphia, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to the actual costs incurred by the city for engineering services and in the preparation of the electrification drawings, for that portion of the project covered by A. 99374 (Stage A).

27. That National Railroad Passenger Corporation pay City of Philadelphia, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to 25 percent of the actual costs incurred by the City in furnishing material and in doing work in accordance with numbered Paragraph 5 of this order, exclusive of work and materials relating to the southerly highway approach and the city-owned water line or other city-owned facilities.

Costs assessed against petitioner under these paragraphs approximate \$487,000.

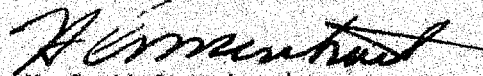
4. As reasons for this Petition for Modification Amtrak states as follows:

a. Paragraphs 7 and 9 of the order adopted by this Commission February 8, 1978, fails to take into consideration the fact that electrical work and other work ordered to be done at Amtrak's sole cost and expense is directly connected to the reconstruction of the 58th Street Bridge. See Page 112 of the hearing record.

- b. Engineering services costs ordered to be paid in whole or in part by Amtrak in Paragraphs 25 and 26 are directly connected to the reconstruction of the 58th Street Bridge and should be borne by the users of the bridge or parties who permitted deferred maintenance of the bridge, if any, to occur.
- c. The assessment of bridge construction costs against Amtrak ignores the fact that the bridge was built to handle highway traffic of a nature completely unrelated to that existing at the present time. See Page 45 - 46 of the hearing record.
- d. The order entered by the Commission errs in failing to place responsibility for deferred maintenance, if any, of the 58th Street Bridge structure upon the Trustees of the Penn Central Transportation Company. This oversight ignores the language of 45 U.S.C.A. 743(b)(2) conveying rail properties "free and clear of any liens and encumbrances..." pointed out in petitioner's brief.
- e. The costs which are sought to be imposed upon Amtrak in this proceeding all flow from the construction of a transit line to the Philadelphia's Airport, and should be borne by the parties constructing said transit line.

WHEREFORE, Petitioner seeks to have the
aforementioned paragraphs of the Commission's order
modified to assess all costs for relocation of
facilities, engineering and bridge construction upon
Pennsylvania Department of Transportation, and the
City of Philadelphia, and in the alternative for a
rehearing.

Respectfully submitted,



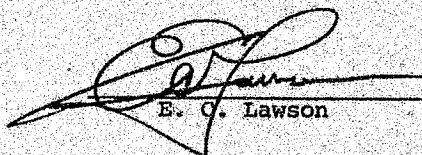
W. Scott Armentrout
Northeast Corridor Counsel
National Railroad Passenger
Corporation
Suburban Station Building
Room 524, 1617 J. F.
Kennedy Boulevard
Philadelphia, Pa. 19103
(215) 597 9488

Dated: March 7, 1978.

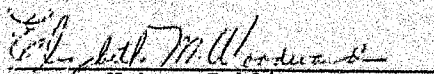
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:
: COUNTY OF PHILADELPHIA :

E. C. LAWSON, being duly sworn according to law, deposes and says that he is Chief Engineer of the Northeast Corridor for National Railroad Passenger Corporation, that he is authorized and does make this affidavit in its behalf, and that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.


E. C. Lawson

Sworn to and subscribed before me
this 7th day of March, 1978.


Notary Public

ELIZABETH M. WOODWARD
Notary Public, Philadelphia, PA
My Commission Expires July 7, 1980.

March 10, 1978

A. 98061

Application of the City of Philadelphia for approval of (1) the construction, alteration or reconstruction of the crossings of Penn Central Transportation Company, Debtor, Reading Company, Debtor, The Baltimore and Ohio Railroad Company and SEPTA involved in the construction of a high speed passenger line from Suburban Station to the Philadelphia International Airport, in the City of Philadelphia, (2) the allocation of the costs and expenses incident thereto and (3) exemptions from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations.

A. 99374

Application of the City of Philadelphia for approval of (1) the alteration of the crossing by the reconstruction of the bridge carrying 58th Street over and above the grade of the tracks of Penn Central Transportation Company, in the City of Philadelphia, (2) an exemption from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations and (3) the allocation of the costs and expenses incident thereto.

Petition of the City of Philadelphia praying for modification of the Commission's order of February 8, 1978.

W. Preston Granbery, Attorney
The Bell Telephone Company
of Pennsylvania
One Parkway
Philadelphia, Pennsylvania 19102

Dear Sir:

Receipt is acknowledged of your letter of March 8, 1978, together with the original and two copies of The Bell Telephone Company of Pennsylvania's Opposition to the City of Philadelphia's petition for modification of the Commission's order of February 8, 1978, issued in connection with the above entitled proceedings.

Receipt is also acknowledged of proof of service of copies of said Opposition upon all other parties of record.

The matter will receive the attention of the Commission and you will be advised of its action.

Very truly yours,

for C. J. McELWEE
Secretary

CKG:mpk

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.



CITY OF PHILADELPHIA

LAW DEPARTMENT
15th Floor, Municipal Services Building
Philadelphia, Pa. 19107

SHELDON L. ALBERT
City Solicitor

RECEIVED

MAR 16 1978

SECRETARY'S OFFICE
PUBLIC UTILITY COMMISSION

March 15, 1978

Pennsylvania Public Utility Commission
North Office Building
P. O. Box 3265
Harrisburg, PA 17120

Attention: Secretary

Re: Docket No. A. 99374 - Application of City
Docket No. A. 98061 - Application of City

Dear Sir:

Enclosed herewith please find original and fourteen(14) copies of the Answer of the City of Philadelphia to the Petition for Modification and Rehearing Filed by Amtrak in the above matters.

Please note that I have forwarded a true and correct copy of said Answer to all other parties of record.

Very truly yours,


Herbert Smolen
Deputy City Solicitor

HS:bn

Enclosures

cc: all parties

DUPLICATE REC. RD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SECRETARY'S OFFICE
PUBLIC UTILITY COMMISSION

Application of the City of Philadelphia for approval of (1) the alteration of the crossing by the reconstruction of the bridge carrying 58th Street over and above the grade of the tracks of Penn Central Transportation Company, in the City of Philadelphia, (2) an exemption from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations and (3) the allocation of the costs and expenses incident thereto.

Docket No. A. 99374

Application of the City of Philadelphia for approval of (1) the construction, alteration or reconstruction of the crossings of Penn Central Transportation Company, Debtor, Reading Company, Debtor, The Baltimore and Ohio Railroad Company and SEPTA involved in the construction of a high-speed passenger line from Suburban Station to the Philadelphia International Airport, in the City of Philadelphia, (2) the allocation of the costs and expenses incident thereto and (3) exemptions from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations.

Docket No. A. 98061

ANSWER OF THE CITY OF PHILADELPHIA TO
PETITION FOR MODIFICATION AND REHEARING FILED
BY NATIONAL RAILROAD PASSENGER CORPORATION

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. Admitted.

2. Denied as averred. It is admitted that Petitioner seeks to modify an Order adopted by the Commission on February 8, 1978. After reasonable investigation, the City is without knowledge or information sufficient to form a belief as to the truth of the other averments, namely the date of service upon Petitioner, set forth in Paragraph 2 of the Petition, and therefore, the same is denied and strict proof thereof demanded, if material.

3. It is denied that said Order "seeks" to impose costs upon Petitioner. On the contrary, said Order imposes said costs upon Petitioner. The specific Paragraphs of said Order, which were reproduced in paragraph 3 speak for themselves. In further answer, the City avers, that after reasonable investigation, it is without knowledge or information

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

sufficient to form a belief as to whether or not the costs assessed against Petitioner approximate \$487,000.00 and therefore, same is denied and strict proof thereof demanded, if material.

4(a) Denied as averred. On the contrary, the Commission did take into consideration all necessary facts relative to said ordering paragraphs 7 and 9. It is averred that in paragraphs 7, 8, 9 and 10 of the Commission's Findings, consideration is adequately and sufficiently given thereto. Moreover, at page 3 of the text of said Order, discussion and consideration are given to the different costs and funding of the two(2) captioned matters. Moreover, at page 6 of the text of the Order, mention and consideration are specifically made to City Exhibit A-7 authorizing the original installation of said electrical facilities..... and which exhibit contains certain provisions relating to the performance and cost of maintenance, alterations, repairs, et al, of the facilities. The Commission in the next succeeding paragraphs on page 6, then relates the history of title and Amtrak's admission of current ownership. It can thus be seen that in ordering all costs related to the electrical work upon Amtrak, the Commission fully and substantially considered all issues related thereto, and entered a proper Order with respect thereto. In further Answer, the City avers that the testimony and exhibits and record clearly demonstrate that the original railroad catenary and signal transmission attachments which are attached to and adjacent to the existing bridge were installed by the Pennsylvania Railroad at the sole cost of the railroad pursuant, as aforesaid, to a letter permit issued by the City dated January 14, 1928 (3/22/77 - N.T. 17, 23, 29 - City Exhibit A-7); which permit contains various conditions, undertakings and obligations assumed by the railroad in accepting the permit by construction of the structure. Those conditions, undertakings and obligations are more fully set forth in the aforesaid letter permit

(Exhibit A-7).

Moreover, the railroad has been solely responsible for maintenance at its own cost and expense. (3/22/77 - N.T. 29). As to present ownership of said electrification facilities, there was no controversy, since the City asserted and Conrail and Amtrak admitted that same are presently owned by Amtrak by succession to the interest of Conrail which, in turn, had acquired same by succession from Penn Central; which was successor to the Pennsylvania Railroad. (3/22/77 - N.T. 20, 21, 24, 25 and City Exh. A-8 and the late filed Conrail Deed to Amtrak - Conrail Exh. No. 1).

(b) Denied as averred. On the contrary, engineering services for the electrification facilities, payment for which is covered in Ordering paragraph 26, which imposes all costs upon Amtrak, is correct and should be borne by Amtrak for those reasons set forth in paragraph 4(a) of this Answer, which is hereby incorporated by reference as fully as though the same were set forth herein in extenso.

In further Answer, it is averred that Amtrak was justly and lawfully ordered to bear 25% of the costs of bridge construction drawings by reason of Amtrak's ownership thereof which is addressed in the Order. Thus, at page 2 of the text of the Order, the history of the bridge is recited and at page 14 of the text, the Commission recognizes the Deed from Conrail to Amtrak, and at page 22 of the text of the Order clearly reasons,

"Because Amtrak owns the rail line and facilities involved at the A. 99374 portion of the project, including the electrification facilities installed or attached to the bridge; and since Amtrak is operating numerous high speed passenger trains over the five(5) tracks of this location, said trains having the advantage of passing under the highway, we determine and conclude that Amtrak should also bear a portion of the costs relating to the A. 99374 portions of the proposed improvement, including any costs for temporary or permanent adjustments to the railroad's facilities."

(c) Denied as averred. On the contrary, the assessment of costs against Amtrak does not ignore any material facts whatsoever. In further Answer, it is averred that said bridge was built by the railroad for railroad purposes. Thus, at page 2 of the text of the Order, the Commission recognizes that 58th Street existed (1866) prior to the construction of the bridge (1892). Accordingly, the bridge was constructed not for the highway users, but to enable the railroad to have an unobstructed right of way crossing. Moreover, the uncontroverted testimony appearing of record, clearly demonstrates that the bridge was originally constructed by the railroad with a rating of 15 tons in 1892 (3/22/77 - N.T. 45, 48, 49 and 52) but that now that bridge is deficient and inadequate because some of its members are rated lower or less than 15 tons (3/22/77 - N.T. 33 and 45). Moreover, the superstructure of the bridge has been permitted by the railroad owners to deteriorate to its present deficient condition (3/22/77 - N.T. 33) and the railroad owner in the past has recognized its obligation to maintain the bridge and perform major strengthening of the superstructure (3/22/77 - N.T. 33).

(d) Denied as averred. On the contrary, the Order is not in error by placing all maintenance responsibilities on Amtrak. Additionally, the Order does not constitute a lien or encumbrance contemplated under the said Act.

The Deed to Amtrak includes all real property items that would properly be recorded in Accounts 1 through 45 and 90 of the property accounts prescribed by the I.C.C. in its Uniform System of Accounts, 49 C.F.R. Part 1201. City-Exhibit A-16, which is an excerpt therefrom, shows that included in Account 39 are "Overhead highway bridges, including approaches."

this is more fully set forth at pages 7, 8, 9 and 10 of the City's Brief, which is hereby incorporated by reference. In addition, Amtrak, in the Deed, and with respect to all facilities conveyed (including the overhead bridges), assumed and agreed to perform and observe all obligations and conditions on the part of the Grantor or the Grantor's predecessor in title to be performed or observed that arise or accrue after the date of delivery of this Deed under all licenses, easements, leases.... Since Amtrak's predecessor in title had the maintenance responsibilities, Amtrak, by its assumption thereof, now has those responsibilities. Thus, the Commission's Order does not impose a lien or encumbrance upon Amtrak, but rather recognizes the carrier's continuing duty with regard to maintenance of the bridge in question.

Moreover, under the applicable provisions of the Public Utility Law, 66 P.S. 1179, the Public Utility Commission is vested with authority to:

"(b)...determine and prescribe, by regulation or order, the points at which, and the manner in which, such crossing may be constructed, altered, relocated, suspended or abolished, and the manner and conditions in or under which such crossings shall be maintained, operated, and protected to effectuate the prevention of accidents and the promotion of the safety of the public."

"(c)...The commission may order the work of construction, relocation, alteration, protection, suspension and abolition of any crossing aforesaid to be performed in whole or in part by any public utility or municipal corporation concerned or by the Commonwealth."

In the instant matter, the P.U.C. has properly exercised the foregoing powers.

(e) Denied. On the contrary, it is to be further noted with emphasis, that the construction and modifications to the existing bridge are not caused by the construction work for the Airport High Speed Line crossing (A. 98061 - Stage B) (3/22/77 - N.T. 54, 55), and thus the parties cannot claim

for the defective and deficient condition of the existing 58th Street bridge. In fact, as aforesaid in the History of the Case, these were, at first, considered as two(2) separate items; but in view of the fact that considerable cost savings could be achieved & the public less inconvenienced, it was determined that both proceed contemporaneously.

WHEREFORE, the City of Philadelphia, respectfully submits that the Orders of the Commission at Docket A. 99374 and Docket A. 98061, should be affirmed and that the Petition for Modification and Rehearing be denied and dismissed.

Respectfully submitted,

SHELDON L. ALBERT
City Solicitor

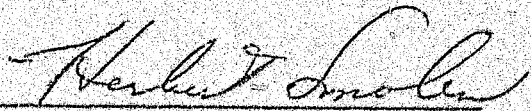
STEPHEN ARISON
Chief Deputy City Solicitor

RAYMOND KITTY
Deputy in Charge of Litigation

HERBERT SMOLEN
Deputy City Solicitor

BARRY GROSSMAN
Assistant City Solicitor

By:



HERBERT SMOLEN
Deputy City Solicitor

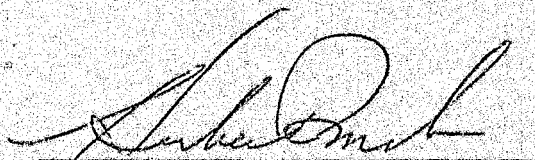
March 15, 1978

AFFIDAVIT

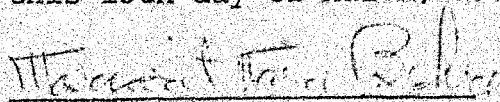
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF PHILADELPHIA

HERBERT SMOLEN, being duly sworn according to law, deposes and says that he is Deputy City Solicitor for the City of Philadelphia, that he is authorized and does make this affidavit in its behalf, and that the facts set forth in the foregoing Answer are true and correct to the best of his knowledge, information and belief.

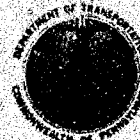

HERBERT SMOLEN

Sworn to and subscribed before me
this 15th day of March, 1978


NOTARY PUBLIC

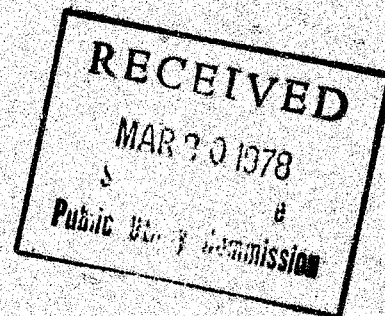
MARGARET MARY BEHR
Notary Public, Phila., Phila. Co.
My Commission Expires Nov. 15, 1980

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
HARRISBURG 17120
Office of Chief Counsel



IN REPLY REFER TO

March 17, 1978



C. J. McElwee, Secretary
Pennsylvania Public Utility Commission
North Office Building
Harrisburg, Pennsylvania 17120

Re: Application Docket No. 99374
Application Docket No. 98061
City of Philadelphia

Dear Mr. McElwee:

Enclosed for filing with the Commission are the original and two (2) copies of Answer of Pennsylvania Department of Transportation to National Railroad Passenger Corporation's Petition for Modification of Order and Rehearing, in the above-captioned matter.

I hereby certify that a copy of said Answer has been sent to all parties of record.

Very truly yours,

Herbert G. Zahn
Assistant Attorney General

220/HGZ:rmn
Enclosures

cc: K. W. Walker, P.E., Chief Utility Engineer
District #6-0
Parties of Record - Page 2

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

March 17, 1978

PARTIES OF RECORD

Herbert Smolen, Assistant Solicitor
City of Philadelphia
1580 Municipal Services Building
Philadelphia, Pennsylvania 19107

W. Preston Granbery, Esquire
Bell Telephone Company
One Parkway
Philadelphia, Pennsylvania 19102

Rudolph A. Chillemi, Esquire
Philadelphia Electric Company
2301 Market Street
Philadelphia, Pennsylvania 19104

Joel E. Mazor, Esquire
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19104

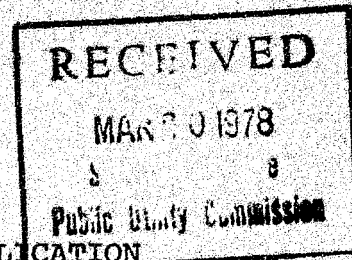
Judith B. Soken, Esquire
Southeastern Pennsylvania Transportation Authority
2028 PSFS Building
12 South 12th Street
Philadelphia, Pennsylvania 19107

W. Scott Armentrout, Esquire
Northeast Corridor Counsel
National Railroad Passenger Corporation
Northeast Corridor Operations
1617 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103

Stephen Schachman, Esquire
Philadelphia Gas Works
14th Floor, Packard Building
Philadelphia, Pennsylvania 19102

Stephen Dittman, Esquire
Trustees of Penn Central Transportation Company
20th Floor, IVB Building
1700 Market Street
Philadelphia, Pennsylvania 19103

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION



Application of the City of Philadelphia for approval of (1) the alteration of the crossing by the reconstruction of the bridge carrying 58th Street over and above the grade of the tracks of Penn Central Transportation Company, in the City of Philadelphia, (2) an exemption from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations and (3) the allocation of the costs and expenses incident thereto.

APPLICATION

DOCKET

NO. 99375

copy

Application of the City of Philadelphia for approval of (1) the construction, alteration or reconstruction of the crossings of Penn Central Transportation Company, Debtor, Reading Company and SEPTA involved in the construction of a high-speed passenger line from Suburban Station to the Philadelphia International Airport, in the City of Philadelphia, (2) the allocation of the costs and expenses incident thereto and (3) exemptions from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations.

APPLICATION

DOCKET

NO. 98061 ✓

ANSWER OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION TO NATIONAL RAILROAD PASSENGER CORPORATION'S PETITION FOR MODIFICATION OF ORDER AND REHEARING

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, this 17th day of March, 1978, comes the Pennsylvania Department of Transportation (PennDOT) by its undersigned attorney, and makes Answer to the Petition of National Railroad Passenger Corporation (Amtrak) for modification of the Commission's Order of February 2, 1978 and for Rehearing, as follows:

1. Admitted.
2. Admitted.

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

3. Admitted in part. PennDOT is without sufficient knowledge to affirm or deny that the costs assessed against Amtrak approximate \$487,000 and, if material, demand proof thereof at the trial of this cause, PennDOT avers the Order of the Commission is fair and reasonable and based upon the evidence.

4. a. Denied. PennDOT has reason to believe and therefore avers the Commission, in adopting the Order of February 8, 1978, was fully aware and took into consideration the electrical and other work ordered at Amtrak's expense was directly connected to reconstructing the subject bridge. PennDOT avers the Order of the Commission is fair and reasonable and based upon the evidence.

b. Denied. The costs of engineering services ordered to be paid by Amtrak is a matter within the discretion of the Commission and it does not follow that such costs should be assessed against the users of the bridge or the parties responsible for maintenance of the structure. Amtrak is as much a "user" of the bridge by having its facilities beneath it as those on the highway on the structure. Further, the record in this case clearly shows there is no state highway involved in these proceedings and that the only connection of PennDOT herein is that mass transit funds (not highway funds) from the Commonwealth have been made available to the City of Philadelphia for the construction of the high-speed passenger line.

c. Denied. Assessment of bridge construction costs against Amtrak does not ignore the fact the structure was built to handle highway traffic unrelated to present use. A separated crossing eliminates an at-grade crossing for the benefit of both the railroad and highway user.

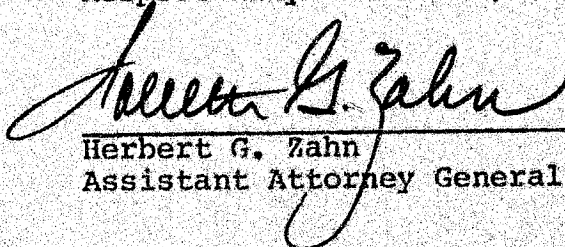
d. Denied. A Commission Order is not a "lien" or "encumbrance" on rail properties of the type referred to in 45 U.S.C.A. 743(b)(2). The "liens and encumbrances" referred to in the 3 R Act are claims of creditors, bondholders and stockholders of the bankrupt estate as well as any interest which would appear in a title search affecting the transferrability of a clear title, not Orders of the Commission. A Commission Order does not place any cloud of title on railroad property.

e. Denied. Amtrak is a proper and concerned party to these proceedings, has facilities at the crossing and is subject to the jurisdiction of the Commission and its discretion to allocate costs.

WHEREFORE, the Pennsylvania Department of Transportation respectfully requests the said Petition of the National Railroad Passenger Corporation be denied for the reasons above set forth and because the said Petition fails to set forth any new allegations of fact.

AND, it will ever pray.

Respectfully submitted,



Herbert G. Zahn
Assistant Attorney General

COMMONWEALTH OF PENNSYLVANIA:
: SS
COUNTY OF DAUPHIN :

Before me, the undersigned, personally appeared, David C. Sims,
Deputy Secretary for Highway Administration of the Department of Transportation
of the Commonwealth of Pennsylvania, who, being duly sworn according to law,
deposes and says that the foregoing facts are true and correct, to the best
of his knowledge and belief.

David C. Sims

DAVID C. SIMS
DEPUTY SECRETARY FOR HIGHWAY ADMINISTRATION
DEPARTMENT OF TRANSPORTATION

Sworn and subscribed before me
this 17th day of March, 1978

Joseph H. Senniger

NOTARY PUBLIC
MY COMMISSION EXPIRES *May 17, 1980*

March 22, 1978

A. 98061

Application of the City of Philadelphia for approval of (1) the construction, alteration or reconstruction of the crossings of Penn Central Transportation Company, Dabtor, Reading Company, Dabtor, The Baltimore and Ohio Railroad Company and SEPTA involved in the construction of a high speed passenger line from Suburban Station to the Philadelphia International Airport, in the City of Philadelphia, (2) the allocation of the costs and expenses incident thereto and (3) exemptions from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations.

A. 99374

Application of the City of Philadelphia for approval of (1) the alteration of the crossing by the reconstruction of the bridge carrying 58th Street over and above the grade of the tracks of Penn Central Transportation Company, in the City of Philadelphia, (2) an exemption from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations and (3) the allocation of the costs and expenses incident thereto.

Petition of National Railroad Passenger Corporation (AMTRAK) praying for modification of the Commission's order of February 8, 1978 and for rehearing.

Herbert Smolen, Deputy Solicitor
City of Philadelphia
15th Floor, Municipal Services Building
Philadelphia, Pennsylvania 19107

Dear Sir:

Receipt is acknowledged of your letter of March 15, 1978, together with the original and 14 copies of the Answer, filed in behalf of the City of Philadelphia to the petition of National Railroad Passenger Corporation, in connection with the above proceedings.

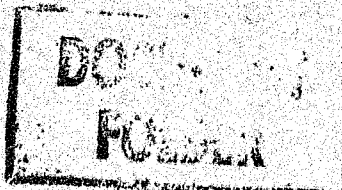
We note that you have forwarded copies of said Answer to all other parties of record.

The matter will receive the attention of the Commission and you will be advised of its action.

Very truly yours,

for C. J. McELWEE
Secretary

CKG:mpk



DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

March 22, 1978

A. 98061

Application of the City of Philadelphia for approval of (1) the construction, alteration or reconstruction of the crossings of Penn Central Transportation Company, Debtor, Reading Company, Debtor, The Baltimore and Ohio Railroad Company and SEPTA involved in the construction of a high speed passenger line from Suburban Station to the Philadelphia International Airport, in the City of Philadelphia, (2) the allocation of the costs and expenses incident thereto and (3) exemptions from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations.

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Petition of National Railroad Passenger Corporation (AMTRAK) praying for modification of the Commission's order of February 8, 1978 and for rehearing.

Herbert G. Zahn, Assistant
Attorney General
Department of Transportation
Harrisburg, Pennsylvania 17120

Dear Sir:

Receipt is acknowledged of your letter of March 17, 1978, together with the original and two copies of the Answer, filed in behalf of the Department of Transportation, to the petition of National Railroad Passenger Corporation in connection with the above proceedings.

Receipt is also acknowledged of proof of service of copies of said Answer upon all other parties of record.

The matter will receive the attention of the Commission and you will be advised of its action.

Very truly yours,

for C. J. McELWEE
Secretary

CKG:mpk

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.



CITY OF PHILADELPHIA

March 23, 1978

DEPARTMENT OF PUBLIC PROPERTY
1020 Municipal Services Building
Philadelphia, Pa. 19107

ROBERT SILVER
Commissioner

JOHN J. TURCHI
Deputy Commissioner

JOHN JAWORSKI
Deputy Commissioner

Storch

Honorable Louis J. Carter
Chairman, Pennsylvania Public Utility Commission
North Office Building
Harrisburg, Pennsylvania 17120

RE: Application of the City of Philadelphia
Docket No. 98061
Airport High Speed Line Crossings

Dear Chairman:

I am writing to you, at this time, to make inquiry as to the status of the expected Order in the above matter, on which the last hearing was held on Friday, January 12, 1978.

Although, the City has received prior Orders in this matter, the current delay in the issuance of an Order by the Commission relating to the subject matter covered in the aforesaid hearing, is preventing the awarding of bids and the commencement of construction on the crossings involved at said hearing.

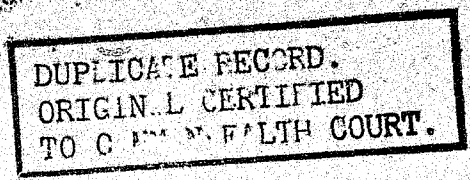
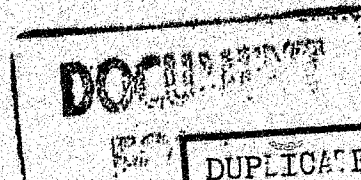
As I understand it, it would appear that there are no material issues in conflict among the parties to the proceeding.

Accordingly, may I respectfully request that this matter be handled with utmost dispatch, so that the project will not be further delayed.

Very truly yours,

Robert Silver
Robert Silver
Commissioner

RS/dml





CITY OF PHILADELPHIA

March 23, 1978

DEPARTMENT OF PUBLIC PROPERTY
1020 Municipal Services Building
Philadelphia, Pa. 19107
ROBERT SILVER
Commissioner
JOHN J. TURCHI
Deputy Commissioner
JOHN JAWORSKI
Deputy Commissioner

Stach

Honorable Louis J. Carter
Chairman, Pennsylvania Public Utility Commission
North Office Building
Harrisburg, Pennsylvania 17120

RE: Application of the City of Philadelphia
Docket No. 98061
Airport High Speed Line Crossings

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As I understand it, it would appear that there are no material issues in conflict among the parties to the proceeding.

Accordingly, may I respectfully request that this matter be handled with utmost dispatch, so that the project will not be further delayed.

Very truly yours,

Robert Silver
Robert Silver
Commissioner

RS/dml

DOCUMENT

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.