

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

A. 98061 - City of Philadelphia

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 highspeed 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. Further hearing.

Philadelphia, Pa., Wednesday, June 6, 1979

BEFORE: JOHN J. CHIOVERO, ADMINISTRATIVE LAW JUDGE

STENOGRAPHIC TRANSCRIPT

FURTHER HEARING - Pages 1 to 89

SECRETARY'S OFFICE
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DOCKETED
APPLICATION DOCKET
JUN 25 1979
ENTRY No. *BW*

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1
2 APPEARANCES CONTINUED:3 JOEL E. MAZOR, Esq.,
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13 Washington, D.C. 20001

14 Counsel for Amtrak

15 - - -

16 FURTHER HEARING, HELD IN ROOM 1306 OF THE
17 STATE OFFICE BUILDING, BROAD AND SPRING GARDEN
18 STREETS, PHILADELPHIA, PENNSYLVANIA, BEGINNING AT
19 APPROXIMATELY 10:00 A.M.
20

21 - - -

22 ADMINISTRATIVE LAW JUDGE: This matter is
23 before the Public Utility Commission upon document num-
24 ber A. 98061 in re the City of Philadelphia. This
hearing is being conducted under the examiner's system.The appearance sheet which I have before
me shows Rudolph A. Chillemi representing the
Philadelphia Electric Company; George D. Wenick is that?
Where is Mr. --

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2 MR. WENICK: Wenick.

3 ADMINISTRATIVE LAW JUDGE: W-e-n --

4 MR. WENICK: I-c-k.

5 ADMINISTRATIVE LAW JUDGE: -- representing
6 the Pennsylvania Department of Transportation; Joel E.
7 Mazor, representing the Consolidated Rail Company;
8 Richard S. Herskovitz -- where is Mr. Herskovitz?

9 MR. HERSKOVITZ: Right here.

10 ADMINISTRATIVE LAW JUDGE: -- Public
11 Utility Commission Law Bureau; Scott Armentrout,
12 representing Amtrak; Sally J. Kircher, representing the
13 Baltimore and Ohio Railroad; Edward A. Huss, representing
14 SEPTA. Where is Mr. Huss?

15 (Mr. Huss so indicates by raising hand.)

16 ADMINISTRATIVE LAW JUDGE: John L.
17 Storch, PE, Harrisburg.

18 Is there anyone who has not signed the
19 appearance sheet who is representing any party?

20 MR. SMOLEN: If your Honor please, I did
21 execute the appearance sheet, but I believe your Honor
22 passed over my name, Herbert Smolen, S-m-o-l-e-n for
23 the City of Philadelphia.

24 ADMINISTRATIVE LAW JUDGE: I believe I

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did that intentionally, Mr. Smolen, but we will include Mr. Smolen. Mr. Smolen is representing the City of Philadelphia. I am sorry.

Now, before we proceed I have been advised by letter from the Commission that I should advise you with respect to certain things that they anticipate during the course of this hearing, and I would read from the letter.

It is requested that each party in interest submit testimony exhibits with respect to the construction of a new crossing which proposed airport highspeed line would cross above the grade of existing tracks of National Railroad Passenger Corporation, etcetera.

Now, did all of you receive a copy of this, so it won't be necessary to read the remainder of it?

Now, in addition, I am told that the testimony at this hearing will include the City's request for an additional exemption from the Commission's overhead clearance requirements and the Baltimore and Ohio Railroad Company's overhead bridges in accordance with the City's petition received April 20th, 1979.

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3 It is further requested that each party
4 in interest formulate questions for use at the hearing
5 and introduction into the record instead of merely
6 referring by letter to items in the enclosed quote
7 essential data unquote sheet, a form which is not to be
8 considered as a questionnaire but solely as an aide to
9 parties in preparing relevant testimony with respect to
10 this matter.

11 You are all aware of that I presume.

12 MS. KIRCHER: Your Honor, insofar as the
13 Baltimore and Ohio Railroad Company is concerned, we
14 have not received a copy of a Petition for Exemption
15 from clearances over bridges.

16 We have only received a request and had
17 understood that this hearing would only deal with our
18 58th Street Bridge. If there has been a new petition,
19 the Baltimore and Ohio Railroad Company has never
20 received it.

21 MR. SMOLEN: I think your Honor stated
22 "bridges," whereas it is only the Baltimore and Ohio
23 Railroad bridge in the singular. That is the same
24 bridge, only one bridge.

ADMINISTRATION LAW JUDGE: It is shown as

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bridges in the memo which I received.

MR. SMOLEN: Our application for exemption relates only to a singular bridge.

MS. KIRCHER: Well then, insofar as the singular bridge is concerned, the Baltimore and Ohio Railroad Company has received notice; however, if anything comes up other than the 58th Street Bridge, we would ask that we be given an opportunity to study it before presenting testimony.

ADMINISTRATIVE LAW JUDGE: All right, certainly.

MS. KIRCHER: Thank you.

ADMINISTRATIVE LAW JUDGE: But it is indicated as bridges here.

MS. KIRCHER: Yes; I understand.

ADMINISTRATIVE LAW JUDGE: All right; we can proceed then.

MR. SMOLEN: I call Mr. Starr.

- - -
APPLICANT'S TESTIMONY
- - -

...RICHARD S. STARR, P.E., having been
duly sworn, was examined and testified as follows:

1 Starr - Direct

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2 ADMINISTRATIVE LAW JUDGE: Please state
3 and spell your full name?

4 THE WITNESS: Richard S. Starr. My
5 business address is --

6 ADMINISTRATIVE LAW JUDGE: Spell your
7 last name.

8 THE WITNESS: S-t-a-r-r.

9 ADMINISTRATIVE LAW JUDGE: Your business
10 address?

11 THE WITNESS: Room 1122 City Hall Annex,
12 Philadelphia, Pennsylvania, 19107.

13 ADMINISTRATIVE LAW JUDGE: All right; you
14 may be seated.

15 MR. SMOLEN: If your Honor please, before
16 proceeding with Mr. Starr's testimony I believe that it
17 would be procedurally easier if I have all the exhibits
18 which will be introduced through this witness marked for
19 identification at one time.

20 ADMINISTRATIVE LAW JUDGE: Fine.

21 MR. SMOLEN: If your Honor please, I
22 would like to have marked for identification City
23 Exhibit Number 34 which is a multi-set of construction
24 drawings and has been marked PUC Exhibit Number 34.

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2 I have three copies for the reporter,
3 and of course, there are copies for all other Counsel.

4 I have a set for the examiner. Since
5 you are an examiner in this one, I don't think you
6 would want one today.

7 ADMINISTRATIVE LAW JUDGE: It won't
8 be necessary.

9 MR. SMOLEN: Okay.

10 ADMINISTRATIVE LAW JUDGE: I may have to
11 look at it during the course of the proceeding but --

12 MR. SMOLEN: Dick, hand it up.

13 If your Honor please, I would like to
14 have marked for identification as City Exhibit Number 35
15 a multi-page set of drawings entitled at the bottom
16 center Construction Phase III. That is a Roman numeral
17 three, and at the right-hand bottom, sequence of con-
18 struction. That is City Exhibit Number 35.

19 ADMINISTRATIVE LAW JUDGE: All right;
20 Exhibits 34 and 35 will be so marked.

21 (Whereupon documents were so marked.)

22 MR. SMOLEN: If your Honor please, I
23 would like to have marked for identification as City
24 Exhibit Number 36 a one-sheet document entitled

1
2 Estimated Cost of Construction, Overpass Structure.

3 ADMINISTRATIVE LAW JUDGE: It will be so
4 marked.

5 (Whereupon document was so marked for
6 identification.)

7 MR. SMOLEN: If your Honor please, I
8 would like to have marked for identification as City
9 Exhibit Number 37 a multi-page document consisting of
10 construction drawings marked at the bottom right
11 Track Alignment.

12 ADMINISTRATIVE LAW JUDGE: It will be so
13 marked.

14 (Whereupon document was so marked for
15 identification.)

16 MR. SMOLEN: As City Exhibit Number 38,
17 I would like to have marked for identification a one-
18 page document entitled Estimated Cost of Trackwork and
19 Drainage Under 58th Street Bridge.

20 ADMINISTRATIVE LAW JUDGE: It will be so
21 marked.

22 (Whereupon document was so marked for
23 identification.)

24 MR. SMOLEN: City Exhibit Number 39, I

1
2 would like to have marked for identification, a multi-
3 page document entitled Airport High Speed Line Clearance
4 at Baltimore and Ohio Bridge.

5 ADMINISTRATIVE LAW JUDGE: It will be so
6 marked.

7 (Whereupon document was so marked for
8 identification.)

9 MR. SMOLEN: As Exhibit Number 40, a
10 request that a multi-page set of drawings marked at the
11 bottom right Airport High Speed Line Track Alignment,
12 drawing number TA-21 and drawing R-21. That would be
13 City Exhibit Number 40.

14 ADMINISTRATIVE LAW JUDGE: It will be so
15 marked.

16 (Whereupon document was so marked for
17 identification.)

18 MR. SMOLEN: If your Honor please, I
19 would like to have marked for identification as City
20 Exhibit Number 41 a one-sheet document entitled
21 Estimated Cost of Construction Under Baltimore and Ohio
22 Railroad Bridge.

23 ADMINISTRATIVE LAW JUDGE: It will be so
24 marked.

(Whereupon document was so marked for identification.)

MR. SMOLEN: I would request that a multi-page set of drawings be marked as City Exhibit Number 42, and these drawings are marked at the bottom right Airport High Speed Line Track Alignment, drawing TA-22 and Airport High Speed Line Roadway Plan, drawing number R-22.

ADMINISTRATIVE LAW JUDGE: It will be so marked.

(Whereupon document was so marked for identification.)

MR. SMOLEN: I request that a single-sheet document be marked Exhibit Number 43. It is entitled Cost of Construction at 54th Street.

ADMINISTRATIVE LAW JUDGE: It will be so marked.

(Whereupon document was so marked for identification.)

MR. SMOLEN: As City of Philadelphia Exhibit Number 44, I request to be marked for identification a single construction drawing entitled at the bottom right Airport High Speed Line Protective Parapet

1
2 at 61st Street Bridge, drawing number 710 ST-72, City
3 of Philadelphia Number 44.

4 ADMINISTRATIVE LAW JUDGE: It will be so
5 marked.

6 (Whereupon document was so marked for
7 identification.)

8 MR. SMOLEN: I request that your Honor
9 mark for identification as City Exhibit Number 45 a
10 one-sheet document entitled Estimated Cost of 61st
11 Street Bridge Protective Parapets.

12 ADMINISTRATIVE LAW JUDGE: It will be so
13 marked.

14 (Whereupon document was so marked for
15 identification.)

16 MR. SMOLEN: If your Honor please, we
17 can have a moment now, we would like to hand out these
18 exhibits to the other parties.

19 ADMINISTRATIVE LAW JUDGE: Sure.

20 MR. SMOLEN: So that they can have them
21 during the direct testimony.

22 ADMINISTRATIVE LAW JUDGE: Have all
23 parties received copies of the exhibits?

24 Let the record indicate the affirmative.

- - -

DIRECT EXAMINATION

- - -

5 BY MR. SMOLEN:

6 Q Will you state your full name and business
7 address?

8 A My name is Richard S. Starr. My business address
9 is Room 1122 City Hall Annex, Philadelphia, Pennsylvania.

10 Q By whom are you employed?

11 A Employed by the Department of Public Property,
12 City of Philadelphia.

13 Q Are you authorized to testify on behalf of the
14 City?

15 A Yes; I am.

16 Q Now, you have testified previously in this pro-
17 ceeding?

18 A Yes; I have.

19 Q Would you briefly state your educational back-
20 ground and professional qualifications?

21 MR. MAZOR: If your Honor please, we are
22 willing to concede Mr. Starr's qualifications. He has
23 testified at many of these hearings and we are certainly
24 satisfied with his expertise in this matter.

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2 ADMINISTRATIVE LAW JUDGE: All right; do
3 all other Counsel agree with Mr. Mazor's statement with
4 respect to this witness?

5 MS. KIRCHER: Yes.

6 ADMINISTRATIVE LAW JUDGE: Let the
7 record indicate the affirmative. Proceed.

8 MR. SMOLEN: Thank you.

9 BY MR. SMOLEN:

10 Q You are authorized to testify on behalf of the
11 City?

12 A Yes; I am.

13 Q Would you please describe the subject matter of
14 this hearing?

15 A The City's testimony will concern itself with the
16 construction of an overpass bridge and associated track-
17 work and railroad utility relocation to carry the Air-
18 port High Speed Line from the Elmwood Avenue crossing
19 over Amtrak's northeast corridor between 58th and 60th
20 Streets, installation of trackwork and drainage
21 facilities beneath the 58th Street Bridge, installation
22 of trackwork and drainage facilities and vertical
23 clearance exemption between the Baltimore and Ohio
24 Railroad Bridge.

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2 Q You say, "between." Do you mean between or do you
3 mean --

4 A I am sorry; beneath, beneath the Baltimore and
5 Ohio Railroad Bridge, installation of trackwork and
6 drainage facilities beneath the 54th Street Bridge and
7 installation of protective parapets on the 61st Street
8 Bridge crossing.

9 Q Now, Mr. Starr, I show you the 20-page set of
10 construction drawings which have been marked as City
11 Exhibit Number 34 and ask you to describe that exhibit?

12 A City Exhibit Number 34 is a set of drawings
13 showing bridge construction and embankment installation,
14 track and roadbed construction and railroad utility
15 relocation all for the construction of an overpass
16 structure to carry the Airport High Speed Line over
17 Amtrak's Northeast Corridor between 58th Street and
18 60th Street.

19 Q Still referring to that Exhibit 34 will you please
20 describe the scope and extent of the construction for
21 the overpass bridge?

22 A The construction of the overpass bridge over
23 Amtrak's Northeast Corridor will include the construc-
24 tion of the overpass bridge itself, the placement of

1
2 approximately 6,427 cubic yards of embankment material
3 from the Airport High Speed Line stations 212 plus 00
4 to 215 plus 00; the placement of 300 linear feet of
5 single track and ballast, the relocation of railroad
6 ductwork at the north abutment of the overpass struc-
7 ture, and the relocation of railroad air and gas pipe-
8 lines. All vertical and horizontal clearances conform
9 with the exemption granted by the Commission in the
10 Order adopted July 24th, 1974, entered July 30th, 1974.

11 Track and roadbed construction will
12 include new drainage facilities, ballast, wooden ties,
13 steel tie plates and one pair of continuously-welded
14 rail track.

15 Q Will you please refer to City Exhibit Number 35
16 and describe it?

17 A City Exhibit Number 35 is a set of drawings
18 detailing the sequence of construction for the
19 Northeast Corridor overpass structure. Since the con-
20 struction of this overpass will affect railroad traffic
21 on Amtrak's Northeast Corridor the City has submitted
22 these plans to Amtrak for approval of this timetable so
23 that interference with railroad traffic will be kept at
24 a minimum.

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2 Q Now, referring to City Exhibit Number 36, will you
3 please describe that?

4 A City Exhibit Number 36 is an itemized cost break-
5 down for the construction of the overpass structure
6 from the Elmwood Avenue crossing over Amtrak's Northeast
7 Corridor between 58th and 60th Streets.

8 Q And what is the estimated cost of construction of
9 the overpass structure?

10 A The estimated cost is one million seven hundred
11 fifty ^{seven} thousand dollars.

12 Q Are there any public utilities to be relocated?

13 A Yes; the Philadelphia Electric Company 138KV
14 transmission conductors known as the Eddystone Waneeta
15 Line are currently carried on existing traction power
16 support structures along the south or airport side of
17 the Amtrak main line.

18 These conductors will be raised to pre-
19 serve the required electrical clearances where the
20 proposed Airport High Speed Line overpass structure and
21 its associated traction power catenary system will pass
22 underneath. Raising these existing conductors will be
23 accomplished by providing new support structures W26AL,
24 W24AL, W23AL and W22AL and extensions to existing

1
2 structures W27 and W25. Modifications to existing poles
3 and new poles will be provided by the Airport High
4 Speed Line contractor, while Philadelphia Electric
5 Company forces will perform the conductor changeovers.
6 Structure W15, also carrying the Eddystone Waneeta Line,
7 will be replaced in kind.

8 Amtrak 130KV transmission conductors
9 carried on both sides of the main line will be raised
10 and relocated to accommodate the proposed Airport High
11 Speed Line overpass construction in similar fashion.
12 New poles numbered 25AR, W24B and W23AR will be pro-
13 vided along the main line. New poles numbered 101, 102,
14 103 and 201, 202 and 203 will lead 130KV power conductors
15 into the proposed Airport High Speed Line traction power
16 substation south of the main line.

17 Q Now, these references refer to the letter and
18 numbers relating to various structures and poles; are
19 they shown on the plans?

20 A Yes; they are.

21 Q What is the time for construction at the overpass
22 structure?

23 A The construction of the overpass structure will
24 take approximately 18 months as part of an overall

1
2 construction contract estimated to begin December 1st,
3 1979.

4 Q Is the Commission being requested to appropriate
5 any property for the overpass structure -- for the
6 overpass crossing?

7 A No; the property at this crossing that the City
8 requires is owned by Amtrak. The City and Amtrak have
9 already reached agreement in principle on the extent
10 and nature of the property rights the City will acquire.
11 The details of the agreement are presently being worked
12 out, and when the agreement has been executed, it will
13 be filed with the Commission as a late-filed exhibit.

14 Q Now, who will be responsible for the maintenance
15 of the completed work set forth in City Exhibits 34 and
16 36?

17 A The City of Philadelphia, except for relocated
18 and new facilities of the Philadelphia Electric Company
19 and Amtrak, who should be required to maintain their
20 own facilities at their own expense.

21 Q Now, if you will look at City Exhibit Number 37,
22 would you please describe those construction drawings?

23 A City Exhibit Number 37 is a set of drawings
24 showing track and roadbed construction, drainage

1 facilities and excavation under the 58th Street Bridge
2 crossing which will include the placement of 70 linear
3 feet of continuously-welded rail track, placement of
4 ballast and sub-ballast, excavation and placement of
5 140 linear feet of 18-inch reinforced cement concrete
6 pipe for the purpose of drainage. All vertical and
7 horizontal clearances conform with the exemption granted
8 by the Commission in the Order adopted July 24th, 1974,
9 entered July 30th, 1974. Track and roadbed construction
10 will include new drainage facilities, sub-ballast,
11 ballast, wooden ties, steel tie plates and one pair of
12 continuously-welded rail track. No vehicular traffic
13 will be affected.
14

15 Q Will you please refer to City Exhibit Number 38
16 and describe it?

17 A City Exhibit Number 38 is an itemized cost break-
18 down for track and drainage work under the 58th Street
19 Bridge.

20 Q And what is the estimated cost of the track and
21 drainage work?

22 A The estimated cost is \$14,000.

23 Q Are there any public utilities to be relocated?

24 A No.

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Q What is the time for construction of the track and drainage work under the 58th Street Bridge?

A Trackwork and drainage will take approximately two months and is part of an overall contract scheduled to begin December 1, 1979.

Q Is the Public Utility Commission being requested to appropriate any property for the track and drainage work under the 58th Street Bridge?

A No; property to be acquired for this work is presently owned by Amtrak and is covered by the City-Amtrak agreement which I previously addressed in my previous testimony.

Q That is an agreement which has been made in principle and is now been reduced to writing and will be filed as a late-filed exhibit?

A That is correct.

Q Now, who will be responsible for the maintenance of the completed work set forth in City Exhibits 37 and 38?

A City of Philadelphia.

Q Now, Mr. Starr, the City has filed a Petition for additional exemption for overhead clearance requirements; is that correct?

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2 A Yes, it is.

3 Q And what additional exemption has the City
4 requested?

5 A The City is requesting exemption to permit an
6 overhead vertical clearance of 17 foot, 10 inches from
7 the top of rail to the underside of the Baltimore and
8 Ohio Railroad Bridge.

9 Q And why is this exemption necessary?

10 A At the crossing, construction of the Airport High
11 Speed Line tracks will maintain the 12-foot horizontal
12 clearance. The 17-foot, 10-inch vertical clearance
13 exemption requested will avoid replacement of the said
14 Baltimore and Ohio Bridge which would add approximately
15 four million dollars to the project cost.

16 It has been noted that the Order of the
17 Public Utility Commission adopted July 24th, 1974 and
18 entered on July 30th, 1974 in this proceeding granted
19 an exemption at the 58th Street Bridge crossing of the
20 Airport High Speed Line allowing a minimum overhead
21 clearance of 17 foot, 6 inches.

22 The 58th Street Bridge crossing is only
23 approximately 400 feet south of the instant Baltimore
24 and Ohio bridge crossing. It is submitted that the

1
2 exemption requested is a reasonable one in view of the
3 aforesaid replacement costs, while at the same time
4 affording sufficient and adequate safety protection.

5 It should be noted that only one track is being installed,
6 and that track will be exclusively used for electrified
7 passenger service for the Airport High Speed Line only.
8 There will be no regularly scheduled freight movements
9 on this track.

10 Q Now, will you please refer to City Exhibit Number
11 39 and describe it?

12 A City Exhibit Number 39 is a set of sketches
13 showing the proposed clearance at the B and O Bridge.

14 Q Now, please refer to City Exhibit Number 40 and
15 describe that exhibit.

16 A City Exhibit Number 40 is a set of drawings showing
17 improvements under the Baltimore and Ohio Railroad Bridge
18 which include trackwork and roadbed, grading, drainage
19 facilities, gabion wall construction and sheeting from
20 Airport High Speed Line stations 199 plus 53 to 202 plus
21 43.

22 Q Please describe the scope and extent of the con-
23 struction beneath the B and O Railroad Bridge?

24 A The construction beneath the B and O Railroad

1
2 Bridge will include the placement of 290 linear feet of
3 continuously-welded rail track, placement of ballast
4 and sub-ballast, the construction of a gabion wall, 921
5 cubic yards of roadbed excavation, placement of 255
6 linear feet of 27-inch reinforced cement concrete pipe,
7 35 linear feet of 15-inch reinforced cement concrete
8 pipe and 40 linear feet of 54-inch reinforced cement
9 concrete pipe; 433 cubic yards of excavation for
10 trenching necessary for placement of drainage piping and
11 sheeting for trenching. No modifications will be made
12 to the existing B and O Bridge structure. Track and
13 roadbed construction will include new drainage
14 facilities, sub-ballast, ballast, wooden ties, steel
15 tie plates and one pair of continuously-welded rail
16 track.

17 Q Will you please describe City Exhibit Number 41?

18 A City Exhibit Number 41 is an itemized cost break-
19 down for the trackwork and drainage facilities under
20 the B and O Bridge between the Airport High Speed Line
21 stations 191 plus 53 and 202 plus 43.

22 Q What is the estimated cost of construction for the
23 work to be done under the B and O Railroad Bridge?

24 A The estimated cost is \$109,000.

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Q Will railroad traffic on either the B and O Railroad Bridge or Amtrak's Northeast Corridor be affected during construction under the B and O Bridge?

A No.

Q And what is the time for construction at the B and O Bridge?

A The construction beneath the B and O Bridge will take approximately two months, and it is a portion of an overall contract estimated to begin December 1st, 1979.

Q Are there any public utilities to be relocated?

A No.

Q Is the Commission being requested to appropriate any property for the track and drainage work beneath the B and O Bridge?

A No; appropriation of property for this work presently owned by Amtrak, and the right to do track and drainage work under the B and O crossing is covered in the City-Amtrak agreement which I have addressed in previous testimony.

Q And who will be responsible for the maintenance of the track and drainage work under the B and O as set forth in Exhibits 40 and 41?

1
2 A The City of Philadelphia.

3 Q Will you please refer to City of Philadelphia
4 Exhibit 42 and describe that exhibit?

5 A City Exhibit Number 42 is a set of drawings
6 showing grading, drainage, track and roadbed construc-
7 tion beneath the 54th Street Bridge.

8 Q And please describe the scope and extent of that
9 construction under the 54th Street Bridge?

10 A The construction beneath the 54th Street Bridge
11 will include the placement of 72 linear feet of single
12 track, ballast, sub-ballast, excavation and placement
13 of 86 linear feet of 24-inch reinforced concrete cement
14 pipe and 80 linear feet of 15-inch reinforced concrete
15 cement pipe between Airport High Speed Line stations
16 183 plus 43 to 184 plus 13.

17 Q Mr. Starr, in referring to the linear feet of
18 single track you mentioned 72 feet; is that correct?

19 A No; it is 70 feet.

20 Q Please proceed with your answer.

21 A All vertical and horizontal clearances conform
22 with the exemption granted by the Commission in the Order
23 adopted July 24th, 1974 and entered July 30th, 1974.
24 Track and roadbed construction will include new

1
2 drainage facilities, sub-ballast, ballast, wooden ties,
3 steel tie plates and one pair of continuously-welded
4 rail track. The construction will not affect the high-
5 way structure or vehicle traffic thereon.

6 Q Now, will you please refer to City Exhibit Number
7 43 and describe it?

8 A City Exhibit Number 43 is an itemized cost break-
9 down for the work beneath the 54th Street Bridge.

10 Q And what is the estimated cost of construction
11 under the 54th Street Bridge?

12 A The estimated cost is \$20,600.

13 Q Are there any public utilities to be relocated?

14 A No.

15 Q What is the estimated ^{time} cost for construction of
16 the track and drainage work under 54th Street?

17 A The track and drainage work under 54th Street will
18 take approximately two months and is part of an overall
19 construction contract scheduled to begin December 1st,
20 1979.

21 Q Is the Public Utility Commission being requested
22 to appropriate any property for the track and drainage
23 work under 54th Street?

24 A No; appropriation of property for this work

1
2 presently owned by Amtrak is covered in a City-Amtrak
3 agreement which I have addressed in previous testimony.

4 Q Who will be responsible for the maintenance of
5 the track and drainage work set forth in Exhibits 42 and
6 43 that is under the 54th Street Bridge?

7 A City of Philadelphia.

8 Q And during the construction of the track and
9 drainage facilities under 54th Street will railroad
10 traffic on Amtrak's Northeast Corridor be affected?

11 A No.

12 Q Will you please refer to Exhibit, City Exhibit
13 Number 44 and describe that exhibit?

14 A City Exhibit Number 44 is a drawing showing
15 structural plans for the installation of protective
16 steel parapets on the 61st Street Bridge crossing.

17 Q Please describe the scope and extent of the con-
18 struction of protective parapets?

19 A A solid steel barrier 65 feet, six inches in length
20 will be attached to the existing concrete parapets on
21 both the northeast and southwest sides of the existing
22 bridge.

23 With this addition of these solid steel
24 barriers atop the existing parapet walls the height from

1
2 sidewalk to top of new parapet will be six-foot-nine
3 inches. This construction will not affect vehicular
4 traffic on the 61st Street Bridge.

5 Q Will you please now turn to City Exhibit Number
6 45 and describe that?

7 A City Exhibit Number 45 is a cost breakdown for the
8 construction of the protective parapets on the 61st
9 Street Bridge.

10 Q And what is the estimated cost?

11 A The estimated cost is \$20,000.

12 Q Are there any public utilities to be relocated?

13 A No.

14 Q And what is the estimated time for construction
15 of the parapets?

16 A Construction of the parapets at 61st Street will
17 take approximately two months. It is a part of an
18 overall construction contract estimated to begin
19 December 1st, 1979.

20 Q Is the Commission being requested to appropriate
21 any property for this work?

22 A No.

23 Q Who will be responsible for the maintenance of
24 the parapets?

1
2 A City of Philadelphia.

3 Q By reason of the construction will any street car
4 lines be affected?

5 A No street car lines will be affected.

6 Q Are there new highways to be laid out?

7 A No new highways to be laid out.

8 Q Will any detours be required?

9 A No detours will be required.

10 Q Now, what is the City's position with respect to
11 payment for the cost of the work about which you have
12 testified?

13 A The cost of construction will be borne and allo-
14 cated as follows: One, United States Urban Mass
15 Transportation Administration 80 percent; two,
16 Pennsylvania Department of Transportation 16 and 2/3
17 percent; three, the City of Philadelphia three and 1/3
18 percent.

19 Q How are those percentages established?

20 A They were established under a Capital Assistance
21 Grant from the United States Department of Transportation,
22 Urban Mass Transportation Administration which has been
23 introduced as Exhibit Number 25 in previous Airport
24 High Speed Line - PUC hearings.

1
2 Q Now, what is the City requesting at this time?

3 A The City is requesting the Commission to issue a
4 prompt Order: One, authorizing construction in
5 accordance with the plans submitted; two, issuing an
6 exemption to permit an overhead vertical clearance of
7 17 feet - 10 inches from the top of rail to the under-
8 side of the B and O Bridge as previously described;
9 three, allocating construction costs in accordance with
10 my previous testimony, namely, Urban Mass Transportation
11 Administration 80 percent, Pennsylvania Department of
12 Transportation 16 and 2/3 percent, City of Philadelphia
13 3 and 1/3 percent; four, holding further hearings on
14 other Airport High Speed Line crossings at the request
15 of the applicant; and five, in addition, the question
16 of briefs and oral arguments, if required, should be
17 deferred until the conclusion of all Airport High Speed
18 Line crossing hearings.

19 Q Now, one further question.

20 These exhibits that were introduced today,
21 were they prepared by you or under your direction and
22 control?

23 A Yes.

24 MR. SMOLEN: The witness is submitted for

1
2 cross-examination.

3 ADMINISTRATIVE LAW JUDGE: Mr. Chillemi,
4 do you have any cross-examination of this witness?

5 MR. CHILLEMI: Yes, your Honor.

6 - - -
7 CROSS-EXAMINATION
8 - - -

9 BY MR. CHILLEMI:

10 Q Mr. Starr, with respect to the Philadelphia
11 Electric Company facilities that are located along the
12 Conrail main line, Philadelphia-Washington branch
13 between 58th and 60th Street, you indicated that you
14 expected the maintenance of those facilities to be
15 borne by the company, but what about the cost of relo-
16 cation? You didn't say anything about that.

17 A Relocation will be paid for by the City of
18 Philadelphia.

19 Q And with respect to the estimated cost of the
20 61st Street Bridge protective parapets I see a lump sum
21 of \$20,000.

22 Is it anticipated within that cost or
23 exclusively of it that it will require protective
24 measures?

1
2 A These are the protective measures; keep pedes-
3 trains away from the trolley wire.

4 Q How about Philadelphia Electric Company line;
5 isn't there a line that perhaps may need some protection
6 during the course of construction?

7 A Not that I know of.

8 Q In the event that it is required would the City
9 assume the cost of that protective measure?

10 A Certainly, yes.

11 MR. CHILLEMI: Thank you. That is all I
12 have.

13 - - -
14 REDIRECT EXAMINATION
15 - - -

16 BY MR. SMOLEN:

17 Q Mr. Starr, as a matter of redirect in response to
18 Mr. Chillemi's questions you said the City of
19 Philadelphia would bear those costs.

20 Do you mean the City or do you mean the
21 project would bear the cost in accordance with those
22 percentages that you previously testified?

23 A Yes; the project would bear the cost of those
24 relocations of the Philadelphia Electric Company

1 facilities if required under the percentages previously
2 testified to.

3
4 MR. SMOLEN: No further redirect.

5 ADMINISTRATIVE LAW JUDGE: Mr. Wenick, do
6 you have any cross-examination of this witness?

7 MR. WENICK: Just on one point.

8
9 CROSS-EXAMINATION

10 BY MR. WENICK:

11 Q There have been a number of exhibits filed in the
12 past at this proceeding. We expect --

13 ADMINISTRATIVE LAW JUDGE: Mr. Wenick,
14 would you please rise for benefit of the stenographer
15 and myself?

16 BY MR. WENICK:

17 Q There have been a number of exhibits in the past,
18 and we expect a number more. And I wonder if you could
19 tell us if you intend to reserve a number for the late-
20 filed exhibit, the agreement that you referred to?

21 A It would be filed as a late-filed exhibit. We
22 haven't numbered it yet as a matter of fact.

23 Q Could you reserve number 46 for that agreement?

24 MR. SMOLEN: If your Honor please, I

1
2 would make that motion to reserve as City Exhibit Number
3 46 a proposed agreement between the City and Amtrak
4 which will be reduced to writing and filed.

5 ADMINISTRATIVE LAW JUDGE: All right; if
6 there is no objection, it will be so reserved.

7 No redirect I presume?

8 MR. SMOLEN: Not of that question.

9 ADMINISTRATIVE LAW JUDGE: Mr. Mazor?

10 MR. MAZOR: Thank you, your Honor.

11 - - -

12 CROSS-EXAMINATION

13 - - -

14 BY MR. MAZOR:

15 Q Mr. Starr, my questions deal solely with your
16 Exhibit Number 44 and the addition of the steel protec-
17 tive parapets.

18 I assume that the \$20,000 cost of those
19 is a project cost which will be handled in a breakdown
20 as you described it?

21 A That is correct.

22 Q And the addition of the steel parapets will in no
23 way affect the structural integrity of that bridge or
24 its load-carrying capacity?

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A Will not.

Q Now, one further question.

Sir, who will be responsible for maintaining those?

A City of Philadelphia.

MR. MAZOR: Thank you, sir.
That is all I have, your Honor.

ADMINISTRATIVE LAW JUDGE: Mr. Smolen?

MR. SMOLEN: No redirect.

ADMINISTRATIVE LAW JUDGE: Mr. Herskovitz?

MR. HERSKOVITZ: Yes; your Honor, I do have one question.

- - -
CROSS-EXAMINATION
- - -

BY MR. HERSKOVITZ:

Q Mr. Starr, in reference to Exhibit 34 you indicated some future construction on those plans.

Are you requesting the Public Utility Commission to approve that future construction now or at a later date?

MR. SMOLEN: Can we have a moment to refer to the exhibit?

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THE WITNESS: Can I have 34?

ADMINISTRATIVE LAW JUDGE: Let the record show that the witness is making reference to the exhibit in question.

MR. SMOLEN: Will you please read back the question?

ADMINISTRATIVE LAW JUDGE: Please read the question.

(Question read back.)

THE WITNESS: Shall I proceed?

No; we are not asking for a PUC approval of the future construction at this time.

ADMINISTRATIVE LAW JUDGE: Any further questions?

MR. HERSKOVITZ: That is all I have, your Honor. Thank you.

ADMINISTRATIVE LAW JUDGE: Mr. Armentrout?

- - -

CROSS-EXAMINATION

- - -

BY MR. ARMENTROUT:

Q Mr. Starr, who are the Urban Engineers, Inc.?

A They are consultants who did the preliminary

1
2 design and final design of most of the Airport High
3 Speed Line project.

4 Q They are under contract to the City?

5 A That is correct.

6 Q I wonder, are you familiar with some comments that
7 were submitted by Amtrak's chief engineer D. F. Sullivan
8 to Mr. Charles Gardner of Urban Engineers early this
9 spring concerning --

10 A We have seen quite a bit of correspondence from
11 Mr. Sullivan, yes. I don't know which ones you are
12 particularly referring to.

13 Q Well, I understand there was a letter written from
14 Mr. Sullivan to Mr. Gardner in March; unfortunately, I
15 don't have a copy of it here.

16 ADMINISTRATIVE LAW JUDGE: You do not
17 have a copy with you?

18 MR. ARMENTROUT: No; I don't.

19 THE WITNESS: Well, Mr. Gardner --

20 MR. SMOLEN: Wait; there is no question,
21 Dick.

22 ADMINISTRATIVE LAW JUDGE: Okay; are you
23 familiar with that letter, Mr. Starr?

24 THE WITNESS: I am not familiar with it

1
2 at this point, no.

3 BY MR. ARMENTROUT:

4 Q I guess if you are not familiar with it, I can't
5 ask you about it, but the thrust of my question was that
6 apparently among other comments that were made in that
7 letter was a request for the construction of a retaining
8 wall south of 54th Street.

9 Are you familiar with the fact that
10 Amtrak requested the City to build such a retaining
11 wall?

12 A I am familiar with that, yes.

13 Q Is the wall, such a retaining wall shown on any
14 of your exhibits submitted here this morning?

15 A I am not sure.

16 ADMINISTRATIVE LAW JUDGE: All right;
17 let's take a five-minute break at this point. You will
18 have an opportunity to review that and then refresh his
19 recollection.

20 (Whereupon a short recess was taken.)

21 ADMINISTRATIVE LAW JUDGE: All right; we
22 are ready to proceed; are we?

23 THE WITNESS: Yes.

24 ADMINISTRATIVE LAW JUDGE: Mr. Armentrout,

1
2 do you want to proceed?

3 MR. ARMENTROUT: Yes.

4 BY MR. ARMENTROUT:

5 Q Prior to our taking a short break, Mr. Starr, I
6 was asking you about some engineering comments that have
7 been made to your consultant Urban Engineers by our
8 chief engineer D. F. Sullivan.

9 I understand that these comments are still
10 -- is it fair to say that they are still in the process
11 of resolution so far as engineering for work outside
12 the area of the crossing is concerned?

13 A That is correct.

14 Q And that you are not in this hearing asking the
15 PUC to view these plans as final engineering drawings
16 except for the specific areas of the crossing and the
17 clearances therein?

18 A That is correct.

19 Q Now, you stated on your direct testimony,
20 Mr. Starr, that the City of Philadelphia would accept
21 maintenance responsibility for certain portions of the
22 Airport High Speed Line.

23 Are you aware that Amtrak, as the owner
24 of the underlying property, has agreements with certain

1
2 of its craft unions which may have some impact on how
3 this maintenance responsibility is done, and that these
4 will have to be taken into consideration in our negotia-
5 tions?

6 A Yes; I do.

7 MR. ARMENTROUT: That is all I have.

8 ADMINISTRATIVE LAW JUDGE: Any redirect,
9 Mr. Smolen?

10 - - -

11 REDIRECT EXAMINATION

12 - - -

13 BY MR. SMOLEN:

14 Q Mr. Starr, when you were asked whether these are
15 final plans by Mr. Armentrout, these are final plans
16 for the areas about which you have testified; are they
17 not?

18 A Yes.

19 Q But they don't purport to be final plans for areas
20 about which you have not testified?

21 A That is correct.

22 MR. SMOLEN: No further questions.

23 ADMINISTRATIVE LAW JUDGE: Miss Kircher?

24 MS. KIRCHER: Yes; I have a few questions.

CROSS-EXAMINATION

- - -

BY MS. KIRCHER:

Q For point of information, Mr. Starr, would you please look at Exhibit Number 37?

A Is that today's hearing?

Q Yes.

Just as a point of information, you have P.C.R. track number three.

Are you referring to the old Penn Central which is presently the Conrail track?

A Yes.

ADMINISTRATIVE LAW JUDGE: Now, Mr. Starr, we are going to have a little difficulty with the stenographer. If you want to get around the other side of the table, maybe that will be helpful so she can see your lips.

Now, you may ask that question again, please, Miss Kircher.

MS. KIRCHER: Thank you, your Honor.

BY MS. KIRCHER:

Q Just a point of information, on Exhibit Number --

ADMINISTRATIVE LAW JUDGE: 37.

1
2 BY MS. KIRCHER:

3 Q -- 37 I note that you have P.C.R.R. on page one.
4 You have P.C.R.R. track.

5 Is that the old Penn Central Railroad
6 which is presently Conrail?

7 A My understanding, it presently belongs to the
8 National Railroad, Pennsylvania Railroad Corporation,
9 Amtrak.

10 ADMINISTRATIVE LAW JUDGE: The steno-
11 grapher can't hear you, Mr. Starr.

12 THE WITNESS: I believe that those tracks
13 now belong to Amtrak, if you are referring to the tracks
14 on the Northeast Corridor.

15 BY MR. KIRCHER:

16 Q So that they are really Amtrak owned tracks?

17 A Yes.

18 Q What about R.C.? Is that the old Reading Railroad
19 or is that --

20 MR. SMOLEN: Where are you referring,
21 Miss Kircher?

22 MS. KIRCHER: The profile, number one,
23 the lower left-hand corner.

24 Excuse me. Can I take a minute?

(Whereupon a short recess was taken.)

MR. SMOLEN: That is P.C. It is not R.

ADMINISTRATIVE LAW JUDGE: Do you want to identify the section to which reference is being made on Exhibit 37?

MR. SMOLEN: If your Honor please, on page one on City of Philadelphia Exhibit Number 37, which consists of three pages, on page one thereof at the bottom left-hand portion of the exhibit there are listed P.C.R.R. track number zero, P.C.R.R. track number two, P.C.R.R. track number three, P.C.R.R. track number one, and then it says R.C.R.R. track number four. The R.C.R.R. should read P.C.R.R. To that extent I request that the City of Philadelphia Exhibit 37, page one, be amended to show that correction.

ADMINISTRATIVE LAW JUDGE: All right; all Counsel are so advised.

BY MS. KIRCHER:

Q So, in other words, the lower left-hand corner, as you are showing a cross section of these tracks and your clearances, are the same tracks that are referred to at the top portion of it which are all presently Amtrak tracks?

1 A That is correct.

2 Q Okay; thank you. That is what I wanted to know.

3 ADMINISTRATIVE LAW JUDGE: Do you have
4 any further questions of this witness?

5 MS. KIRCHER: Yes; I do.

6 BY MS. KIRCHER:

7 Q You have discussed, or you have contacted
8 Baltimore and Ohio Railroad Company regarding the plans
9 for the tracks and requested --
10

11 A At the B and O crossing?

12 Q Yes.

13 A Yes; I have.

14 Q And did the plans you have submitted here conform
15 with any understanding you would have with B and O?

16 A Certainly would, yes.

17 Q May I ask you generally, Mr. Starr, how many lines
18 of track eventually will the High Speed Passenger Line
19 have?

20 A Two.

21 Q And what is the present projected frequency of the
22 trains going to and from the City to the airport?

23 A The present?

24 Q Yes.

1
2 A. Oh, there is no service to the airport.

3 Q. When the airport line first goes into effect,
4 what do you anticipate to be the frequency of the train
5 movement?

6 MR. SMOLEN: I am not sure -- if your
7 Honor please, I am going to object to this question. I
8 am not sure this witness is -- he certainly wasn't sub-
9 mitted to testify as to frequency of trains. He is an
10 engineering witness to testify as to construction.

11 Now, I don't know if he knows the answer
12 to this question or not, or if he has knowledge with
13 respect to scheduling on future operations; or if his
14 knowledge is solely limited to construction of the
15 Airport High Speed Line.

16 MS. KIRCHER: Your Honor, I certainly
17 would not want to put the witness in a position he
18 couldn't testify to something he had no knowledge of.

19 ADMINISTRATIVE LAW JUDGE: The witness
20 will respond if he does not; if he cannot answer the
21 question, he will so state.

22 THE WITNESS: Initial services is
23 scheduled for 20-minute intervals.

24 BY MS. KIRCHER:

1
2 Q Do you from your knowledge as part of this planning
3 know if there is any projected increase in the future
4 per, you know, another five or six years after it
5 initially goes into effect?

6 A Yes; there is a projection for an increase in
7 service, but I don't have those figures here presently.

8 Q Are you familiar with the estimated speed of these
9 trains?

10 A Yes; it would be up to 80 miles an hour at peak.

11 Q Insofar as the areas to which you testified today,
12 which is the B and O, 54th Street, and you also
13 testified to I believe it was 61st Street?

14 A Yes.

15 Q Is this property presently owned by the City of
16 Philadelphia?

17 A The bridge is owned by the City of Philadelphia,
18 yes.

19 Q What about the rest of the property?

20 A The property underneath is former Conrail property
21 which has been sold to the City of Philadelphia.

22 Q To your knowledge, has this settlement of the
23 property taken place?

24 A The settlement has not taken place. The agreement

1
2 has been executed between the parties. The ordinance
3 has been passed by the City Council, signed by the
4 mayor, and as of this moment, a settlement date is being
5 arranged between Conrail and the City of Philadelphia.

6 Q As to the line between 61st Street and 54th Street,
7 and this is I gather the area that you testified to
8 today --

9 A No; the area I testified to is between the
10 Elmwood Avenue crossing and roughly around 54th Street.

11 Q Didn't you also mention something about 61st
12 Street?

13 A 61st Street Bridge for the parapet protection.

14 Q May I ask you then if you are familiar with this
15 between 61st Street and 58th Street? Will there be
16 joint freight and passenger trains?

17 A There will be joint passenger and freight between
18 the viaduct structure around 92nd Street, approximately
19 92nd Street and 50th. This is the viaduct structure
20 and 60th Street.

21 Q Okay.

22 A That is the so-called mixed traffic section.

23 Q And there will then be no freight traffic between
24 approximately 62nd Street and 58th; is that correct?

1
2 A On the Chester branch you are talking?

3 Q Yes.

4 A And the connection between the Chester branch and
5 this Northeast Corridor, there will be no regularly
6 scheduled freight trains on it at all.

7 Q Has this section been abandoned? Has this section
8 then been abandoned by Conrail?

9 A It has not been formally abandoned by Conrail
10 because they would have to go before the ICC and the PUC
11 Commission for the formal abandonment, but in its
12 essence it is not being used at the present time, only
13 very rare occasions. That is my understanding.

14 Q Then according to the agreement which I under-
15 stand was an exhibit in this case, but I do not know
16 the number, was an exhibit of the agreement, Conrail
17 has agreed with the City of Philadelphia that they will
18 only use this section between 62nd Street --

19 A Roughly.

20 Q -- and 58th Street; is that it?

21 A Yes, roughly.

22 Q For an emergency situation they will not use this
23 for freight traffic?

24 A That is correct.

1
2 Q May I ask why this one small section will not be
3 used for mixed traffic, whereas the remainder of the
4 line will be, if you know?

5 A Well, basically the overpass structure over which
6 that line would go was built for passenger service and
7 not for joint use service. It is a structure; whereas
8 the mixed freight section down on the Chester branch
9 are strictly ground level tracks on regular ballast. It
10 would be quite a bit of extra maintenance and repair
11 work if a continuous freight service was used over that
12 structure.

13 Q I am assuming that you were involved with some
14 kind of negotiations. You are familiar with the whole
15 project.

16 Do you know if you have ever considered
17 making the section between 62nd and 58th a mixed freight
18 section?

19 A It was not our original intention in the project,
20 no.

21 Q Did you ever consider it?

22 A Not to my knowledge; we did not at that time.

23 ADMINISTRATIVE LAW JUDGE: Pardon? Your
24 response was not to your knowledge?

1 THE WITNESS: Not to my knowledge.

2
3 ADMINISTRATIVE LAW JUDGE: Not at that
4 time? What was the last portion of that?

5 MS. KIRCHER: Not at that time.

6 ADMINISTRATIVE LAW JUDGE: Not at that
7 time?

8 THE WITNESS: Not at the time I was
9 designing it.

10 ADMINISTRATIVE LAW JUDGE: Well, at any
11 time; was it considered at any time?

12 THE WITNESS: It was considered to the
13 period of negotiations between the City and Conrail for
14 the purchase of the Chester branch and portions of the
15 60th Street branch as an escape route only at that
16 point which is within roughly the last year.

17 ADMINISTRATIVE LAW JUDGE: Good.

18 BY MS. KIRCHER:

19 Q Is it possible that this could be a mixed freight
20 section?

21 A Basically under our agreement with Conrail it
22 would only be a mixed freight section under emergency
23 conditions, trackage rights agreement, which you have
24 a copy, and the agreement so states.

1
2 Q Is there a possibility? Obviously an agreement
3 can be amended.

4 I am asking from an engineering point of
5 view if you feel there would be some way that you could
6 possibly make this into a mixed freight section?

7 A It is possible, but as far as I am concerned, the
8 City at this point would resist such a --

9 Q But it is possible?

10 A Anything is possible.

11 Q Just one more thing.

12 Since you considered this an emergency
13 route with Conrail, apparently this year you have dis-
14 cussed it, I am assuming at that point you made no
15 engineering studies as to the cost of making it a mixed
16 freight section; is that correct?

17 A No; we didn't.

18 Q So you have no studies?

19 A Right.

20 Q I am almost done.

21 What class of track will the mixed
22 freight section be?

23 A I think it is class three track.

24 Q Do you know what class of track this is presently?

1
2 A What it actually is, or what it is designated, I
3 really don't know.

4 Q You stated that you have gotten 80 percent
5 Urban funding, 16 and 2/3 percent Pennsylvania
6 Department of Transportation funding, and the City of
7 Philadelphia is funding this project 3 and 1/3 percent;
8 is that correct?

9 A That is correct.

10 Q Is all the work contemplated to be done under your
11 contract for the benefit of the high speed line funding?

12 A Yes; I think everything is.

13 Q Everything is to be for the benefit of, and that
14 is why it is then being funded by the Federal Government?

15 A That is correct.

16 Q Because it is to benefit the high speed passenger
17 line?

18 A That is right.

19 MS. KIRCHER: No further questions.

20 ADMINISTRATIVE LAW JUDGE: Thank you;
21 any redirect, Mr. Smolen?

22 MR. SMOLEN: None of the witness, but I
23 do have a question of Counsel for B and O, since it was
24 stated prior to the hearing, and I would request Counsel

1
2 as to whether or not this B and O has any objection to
3 the clearance exemption request of the City?

4 MS. KIRCHER: Your Honor, the B and O has
5 no objection to the request of the City for a clearance
6 exemption so long as the witness stated they have con-
7 tacted the B and O, and the plans, they have submitted
8 it, and what they are doing is with the concurrence of
9 the B and O. And the B and O has no objection.

10 MR. SMOLEN: I have no redirect of this
11 witness.

12 ADMINISTRATIVE LAW JUDGE: Right; thank
13 you.

14 Mr. Huss?

15 MR. HUSS: No questions.

16 ADMINISTRATIVE LAW JUDGE: Off the record
17 for a moment.

18 (Discussion held off the record.)

19 ADMINISTRATIVE LAW JUDGE: You can go back
20 on the record.

21 Mr. Huss, you have no questions for this
22 witness?

23 MR. HUSS: No questions.

24 ADMINISTRATIVE LAW JUDGE: Any other

1
2 questions?

3 MR. CHILLEMI: If your Honor please, I
4 do have a question to clarify, an issue of relocation.

5 ADMINISTRATIVE LAW JUDGE: All right,
6 Mr. Chillemi.

7 - - -
8 RECROSS EXAMINATION
9 - - -

10 BY MR. CHILLEMI:

11 Q Mr. Starr, in response to Mr. Smolen's questions
12 on redirect, you indicated that although Philadelphia
13 Electric Company's relocation costs would be paid, they
14 would be paid in accordance with the percentages that
15 comprise the project cost.

16 Is it correct to say that in the event
17 that these percentages are not forthcoming, would it
18 not be correct that Philadelphia Electric Company will
19 still be paid for relocation costs incurred in this
20 project?

21 A That is correct.

22 MR. SMOLEN: May I -- you answered it.
23 I wanted --

24 ADMINISTRATIVE LAW JUDGE: Wait; did the

1
2 respond? Did you say that is correct?

3 THE WITNESS: Yes; I did.

4 ADMINISTRATIVE LAW JUDGE: Now,
5 Mr. Smolen --

6 MR. SMOLEN: You mean in accordance with
7 any existing agreement between the City and Philadelphia
8 Electric Company; is that what you are referring to?

9 MR. CHILLEMI: Yes; it is our position
10 there is an existing agreement calling for the City to
11 pay.

12 MR. SMOLEN: Philadelphia Electric would
13 be paid in accordance with any existing agreement
14 between the City and Philadelphia Electric Company.

15 MR. CHILLEMI: Yes.

16 MR. SMOLEN: That has already been filed
17 with the Commission, and it is in an agreement of record.
18 And it stands as the agreement. I think the witness is
19 merely restating whatever the agreement says. Is that
20 sufficient?

21 MR. CHILLEMI: Well, that is the problem.
22 You got him to restate, and what you got him to restate
23 isn't what I considered to be what the agreement says.
24 Now, ~~he~~ reinstated the original confusion.

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MR. SMOLEN: Can we go off the record?

MR. CHILLEMI: The purpose of asking is to clarify what the agreement says, and now we are back where we started from.

ADMINISTRATIVE LAW JUDGE: Off the record.

(Discussion held off the record.)

MR. SMOLEN: That the City's obligation to pay any Philadelphia Electric costs is governed by any and all agreements between the City of Philadelphia and the Philadelphia Electric Company.

ADMINISTRATIVE LAW JUDGE: All right; do you find it necessary to respond to that, Mr. Chillemi? Do you want to respond to it?

MR. CHILLEMI: That is correct insofar as it goes, except the important thing is what those agreements say.

Now, I think that that clarification belongs on the record and not at an extra judicial fight.

MR. SMOLEN: Well, the agreement --

ADMINISTRATIVE LAW JUDGE: We are all agreed.

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2 MR. SMOLEN: I was just going to respond
3 that the agreement has been filed with the Commission
4 under the PUMC Section, and I believe they may or may
5 not have been filed in connection with this proceeding.
6 But they certainly have been filed with the Public
7 Utility Commission under the PUMC Section of the Public
8 Utility law, and they speak for themselves. Whatever
9 the obligations of parties are under the agreement, they
10 are the obligations.

11 ADMINISTRATIVE LAW JUDGE: I think then
12 the record is clear on that point, as clear as it can be
13 under the circumstances.

14 Mr. Chillemi, then if there are no further
15 questions of this witness, the witness will be excused.

16 There being no further questions, the
17 witness is excused.

18 MR. SMOLEN: I move for admission of the
19 City of Philadelphia Exhibits which we have identified
20 this morning.

21 ADMINISTRATIVE LAW JUDGE: Exhibits 34
22 through 46.

23 Is there any objection to the admission
24 of those exhibits?

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2 MS. KIRCHER: No objection.

3 ADMINISTRATIVE LAW JUDGE: There being no
4 objection, the exhibits will be admitted into evidence.

5 Do you have any other witness, Mr. Smolen?

6 MR. SMOLEN: I have no further witnesses,
7 your Honor.

8 ADMINISTRATIVE LAW JUDGE: Do any Counsel
9 present here today have any witness they wish to present
10 at this hearing?

11 Is there any further business to be con-
12 ducted today at this hearing?

13 MR. ARMENTROUT: Yes; can we go off the
14 record for a second?

15 ADMINISTRATIVE LAW JUDGE: All right; we
16 will go off the record.

17 (Discussion held off the record.)

18 ADMINISTRATIVE LAW JUDGE: Let the record
19 show that Mr. Armentrout is presenting a witness.

20 MR. ARMENTROUT: Mr. Cooper.

21 ADMINISTRATIVE LAW JUDGE: And previously
22 prepared testimony.

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2 ...RICHARD H. COOPER, P.E., having been
3 duly sworn, was examined and testified as follows:

4 ADMINISTRATIVE LAW JUDGE: Please state
5 and spell your full name.

6 THE WITNESS: Richard H. Cooper,
7 C-o-o-p-e-r.

8 ADMINISTRATIVE LAW JUDGE: Please be
9 seated, Mr. Cooper.

10 Mr. Armentrout?

11 - - -

12 DIRECT EXAMINATION

13 - - -

14 BY MR. ARMENTROUT:

15 Q Have you prepared typed testimony for submission in
16 this case this morning, Mr. Cooper?

17 A Yes; I have.

18 MR. ARMENTROUT: I would ask that we mark
19 Mr. Cooper's testimony or just identify it.

20 ADMINISTRATIVE LAW JUDGE: The answers to
21 the questions asked as shown in that statement,
22 Mr. Cooper, if you were asked those questions today at
23 this hearing, would your answers be the same?

24 THE WITNESS: They would be.

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2 ADMINISTRATIVE LAW JUDGE: Are there any
3 corrections or additions that you would like to make
4 to that previously prepared testimony?

5 THE WITNESS: Yes; on page two, the third
6 question which reads, "What other work will Amtrak
7 perform," my answer would be that in addition to the
8 second paragraph of that answer is that details will be
9 worked out between the City and Amtrak in their agree-
10 ment.

11 BY MR. ARMENTROUT:

12 Q Your prepared testimony is the three-page document
13 entitled Testimony for National Railroad Passenger
14 Corporation, June 6, 1979, PUC A. 98061; is that correct?

15 A That is correct.

16 MR. ARMENTROUT: That is all.

17 ADMINISTRATIVE LAW JUDGE: Would you like
18 that testimony to be marked, Mr. Armentrout, as Amtrak's
19 exhibit?

20 MR. ARMENTROUT: Well, that was my ques-
21 tion, whether we want to make it an exhibit? I guess if
22 we identify it and submit it in the record, it is part
23 of the record as submitted.

24 ADMINISTRATIVE LAW JUDGE: Well, do you

1
2 want to mark it as an exhibit? It might be easier to
3 identify later. That is up to you.

4 MR. ARMENTROUT: I am content to just have
5 it submitted.

6 ADMINISTRATIVE LAW JUDGE: All right,
7 fine.

8 Does anybody, any Counsel have any cross-
9 examination of this witness?

10 MS. KIRCHER: May I just have a moment,
11 your Honor? I may have one question to ask.

12 ADMINISTRATIVE LAW JUDGE: Certainly.

13 The previously prepared testimony
14 referred to will be incorporated into the record.

15 (Prepared testimony is as follows:

16 "Q Please state your name and address.

17 A Richard H. Cooper, 560 Suburban Sta. Bldg., 1617
18 J.F. Kennedy Blvd., Philadelphia, Pa. 19103

19 Q By whom are you employed and in what capacity?

20 A I am employed by the National Railroad Passenger
21 Corp. also known as Amtrak as a Structural Engineer.

22 Q Are you authorized to testify on behalf of Amtrak?

23 A Yes, I am.

24 Q The City of Philadelphia is constructing the

1
2 Airport Highspeed Line connecting downtown Philadelphia
3 with the Airport. The Line will cross above the grade of
4 existing tracks of Amtrak and will require the altera-
5 tion of the crossing where the existing 61st Street
6 Bridge crosses above the tracks of the proposed Airport
7 High Speed Line and the construction and/or alteration
8 of road bed and track work at and in the vicinity of
9 the overhead bridges carrying 54th Street and 58th
10 Street and the B & O Railroad above the High Speed Line.

11 Are you familiar with the project as described above?

12 A Yes, I am.

13 Q Does Amtrak object to the proposed construction
14 insofar as it affects Amtrak's facilities and operations?

15 A Amtrak does not object to the proposed construc-
16 tion.

17 Q Would you please provide information relative to
18 the number, type, and speed of trains passing this
19 location.

20 A There are approximately 100 passenger and commuter
21 trains daily past this location. The commuter trains
22 which run at speeds to 65 M.P.H. are operated by Conrail
23 by agreement with SEPTA. Conrail also operates numerous
24 freight trains at speeds to 50 M.P.H. The remaining

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trains are operated by Amtrak to speeds of 75 M.P.H.

Q Will it be necessary to maintain railroad flagmen, watchmen, and inspectors during the construction?

A Yes, it will be necessary to provide adequate protection for the railroad.

Q Will Amtrak be required to perform certain work in conjunction with the Airport High Speed Line?

A The High Speed Line will require the 58th Street Bridge to be rebuilt to provide adequate clearances. In conjunction with the reconstruction, certain adjustments, both temporary and permanent, will have to be made to the electric catenary system which provides power to operate trains in this area. Since Amtrak maintains the catenary, the Brotherhood of Maintenance of Way Employees was contacted to determine the extent of work they would allow the City's contractor to perform. The Union replied by letter dated December 8, 1978 that the contractor will not be allowed to perform the duties of the Electric Traction Department, i.e. the construction of temporary steel catenary structures and the transfer of 11KV catenary wires, 11KV feeder wires and 6.6KV signal power wires to the temporary structures; also the erection of permanent supports to these wires

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2 and the related work for completion of installation of
3 these elements. The contractor may furnish materials
4 and equipment to enable our forces to perform the work.

5 Q What other work will Amtrak perform?

6 A The AHSL single track crosses Amtrak above grade
7 before entering onto Amtrak property near 60th Street.
8 It then passes under the 58th Street Bridge and runs on
9 Amtrak property parallel to Amtrak's Track #4 between
10 58th Street and 54th Street. The single track connects
11 to Amtrak's track #4 via a crossover at 55th Street and
12 a turnout east of 54th Street. Another crossover is
13 also proposed between tracks #1 and #4 at 52nd Street.

14 Amtrak expects to perform all track work
15 from 58th Street eastward (northward), all electric
16 traction work to the proposed phase break west (south)
17 of 58th Street and all communication and signal work to
18 the proposed insulated joints east (north) of 58th Street.

19 Q Has Amtrak prepared a cost estimate for the work
20 it expects to perform?

21 A Amtrak has prepared a cost estimate for the Elec-
22 tric Traction work required by the reconstruction of the
23 58th Street Bridge. The estimate was sent by letter
24 dated February 6, 1978 to all parties of record in this

1
2 matter. The estimate in the amount of about \$187,000
3 reflected costs of temporary and permanent adjustment
4 of our facilities, inspection, flagging, etc.

5 Amtrak has not prepared a cost estimate
6 for the remainder of the work but will do so at a later
7 date.

8 Q The plans for the Airport High Speed Line include
9 construction of new storm drains, and inlets, retaining
10 walls, gabionwalls, slope grading and seeding, etc.,
11 some of which is either on or affects Amtrak property.
12 Do you wish to comment on this?

13 A Amtrak has no objection to the construction of
14 storm drains, and inlets, retaining walls, etc., as long
15 as it does not affect the safety and operation of our
16 trains.

17 Q Does Amtrak agree to bear any portion of the con-
18 struction costs associated with the Airport High Speed
19 Line?

20 A Amtrak does not agree to bear any of the costs
21 incurred due to the construction of the High Speed Line.
22 Amtrak does expect to be reimbursed fully for all costs
23 for labor, material, equipment, inspection and flagging
24 incurred during construction.

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Q Does Amtrak agree to bear any maintenance responsibility of the completed improvement?

A Amtrak will maintain those facilities located on Amtrak property subject to reimbursement from the operator of the Airport High Speed Line. Amtrak is not aware of any desire on the part of either the City of Philadelphia or SEPTA to have Amtrak maintain facilities off Amtrak property.")

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(End of prepared testimony.)

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MS. KIRCHER: Yes; I do have one question of the witness if he knows.

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CROSS-EXAMINATION

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BY MS. KIRCHER:

Q In an agreement signed February 28th between Conrail and the City of Philadelphia, a paragraph states, and I will read it to you, the National Railroad Passenger Corporation, Amtrak or others, they agree to use its best efforts to cause Amtrak to do all things reasonably necessary to permit the safe movement of

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2 Conrail trains from the Grays Ferry connection onto the
3 NEC and vice versa by use of the existing Grays Ferry
4 track alignment in connection with the NEC.

5 Now, is any of your testimony involved in
6 that?

7 A No; it is not.

8 MS. KIRCHER: All right; no further ques-
9 tions.

10 ADMINISTRATIVE LAW JUDGE: Mr. Armentrout,
11 do you have any?

12 MR. ARMENTROUT: I have no questions.

13 MR. SMOLEN: I have.

14 ADMINISTRATIVE LAW JUDGE: Mr. Smolen.

15 - - -

16 CROSS-EXAMINATION

17 - - -

18 BY MR. SMOLEN:

19 Q On page two of your testimony in reference to the
20 Amtrak work to be performed in connection with the
21 Airport High Speed Line, isn't it correct that the
22 Airport High Speed Line tracks will pass under a new
23 bay to be constructed and attached to the 58th Street
24 Bridge?

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2 A Yes.

3 Q I didn't hear you.

4 ADMINISTRATIVE LAW JUDGE: Yes.

5 THE WITNESS: Yes.

6 BY MR. SMOLEN:

7 Q And that the Airport High Speed Line tracks them-
8 selves will not pass under the area now occupied by the
9 existing 58th Street Bridge; is that correct?

10 A Yes.

11 Q So that with respect to the existing 58th Street
12 Bridge there is no question of clearances because the
13 Airport High Speed Line is not passing under that por-
14 tion --

15 A Right.

16 Q -- is that correct?

17 A Right.

18 Q So that your first sentence in answer to that
19 second question on that page about the rebuilding of the
20 58th Street Bridge to provide adequate clearances, that
21 is really not correct because the Airport High Speed Line
22 is not passing under the existing 58th Street Bridge; isn't
23 that correct?

24 A Yes.

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3 MR. ARMENTROUT: I think that depends on
4 how you define 58th Street Bridge; doesn't it?

5 MR. SMOLEN: Are you asking me the ques-
6 tion?

7 MR. ARMENTROUT: No.

8 MR. SMOLEN: I don't mean to give you a
9 short answer, but I am really not a witness here.

10 ADMINISTRATIVE LAW JUDGE: Well, do we
11 need some time off the record to clarify that?

12 MR. SMOLEN: I want to read the answer
13 to his question.

14 ADMINISTRATIVE LAW JUDGE: Okay; fine,
15 go ahead, Mr. Smolen.

16 MR. SMOLEN: We have just been handed it.
17 I have just received it.

18 ADMINISTRATIVE LAW JUDGE: Take your
19 time.

20 BY MR. SMOLEN:

21 Q Mr. Cooper, in connection with your second sentence
22 of that answer, the second answer on page two of your
23 testimony, since the Airport High Speed Line will be
24 operating under a new bay attached to the 58th Street
Bridge, then we are not really talking about adjustments

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2 to electric catenary system with respect to the Airport
3 High Speed Line; are we?

4 A Under the new bay?

5 Q Under the new bay.

6 A There wouldn't be any adjustments under the new
7 bay, no.

8 Q Now, these other items about which you testified
9 in the same answer, about the Brotherhood of Maintenance
10 of Way Employees and all the other items in that same
11 paragraph, does that relate to the new bay under which
12 the Airport High Speed Line will run?

13 A The question came up in conjunction with the
14 reconstruction of the bridge.

15 Q That is the other portion of the bridge, not the
16 Airport High Speed Line new bay portion?

17 A Possibly.

18 Q I didn't hear.

19 A Possibly. I am not sure.

20 Q So do I take it that you agree with me that these
21 items about which you mentioned do not necessarily
22 relate to the new bay for the airport under which the
23 Airport High Speed Line will pass?

24 A Right; it is possible, yes.

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2 Q Now, in the top of page three, this estimate of
3 \$187,000, that estimate includes costs for items other
4 than the Airport High Speed Line new bay on the 58th
5 Street Bridge; isn't that correct?

6 A It is an estimate for the work associated with
7 the reconstruction of the 58th Street Bridge.

8 Q That is both portions of it, or is it only the
9 portion which was referred to as stage B in some other
10 proceeding, that is the Airport High Speed Line portion
11 of that bridge?

12 A I can't answer that. I did not prepare the esti-
13 mate.

14 Q So that you don't know whether this includes the
15 estimate for all work of Amtrak at 58th Street or just
16 for work for the Airport High Speed Line purposes at
17 58th Street?

18 A I don't know.

19 Q You don't know?

20 MR. SMOLEN: If your Honor please, I
21 would move that the 187,000 mentioned in this witness'
22 testimony be stricken because he cannot relate it to the
23 Airport High Speed Line.

24 It involves costs pertaining to another

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proceeding.

ADMINISTRATIVE LAW JUDGE: Mr. Armentrout?

MR. ARMENTROUT: Well, I really don't see that it makes any difference whether it is included or excluded. We were asked the question. We submitted this as our answer. I guess the work will cost what it cost.

MR. SMOLEN: The work may cost what it cost, but it may not be responsive to the question. The question is for the Airport High Speed Line, and apparently included in the answer are costs associated with another project before the Commission and upon which the Commission has ruled.

MR. ARMENTROUT: I think the difficulty comes in all of your questions, Mr. Smolen, from trying to isolate the work in the 58th Street Bridge location.

MR. SMOLEN: I think the Commission has already done that.

The Commission has already acted upon that and has isolated it so there is no real difficulty.

The Commission has an Order, as you well know on this matter, and it just appears to me that attempting to bring in another proceeding cost associated

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2 -- namely this proceeding cost associated with another
3 proceeding on which the Commission has already acted
4 and ruled is not proper, and that is the reason for my
5 questions to this witness. And especially the fact that
6 the witness testified he didn't prepare this cost esti-
7 mate and yet he is testifying about it. And that is
8 the reason that I would request, again renew my request
9 that this estimate of 187,000 be stricken. The witness
10 doesn't know about it. It obviously includes costs for
11 something beyond the Airport High Speed Line portion,
12 and those areas beyond the Airport High Speed Line por-
13 tion have already been ruled upon by the Commission.

14 MR. ARMENTROUT: My point is I don't
15 think that estimate at the time it was made was broken
16 down as between the solely Airport High Speed Line
17 portion and the other portion of the work.

18 If you would like, we can see if we can
19 make that breakdown.

20 MR. SMOLEN: That is what I was trying to
21 ask the witness to do, to break, to exclude from the
22 answer, the top answer appearing on page three, to
23 exclude from the 187,000 all costs not related to the
24 Airport High Speed Line portion, and that is why I ask

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2 that the 187,000, at least for the moment, be stricken
3 as being extremely misleading.

4 ADMINISTRATIVE LAW JUDGE: All right; the
5 record now at this point is abundantly clear with
6 respect to that particular question, and the only thing
7 that remains is the possibility that the witness may be
8 able to isolate the figure.

9 Now, Mr. Cooper, are you in a position to
10 do that?

11 THE WITNESS: Not at this time. I can
12 do it.

13 ADMINISTRATIVE LAW JUDGE: It can be
14 done?

15 THE WITNESS: I believe so.

16 MR. ARMENTROUT: Can we ask leave to file
17 a subsequent exhibit?

18 ADMINISTRATIVE LAW JUDGE: Will that be
19 satisfactory, Mr. Smolen?

20 MR. SMOLEN: I think we can request
21 Amtrak to submit a cost breakdown exhibit similar to
22 those of the City for its work related to the Airport
23 High Speed Line portion of the 58th Street Bridge.

24 ADMINISTRATIVE LAW JUDGE: All right; is

1
2 that satisfactory, Mr. Armentrout?

3 MR. SMOLEN: It is also known as stage
4 B construction.

5 ADMINISTRATIVE LAW JUDGE: Then Counsel
6 are agreed that you will receive that breakdown, and it
7 will be added to the witness' testimony.

8 Do you have any further questions,
9 Mr. Smolen?

10 MR. SMOLEN: Of this witness? If I can
11 have another few minutes to finish up the answers --

12 ADMINISTRATIVE LAW JUDGE: Sure.

13 Do you want to take a five-or-ten-minute
14 break? We will take a five-or-ten-minute break? Would
15 that be better for you, Mr. Smolen?

16 MR. SMOLEN: I just have two questions to
17 go over or two answers.

18 ADMINISTRATIVE LAW JUDGE: All right;
19 fine.

20 BY MR. SMOLEN:

21 Q On page three your next to the last answer which
22 says Amtrak expects to be reimbursed fully for all costs
23 for labor, material, equipment, inspection and flagging
24 incurred during construction, do you mean during

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construction of the Airport High Speed Line portions?

A Yes.

Q Would you please explain your last answer appearing on page three?

ADMINISTRATIVE LAW JUDGE: Please read the question and answer.

BY MR. SMOLEN:

Q It says, "Does Amtrak agree to bear any maintenance responsibility of the completed improvement?"

Your answer says, "Amtrak will maintain those facilities located on Amtrak property"

What facilities are you referring to?

A I am talking about track or electric catenary that is on our property. This is based on the labor union's desire to do the work on the property.

Q Again, this answer relates solely to the Airport High Speed Line facilities?

A Yes.

MR. SMOLEN: No further questions.

ADMINISTRATIVE LAW JUDGE: Mr. Armentrout, do you have any redirect of this witness?

MR. ARMENTROUT: One question.

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REDIRECT EXAMINATION

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4 BY MR. ARMENTROUT:

5 Q Mr. Cooper, Mr. Smolen asked you about your answer
6 on page two concerning the catenary system and the
7 reconstruction and adjustment.

8 Will the catenary system that is installed
9 for the Airport High Speed Line be entirely separate and
10 apart from the one that is now in existence, or will it
11 be interrelated with the existing one?

12 A I am not too sure about that. I would have to
13 check with the electric traction department to see if
14 it is.

15 Q You don't know? My question --

16 A I don't know.

17 Q -- whether the fact that the Airport --

18 MR. SMOLEN: He answered the question.
19 Now, if you are going to supply him the answer, I will
20 object to it.

21 MR. ARMENTROUT: I wasn't.

22 ADMINISTRATIVE LAW JUDGE: Well, let's
23 hear what the question is. Mr. Armentrout?

24 BY MR. ARMENTROUT:

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Q What I was trying to develop was whether the Airport High Speed Line had its own separate catenary system?

A Yes; I believe it will.

MR. ARMENTROUT: That is all I have.

ADMINISTRATIVE LAW JUDGE: Do you have any recross, Mr. Smolen?

MR. SMOLEN: None.

ADMINISTRATIVE LAW JUDGE: Do any other Counsel have any examination of this witness?

Let the record show that Counsel have indicated a negative; therefore, there being no further questions of this witness, the witness will be excused.

- - -

...JOSEPH R. KWASIZUR, P.E., having been duly sworn, was examined and testified as follows:

ADMINISTRATIVE LAW JUDGE: Will you please state and spell your full name?

THE WITNESS: My name is Joseph R. Kwasizur, K-w-a-s-i-z-u-r.

ADMINISTRATIVE LAW JUDGE: All right; Mr. Kwasizur, would you please be seated? Mr. Chillemi?

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DIRECT EXAMINATION

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BY MR. CHILLEMI:

Q By whom are you employed, Mr. Kwasizur?

A Philadelphia Electric Company.

Q And in what capacity?

A As an engineer in the electrical engineering department.

Q Are you authorized to testify on behalf of the Philadelphia Electric Company in this proceeding?

A Yes, sir; I am.

Q I show you a two-page typewritten sheet containing questions and answers thereto and ask you if you are the one who prepared the answers to these questions?

A Yes; I am.

Q I further ask you that in the event that you are to testify at length in this proceeding would your answers to these questions be the same as contained in this typewritten sheet?

A Yes; they would.

MR. CHILLEMI: Therefore, if there is no objection, your Honor, I move that the testimony be incorporated into the record as if he already testified.

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2 ADMINISTRATIVE LAW JUDGE: Is there any
3 objection?

4 MR. WENICK: Do you have a copy of that
5 testimony?

6 MS. KIRCHER: Yes; could we see it?

7 ADMINISTRATIVE LAW JUDGE: The testimony
8 will be so admitted.

9 (Prepared testimony is as follows:

10 "1.Q What is your name and address?

11 A Joseph R. Kwasizur, PE, c/o Philadelphia Electric
12 Company, 2301 Market Street, N3-1, Philadelphia,
13 Pennsylvania 19101.

14 2.Q By whom are you employed?

15 A Philadelphia Electric Company.

16 3.Q In what capacity?

17 A Engineer, Electrical Engineering Division,
18 Engineering and Research Department.

19 4.Q Are you authorized to testify on behalf of
20 Philadelphia Electric Company?

21 A Yes, I am.

22 5.Q In the course of your duties, have you had occa-
23 sion to familiarize yourself with the proposal by the
24 City of Philadelphia for construction of a new crossing

1
2 where the proposed Airport High Speed Line will cross
3 above the grade of existing tracks of the National
4 Railroad Passenger Corporation?

5 A Yes, I have.

6 6.Q To what extent will Philadelphia Electric Company
7 facilities be affected by this work?

8 A In order to provide NESC clearances to the pro-
9 posed bridge, it will be necessary for Philadelphia
10 Electric Company to raise the conductor elevation of its
11 138 kV Eddystone-Master (Waneeta) transmission line at
12 six structure locations. Philadelphia Electric Company
13 transmission line occupies a portion of the existing
14 railroad catenary and transmission support structures
15 along the southern edge of Conrail's right of way.

16 7.Q Does Philadelphia Electric Company agree to pay
17 for any of the construction or relocation work involved?

18 A No, it does not.

19 8.Q Who will pay for the Philadelphia Electric Company
20 relocation costs?

21 A By agreement dated March 28, 1977, the City of
22 Philadelphia agreed to reimburse Philadelphia Electric
23 Company for all costs incurred for relocating electric
24 transmission, distribution and substation facilities

1
2 resulting from the construction of the proposed Airport
3 High Speed Line. At this time, a particular agreement
4 dealing with reimbursement of relocation costs for the
5 Eddystone-Master (Waneeta) 138 kV transmission line is
6 being prepared.

7 9.Q What is the cost of this relocation work?

8 A. The estimated relocation cost is \$130,000.

9 10.Q Does Philadelphia Electric Company have any objec-
10 tions to the proposed construction as now designed?

11 A. No, it does not provided the City of Philadelphia
12 pays all relocation costs stipulated in the March 28,
13 1977 agreement.")

14 - - -
15 (End of prepared testimony.)

16 - - -
17 ADMINISTRATIVE LAW JUDGE: Is there any
18 cross-examination of this witness?

19 MR. MAZOR: No.

20 ADMINISTRATIVE LAW JUDGE: There being no
21 further cross-examination --

22 THE WITNESS: Your Honor, I have one
23 comment to make.

24 In Mr. Starr's testimony he referred to

1
2 the Eddystone-Waneeta Line. In my testimony I referred
3 to it as the Eddystone-Master Line. They are the same
4 lines. I just want to clarify that point.

5 ADMINISTRATIVE LAW JUDGE: Thank you very
6 much, Mr. Kwasizur.

7 No further examination of this witness?

8 Counsel have indicated in the negative;
9 therefore, the witness is excused.

10 Thank you very much, Mr. Kwasizur.

11 THE WITNESS: Thank you.

12 ADMINISTRATIVE LAW JUDGE: Are there any
13 other witnesses to be presented by any of the Counsel
14 here today?

15 Is there any one here who wishes to be
16 heard and make a statement for the record?

17 There being no further business then we
18 will adjourn, and there will be continued hearings in
19 this matter of course.

20 Do Counsel want to decide today on a
21 proposed hearing date, or you will leave that for the
22 schedule staff?

23 MR. SMOLEN: It has been general practice
24 that when we are ready for a future hearing, I make a

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written request of the Commission, and thereafter the
hearings are scheduled upon request.

ADMINISTRATIVE LAW JUDGE: Then we will
continue to proceed in that fashion.

Thank you very much ladies and gentlemen.

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(Hearing adjourned at approximately
12:15 p.m.)

- - -

I N D E X

Applicant's
Testimony

Direct Cross Redirect Recross

Richard S. Starr

By Mr. Smolen 14

By Mr. Chillemi 33

By Mr. Smolen 34

By Mr. Wenick 35

By Mr. Mazor 36

By Mr. Herskovitz 37

By Mr. Armentrout 38

By Mr. Smolen 42

By Ms. Kircher 43

By Mr. Chillemi 56

Richard H. Cooper

By Mr. Armentrout 61

By Ms. Kircher 68

By Mr. Smolen 71

By Mr. Armentrout 79

Joseph R. Kwasizur

By Mr. Chillemi 81

- - -

	<u>Applicant's Exhibits</u>	<u>Marked</u>	<u>Rec'd</u>
3	City-34 - Multi-set of construction drawings previously marked PUC Exhibit Number 34	9	60
5	City-35 - Multi-page set of drawings entitled at bottom center Construction Phase III	9	60
7	City-36 - One-sheet document entitled Estimated Cost of Construction, Overpass Structure	10	60
9	City-37 - Multi-page document consisting of construction drawings marked at the bottom right Track Alignment	10	60
12	City-38 - One-page document entitled Estimated Cost of Trackwork and Drainage Under 58th Street Bridge	10	60
14	City-39 - Multi-page document entitled Airport High Speed Line Clearance at Baltimore and Ohio Bridge	11	60
17	City-40 - Multi-page set of drawings marked at bottom right Airport High Speed Line Track Alignment drawing number TA-21 and drawing R-21	11	60
20	City-41 - One-sheet document entitled Estimated Cost of Construction Under Baltimore and Ohio Railroad Bridge	12	60
22	City-42 - Multi-page set of drawings marked at the bottom right Airport High Speed Line Track Alignment, drawing TA-22 and Airport High Speed Line Roadway Plan, drawing number R-22.	12	60

1				89
2	City-43	- Single-sheet document entitled	12	60
3		Cost of Construction at 54th		
		Street		
4	City-44	- Single construction drawing	12	60
5		entitled at the bottom right		
6		Airport High Speed Line		
7		Protective Parapet at 61st		
		Street Bridge, drawing number		
		710 ST-72		
8	City-45	- One-sheet document entitled	13	60
9		Estimated Cost of 61st Street		
		Bridge Protective Parapets		
10		- - -		
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C E R T I F I C A T I O N

I HEREBY CERTIFY that the proceedings
and evidence are contained fully and accurately in the
stenographic notes taken by me upon the foregoing
matter, on June 6, 1959, and that this is a
correct transcript of same.

Carol Murphy
Carol Murphy,
Court Reporter

(The foregoing certification of this
transcript does not apply to any reproduction of
the same by any means, unless under the direct
control and/or supervision of the certifying
reporter.)

OVERSIZE DOCUMENT(S)

EXHIBIT NO. 34

Multi-set of construction
drawings previously marked
PUC Exhibit Number 34

OVERSIZE DOCUMENT(S)

EXHIBIT No. 35

Multi-page set of drawings
entitled at bottom center
Construction Phase III

ESTIMATED COST OF CONSTRUCTION - OVERPASS STRUCTURE

STRUCTURE:

Structural Excavation 3030 c.y.	@ 65.00 =	\$ 196,950
Class AA Cement Concrete 44 c.y.	@ 260.00 =	11,440
Class A Cement Concrete 1552 c.y.	@ 200.00 =	310,400
Class A Cement Concrete (Special) 860 c.y.	@ 200.00 =	172,000
Reinforcement Bars 165,700 lbs.	@ 0.45 =	74,570
Fabricated Structural Steel 397,000 lbs.	@ 1.05 =	416,850
No. 2B Coarse Aggregate 308 c.y.	@ 120.00 =	36,960
8" Dia. Perforated V-C Pipe 321 L.F.	@ 40.00 =	12,840
8" Non-Perforated Galvanized C.M. Type III Pipe 85 L.F.	@ 14.00 =	1,190
Selected Borrow Excavation Structural Backfill 6000 c.y.	@ 18.00 =	108,000
Asphalt Portland Cement Concrete 18 c.y.	@ 120.00 =	2,160
Ballast 35 c.y.	@ 16.30 =	570
Protective Barrier L.S.		<u>35,000</u>
	TOTAL	\$1,378,930

GRADING & DRAINAGE:

Embankment 6427 c.y.	@ 5.50 =	<u>35,347</u>
	TOTAL	\$ 35,347

TRACKWORK:

Ballast 298 c.y.	@ 18.90 =	5,632
Track 300 L.F.	@ 76.00 =	22,800
	TOTAL	\$ 28,432

RAILROAD UTILITY RELOCATION:

Railroad Duct L.S.		10,000
Air/Gas Pipelines L.S.		<u>2,000</u>
	TOTAL	\$ 12,000

SUM OF ABOVE ITEMS \$1,454,709

ESCALATION (15%) 218,206

SUBTOTAL AT CONSTRUCTION \$1,672,915

WITH 5% CONTINGENCY ADDED,
TOTAL COST \$1,757,000

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EXHIBIT 36
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OVERSIZE DOCUMENT(S)

EXHIBIT NO. 37

Multi-page document consisting of construction drawings marked at the bottom right Track Alignment

ESTIMATED COST OF TRACKWORK AND DRAINAGE
UNDER 58th STREET BRIDGE

GRADING & DRAINAGE:

Excavation	63.5 c.y.	@ 10.00 =	\$ 635
18" RCCP	140 L.F.	@ 21.50 =	<u>3,010</u>
		TOTAL	\$3,645

TRACKWORK:

Ballast	78 c.y.	@ 18.90 =	1,470
Sub-ballast	54 c.y.	@ 16.30 =	887
Track CWR	70 L.F.	@ 76.00 =	<u>5,320</u>
		TOTAL	\$ 7,677

SUBTOTAL 11,322

ESCALATION (15%) 1,698

SUBTOTAL AT CONSTRUCTION \$13,020

WITH 5% CONTINGENCY ADDED,
TOTAL COST \$14,000

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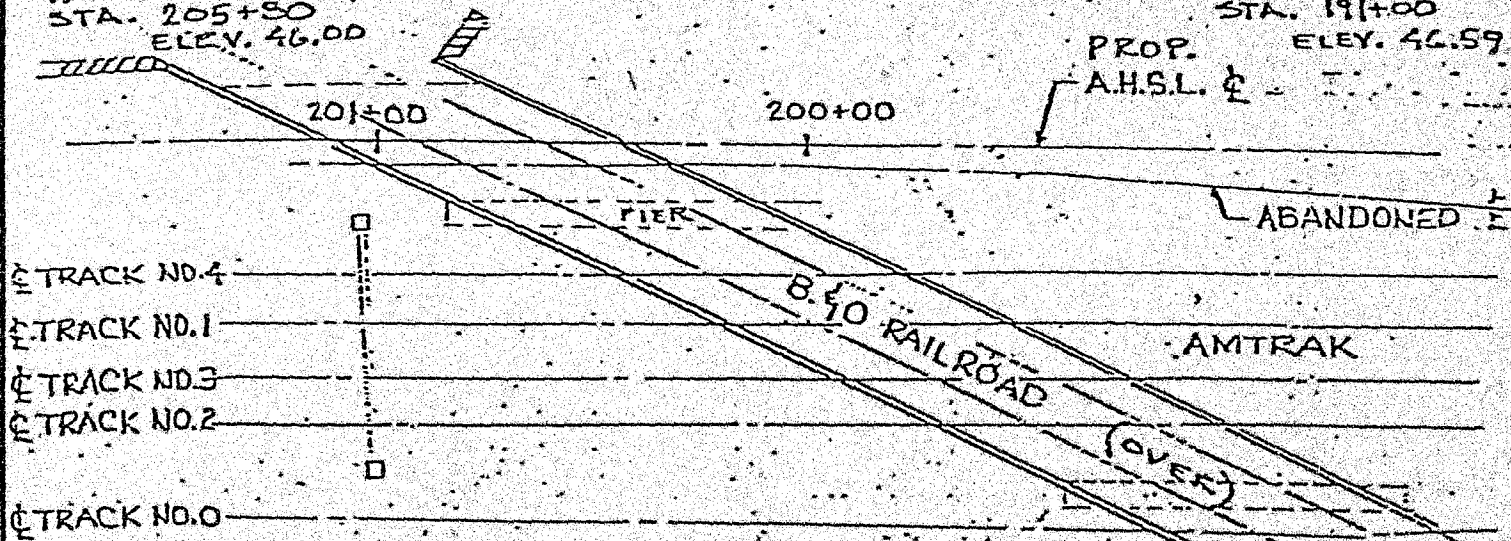
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~~EXTRA COPY~~

REF: AHS� Book No. 4 pp. 98, 99 TA-20, 21

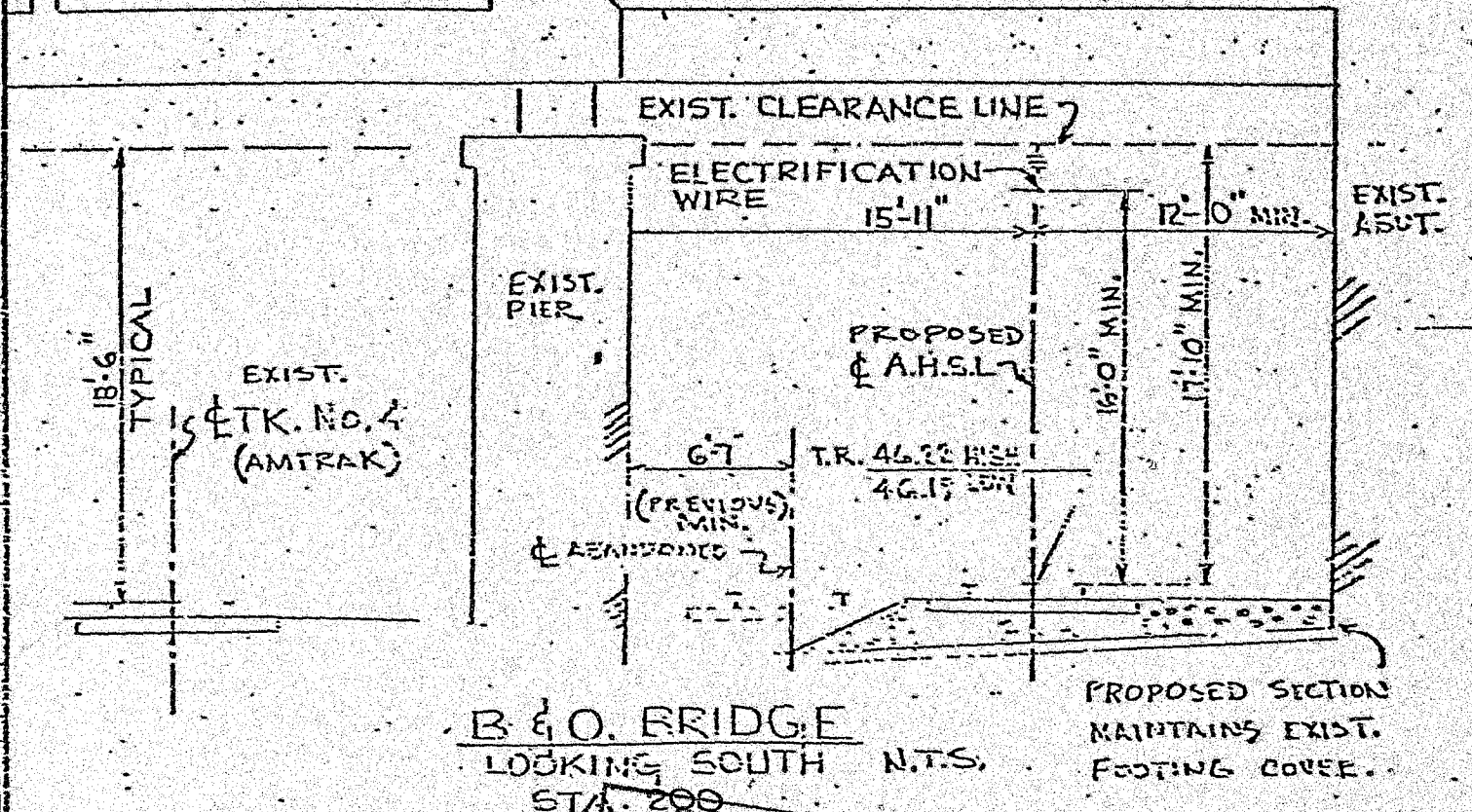
P.V.I. AHEAD
STA. 205+80
ELEV. 46.00

P.V.I. BACK
STA. 191+00
ELEV. 46.59



PLAN
ALONG AMTRAK MAIN LINE
APPROX. 1" = 50'

VERTICAL CONSTRAINTS: (A) COVER FOR EXIST. FOOTING
(B) SUBGRADE DRAINAGE OUTLETS
(C) P.V.I.S AHEAD AND BEHIND.



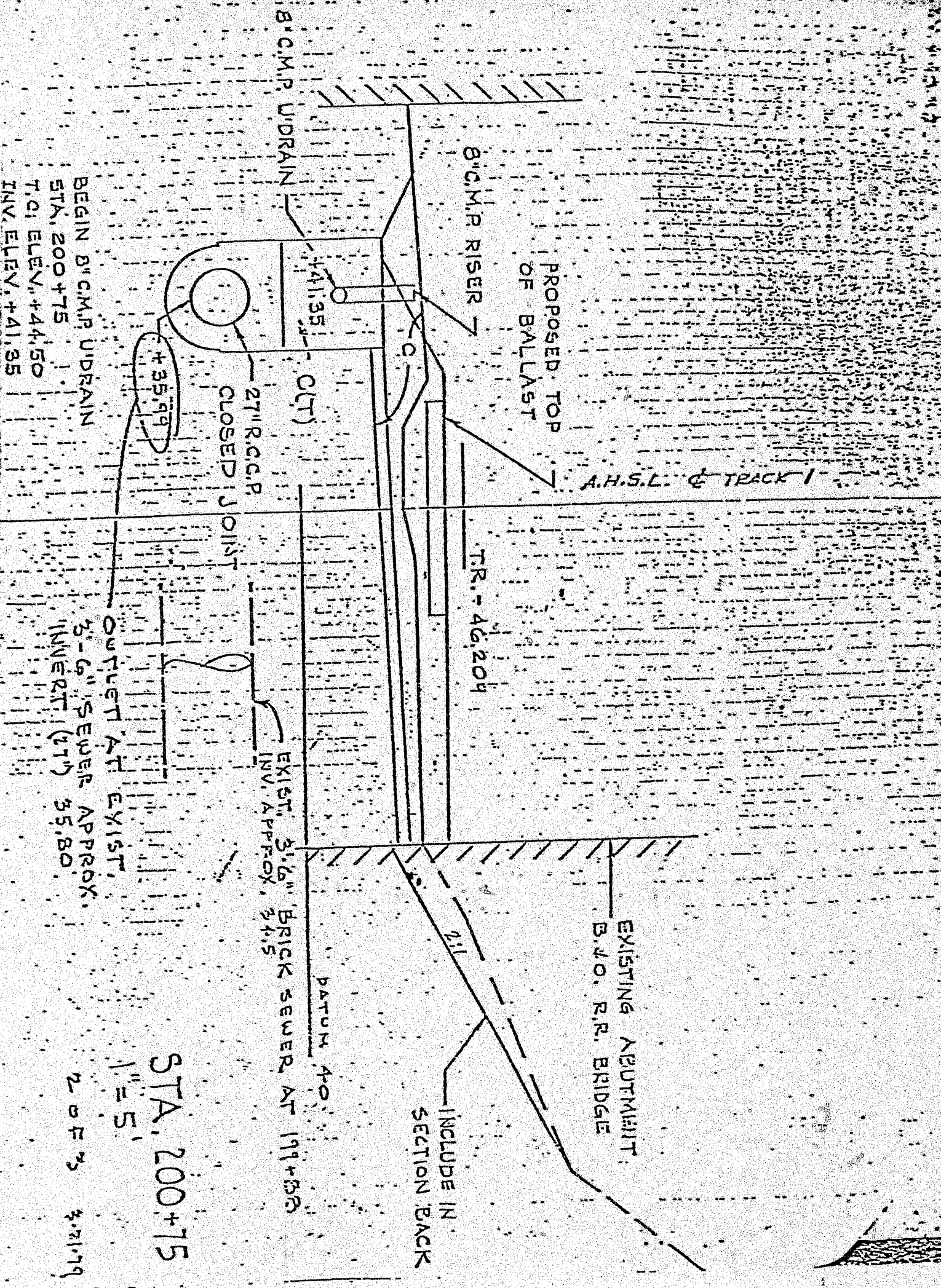
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EXHIBIT NO. 39

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PROPOSED TOP OF BALLAST

A.H.S.L. & TRACK 1

TR. - 46.20%

EXISTING ABUTMENT:
B.W.O. R.R. BRIDGE

INCLUDE IN SECTION BACK

B.C.M.P. UDRAIN

B.C.M.P. RISER

(C/T)

27" R.C.C.P. CLOSED JOINT

+35.99

DATUM 40'

EXIST. 31.6" BRICK SEWER AT 199+80
INV. APPROX. 34.5

OUTLET AT EXIST.

3" G.P. SEWER APPROP.
INVERT (17") 35+80

STA. 200+75

1" = 5'

2 OF 3 3.7179

BEGIN B.C.M.P. UDRAIN

STA. 200+75

T.C. ELEV. +44.50

INV. ELEV. +41.85

TRACK No. 4

PROPOSED TOP OF BALLAST

8" C.M.P. DRAIN

A.H.S.L. @ TRACK 1

T.R. 46.177

EXISTING ABUTMENT
B.I.O. R.R. BRIDGE

STA. 201+50
BEGIN G.A.G.I.O.

STA. 201+54
11=5'

0.6'

6" C.I. PIPE

INLET

53±

REMOVE 27' L.F. EXISTING 36" C.I. PIPE TO
INLET SEAL OPENING IN EXISTING INLET
CLEAN BOTH INLETS & CONNECTING PIPE

+40.96

(CCT)

27" R.C.C.P.
CLOSED JOINT

+36.39

BEGIN DITCH, LT.

STA. 201+15

INV. ELEV. +13.93

OVERSIZE DOCUMENT(S)

EXHIBIT No. 40

Multi-page set of drawings
marked at bottom right Airport
High Speed Line Track Alignment
drawing number TA-21 and draw-
ing R-21.

ESTIMATED COST OF CONSTRUCTION
UNDER BALTIMORE AND OHIO RAILROAD BRIDGE

GRADING & DRAINAGE:

Roadbed Excavation	921 c.y.	@ 6.50	= \$ 5,987
Trench Excavation	L.S.		32,960
27" RCCP	255 L.F.	@ 44.50	= 11,347
15" RCCP	35 L.F.	@ 19.50	= 682
54" RCCP	40 L.F.	@ 150+ (2000)	= 8,000
		TOTAL	\$ 58,976

TRACKWORK:

Ballast	322 c.y.	@ 18.90	= 6,086
Sub-ballast	25 c.y.	@ 16.30	= 408
Track CWR	290 L.F.	@ 76.00	= 22,040
		TOTAL	\$ 28,534

STRUCTURES:

Gabion Wall	45 c.y.	@ 50.00	= 2,250
		TOTAL	\$ 2,250

SUM OF ABOVE ITEMS \$ 89,760
 ESCALATION (15%) 13,464

SUBTOTAL AT CONSTRUCTION \$103,224

WITH 5% CONTINGENCY ADDED,
 TOTAL COST \$109,000

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EXHIBIT NO. 42

Multi-page set of drawings
marked at the bottom right
Airport High Speed Line Track
Alignment, drawing TA-22 and
Airport High Speed Line Roadway
Plan, drawing number R-22.

ESTIMATED COST OF CONSTRUCTION AT 54th STREET

GRADING & DRAINAGE:

Roadbed Excavation	82 c.y.	@ 6.50	= \$ 533
Trench Excavation	41 c.y.	@ 120.00	= 4,920
24" RCCP	86 L.F.	@ 34.00	= 2,924
15" RCCP	80 L.F.	@ 21.00	= 1,680
		TOTAL	\$ 10,057

TRACKWORK:

Ballast	73 c.y.	@ 18.90	= 1,380
Sub-ballast	15 c.y.	@ 16.30	= 245
Track CWR	70 L.F.	@ 76.00	= 5,320
		TOTAL	\$ 6,945

SUBTOTAL 17,002

ESCALATION (15%) 2,550

SUBTOTAL AT CONSTRUCTION 19,552

WITH 5% CONTINGENCY ADDED,
TOTAL COST \$20,600

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EXHIBIT No. 44

Single construction drawing
entitled at the bottom right
Airport High Speed Line
Protective Parapet at 61st
Street Bridge, drawing number
710 ST-72

ESTIMATED COST OF
61st STREET BRIDGE PROTECTIVE PARAPETS

Fabrication and Installation of:

Two (2) Solid Steel Barriers,
each 65'6" in length

Lump Sum

\$20,000

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