



October 7, 1980

A-00098061

Herbert Smolen, Esquire  
1401 Arch Street  
Philadelphia, PA 19102

Application of 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.

To Whom It May Concern:

This is to advise you that an order has been adopted by the Commission in Public Meeting on October 2, 1980, in the above entitled proceeding.

A copy of this order has been enclosed for your records.

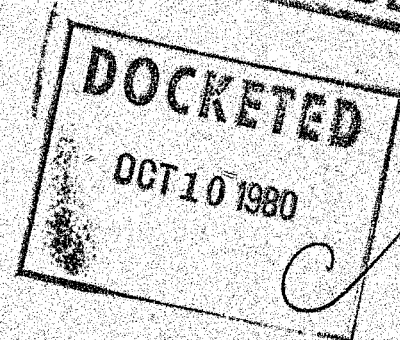
Very truly yours,

William P. Thierfelder  
Secretary

jr  
Encls.  
Cert. Mail  
Receipt Req.

Bureau of Rail Transportation

Similar letters to: see attached list



PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

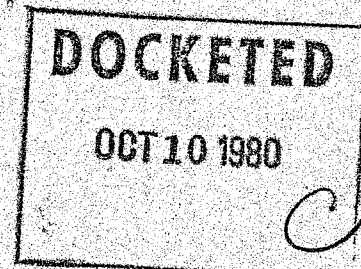
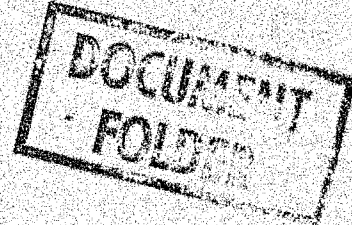
Public Meeting held October 2, 1980

Commissioners Present:

Susan M. Shanaman, Chairman  
Michael Johnson  
James H. Cawley  
Linda C. Taliaferro

Application of 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-00098061



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COUNSEL OF RECORD:

John J. Chiovero, ALJ, Sitting Examiner  
Herbert Smolen, for City of Philadelphia  
Rudolph A. Chillemi, for Philadelphia Electric Company  
Joel E. Mazor, for Consolidated Rail Corporation  
Edward H. Huss, for Southeastern Pennsylvania Transportation Authority  
George D. Wenick, for Pennsylvania Department of Transportation  
Richard S. Herskovitz, for Pennsylvania Public Utility Commission  
Sally J. Kircher, for The Baltimore and Ohio Railroad Company  
W. Scott Armentrout, for National Railroad Passenger Corporation

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O R D E R

BY THE COMMISSION:

On June 6, 1979, further hearing was held on the matters attendant to the subject application, filed July 5, 1973 by City of Philadelphia, seeking Commission approval for the construction, abolition

and/or alteration of all railroad-highway crossings attendant to the construction of a high-speed passenger commuter rail link designated as the Airport High Speed Line, or A.H.S.L., between center-city Philadelphia and the Philadelphia International Airport complex. A continuing series of hearings have been held on this matter over a period of time, each relating to those specific issues involved at individual isolated crossing areas, as plans for each such area have been developed and completed by the City, and as particulars for construction of the various segments of the overall project have been finalized. The hearing held June 6, 1979 dealt with those matters concomitant to the construction of the structure comprising the main cross-over of the tracks of the A.H.S.L. above those of National Railroad Passenger Corporation, in the vicinity of 60th Street, in southwest Philadelphia, together with ancillary trackwork and facility adjustments affected thereby.

At that hearing, applicant, City of Philadelphia, presented testimony relevant to its proposals at this location through Richard S. Starr, Project Manager for the Airport High Speed Line; National Railroad Passenger Corporation (Amtrak) presented its testimony through Richard H. Cooper, Structural Engineer; and Philadelphia Electric Company through its engineer, Joseph R. Kwasizur. Additionally, City of Philadelphia Exhibits Nos. 34 through 45 were admitted of record, as follows:

Exhibit No. 34: a 20-sheet set of structural drawings consisting of 17 sheets entitled "A.H.S.L., Overpass at PCRR", consecutively numbered S-1 through S-17; one sheet entitled "Track Alignment", numbered TA-20; one sheet entitled "Roadway Plan" numbered R-20; and one sheet entitled "Subgrade and Pavement Contours", numbered R-30.

Exhibit No. 35: A three-sheet set of drawings detailing the various construction phases for the overpass structure, entitled "A.H.S.L. Sequence of Construction (Pre-Final)", numbered SC-1, -2 and -3.

Exhibit No. 36: A single-page summary of the estimated cost of constructing the overpass structure to carry the A.H.S.L. above Amtrak, in the amount of \$1,757,000.00 itemized as follows:

ESTIMATED COST OF CONSTRUCTION-OVERPASS STRUCTURE

STRUCTURE:

Structural Excavation	\$ 196,950
Class AA Cement Concrete	\$ 11,440
Class A Cement Concrete	\$ 310,400
Class A Cement Concrete (Special)	\$ 172,000
Reinforcement Bars	\$ 74,570
Fabricated Structural Steel	\$ 416,850
No. 2B Coarse Aggregate	\$ 36,960
8-Inch Diameter Perforated V-C Pipe	\$ 12,840
8-Inch Non-Perforated Galvanized CM III Pipe	\$ 1,190
Selected Borrow Excavation, Structural Backfill	\$ 108,000
Asphalt Portland Cement Concrete	\$ 2,160
Ballast	\$ 570
Protective Barrier	\$ 35,000
	<u>\$1,378,930</u>

GRADING AND DRAINAGE:

Embankment	\$ 35,347
	<u>\$ 35,347</u>

TRACKWORK:

Ballast	\$ 5,632
Track	<u>\$ 22,800</u>
	\$ 28,432

RAILROAD UTILITY RELOCATION:

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

Sum of Above Items	\$1,454,709
Escalation (15%)	<u>\$ 218,206</u>

Subtotal At Construction	\$1,672,915
Total Cost (5% Contingency Added)	<u>\$1,757,000</u>

Exhibit No. 37: A three-sheet set of drawings detailing the work proposed to be effected beneath the 58th Street overhead bridge, one sheet entitled "A.H.S.L. Track Alignment", numbered TA-20; one sheet entitled "Roadway Plan", numbered R-20; and one sheet entitled "Subgrade and Pavement Contours", numbered R-30.

Exhibit No. 38: A single-page summary of the estimated cost of effecting the work and changes beneath the 58th Street bridge, in the amount of \$14,000 itemized as follows:

ESTIMATED COST OF TRACKWORK AND DRAINAGE UNDER 58TH STREET BRIDGE

GRADING AND DRAINAGE

Excavation	\$ 635
18-Inch Reinforced Cement Concrete Pipe	<u>\$ 3,010</u>
	\$ 3,645

TRACKWORK:

Ballast	\$ 1,470
Sub-Ballast	\$ 887
Track, Continuous Welded Rail	<u>\$ 5,320</u>
	\$ 7,677

Sum of Above Items	\$11,322
Escalation (15%)	<u>\$ 1,698</u>
Subtotal at Construction	\$13,020

Total Cost (5% Contingency Added)	\$14,000
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Exhibit No. 39: A three-page set of sketches showing the proposed clearances to be attained beneath The Baltimore and Ohio Railroad Company overhead bridge, and cross-sections showing drainage details at Stations 200+75 and 201+54.

Exhibit No. 40: A two-sheet set of drawings detailing the work proposed to be effected beneath the B&O overhead bridge, one sheet entitled "A.H.S.L. Track Alignment", numbered TA-21; and one sheet entitled "Roadway Plan", numbered R-21.

Exhibit No. 41: A single-page summary of the estimated cost of effecting the work and changes beneath The Baltimore & Ohio Railroad Bridge in the amount of \$109,000 itemized as follows:

ESTIMATED COST OF CONSTRUCTION UNDER BALTIMORE & OHIO RAILROAD BRIDGE

GRADING AND DRAINAGE:

Roadbed Excavation	\$ 5,987
Trench Excavation	\$ 32,960
27-Inch Reinforced Cement Concrete Pipe	\$ 11,347
15-Inch Reinforced Cement Concrete Pipe	\$ 682
54-Inch Reinforced Cement Concrete Pipe	\$ 8,000
	<u>\$ 58,976</u>

TRACKWORK:

Ballast	\$ 6,086
Sub-Ballast	\$ 408
Track, Continuous Welded Rail	\$ 22,040
	<u>\$ 28,534</u>

Structures:

Gabion Wall	\$ 2,250
	<u>\$ 2,250</u>

<u>Sum of Above Items</u>	\$ 89,760
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Escalation (15%)	\$ 13,464
Subtotal at Construction	\$103,224
Total Cost (5% Contingency Added)	\$109,000

Exhibit No. 42: A two-sheet set of drawings detailing the work proposed to be effected beneath the 54th Street overhead bridge, one sheet entitled "A.H.S.L. Track Alignment", numbered TA-22; and one sheet entitled "Roadway Plan", numbered R-22.

Exhibit No. 43: A single-page summary of the estimated costs of effecting the work and changes beneath the 54th Street bridge, in the amount of \$20,600 itemized as follows:

ESTIMATED COST OF CONSTRUCTION AT 54TH STREET

GRADING AND DRAINAGE

Roadbed Excavation	\$ 533
Trench Excavation	\$ 4,920
24-Inch Reinforced Cement Concrete Pipe	\$ 2,924
15-Inch Reinforced Cement Concrete Pipe	\$ 1,680
	<u>\$10,057</u>

TRACKWORK:

Ballast	\$ 1,380
Sub-Ballast	\$ 245
Track, Continuous Welded Rail	\$ 5,320
	<u>\$ 6,945</u>
Sum of Above Items	\$17,002
Escalation (15%)	\$ 2,550
Subtotal at Construction	<u>\$19,552</u>
Total Cost (5% Contingency Added)	\$20,600

Exhibit No. 44: A single-sheet drawing detailing the protective parapet to be added to the 61st Street overhead bridge, entitled "A.H.S.L.- Protective Parapet at 61st Street Bridge", numbered 710ST-72.

Exhibit No. 45: A single-page statement of the estimated cost of fabricating and installing the protective parapet at 61st Street, in the lump-sum amount of \$20,000.

Testimony by Applicant's witness concentrated on an explanation of the various plan exhibits, clarification of details, construction phases and particulars of the type and extent of work to be performed at the various locations, as well as the proposed financing of the project. Witnesses for Amtrak and Philadelphia Electric Company emphasized the effects the construction will have upon their facilities and the extent of alterations required to same, but entered no objection to the applicant's proposal provided full reimbursement is made for all costs incurred.

Upon careful consideration and review of all the evidence of record in this proceeding, we make the following findings of fact relevant to the matters involved and which we deem pertinent to a decision in this proceeding;

FINDINGS OF FACT

1. The crossings involved are as follows:

a. Construction of a new crossing to carry a single track of the proposed Airport High Speed Line (A.H.S.L.) over and above the existing grade of five tracks of National Railroad Passenger Corporation (Amtrak), at a location between 58th Street and 60th Street;

b. Alterations to the existing crossing where the tracks of the A.H.S.L. will pass beneath the bridge carrying 58th Street;

c. Alterations to the existing crossing where the tracks of the A.H.S.L. will pass beneath the bridge carrying the tracks of The Baltimore and Ohio Railroad Company, east of 58th Street;

d. Alterations to the existing crossing where the tracks of the A.H.S.L. will pass beneath the bridge carrying 54th Street; and

e. Alterations to the existing crossing where the tracks of the A.H.S.L. will pass beneath the bridge carrying 61st Street.

(The above crossings a., b., c., and d. are situated on Amtrak's existing alignment; crossing e. is situated on Conrail's existing alignment.)

2. The subject application was filed with Pennsylvania Public Utility Commission on July 5, 1973 by City of Philadelphia, seeking approval for the construction, alteration, and/or reconstruction of numerous railroad-highway crossings attendant to the proposed high-speed passenger rail line being constructed to provide commuter service between center-city Philadelphia and the Philadelphia International Airport Complex.

3. Carriers named in the application as being involved with the proposed A.H.S.L. construction were: Penn Central Transportation Company, Debtor, Reading Company, Debtor, The Baltimore and Ohio Railroad Company and Southeastern Pennsylvania Transportation Authority.

4. On April 1, 1976, the facilities and operations of Penn Central Transportation Company and Reading Company, Debtors, were assumed by Consolidated Rail Corporation and/or National Railroad Passenger Corporation, under the terms of the Regional Rail Reorganization Act of 1973.

5. Applicant's Exhibit No. 34, construction drawings for the main overpass structure, reveals that the bridge will consist of welded structural steel girders with structural steel floorbeams, stringers and ballast plates. Under this application, all required embankment will be placed to accommodate both tracks of the proposed two-track A.H.S.L. and both abutments will be constructed full-width; however, superstructure construction will be limited at this time to those portions required to support only one of the proposed eventual two tracks, with future construction contemplated to complete the bridge to accommodate both tracks of the A.H.S.L. All vertical and horizontal clearances for this location conform with the exceptions as granted by this Commission in its order entered July 30, 1974.

6. Applicant's Exhibit No. 35, drawings for sequence of construction, show the existing conditions at the construction site, and set forth the step-by-step construction stages to be followed by the contractor, with individual drawings showing the various Construction Phases I, II, III, IV and V; together with detailed instructional notes covering the sequential portions of the work.

7. In addition to the work shown on Exhibits Nos. 34 and 35, electrical transmission lines of Philadelphia Electric Company and National Railroad Passenger Corporation will require certain alterations and adjustments. The 138KV Eddystone-Waneeta Line of P.E. Company, currently carried on existing traction-power support structures along the south side of the Amtrak main line, will be raised to provide necessary clearance above the new A.H.S.L. tracks which will be carried above Amtrak on the new overpass structure. Four new support structures will be provided, two existing structures will be modified, and one existing structure will be replaced in kind. The 130KV Amtrak transmission conductors, presently carried along both sides of the existing trackage, will also be raised to provide similar clearance above the new A.H.S.L. tracks. Three new support poles will be provided along Amtrak's main line, while six new poles will be placed to lead power into the proposed A.H.S.L. traction-power substation to be constructed in the general area of the main cross-over structure.

8. Applicant estimates construction of the main cross-over structure will require approximately 18 months to complete.

9. All property required for the construction of the main cross-over structure is owned by National Railroad Passenger Corporation. Applicant avers that agreement has been reached between it and National Railroad Passenger Corporation relative to the extent and nature of such property rights the City will acquire in order to effect the proposed construction, and no appropriation of property will be required by this Commission, at this location.

10. Applicant agrees to be responsible for the future maintenance of the completed improvements, as constructed in accordance with its Exhibits Nos. 34 and 35, exclusive of the new and/or relocated power facilities of P.E. Company and Amtrak, which should be maintained by the respective owners thereof, each at its sole expense.

11. Applicant's Exhibit No. 37, track, roadway and subgrade plans, indicate the type and extent of work to be effected beneath the 58th Street bridge structure; including placement of continuously-welded rail, wooden ties, ballast, sub-ballast, excavation and drainage facilities; construction of which will take place entirely at existing track level and will have no effect upon vehicular traffic using 58th Street bridge, nor will the facilities of any public utility be affected thereby.

12. Applicant estimates construction of the work beneath the 58th Street bridge will require approximately two months to complete.

13. No property will be required to be appropriated for the work in this area.

14. Applicant agrees to be responsible for the future maintenance of the completed improvements, as constructed in accordance with its Exhibit No. 37.

15. Applicant's Exhibit No. 39 shows the proposed clearances above the new single A.H.S.L. track to be installed beneath The Baltimore and Ohio Railroad Company bridge, east of 58th Street. It is indicated that horizontal clearance to center-line of track will be maintained at 12-feet, 0-inch minimum; while the vertical clearance above the track, as requested by the City as an additional exemption, will be 17 feet, 10 inches to bottom of existing structure.

16. The Commission's order in this matter entered July 30, 1974, granted an overhead exemption of 17 feet, six inches above the subject A.H.S.L. track, at the 58th Street bridge, which is but 400 feet away from the B&O bridge where the 17-feet, 10-inch exemption is being requested.

17. City avers that to replace the B&O bridge, in order to provide standard clearances, would increase project costs by some \$4,000,000.00. Since the proposed track will carry A.H.S.L. commuter car traffic exclusively, and since the requested clearance is satisfactory for that purpose, City requests approval of the overhead clearance exemption.

18. Applicant's Exhibit No. 40, track and roadway plans, indicate the type and extent of work to be effected beneath the B&O railroad bridge; including excavation, trackwork, roadbed, grading, drainage facilities, gabion-wall construction and sheeting, over a distance of some 290 feet; construction of which will take place entirely at existing track level, and will have no effect upon rail traffic using the B&O bridge, nor will the facilities of any public utility be affected thereby.

19. Applicant estimates construction of the work beneath the B&O bridge will require approximately two months to complete.

20. No property will be required to be appropriated for the work in this area.

21. Applicant agrees to be responsible for the future maintenance of the completed improvements, as constructed in accordance with its Exhibit No. 40.

22. Applicant's Exhibit No. 42, track and roadway plans, indicate the type and extent of work to be effected beneath the existing 54th Street bridge; including excavation, trackwork, roadbed, grading, drainage facilities and reinforced cement concrete pipe, over a distance of some 70 feet; construction of which will take place entirely at existing track level, and will have no effect upon vehicular traffic using the 54th Street bridge, nor will the facilities of any public utility be affected thereby.

23. Horizontal and vertical clearances about the new track will conform to the exemptions as granted by Pennsylvania Public Utility Commission in its order entered July 30, 1974.

24. Applicant estimates construction of the work beneath the 54th Street bridge will require approximately two months to complete.

25. No property will be required to be appropriated for the work in this area.

26. Applicant agrees to be responsible for the future maintenance of the completed improvements, as constructed in accordance with its Exhibit No. 42.

27. Applicant's Exhibit No. 44, the plan for protective parapets at the 61st Street bridge, sets forth the structural details of the steel-beam and checkered-plate solid barrier wall to be placed atop the existing concrete parapets of the structure, over a length of approximately 65 feet, six inches each side of the roadway, providing a total vertical height above sidewalk level of six feet, nine inches; construction of which will have no effect upon vehicular traffic using the 61st Street bridge, nor will the facilities of any public utility be affected thereby.

28. Applicant estimates construction of the parapet walls on the 61st Street bridge will require approximately two months to complete.

29. No property will be required to be appropriated for the work in this area.

30. Applicant agrees to be responsible for the future maintenance of the parapet wall extensions, as constructed in accordance with its Exhibit No. 44.

31. Total estimated costs for all work contemplated by the Applicant under this portion of its application, amounts to \$1,920,600; being the aggregate of the individual estimates for the various portions of the work as shown on its Exhibits Nos. 36, 38, 41, 43 and 45.

32. Costs of construction are to be borne under the terms of a Capital Assistance Grant from the U.S. Department of Transportation, Urban Mass Transportation Administration, in the amounts of 80% by UMTA, 16-2/3% by Pennsylvania Department of Transportation, and 3-1/3% by City of Philadelphia. A copy of the agreement covering the stated percentages has been introduced in this proceeding at an earlier hearing, as Applicant's Exhibit No. 25.

33. City of Philadelphia requests Pennsylvania Public Utility Commission issue an order in this matter authorizing construction in accordance with the plans submitted at the hearing held June 6, 1979; granting an exemption from the overhead clearance requirements to permit 17-foot, 10-inch vertical clearance at The Baltimore and Ohio Railroad Company bridge; and allocating costs of construction in accordance with the terms of the agreement and the UMTA grant.

34. P.U.C. approval for the future construction of the second track portion of the main cross-over structure is not being sought at this time.

35. The Baltimore and Ohio Railroad Company has no objection to the request by Applicant for an exemption from the Commission's Minimum Vertical Clearance Requirements beneath the bridge carrying the tracks of The Baltimore and Ohio Railroad Company, east of 58th Street.

36. National Railroad Passenger Corporation has no objection to the construction of the improvements, as proposed by the Applicant, insofar as the project affects Amtrak's facilities and operations.

37. Amtrak operates approximately 100 passenger and commuter trains, daily, past the location of the subject improvements, at speeds up to 75 miles per hour, and Conrail operates numerous freight trains at speeds of 50 miles per hour.

38. Certain of the work will require the furnishing of railroad flagmen, watchmen and inspectors, by Amtrak, during the construction, to provide adequate protection to the operations and facilities of the railroad.

39. Amtrak presently maintains the electric catenary system which provides traction power to trains in this area. Certain adjustments to this system, both temporary and permanent, will be necessary to accommodate the improvements.

40. Amtrak will perform all work to the catenary system, in accordance with agreements between it and the Brotherhood of Maintenance of Way Employees, including erection of temporary catenary structures, transfer of 11 KV power lines and feeder wires, and 6.6 KV signal wires, erection of permanent supports and related work for completion of permanent installation of these elements. Additionally, Amtrak will perform all track work from 58th Street eastward, all electric traction work west of 58th Street, and all communication and signal work east of 58th Street, as required by the project.

41. Amtrak estimates the cost for electric traction work required to accommodate reconstruction of the 58th Street bridge to be \$187,000 which includes all temporary and permanent adjustments, together with inspection, flagging, watchmen and other personnel. Amtrak has no estimate of the cost for the remainder of the work it will perform.

42. Amtrak was to submit a late-filed exhibit in clarification of the above-noted \$187,000 cost estimate, showing a detailed breakdown of the applicable portions of that section. The record does not indicate the submittal of such an exhibit to the Commission by Amtrak.

43. Amtrak has no objection to the construction, by others, to any of the various aspects of the improvement, so long as such construction does not affect the safety of its operations and facilities.

44. Amtrak does not agree to bear any of the costs of constructing the improvement, as requested by applicant, and further expects to be fully reimbursed for any and all costs which it may incur as a result thereof.

45. Amtrak agrees to maintain its own facilities in the future, and will maintain such facilities of others (AHSL) located on its property, subject to reimbursement by the owners or operators thereof.

46. Philadelphia Electric Company requests reimbursement for any and all costs incurred by it in effecting changes to its 138 KV Eddystone-Waneeta transmission line, as required by reason of the construction of the improvement requested by Applicant; such costs being estimated by PE Company at \$130,000.

47. Philadelphia Electric Company has no objection to the construction as proposed by Applicant, provided it is reimbursed for any costs incurred as a result thereof.

We have carefully reviewed the record in this proceeding, including all testimony and exhibits presented at the hearing held June 6, 1979, and we conclude that construction of the railroad-highway crossing project as herein proposed by City of Philadelphia is necessary for the safety, convenience, accommodation and service of the traveling public, and is a necessary and integral part of the overall AHSL project being constructed to serve as a commuter link between City of Philadelphia and the Philadelphia International Airport. General approval of the concept and construction of the overall AHSL project has been granted by this Commission in prior orders, and we shall by this order grant approval of the detailed plans presented for the record by the City, covering this phase of the project located in the vicinity of the main track crossover structure.

City of Philadelphia, Department of Transportation of the Commonwealth of Pennsylvania, Consolidated Rail Corporation, National Railroad Passenger Corporation, The Baltimore and Ohio Railroad Company, Southeastern Pennsylvania Transportation Authority and all non-carrier public utility companies affected hereby are "concerned" and "interested" parties to this proceeding, within the context of Sections 2702 and 2704 of the Public Utility Code, 66 Pa. C.S. §§2702, 2704.

No objections having been entered for the record, and testimony having been offered with respect to the assumption of all costs involved at this location, we find nothing to bar approval of construction of the project as proposed; THEREFORE,

IT IS ORDERED:

1. That the application be and is hereby approved, to the extent hereinafter defined.
2. That a new crossing, where existing tracks of National Railroad Passenger Corporation will pass below the grade of the new single track of the Airport High Speed Line, to be carried on a new welded steel girder structure constructed as proposed over and above the existing Amtrak tracks, at or about Airport High Speed Line Survey Station 213+90, be constructed, generally in accordance with the detailed construction drawings prepared by City of Philadelphia and admitted at the hearing held June 6, 1979 as City Exhibit No. 34, which plans are made part hereof and are hereby approved.
3. That the existing crossing, above grade, where 58th Street crosses over and above the grade of existing tracks of National Railroad Passenger Corporation and the proposed new track(s) of the Airport High Speed Line, be altered; generally in accordance with the detailed construction drawings prepared by City of Philadelphia and admitted at the hearing held June 6, 1979, as City Exhibit No. 37, which plans are made part hereof and are hereby approved.
4. That the existing crossing, where tracks of The Baltimore and Ohio Railroad Company are carried over and above the grade of existing tracks of National Railroad Passenger Corporation and the proposed new track(s) of the Airport High Speed Line, be altered; generally in accordance with the detailed construction drawings prepared by City of Philadelphia and admitted at the hearing held June 6, 1979 as City Exhibit No. 40, which plans are made part hereof and are hereby approved.
5. That the existing crossing, above grade, where 54th Street crosses over and above the grade of existing tracks of National Railroad Passenger Corporation and the proposed new track(s) of the Airport High Speed Line, be altered; generally in accordance with the detailed construction drawings prepared by City of Philadelphia and admitted at the hearing held June 6, 1979 as City Exhibit No. 42, which plans are made part hereof and are hereby approved.
6. That the existing crossing, above grade, where 61st Street crosses over and above the grade of existing tracks of National Railroad Passenger Corporation and the proposed new track(s) of the Airport High Speed Line, be altered; generally in accordance with the detailed construction drawings prepared by City of Philadelphia and admitted at the hearing held June 6, 1979, as City Exhibit No. 44, which plans are made part hereof and are approved.

7. That the prayer of the petition of City of Philadelphia filed April 23, 1979, seeking an additional exemption from the minimum overhead clearance requirements of Part III of this Commission's Railroad Regulations, to permit a vertical clearance of 17 feet 10 inches above top of rail to bottom of overhead structure carrying the tracks of The Baltimore and Ohio Railroad Company, east of 58th Street, be and is hereby approved.

8. That the City of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to construct the improvements as set forth and approved in numbered Paragraphs 2, 3, 4, 5, 6 and 7, above; including all structures, track and track roadbed work, drainage facilities, protective parapet railings and any other ancillary work attendant thereto, all in accordance with the plans hereinabove approved.

9. That National Railroad Passenger Corporation, at its initial cost and expense, furnish all material and do all work necessary to make any temporary or permanent adjustments, alterations, relocations or modifications of its electrification system, tracks, signals, wire lines or other facilities required by reason of the construction of the improvement project in accordance with the approved plans; and in addition, furnish and maintain watchmen and/or flagmen as may be necessary to protect its facilities and operations during the time the project is being constructed over, across or adjacent to its tracks and facilities at the subject locations.

10. That National Railroad Passenger Corporation, at its initial cost and expense, and as required by reason of the constructor's operations and methods, furnish any construction inspectors as may be required to observe the progress of the work during the time the project is being constructed over, across or adjacent to its tracks and facilities; and in addition, furnish such engineering services as may be required to ensure the safety of its operations and facilities which may be affected by the design and construction of the crossing improvement project.

11. That National Railroad Passenger Corporation, at its initial 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.

12. That Philadelphia Electric Company, at its initial cost and expense, furnish all material and do all work necessary to make any temporary or permanent adjustments, alterations, relocations or modifications to its existing aerial and/or underground lines, conduits, structures, equipment or other facilities, as required by reason of and to accommodate construction of the improvement project in accordance with this order.

13. That Philadelphia Electric Company, at its initial cost and expense, furnish and maintain such safety inspectors or other personnel, as required 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 course of the construction in accordance with this order.

14. That any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any public utility, exclusive of National Railroad Passenger Corporation and Philadelphia Electric Company, as hereinabove provided, located within or beyond the limits of the improvement, which may be required as incidental to the construction of the project, be made by said public utility at its sole cost and expense, and in such manner as will not interfere with the construction of the improvement, and said relocated or changed facilities thereafter be maintained by the respective utility.

15. That City of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to effect the vacation, relocation, removal or demolition of any non-utility structures, including occupied dwellings located upon property required for purposes of the improvement.

16. That City of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to establish and maintain any temporary alternate route which may be found necessary or advisable to accommodate properly vehicular or pedestrian traffic during the course of the construction.

17. That City of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to complete the remainder of the crossing improvement project in accordance with the approved plans.

18. That all work of constructing the crossing improvement project be completed in a manner satisfactory to this Commission on or before December 31, 1982; and that on or before said date, each party hereto report to the Commission the date of actual completion of its respective portions of the work; and at the earliest practicable time subsequent to said date of completion, submit to this Commission a detailed statement of the actual costs incurred by it in furnishing material and in performing work on its respective portions of the project, in compliance with this order.

19. That City of Philadelphia cooperate with National Railroad Passenger Corporation, Philadelphia Electric Company, the operators of the Airport High Speed Line, and any other involved public utility company, so that in the construction of the crossing improvement project the operations and facilities of the railroad companies and the utility companies will not be endangered or unnecessarily impeded.

20. That during the time the work is underway on the crossing improvement project, National Railroad Passenger Corporation, Philadelphia Electric Company, the operators of the Airport High Speed Line, and any other involved public utility company, cooperate with City of Philadelphia and conduct its respective operations and facilities within the vicinity of the work in a safe manner and under control.

21. That National Railroad Passenger Corporation pay any money to which it may be entitled as compensation for any of its operating right-of-way property taken, injured or destroyed by reason of construction of the crossing improvement project in accordance with this order.

22. That City of Philadelphia, at its initial cost and expense, pay all compensation for damages, if any, due to the owners, exclusive of National Railroad Passenger Corporation, as hereinabove provided, for property taken, injured or destroyed by reason of the construction of the crossing improvement project in accordance with this order.

23. That City of Philadelphia pay National Railroad Passenger Corporation a sum or sums of money equal to the actual costs of watchman and/or flagman services rendered by the carrier in accordance with numbered Paragraph 9 of this order to protect its operations and facilities, contingent solely upon the work and operations of the City and/or its contractor(s) during the time the project is being constructed over, across or adjacent to the tracks or facilities of the carrier.

24. That City of Philadelphia pay National Railroad Passenger Corporation, when and as certified by this Commission, a sum or sums of money equal to the actual cost of materials furnished and work performed by the carrier in compliance with numbered Paragraph 9 of this order, exclusive of the costs of watchman and flagman services reimbursed in accordance with numbered Paragraph 23, above; and in addition, a sum or sums of money equal to the actual cost of construction inspector services and engineering services rendered by the carrier in compliance with numbered Paragraph 10 of this order.

25. That City of Philadelphia pay Philadelphia Electric Company, when and as certified by this Commission, a sum or sums of money equal to the actual cost incurred by the company in furnishing material and in performing work in accordance with numbered Paragraphs 12 and 13 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.

26. That upon completion of the construction of the improvement and its opening to public use, National Railroad Passenger Corporation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its existing and/or altered electrification system and all supporting elements therefore, its tracks, wire lines, signal lines and other facilities located at or in the vicinity of the subject improvements, all as constructed in compliance with this order.

27. That upon completion of the crossing improvement project and its opening to public use, City of Philadelphia, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the remainder of the improvement project within the limits of this Commission's jurisdiction, including all track, roadbed, protective parapets, drainage systems or other ancillary facilities of the Airport High Speed Line, all as constructed in compliance with this order; including the substructure and superstructure of the bridge carrying the new track of the Airport High Speed Line over and above the grade of the existing track of National Railroad Passenger Corporation, as constructed in compliance with this order.

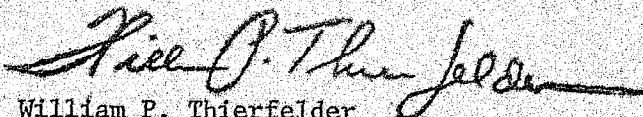
28. That upon completion of the construction of the improvement and its opening to public use, Philadelphia Electric Company, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its existing and/or altered facilities located at or in the vicinity of the crossing improvement project, constructed in compliance with this order.

29. That this order, insofar as it imposes certain costs upon City of Philadelphia in the first instance, is without prejudice to the right of the City to recover part or all of such costs thus incurred in furnishing material and performing work in compliance with this order, from United States Department of Transportation (Urban Mass Transportation Administration), Pennsylvania Department of Transportation, or others, in such proportions and in accordance with the terms of any lawful agreement existing, or subsequently consummated, between it and such other parties.

30. That this order, insofar as it imposes certain costs upon National Railroad Passenger Corporation, is without prejudice to the right of the carrier to recover all or part of such costs thus incurred in furnishing material and in performing work in accordance with this order, from Penn Central Transportation Company or Consolidated Rail Corporation, in such proper proportions and in accordance with any lawful agreement existing between it and such other party.

31. That this order, insofar as it imposes costs upon parties other than City of Philadelphia and/or National Railroad Passenger Corporation, is without prejudice to those parties' rights to recover from others the costs so incurred, in accordance with any lawful agreement between or among said parties.

BY THE COMMISSION,

  
William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: October 2, 1980

ORDER ENTERED: **OCT 7 1980** - 16 -