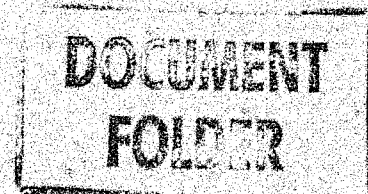
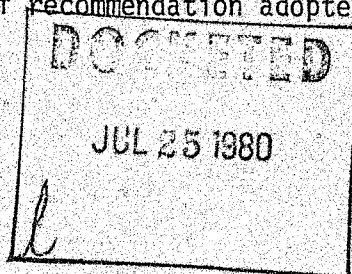


- |                             |                                 |   |                                |
|-----------------------------|---------------------------------|---|--------------------------------|
| 1. <u>REPORT DATE:</u>      | July 17, 1980                   | : | 2. <u>BUREAU AGENDA NO.</u>    |
| 3. <u>BUREAU:</u>           | Law                             | : | JUL-80-L-302*                  |
| 4. <u>SECTION(S):</u>       | Rail                            | : | 5. <u>PUBLIC MEETING DATE:</u> |
| 6. <u>APPROVED BY:</u>      |                                 | : | July 17, 1980                  |
|                             | Director: Malatesta - 7-5000    | : |                                |
|                             | Supervisor: Lowenstein - 3-3713 | : |                                |
| 7. <u>MONITOR:</u>          | Cawley                          | : |                                |
| 8. <u>PERSON IN CHARGE:</u> | Herskovitz - 3-2840             | : |                                |
| 9. <u>DOCKET NO:</u>        | A-00098061                      | : |                                |
10. (a) CAPTION (abbreviate if more than 4 lines)  
 (b) Short summary of history & facts, documents & briefs  
 (c) Recommendation
- (a) APPLICATION OF CITY OF PHILADELPHIA RE: (1) ALL CROSSINGS OF THE NEW AIRPORT HIGH SPEED LINE (CONSTRUCTION, ALTERATION, ABOLITION, ET AL.), BETWEEN CENTER CITY PHILADELPHIA AND PHILADELPHIA INTERNATIONAL AIRPORT, (2) COST ALLOCATIONS, AND (3) CLEARANCE EXEMPTIONS.
- (b) On July 5, 1973, the City of Philadelphia filed an application requesting approval of construction, alteration, and reconstruction of various rail-highway crossings to accommodate the Airport High Speed Line. On March 22, 1979, hearing was held upon the alterations requested by the City at the Elmwood Avenue crossing, above the 60th Street Freight Branch of Conrail. Order entered June 19, 1980 granted the City's application for the Elmwood Avenue Crossing, and directed, inter alia, that the City maintain the sub-structure, superstructure and its approaches. On July 3, 1980, the City filed a Petition for Modification/Rehearing/Rescission of the Order, alleging inter alia, that Elmwood Avenue is a State Highway and the sub-structure, superstructure, and approaches should be maintained by the Pennsylvania Department of Transportation.
- (c) The Law Bureau recommends that the Commission reconsider its order entered June 19, 1980, and assign the case to the Office of Administrative Law Judge for a hearing, under the Hearing Examiner System, on the matters raised in the City's Petition.

11. MOTION BY: Commissioner Johnson      Commissioner Chm. Shanaman - Yes  
 Commissioner Taliaferro - Yes
- SECONDED: Commissioner Cawley      Commissioner

CONTENT OF MOTION: Staff recommendation adopted.



July 18, 1980

A-00098061

Herbert Smolen, Esquire  
1401 Arch Street  
Philadelphia, PA 19107

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) exemption from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations.

Dear Sir:

This is to advise you that an order has been adopted by the Commission in Public Meeting on July 17, 1980, in the above entitled proceeding.

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

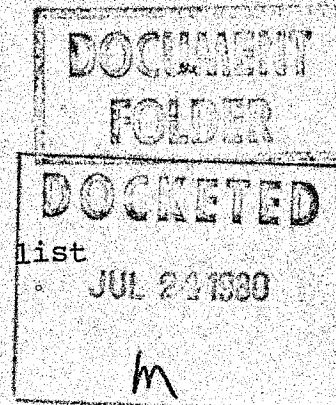
Very truly yours,

William P. Thierfelder  
Secretary

jb  
Encls.  
Cert. Mail  
Receipt Req.

Bureau of Rail Transportation  
Law Bureau  
Office of ALJ

Similar letters to: See attached list



PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held July 17, 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) exemption from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations.

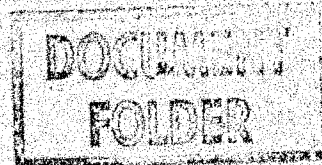
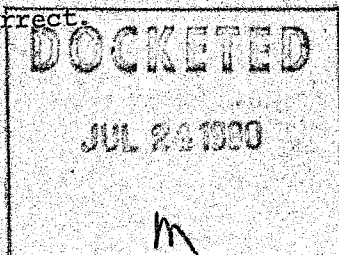
A-00098061

O R D E R

BY THE COMMISSION:

By order adopted May 29, 1980, and entered June 19, 1980 the Commission approved the application of the City of Philadelphia for alterations to the crossing, above grade, where Elmwood Avenue crosses over and above the 60th Street Freight Branch of Consolidated Rail Corporation (Conrail), in the City of Philadelphia. The alterations were requested by the City to accommodate the new Airport High Speed Line.

On July 3, 1980, the City of Philadelphia filed a Petition for Modification/Rescission/Rehearing of the Commission's order requesting, inter alia, that the order be modified to reflect that Elmwood Avenue is a State Highway and not a City street, and that paragraph 17 of the order be modified to assign maintenance of the substructure, superstructure, and approaches to the Pennsylvania Department of Transportation in lieu of the City. The City alleges that Elmwood Avenue is referred to in the order as a city street which is incorrect.



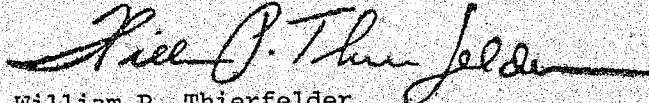
No other parties of record have advised the Commission of any objections to the petition.

The record in this proceeding is unclear as to whether Elmwood Avenue in the City of Philadelphia is a city street or State Highway. The record is also unclear as to what parties maintained the subject structure in the past and what parties should maintain it in the future. All parties of record should be given an opportunity to be heard on the matters raised in the City's petition. Accordingly, we believe that further hearing should be held to clarify these matters, and the order entered June 19, 1980, should be reconsidered in light of the evidence admitted at the hearing; THEREFORE,

IT IS ORDERED:

1. That this case be assigned to the Office of Administrative Law Judge for hearing, under the Hearing Examiner procedure, to take evidence on the issues raised in the Petition for Modification/Rescission/Rehearing filed by the City of Philadelphia on July 3, 1980.
2. That this Commission will reconsider its order entered June 19, 1980, in this proceeding, following the hearing held on the City's Petition.
3. That the Secretary notify all parties of record of the Commission's action in this matter.

BY THE COMMISSION,

  
William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: July 17, 1980

ORDER ENTERED: July 18, 1980