

RECEIVED

AUG 4 1976

Secretary's Office

Public Utility Commission

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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

APPLICATION DOCKET NO. 98061

PETITION FOR RESCISSION AND MODIFICATION
OF COMMISSION ORDER ADOPTED JULY 13, 1976
AND ENTERED JULY 22, 1976

1. Petitioner is the City of Philadelphia, applicant in the instant matter.
2. On July 13, 1976, this Honorable Commission adopted an Order in the instant matter; which Order was entered on July 22, 1976.

DUPLICATE RECORDED.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

EXTRA COPY

3. The City of Philadelphia respectfully requests and seeks modification of sub-sections (1), (2), and (3) of ordering paragraph 2 (p.11) of its Order.

Sub-sections (1), (2), and (3) presently read as follows:

"2. That (1) a new crossing, below grade, where proposed Bartram Avenue, (a City Street), constructed as proposed, will cross beneath the grade of two tracks of the proposed Airport High Speed Line, constructed as proposed, at or about AHSL Construction Centerline Station 434+50, more or less, in the City and County of Philadelphia, be constructed; that (2) a new crossing, below grade, where proposed State Highway Route 795 (Interstate Route 95), including access and/or connector ramps "N-E" and "S-W", constructed as proposed, will cross beneath the grade of two tracks of the proposed Airport High Speed Line, constructed as proposed at or about AHSL Construction Centerline Station 444+00, more or less, in the City and County of Philadelphia, be constructed; that (3) a new crossing, below grade, where proposed State Highway Routes 762 and 67054 (Relocated Industrial Highway), including access and/or connector ramps "A" and "D", constructed as proposed, will cross beneath the grade of two tracks of the proposed Airport High Speed Line, constructed as proposed, at or about AHSL Construction Centerline Station 448+50, more or less, in Tinicum Township, Delaware County, be constructed."

By reason of the fact that Bartram Avenue is presently constructed, and by reason of the fact that the initial construction work has commenced on Interstate Route I-95, and

by reason of the further fact that the Relocated Industrial Highway has been constructed in part, sub-sections (1), (2), and (3) of paragraph 2 of the Order should read as follows:

"2. That (1) a new crossing, above grade, where two tracks of the proposed Airport High Speed Line, constructed as proposed, at or about AHSL Construction Centerline Station 434+50, more or less, will cross above the grade of Bartram Avenue, (a City Street), in the City and County of Philadelphia, be constructed; that (2) a new crossing, above grade, where two tracks of the proposed Airport High Speed Line, constructed as proposed, at or about AHSL Construction Centerline Station 444+00, more or less, will cross above the grade of State Highway Route 795 (Interstate Route 95), including access and/or connector ramps "N-E" and "S-W", construction commenced as proposed, in the City and County of Philadelphia, be constructed; that (3) a new crossing, above grade, where two tracks of the proposed Airport High Speed Line, constructed as proposed, at or about AHSL Construction Centerline Station 448+50, more or less, will cross above the grade of State Highway Routes 762 and 67054, (Relocated Industrial Highway), including access and/or connector ramps "A" and "D", constructed in part, in Tinicum Township, Delaware County, be constructed."

4. Based upon those reasons set forth in the first full paragraph appearing on page 6 of the said Order; the Commission, in paragraphs 4 (p. 13); 5 (p. 16); 6 (p. 18) and 7 (p. 19) of said Order appropriated for the purpose of the public railroad-highway crossings of the improvement, certain tracts of land, as more fully and at large appear in paragraphs 4, 5, 6 and 7.

It is submitted that such appropriations were not requested by the City, nor in the City's opinion were same necessary at this time, as hereinafter more fully explained. Even assuming arguendo, that appropriations were necessary or requested, then and in such event, appropriations of easements for the rail-highway crossings would have been sufficient rather than appropriations of the fee, as apparently was done by the Order.

Accordingly, the City of Philadelphia, by this Petition, respectfully requests and seeks rescission of paragraphs 4, 5, 6, 7 and 21 of the Order, for the following reasons:

(a) At pages 130, 138-143 of the 1/13/76 notes of testimony, the City indicated that appropriation was not being requested by reason of the fact that the necessary easements and permission and rights of entry to cross and construct on and over privately owned ground and state highways was contemplated to be acquired by the City in separate negotiations between the respective parties, i.e., in the instant matter, Pennsylvania Department of Transportation and the Redevelopment Authority of Philadelphia. However, the City requests the Commission to retain jurisdiction over the matter, in the very unlikely event that for some unforeseen and unexpected reason,

said easement agreements and/or right of entry permits are not consummated; in which event, the Commission would, at some later date, be requested to appropriate said easements.

(b) At page 121 of the 1/13/76 notes of testimony, counsel for the Pennsylvania Department of Transportation stated for the record that PennDot has "agreed to permit entry and to grant an easement, an aerial easement, in the crossings involving state highways." Moreover, from the colloquy appearing at pages 172-173 of the 1/13/76 notes of testimony, PennDot's witness affirmed that the right of entry permits and the easements necessary for the crossings were being prepared. The foregoing was further confirmed by a letter dated July 29, 1976, from Joseph P. Synkonis, Jr., P.E. District Engineer of Pennsylvania Department of Transportation, addressed to Frank J. Rush, CPA, Real Estate Operations Manager for the Department of Public Property of the City of Philadelphia, a true and correct copy of said letter is attached hereto and marked Exhibit "A."

Accordingly, appropriation by the Public Utility Commission of easement rights over and across lands owned by PennDot is not necessary, at this time. However, as

aforesaid, the City requests the Commission to retain jurisdiction over the matter in the unlikely event that said easement agreements and/or right of entry agreements are not consummated; in which event, the Commission would, at some later date, be requested to appropriate said easements.

(c) With respect to rail-highway crossings involving the Redevelopment Authority of Philadelphia, Exhibit No. 12 clearly is controlling and expresses the Redevelopment Authority's willingness to grant an easement to the City for the use of appropriate portions of Redevelopment Authority land for the project. Moreover, permission was therein given to the City to proceed with the planning, detail design and construction of the project. A copy of Exhibit 12 is attached hereto and marked Exhibit "B."

Accordingly, appropriation by the Public Utility Commission of easement rights over and across lands owned by the Redevelopment Authority is not necessary at this time. However, as aforesaid, the City requests the Commission to retain jurisdiction over the matter in the unlikely event that said easement agreements and/or right of entry agreements are not consummated; in which event, the Commission would, at some later date, be requested to appropriate said easements.

(d) With respect to rail-highway crossings over and across lands already owned by the Applicant City of Philadelphia, it appears that appropriation of easement rights for the City, from the City, is inappropriate.

(e) At the 1/13/76 hearing in this matter, the City did introduce as exhibits descriptions of the tracts comprising the crossing areas involved in the project. These descriptions were offered for information only, same having been requested by the Commission staff. Said descriptions were offered and introduced for the sole purpose of identification and description of the rail-highway crossing areas. As aforesaid, appropriation of the fee with respect to those tracts was not requested, nor, it is submitted, is such appropriation of the fee necessary for those reasons hereinabove mentioned.

By way of further clarification, the City has made subsequent inquiry as to the present ownership of the tracts involved. Again, for information only and to clarify the ownership of said tracts, the following is, to the best of the City's knowledge, information and belief, the current ownership of said tracts:

Page 13 of Order	-	tract no. 2	-	Redevelopment Authority
Page 14 of Order	-	tract no. 6	-	Redevelopment Authority
Page 16 of Order	-	tract no. 1	-	City of Philadelphia
Page 17 of Order	-	tract no. 5	-	City of Philadelphia
Page 18 of Order	-	tract no. 5	-	City of Philadelphia
Page 19 of Order	-	tract no. 3	-	Penna. Dept. of Trans.

(f) By way of further comment, it seems implicit in the existing Order of the Commission that appropriation of the tracts, as therein more fully described, was for the uses and purposes of both the Commonwealth of Pennsylvania (for highway construction) and for the City for construction of the speed-line crossings, yet in paragraph 21 (p. 22 of the Order) only the City is ordered to pay for property taken. It is submitted that this is an unfair and inequitable requirement and would result in unjust enrichment to the Commonwealth. As aforesaid, appropriation was not requested at this time by the City; the reasons therefor being outlined above. However, even assuming arguendo that appropriation was necessary for the speed-line crossings and the highway construction, certainly compensation for property taken should not rest upon the City alone.

(g) For all of the foregoing reasons, the City respectfully requests this Honorable Commission to rescind paragraphs 4, 5, 6 and 7 of its Order of July 13, 1976, entered July 22, 1976.

5. In the event that the Commission grants the City's request for rescission of the appropriations made in paragraphs 4, 5, 6 and 7 of its Order, then, the City also respectfully requests rescission of paragraph 21 of said Order insofar as it requires payment of compensation for property taken for said crossings.

6. The City of Philadelphia also respectfully requests and seeks modification of paragraph 8 (p. 21) of said Order.

Said paragraph 8 provides as follows:

"8. That City of Philadelphia, at its initial cost and expense furnish all material and do all work necessary to construct the improvement, between AHSL Construction Centerline Stations 426+18 through 498+96, more or less, the portion of the project over which this Commission will assume jurisdiction in this proceeding; including construction of the several crossings at locations as set forth in more detail and approved in numbered Paragraph 2, hereinabove; including all structures, tunnels, sound barriers and drainage facilities attendant thereto, all in accordance with the plans herein approved."

The City of Philadelphia requests that the aforesaid paragraph 8 be modified to read as follows:

"8. That City of Philadelphia, at its initial cost and expense furnish all material and do all work necessary to construct the several crossings between AHSL Construction Centerline Stations 426+18 through 498+96, more or less, at locations as set forth in more detail and approved in numbered paragraph 2, hereinabove; which crossings and attendant structures, tunnels, sound barriers and drainage facilities, constitute that portion of the entire Airport High Speed Line over which this Commission will assume jurisdiction at this time in this proceeding and in accordance with the plans herein approved."

7. The City respectfully requests and seeks modification of paragraphs 10 and 11 (p. 21) and paragraphs 22 and 23 (p. 23) of said Order.

Said paragraphs 10, 11, 22 and 23 provide as follows:

"10. That Consolidated Rail Corporation furnish all material and do all work necessary to make any temporary or permanent alterations or relocations of its tracks, signals, wire lines or other facilities required by reason of the construction of the improvement project; and, in addition, furnish and maintain watchmen and 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."

"11. That Consolidated Rail Corporation furnish any construction inspectors as required to observe the progress of the work during the time the project is being constructed over, across or adjacent to its tracks; 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 railroad-highway crossing improvement project."

"22. That City of Philadelphia pay Consolidated Rail Corporation a sum or sums of money equal to the actual cost of watchman and flagman services rendered by Consolidated Rail Corporation 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 of the corporation."

"23. That City of Philadelphia pay Consolidated Rail Corporation when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to the actual cost of material furnished and work performed by Consolidated Rail Corporation in compliance with numbered Paragraph 10 of this order, exclusive of the cost of watchman and flagman services reimbursed to the corporation in accordance with numbered paragraph 22, 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 corporation in compliance with numbered paragraph 11 of this Order."

For the reasons hereinafter stated, the City requests that the aforesaid paragraphs be modified to read as follows:

"10. Except as otherwise agreed between the City of Philadelphia and the Consolidated Rail Corporation, that Consolidated Rail Corporation furnish all material and do all work necessary to make any temporary or permanent alterations or relocations of its tracks, signals, wire lines or other facilities required by reason of the construction of the railroad-highway-crossing improvement project; and, in addition, furnish and maintain watchmen and 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."

"11. Except as otherwise agreed between the City of Philadelphia and the Consolidated Rail Corporation, that Consolidated Rail Corporation furnish any construction inspectors as required to observe the progress of the work during the time the project is being constructed over, across or adjacent to its tracks; 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 railroad-highway-crossing improvement project."

"22. Payment for the work and services to be performed under paragraph 10 hereof, shall be made in accordance with the terms and conditions of a certain written Agreement between the City and the Consolidated Rail Corporation, which Agreement, when finalized, shall be filed with the Public Utility Commission."

"23. Payment for the construction inspectors and engineering services to be performed under paragraph 11 hereof, shall be made in accordance with the terms and conditions of a certain written Agreement between the City and the Consolidated Rail Corporation, which Agreement, when finalized, shall be filed with the Public Utility Commission."

The reasons for the aforesaid requested modifications are as follows:

(a) It is submitted that all construction at the rail-highway crossings will be performed by the City of Philadelphia.

(b) The City of Philadelphia is presently negotiating with the Consolidated Rail Corporation to purchase a portion of the Chester Branch of the former Reading Railroad (from mile-post .48 to the City of Philadelphia/Delaware County Line). When same is acquired by the City, the City will then own and will perform all Speed Line construction thereon.

(c) With respect, however, to connections between the High Speed Line and CONRAIL at mile post .48 and at the City/Delaware County Line, CONRAIL may perform such work depending upon the terms and conditions of a proposed Agreement presently being negotiated between the City of Philadelphia

and the Consolidated Rail Corporation, which proposed Agreement shall contain terms with respect to payment for such work.

Accordingly, the City of Philadelphia respectfully requests modification of paragraphs 10, 11, 22 and 23 as aforesaid.

8. The City of Philadelphia further respectfully requests and seeks modification of paragraph 16 (p. 22 of said Order).

Paragraph 16 now reads as follows:

"16. That City of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to establish and maintain any detour necessary to accommodate properly highway and pedestrian traffic during the time the improvement is being constructed."

It is requested for those reasons hereinafter stated that paragraph 16 be modified to read as follows:

"16. That City of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to establish and maintain any detour necessary to accommodate properly highway and pedestrian traffic during the time and by reason of construction of the improvement. Nothing herein contained shall be construed to impose any obligation upon the City of Philadelphia for any of the foregoing during the time and by reason of the construction of any highway improvement."

The reason for the requested modification is as follows:

(a) It appears that construction of the AHSL crossings will occur at approximately the same time as construction of various highway improvements, and some detours to accommodate highway and pedestrian traffic will be required for said highway construction, which should not be the responsibility of the City.

9. The City respectfully requests and seeks deletion of paragraph 17 (p. 22) of said Order in that it is repetitious of, and covered in paragraph 8 (p. 21) as requested to be modified. Reference in present paragraph 17 to the "remainder" of the crossings is inapplicable and unnecessary by reason of the fact that further hearings are contemplated with respect to the remainder of the Airport High Speed Line crossings.

10. The City of Philadelphia further respectfully requests and seeks modification of paragraph 18 (p. 22 of said Order).

Paragraph 18 now reads as follows:

"18. That the construction of the proposed railroad-highway crossing improvement project be fully completed, in a manner satisfactory to this Commission, on or before December 31, 1978, and that on or before said date, City of Philadelphia, Pennsylvania Department of Transportation, Trustees of Reading Company, Consolidated Rail Corporation and Philadelphia Electric Company, respectively, report to this Commission the date of actual completion of its portion of the project; and at the earliest practicable time subsequent thereto, submit to this Commission a detailed statement of the actual cost incurred by it in furnishing material and in doing work in compliance with this Order."

It is requested for those reasons hereinafter stated that paragraph 18 be modified to read as follows:

"18. That the construction of the proposed rail-highway crossings between AHSL Construction Centerline Station 428+18 through 498+96, more or less, be fully completed, in a manner satisfactory to this Commission, on or before December 31, 1980, and that on or before said date, City of Philadelphia, Pennsylvania Department of Transportation, Trustees of Reading Company, Consolidated Rail Corporation and Philadelphia Electric Company, respectively, report to this Commission the date of actual completion of its portion of the project; and at the earliest practicable time subsequent thereto, submit to this Commission a detailed statement of the actual cost incurred by it in furnishing material and in doing work in compliance with this Order."

The reason for the requested modification is as follows:

While it is contemplated that the viaduct structure shown on Exhibit 5 will be completed approximately December 31, 1978, the trackwork, catenary and signal facilities will not be fully completed until approximately December 31, 1980. Accordingly, the aforesaid modification is respectfully requested.

11. The City of Philadelphia further respectfully requests and seeks modification of paragraph 24 (p. 23 of said Order).

Paragraph 24 now reads as follows:

"24. That City of Philadelphia pay Philadelphia Electric Company, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to the actual cost of material furnished and work performed by the company within the limits of this Commission's jurisdiction, in altering or relocating its facilities to accommodate the construction of the railroad-highway crossing improvement project in accordance with numbered Paragraph 12 of this Order."

It is requested for those reasons hereinafter stated that paragraph 24 be modified to read as follows:

"24. Payment for the work to be done by the Philadelphia Electric Company, pursuant to paragraph 12 of this Order, shall be made in accordance with the terms and conditions of certain written Agreements between the City and the Philadelphia Electric Company, which Agreements, when executed, shall be filed with the Public Utility Commission."

The reason for the requested modification is as follows:

At page 8 of the Order, the Philadelphia Electric Company work required is outlined.

With respect to item 1 on page 8 of the Order, there are two proposed Agreements being negotiated between the City and the Philadelphia Electric Company, as follows:

- (a) Agreement for developing plans and specifications for relocating 13,200 volt aerial line parallel to the tracks of former Reading Co. (Agreement has been forwarded to Philadelphia Electric Company for final execution).
- (b) Agreement for actually relocating 13,200 volt aerial line parallel to the tracks of former Reading Co. Negotiations for Agreement are being conducted with finalization contemplated subsequent to completion of (a) above.

With respect to item 2 on page 8 of the Order, there is one proposed Agreement covering joint electrification of a 220,000 volt aerial line and catenary system for the AHSL. Philadelphia Electric Company is now drafting said Agreement.

With respect to item 3 on page 8 of the Order, there is one proposed Agreement pending, covering this matter, and in confirmation thereof, a letter dated May 12, 1976, executed and approved by counsel for the City and counsel for the Philadelphia Electric Company, was forwarded to the Commission. A copy of same is attached hereto and marked Exhibit "C."

Moreover, it is to be further noted and gathered from the colloquy appearing at pp. 210-214 of the January 13, 1976 notes of testimony and from the exchange of correspondence (referred to at pp. 9 and 10 of the Order) that further hearings are contemplated, and further that in the event said Agreements between the City and Philadelphia Electric are not consummated, then the parties contemplated and the City requests additional hearings on the issues involving the Philadelphia Electric Company, as well as on other pertinent matters.

12. The City of Philadelphia further respectfully requests and seeks modification of paragraph 29 (p. 24 of said Order).

Paragraph 29 now reads as follows:

"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, from Department of Transportation, Urban Mass Transportation Administration, or others, in accordance with any lawful agreement between the parties."

It is requested that paragraph 29 be modified to read as follows:

"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, from the Urban Mass Transportation Administration of the U.S. Department of Transportation (UMTA), and the Pennsylvania Department Of Transportation (PennDot), and/or others, in accordance with any lawful agreement entered into between the parties."

WHEREFORE, the City of Philadelphia respectfully requests rescission and modification as set forth in the foregoing Petition.

Respectfully submitted,

SHELDON ALBERT
City Solicitor

STEPHEN ARINSON
Chief Deputy City Solicitor

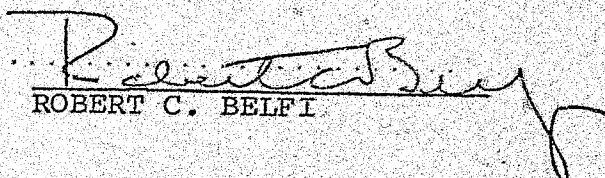
JAMES MORAN
Deputy in Charge of Litigation

HERBERT SMOLEN
Deputy City Solicitor

By: Herbert Smolen
HERBERT SMOLEN

A F F I D A V I T

ROBERT C. BELFI, being duly sworn according to law, deposes and says that he is the Chief Transit Engineer of the Department of Public Property of the City of Philadelphia; that he is authorized to and does make this Affidavit on its behalf; and that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.


ROBERT C. BELFI

SWORN TO AND SUBSCRIBED

before me this 4th day
of August, 1976.


Notary Public

Notary Public, Philadelphia, Philadelphia Co.
My Commission Expires September 27, 1975



IN REPLY REFER TO

July 29, 1976

WAL/JAT
Delaware and Philadelphia Counties
L.R. 795; I-95
L.R. 762, L.R. 67054; Industrial Highway
Airport High Speed Line Permits

Frank J. Rush, CRA
Real Estate Operations Manager
City of Philadelphia
Department of Public Property
1020 Municipal Services Bldg.
Philadelphia, PA 19107

Dear Mr. Rush:

Reference is made to phone conversations 7/28/76 with Mr. Belfy. Be assured that PennDOT is processing your request for R/W easements across highway right of way along the path of the High Speed Line, in the vicinity of Philadelphia International Airport. Attached for your review and comment is a copy of a draft agreement pertaining to the granting of such easements.

Your July 15, 1976 request for highway occupancy permits for the area in question has been found to be not applicable in light of the pending agreement.

PennDOT, Highways, therefore authorizes you to proceed with your contracts based on the past comments we presented at the P.U.C. hearings and expeditious processing of the agreement.

We would specifically direct your attention to the necessity for protection of traffic along old PA 291 where your construction encroaches on the travel way (A.H.S.L. Stations 450+460).

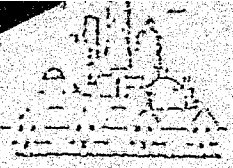
If we may be of any further assistance please do not hesitate to contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Joseph P. Sytkonis, Jr.", written over a printed name.

Joseph P. Sytkonis, Jr., P.E.
District Engineer

Enclosure



Redevelopment Authority

OF THE CITY OF PHILADELPHIA

1234 MARKET STREET • PHILADELPHIA, PA. 19107

(215) 054

ROBERT H. GRAY
PAUL H. LANTON
C. JOSEPH D'ERMOND
AUGUSTINE A. CALVITE
Executive Director

May 13, 1975

Mr. Richard S. Starr, P.E.
Project Manager
Department of Public Property
1020 Municipal Services Building
Philadelphia, Pennsylvania 19107

RE: EASTWICK REDEVELOPMENT AREA
Airport High Speed Line (A.22)

Dear Mr. Starr:

With respect to the proposed easement across Redevelopment Authority property located in Industrial Stage "C", between the Chester Branch of the Reading Railroad and the International Airport, the Redevelopment Authority hereby expresses our willingness to grant an easement to the City of Philadelphia upon mutually satisfactory terms for the use of appropriate portions of Redevelopment Authority land to permit the City to improve, and SEPTA to operate, a high speed railroad facility between Penn Center Station and the Philadelphia International Airport.

This expression is given to permit the City to proceed with the planning, detail design and construction of this important facility. Formal agreement will await the resolution of details among the staffs of the participating organizations and will be subject to approval of the Redevelopment Authority Board.

Please feel free to contact Patrick Heron at 854-6729, if you require any additional assistance.

Very truly yours,

RICHARD J. KILGUS

Director

Development, Rehabilitation-Financing

RJK:jlr

cc: Mr. Vincent Nero, P.I.D.C.

EXHIBIT "B"

Exhibit B



CITY OF PHILADELPHIA

15th Floor, Market at Spruce Bldg.
Philadelphia, Pa. 19107

SHELDON L. ALBERT
City Solicitor

May 27, 1976

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

Subject: Application 98061 - Airport High Speed Line
City of Philadelphia

Dear Mr. McElwee:

With respect to the 13,200 volt line which was the subject matter of considerable controversy at the hearing for the Application 98061 - City of Philadelphia, Airport High Speed Line on January 13, 1976, this is to advise you that the City and the Philadelphia Electric Company have agreed verbally that the Philadelphia Electric Company will relocate at its own cost its existing 13,200 volt aerial line between the relocated Industrial Highway and existing Tinicum Island Road into underground conduit it will construct on right of way to be furnished by the City.

A final agreement is being negotiated and when executed by all parties will be filed with the Commission in due course, as required by the appropriate statutory provisions.

The items to be encompassed by the proposed agreement include, inter alia:

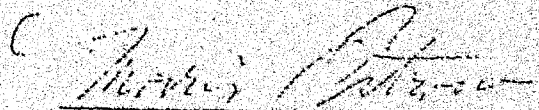
1. The installation of underground conduits by the Philadelphia Electric Company at its own cost and expense across City of Philadelphia property between the relocated Industrial Highway and existing Tinicum Island Road. The conduit will generally follow the route of the existing Industrial Highway by-pass. Attached herewith are plans.
2. The installation of underground cables, as required, by the Philadelphia Electric Company at its own cost and expense in the aforementioned conduit, the same to be maintained at the sole cost and expense of the Philadelphia Electric Company.
3. The granting by the City, as operator of the Philadelphia International Airport, of a thirty year underground easement without charge to the Philadelphia Electric Company to accommodate the aforementioned facilities.

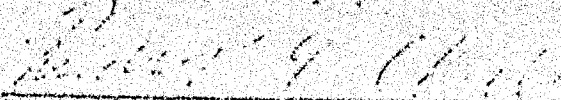
EXHIBIT "C"

4. The conduits and cables to be installed by the Philadelphia Electric Company will connect the company's facilities in the relocated Industrial Highway with those in existing Tinicum Island Road, and will be adequate to facilitate the supply of power for any future load increases that may occur at Cargo City during the life of the easement.
5. If at any time during the life of the easement the City, its transferees, or any other entity, governmental or otherwise, acting on behalf of the City, shall require further relocation of the company's aforementioned facilities, the Philadelphia Electric Company agrees to relocate these facilities within twelve (12) months of receipt of notice of the requirement of relocation. Philadelphia Electric Company shall not be responsible for the costs of such relocation, except to the extent that such costs shall exceed one hundred and fifty thousand dollars (\$150,000).
6. The easement shall continue for thirty (30) years and indefinitely thereafter, subject to the right of either party, at any time after the passage of twenty-nine (29) years from the commencement of the easement, to give twelve (12) months written notice to the other of the termination of the easement. In the event of any such termination, Philadelphia Electric Company shall remove or abandon in place the facilities at its own expense by the date of termination of the easement.

Accordingly, in order to avoid delay in this much needed project, both parties respectfully request that the Commission issue an order consistent with the City's testimony and exhibits presented at the aforesaid hearing, by eliminating consideration of the 13,200 volt line as an issue in the proceedings and order, by reason of the aforesaid proposed agreement; reserving, however, in such order the rights of all parties to be heard on the issues raised by the 13,200 volt line, in the event that for any reason the aforesaid proposed agreement is not executed by the parties.

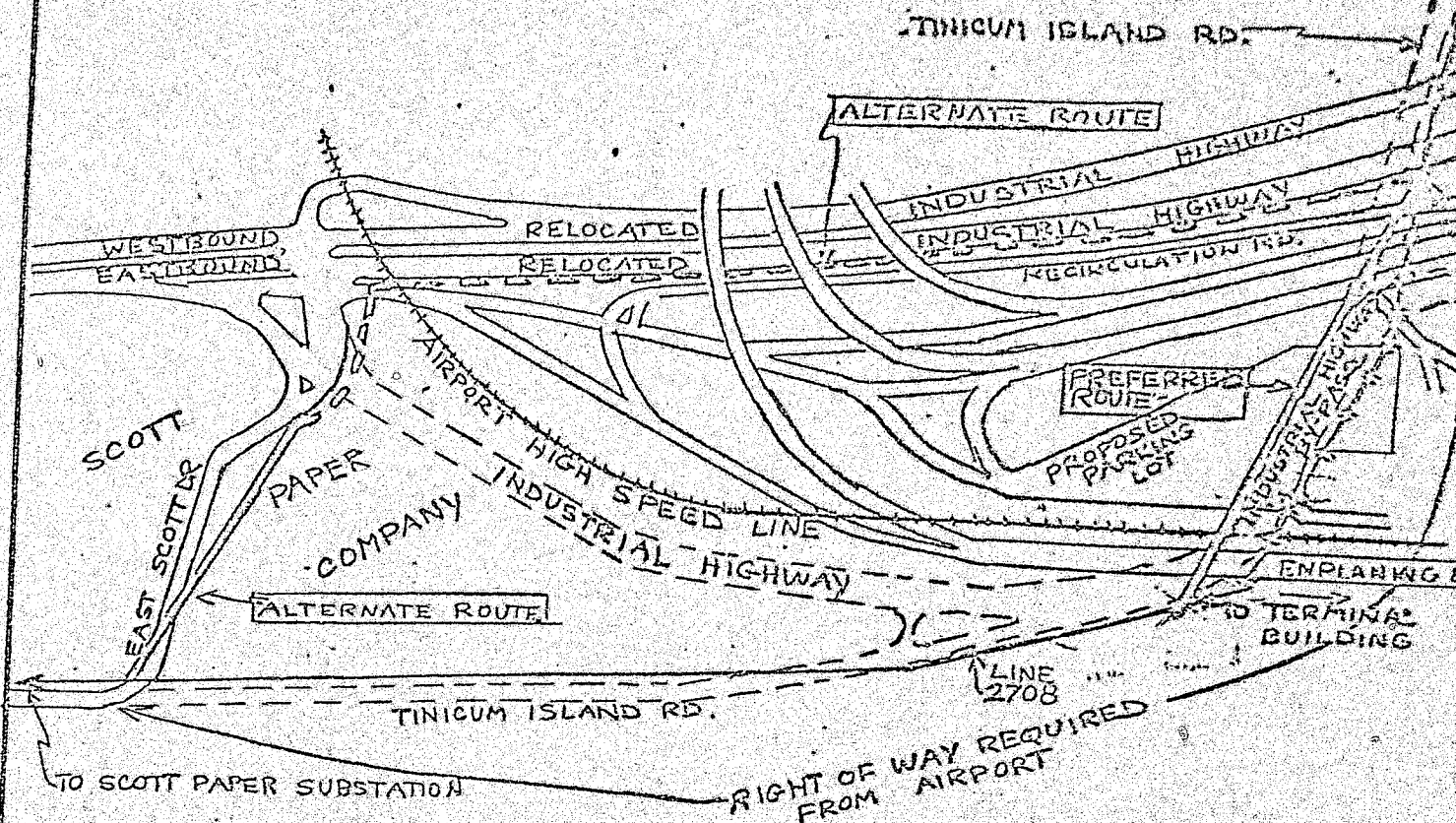
MO:EG
Enclosure


Morris Ostrow
Assistant City Solicitor
City of Philadelphia


Rudolph A. Chiffent, Esquire
Council Philadelphia Electric Company

SCALE
1" = APPROX. 400'

TO PHILA. ELECTRIC CO. SUBSTATION



- ==== ROADS UPON COMPLETION OF PROJECT
- ROADS TO BE CLOSED
- EXISTING AERIAL LINE
- PROPOSED AERIAL LINE
- /// AERIAL LINE TO BE REMOVED
- PROPOSED UNDERGROUND LINE

USE LATEST REVISION				
NO.	DATE	DESCRIPTION	CHECKED	APPROD.

RELOCATION OF FACILITIES
IN ADVANCE OF CONSTRUCTION
OF AIRPORT HIGH SPEED LINE
ACROSS INDUSTRIAL HIGHWAY GYPASS.

PHILADELPHIA ELECTRIC CO.

DRAWN	CHECKED	INSPECTED	DATE
GWG			1-12-53

APPRD. _____
APPRD. _____

PUC-AIR

FILE
C. K. G.

**Railroads
Further Hearing**

RECORD FOLDER
A. 98061

A. 98061 and A. 99374. City of Philadelphia. Notice is hereby given that application has been made to the Pennsylvania Public Utility Commission under the provisions of the Public Utility Law, by the City of Philadelphia, for an order evidencing the Commission's 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. 98061)

Notice is hereby also given that application has been made by the City of Philadelphia, to the Pennsylvania Public Utility Commission, under the provisions of the Public Utility Law, for an order evidencing the Commission's approval of (1) the alteration of the crossing by the reconstruction of the bridge carrying 58th Street over and above the grade of the tracks of Penn Central Transportation Company, in the City of Philadelphia, (2) an exemption from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations and (3) the allocation of the costs and expenses incident thereto. (A. 99374)

Further hearing upon these applications will be held Wednesday, March 23, 1977, at 10 a.m., in Room 1306, State Office Building, Broad and Spring Garden Streets, Philadelphia, Pa., when and where all persons in interest may appear and be heard, if they so desire.

Counsel for the applicant: Herbert Smolen, Deputy Solicitor, City of Philadelphia, 15th Floor, Municipal Services Building, Philadelphia, Pa. 19107.

C. J. McELWEE,
Secretary

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