

1. REPORT DATE: July 21, 1978 : 2. BUREAU AGENDA NO. :
 3. BUREAU: Chmn. & Commissioners : JUL-78-OSA-85* A-98061
 4. SECTION(S): Off. of Spec. Assis. : 5. PUBLIC MEETING DATE:
 6. APPROVED BY: : July 27, 1978
 Director: Klovekorn :
 Supervisor: :
 7. MONITOR: :
 Carter & O'Bannon :
 8. PERSON IN CHARGE: :
 Klovekorn :
 9. DOCKET NO: :
 A. 99374, A. 98061 :

10. (a) CAPTION (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation

(a) APPLICATION OF THE CITY OF PHILADELPHIA (58TH STREET BRIDGE).

(b) By Order entered February 16, 1978 the Commission granted Philadelphia's applications to reconstruct the 58th Street Bridge over the Amtrak tracks. Philadelphia was to pay the initial costs with reimbursement to the City by Amtrak of 25% of the costs incurred. Amtrak petitioned for modification or rehearing. On July 12, 1978, Amtrak filed an application for stay pending determination by the Commonwealth Court on its petition for review filed July 10, 1978.

(c) That the Application for Stay filed July 12, 1978 by the National Railroad Passenger Corporation in these proceedings be denied.

ds

11. MOTION BY: Commissioner Bloom Commissioner Chm. Carter - Yes
 Commissioner Johnson - Yes
SECONDED: Commissioner O'Bannon Commissioner Goode - Yes

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
AUG 6 - 1978
ENTRY NO. Bw

August 10, 1978

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

~~A. 98061 - APPLICATION OF THE CITY OF PHILADELPHIA~~

A. 99374 - APPLICATION OF THE CITY OF PHILADELPHIA

Dear Mr. Armentrout:

Enclosed, herewith, are two Executed Orders issued by the Commission on July 27, 1978, in the above entitled proceeding.

Kindly acknowledge receipt and service thereof, using for that purpose the enclosed form.

Very truly yours,

C. J. McElwee
Secretary

JEC
Enclosure
Certified Mail
Receipt Requested
Office of Special Assistance
Law Bureau

SEE ATTACHED SIMILAR LETTER LIST

DUPLICATE REC'D.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

DOCUMENT
FOLDER

EXTRA COPY

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held July 27, 1978
Harrisburg, PA 17120

Commissioners Present:

- Louis J. Carter, Chairman
- Robert K. Bloom
- Helen B. O'Bannon
- Michael Johnson
- W. Wilson Goode

Application of the City of Philadelphia for approval of (1) the construction, alteration or reconstruction of the crossings of Penn Central Transportation Company, Debtor, Reading Company, Debtor, The Baltimore and Ohio Railroad Company and SEPTA involved in the construction of a high speed passenger line from Suburban Station to the Philadelphia International Airport, in the City of Philadelphia, (2) the allocation of the costs and expenses incident thereto and (3) exemptions from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations. A. 98061

Application of the City of Philadelphia for approval of (1) the alteration of the crossing by the reconstruction of the bridge carrying 58th Street over and above the grade of the tracks of Penn Central Transportation Company, in the City of Philadelphia, (2) an exemption from the minimum overhead and side clearance requirements of Part III of the Commission's Railroad Regulations and (3) the allocation of the costs and expenses incident thereto. A. 99374

ORDER

BY THE COMMISSION:

By Order entered February 16, 1978 we approved the application of the City of Philadelphia for permission to replace the major portions of the existing 58th Street bridge over the tracks of the former Penn Central Transportation Company (now National Railroad Passenger Corporation (Amtrak) and/or Consolidated Rail Corporation (Conrail)). We also

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approved the construction of a new crossing at the same general location above the grade of the tracks of the Airport High Speed Line. Amtrak owns and operates the line of railroad passing beneath the bridge. At the hearings held in March 1977 Amtrak admitted to ownership of and responsibility for the operation and maintenance of the existing railroad, tracks, electrification facilities, and attendant rail-related equipment but denied any obligation for the 58th Street Bridge.

After reviewing the record here the Commission decided to approve the applications. In view of the fact that the bridge carries 58th Street, a city street, and that its reconstruction will primarily meet the transportation needs of the travelling public in Philadelphia, we determined that the City should bear the major portion of the costs involved. Since Amtrak owns the rail line and facilities involved at the A. 99374 portion of the project, including the electrification facilities installed or altered to the bridge and since its trains have the advantage of passing under the highway, we also determined that Amtrak should also bear a portion of the costs.

Amtrak petitioned for hearing, generally disputing our finding that it is a concerned party benefitting from the construction of a new 58th Street Bridge. We rejected this argument by Order entered June 12, 1978.

On July 10, 1978 Amtrak filed a petition for review with the Commonwealth Court and, on July 12, 1978, filed an application for stay pending determination on its petition. The application will be denied. Amtrak has shown no special circumstances to warrant this extraordinary relief, nor has it alleged that it would incur any irreparable injury if the relief requested were denied. Under these circumstances we do not believe that the public interest would be served by staying the effectiveness of our Order; THEREFORE,

IT IS ORDERED: That the Application for Stay filed July 12, 1978 by the National Railroad Passenger Corporation in these proceedings is denied.

BY THE COMMISSION,
C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: July 27, 1978

ORDER ENTERED:

AUG 10 1978

