

1. <u>REPORT DATE:</u>	July 29, 1981	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Rail Transportation	SEPT-81-TR-326*	
4. <u>SECTION(S):</u>	Engineering	5. <u>PUBLIC MEETING DATE:</u>	September 18, 1981
6. <u>APPROVED BY:</u>			
Director:	Peteritas 3-5941		
Supervisor:			
7. <u>MONITOR:</u>	Commissioner Cawley		
8. <u>PERSON IN CHARGE:</u>	Storch 7-5648		
9. <u>DOCKET NO:</u>	A. 98061		
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) City of Philadelphia has filed a Supplemental Application under the subject docket (A. 98061), seeking Commission approval to add to the Airport High Speed Line project, the construction of protective sidewalk barriers at the 84th Street Bridge. Plans for the proposed work are attached to the application, and costs of the work (estimated at \$38,000) will be assumed under the Federal-State-City cost-sharing agreements covering the overall project. No objections have been entered.

(c) The Bureau of Rail Transportation has prepared a recommended ORDER NISI approving the City's addition of this work to the Airport High Speed Line project; directing construction of the protective sidewalk barriers on the 84th Street bridge; and allocating the costs and expenses thereof (consistent with all prior orders in this matter).

The Bureau recommends the Commission approve the ORDER NISI.

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

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED

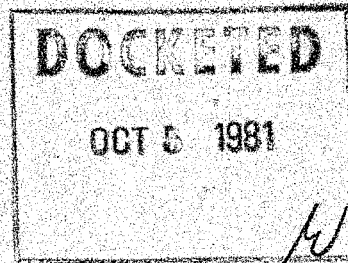
OCT 6 1981

UNIFORM
HOLDER

October 1, 1981

A-00098061

Herbert Smolen, Esquire
1401 Arch Street
Philadelphia, PA 19102



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 Philadel-
phia International Airport, in the City of Philadelphia,
(2) the allocation of the costs and expenses incident
thereto and (3) exemptions, from the minimum over head
and side clearance requirements of Part III of the
Commission's Railroad Regulations

Dear Sir:

This is to advise you that an order Nisi has been
adopted by the Commission in public meeting on September 18,
1981, in the above entitled proceeding.

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

Very truly yours,

Joanne Rossi
Assistant Secretary

tw
Encl.
Cert. Mail

Refer to similar letter list dated July 18, 1980.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

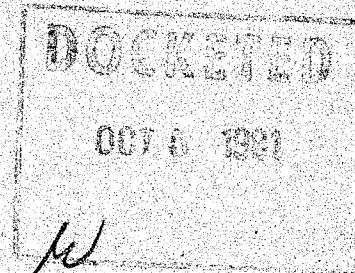
Public Meeting held September 18, 1981

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



SUPPLEMENT TO APPLICATION

Application of City of Philadelphia for approval of the construction of protective barriers on the 84th Street Bridge (L.R. 67280), in the City of Philadelphia, and the allocation of the costs and expenses incident thereto.



ORDER NISI

BY THE COMMISSION:

By its application at the subject docketed proceeding, filed July 5, 1973, City of Philadelphia sought Commission approval for the construction, abolition and/or alteration of the numerous railroad-highway crossings to be affected by reason of the high-speed, electrified, passenger/commuter rail link between center-city Philadelphia and the Philadelphia International Airport complex. A listing of affected crossing locations was established in the original application, and formal hearings have been held resulting in the issuance of Commission

orders relative to improvements at specific locations as plans for same have been completed.

Not included in the original listing of alterations to be effected was the existing structure carrying State Highway Route 67280 (84th Street) over and above the electrified tracks of the Airport High Speed Line.

By its supplement to the original application at A. 98061 filed October 6, 1980, City of Philadelphia avers that, in the interest of public convenience, necessity, welfare and safety, the open-mesh protective fencing presently existing along the sidewalks on each side of the 84th Street Bridge should be removed and replaced with a solid, 6-foot-9-inch high protective barrier wall, along a 60-foot long section above the electrified tracks. A plan attached to the supplemental application (two sheets, numbered CS-1 and PB-1) sets forth the details of the proposed improvement, including location of the barrier walls, length and height thereof, electrical grounding attachments, anchorage details and Department of Transportation Standard Drawing numbers to be followed for the construction.

By the supplemental application, the City seeks Commission approval for (1) construction of the protective barrier walls on the said 84th Street Bridge (as a part of Docket A. 98061), and (2) the allocation of the costs and expenses incident thereto. A copy of the supplement and of the plan for the proposed alterations has been served on each party of record at docket no. A. 98061, and no objections have been entered.

By letter dated June 26, 1981, Deputy City Solicitor H. Smolen requests the Commission to promptly issue an order evidencing approval of the supplemental work without necessity of formal hearing, in view of the fact that the estimated cost of the work (\$38,000.00) will be funded 80% Federal, 16-2/3% State and 3-1/3% City under the overall Airport High Speed Line project agreements presently in force among those parties. No allocation of costs is sought against any other party.

Upon full consideration of the averments set forth in City's supplemental application; the effects thereof upon the safety of the public utilizing the structure; the inferred acquiescence relative to the costs involved; and the failure of any objection to be entered, this Commission is of the opinion that the prayer of the application should be granted, and without necessity of formal hearing; THEREFORE,

IT IS ORDERED:

1. That the supplemental application to Docket A. 98061, filed by City of Philadelphia on October 6, 1980, seeking approval of the alteration of the railroad-highway crossing, above grade, carrying

State Highway Route 67280 (84th Street) over and above the grade of tracks of the proposed Airport High Speed Line, in City of Philadelphia, by the removal of sections of the existing open-mesh protective fencing from along the sidewalk areas, and replacement thereof with a solid protective barrier wall, generally in accordance with the plan attached to the application, be and is hereby approved.

2. That the plan attached to the application, being two sheets numbered CS-1 and PB-1, setting forth details of the proposed work of alteration, be and is hereby approved.

3. That City of Philadelphia, at its sole cost and expense, furnish all material and do all work necessary to effect the improvements to the 84th Street Bridge, as set forth above; including necessary removal of existing fencing, erection of barrier walls, attachments for electrical grounding, and any other ancillary work attendant thereto, all in accordance with the plan hereinabove approved.

4. That Consolidated Rail Corporation, at its initial cost and expense, furnish all material and do all work necessary to make any temporary or permanent adjustments, alterations, relocation or modification 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 plan; 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 location.

5. That Consolidated Rail Corporation, at its initial cost and expense, and as required by reason of the contractor'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.

6. That Consolidated Rail Corporation, at its sole cost and expense, furnish and maintain Class A electrification protection employes as may be 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 employes and operations, during the time the work is being performed on, over, under, across or adjacent to the electrification system.

7. That any relocation of, changes in or removal of any adjacent equipment, structures or other facilities of any public utility,

other than Consolidated Rail Corporation, as hereinabove provided, located within or beyond the limits of the subject 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.

8. That City of Philadelphia, at its sole 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.

9. That City of Philadelphia, at its sole 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.

10. That City of Philadelphia, at its sole 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 plan.

11. 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, City of Philadelphia and Consolidated Rail Corporation each report to this 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.

12. That City of Philadelphia cooperate with Consolidated Rail Corporation, 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.

13. That during the time the work is being performed on the crossing improvement project, Consolidated Rail Corporation, 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.

14. That Consolidated Rail 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.

15. That City of Philadelphia, at its sole cost and expense, pay all compensation for damages, if any, due to the owners, other than Consolidated Rail 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.

16. That City of Philadelphia pay Consolidated Rail 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 4 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.

17. That City of Philadelphia pay Consolidated Rail 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 4 of this order, exclusive of the costs, of watchman and flagman services reimbursed in accordance with numbered Paragraph 16, above; and in addition, a sum or sums of money equal to the actual costs of construction inspector services and engineering services rendered by the carrier in compliance with numbered Paragraph 5 of this order.

18. That upon completion of the construction of the improvement and its opening to public use, Consolidated Rail 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 therefor, its tracks, wire lines, signal lines and other facilities located at or in the vicinity of the subject improvement, all as constructed in compliance with this order.

19. 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 protective barrier walls, electrical grounding attachments, and any other ancillary facilities thereto constructed in compliance with this order.

20. That the terms and conditions of any prior orders by this Commission, at this proceeding or at any other docket number, relevant to the future maintenance of the subject existing 84th Street crossing structure, not otherwise specifically altered hereby, shall remain in full force and effect.

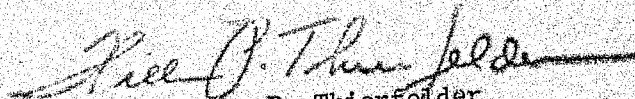
21. That this order, insofar as it imposes certain costs upon City of Philadelphia in the first instance, is without prejudice to the right of the City to recover part or all of such costs thus incurred in furnishing material and in performing work in compliance with this order, from United States Department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

22. That this order, insofar as it imposes certain costs upon Consolidated Rail 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, its successors or assigns, or from National Railroad Passenger Corporation, in such proper proportions and in accordance with any lawful agreements, existing between it and such other parties.

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

24. That unless objections hereto be filed within ten (10) days subsequent to the date of entry of this order, the terms and conditions hereof shall be and become of full force and effect.

BY THE COMMISSION,


William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: September 18, 1981

ORDER ENTERED: - OCT 1 - 1 1981