



# CITY OF PHILADELPHIA

LAW DEPARTMENT  
15th Floor, Municipal Services Building  
Philadelphia, Pa. 19107

ALAN J. DAVIS  
City Solicitor

(215) MU-6-5281

**DOCUMENT  
FOLDER**

October 3, 1980

Pennsylvania Public Utility Commission  
North Office Building  
Harrisburg, Pa.

Attn: Secretary

Re: Application of City of Philadelphia A98061  
Application of City of Philadelphia A99374

Dear Sir:

I enclose herewith original and 14 copies of the Application of the City for Approval of Construction of Protective Barriers on the 84th Street bridge in the City of Philadelphia.

Kindly acknowledge receipt of same.

Very truly yours,

Herbert Smolen  
Deputy City Solicitor

HS/es

Enclosures

RECEIVED  
MUNICIPAL SERVICES BUILDING  
OCT 6 1980

**ORIGINAL**  
OCT 7 1980

PENNSYLVANIA

PUBLIC UTILITY COMMISSION

RECEIVED

OCT 6 1980

SECRETARY'S OFFICE  
Public Utility Commission

A.98061

Application of the City of Philadelphia for approval of (1) the construction of protective barriers on the 84th Street Bridge (L.R. 67280) in the City of Philadelphia and (2) the allocation of the costs and expenses incident thereto.

**DOCUMENT FOLDER**

APPLICATION

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. Applicant herein is the City of Philadelphia, City Hall, Philadelphia, Pennsylvania 19102.
2. The names and addresses of applicant's attorneys are: Alan J. Davis, City Solicitor; Andre C. Dasent, Deputy City Solicitor; and Herbert Smolen, Deputy City Solicitor, 1580 Municipal Services Building, 15th & John F. Kennedy Blvd., Philadelphia, Pa., 19107.
3. Applicant is a municipal corporation of the first class of the Commonwealth of Pennsylvania, and is engaged in the government and administration of the affairs of the inhabitants of the City of Philadelphia.
4. By various Orders, issued from time to time in the above captioned matter, the Public Utility Commission has approved construction, alteration, etc. of the various crossings involved in the overall project referred to and known as the Airport High Speed Line.
5. Among the above mentioned crossings, is the 84th Street Bridge or Overpass, where the said Airport High Speed Line will pass below the grade of State Highway Route L.R. 67280

(84th Street) in the City of Philadelphia, as shown on Exhibit A, hereto attached and made part hereof.

6. By reason of the fact that the Airport High Speed Line will be an electrified railroad passing below the said 84th Street Bridge, it is necessary in the interest of the public convenience, necessity, welfare and safety, for protective barriers to be constructed on said bridge.

It is submitted that when the said bridge was designed and constructed by the Pennsylvania Department of Transportation and completed during 1974, it was constructed with protective fences only.

7. By this application, approval is sought for:
- (a) the construction of protective barriers on said 84th Street Bridge; and
  - (b) the allocation of costs and expenses incident thereto.

A true and correct copy of the sidewalk protective barrier construction plans are attached hereto, made part hereof and marked Exhibit A.

8. The names and addresses of the persons, parties and entities concerned or affected by the proposed construction are:

Pennsylvania Dept. of Transportation  
Transportation & Safety Bldg.  
Harrisburg, Pa.  
Attn: Herbert Zahn, Esquire

Consolidated Rail Corporation  
1138 Six Penn Center Plaza  
Phila., Pa.  
Attn: Joel E. Mazor, Esquire

Bell Telephone Company  
# One Benjamin Franklin Parkway  
Phila., Pa.  
Attn: Law Dept.

Philadelphia Electric Company  
2301 Market St.  
Phila., Pa.  
Attn: Law Dept.

Philadelphia Gas Works  
1800 N. 9th St.  
Phila., Pa.  
Attn: Law Dept.

Southeastern Pa. Transportation Authority  
12 South 12th St.  
Phila., Pa.  
Attn: Edward Huss, Esquire

9. It is estimated that the traffic volume using  
the bridge is as follows:


	<u>Average Daily</u>
(a) Automobiles	18,000
(b) Trucks	2,000

Wherefore, Applicant respectfully prays your Honorable  
Commission to conduct hearings, and issue an Order approving  
construction, and allocating costs, as promptly as possible.

Respectfully submitted,

Alan J. Davis  
City Solicitor  
Andre Dasent  
Deputy City Solicitor

Herbert Smolen  
Deputy City Solicitor


By   
Herbert Smolen

Attorneys for City of Philadelphia

A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF PHILADELPHIA : SS.

Nicholas Bubernak, being duly sworn according to law, deposes and says that he is the Acting Project Manager of the Airport High Speed Line 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.

  
\_\_\_\_\_  
Nicholas Bubernak  
Acting Project Manager

SWORN TO AND SUBSCRIBED  
before me this 30<sup>th</sup> day  
of September, 1980.

  
\_\_\_\_\_  
Notary Public

JOAN R. ROACH  
NOTARY PUBLIC, PHILA., PHILA. CO.  
My Commission Expires Nov. 1, 1980

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of October 1980, a true and correct copy of the foregoing Petition was served upon the following named parties, by first class mail, postage prepaid.

HERBERT G. ZAHN, ESQ.  
Washington West Building  
N.E. Corner 8th & Locust Streets  
Philadelphia, Pennsylvania 19106

Representing Penn Dot

PRESTON GRANBERY, ESQ.  
One Parkway, 16th Floor  
Philadelphia, Pennsylvania 19102

Representing Bell Telephone

RUDOLPH CHILLIEMI, ESQ.  
2301 Market Street  
Philadelphia, Pennsylvania 19101

Representing Philadelphia Electric

JOEL E. MAZOR, ESQ.  
1138 Six Penn Center  
Philadelphia, Pennsylvania 19102

Representing Conrail

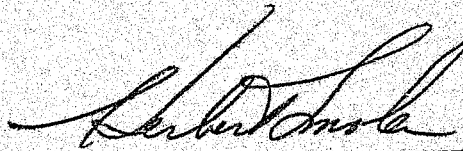
JUDITH B. SOKEN, ESQ.  
2028 PSFS Building  
Philadelphia, Pennsylvania 19107

Representing SEPTA

STEPHEN SCHACHMAN, ESQ.  
Packard Building, 14th Floor  
Philadelphia, Pennsylvania 19102

Representing Philadelphia Gas Works

W. SCOTT ARMENTROUT, ESQ.  
National Railroad Passenger Corporation  
400 North Capitol Street, NW  
Washington, D.C. 20001



---

HERBERT SMOLEN  
Deputy City Solicitor

# OVERSIZE DOCUMENT(S)

EXHIBIT No. A

- AIRPORT HIGH SPEED LINE (84<sup>th</sup> STREET) -  
(MAP)

HEARING REPORT

DOCKET A 98061

ALJ Pollastone

LOCATION Phila. Pa.

Hearing date(s) Oct 8, 1980

time begun \_\_\_\_\_ ended \_\_\_\_\_

CHECK THOSE BLOCKS WHICH APPLY:

Hearing concluded \_\_\_\_\_

Record closed over \_\_\_\_\_

Briefs to be filed  \_\_\_\_\_

Further hearing \_\_\_\_\_

Estimated add'l days \_\_\_\_\_

BENCH DECISION \_\_\_\_\_

REMARKS: add'l time to

be arranged by applicant

of City of Phila. VWP

\* - Brief to be submitted  
to Commission (ex case)

DOCUMENT  
FOLDER

Public Utility Commission  
Office of the A.L.J.  
OCT 8 1980  
RECEIVED

DOCKETED  
OCT 20 1980  
W

**DOCUMENT  
FOLDER**

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
1302 State Office Building  
Philadelphia, Pennsylvania 19130

*File  
SM*

**DOCKETED**

OCT 29 1980

October 21, 1980

**RECEIVED**

OCT 28 1980

Office of the P. U. C.  
Public Utility Commission

Re: A-00098061 - City of Philadelphia

Dear

The transcript of testimony taken in the above entitled proceeding indicates that the parties will file briefs.

In accordance with the Commission's Rules of Practice, main briefs shall be filed within sixty (60) days after the date of receipt of the Notes of Testimony. If briefs are not received within the allotted time, they shall not be accepted for filing, except by special permission of the presiding officer.

An original and fourteen (14) copies of each main and reply brief must be filed with the Secretary of the Commission, a copy must be served on the presiding Administrative Law Judge and three copies on each party of record.

Very truly yours,

*[Signature]*  
Rudolph S. Pallastrone  
Administrative Law Judge

RSP: jr

cc: Honorable William R. Shane  
Stephanie Lyons

Parties of Record: Herbert Smolen, Esq.  
Herbert G. Zahn, Esq.  
Joel E. Mazor, Esq.  
Edward H. Huss, Esq.



**CITY OF PHILADELPHIA**

**ORIGINAL**

DEC 17 9 00 AM '80

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SECRETARY'S OFFICE  
PUBLIC UTILITY  
COMMISSION

LAW DEPARTMENT  
15th Floor, Municipal Services Building  
Philadelphia, Pa. 19107

ALAN J. DAVIS  
City Solicitor

DOCUMENT  
FOLDER

December 15, 1980

Pennsylvania Public Utility Commission  
P.O. Box 3265  
North Office Building  
Harrisburg, PA. 17120

Attention: Secretary

Re: Application of the City of Philadelphia A 00098061

Dear Sir:

Enclosed herewith for filing with the Commission, are original and 15 true and correct copies of the Brief of the City of Philadelphia, with Certificate of Service attached.

Kindly acknowledge receipt of same.

Very truly yours,

HERBERT SMOLEN  
Deputy City Solicitor  
686-5281

gm

cc: Honorable Rudolph Pallastrone, A.L.J.  
All parties

PUBLIC UTILITY COMMISSION

Harrisburg, Pa. 17120

ORIGINAL

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.

DOCKET NO. A-00098061

RECEIVED  
SECRETARY'S OFFICE  
PUBLIC UTILITY  
COMMISSION

DEC 17 9 00 AM '80

BRIEF OF THE CITY OF PHILADELPHIA  
WITH PROPOSED FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND PROPOSED ORDER

DOCKETED  
DEC 17 1980

ALAN J. DAVIS  
City Solicitor

ANDRE DASENT  
Deputy City Solicitor

HERBERT SMOLEN  
Deputy City Solicitor  
1580 Municipal Services Bldg.  
Philadelphia, PA. 19107  
(215) 686-5281

DOCUMENT  
FOLDER

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STATEMENT OF ISSUES INVOLVED

1. Liability and responsibility for maintenance of substructure, superstructure and approaches to the Elmwood Avenue bridge, a State Highway, in Philadelphia.

Answer and position of the City is that foregoing responsibility should be that of Commonwealth of Pennsylvania, Department of Transportation (Penndot has admitted responsibility for base and surface courses and approaches).

FI Statement of the Case

By Order adopted May 29, 1980, and entered June 19, 1980, the Commission approved the application of the City of Philadelphia for the alteration of the existing crossing where Elmwood Avenue, a State Highway, (hereinafter referred to as Elmwood Ave. bridge) crosses over and above the former 60th Street Freight Branch of Conrail, in the City of Philadelphia.

The construction approved included construction of a gabion wingwall, drainage facilities and relocation of track bed and rails, all under and below the grade of said Elmwood Avenue bridge; and the construction of protective parapets on the bridge, the only work on the bridge itself.

The said Order of May 29, 1980, entered June 19, 1980, incorrectly referred to Elmwood Avenue and the bridge as a City street, rather than as a State Highway, and ordered maintenance of the approaches to and the substructure and superstructure of the Elmwood Avenue bridge upon the City, whereas the matter of the maintenance of the bridge substructure and superstructure and approaches was not an issue at the hearing, nor was the status of Elmwood Avenue as a City street or State Highway an issue at the hearing.

Therefore, the City, on July 3, 1980, filed a Petition for Modification/Recission/Rehearing requesting, inter alia, that the Order be modified to reflect that Elmwood Avenue, including the bridge, 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, be-

cause of the fact that Elmwood Avenue is a State Highway rather than a City Street as the Order incorrectly states.

Penndot filed an Answer to the City's Petition on July 15, 1980, wherein Penndot admitted that Elmwood Avenue is a State Highway (L.R. 67308) and that the Commonwealth has responsibility for the base or surface courses (Paragraph 6 of Penndot's Answer), and in addition, for the approaches (N.T. 92-92 of 10/8/80 hearing).

Subsequently, the Commission, on July 17, 1980, adopted an Order, entered on July 18, 1980, to reconsider its original Order adopted May 29, 1980 and entered June 19, 1980.

A further hearing was held on October 8, 1980 and this Brief is submitted on the matter.

### III Argument

As aforesaid, in the Commission Order adopted May 29, 1980 and entered on June 19, 1980, at page 2, line 12 and at page 3 under Findings of Fact, Elmwood Avenue is referred to as being "a City street".

The City, in order to correct the error, requested modification of Ordering Paragraph 17 of said Order (page 9) which states:

"17. 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, gabion wingwalls, protective parapets, drainage systems or other ancillary facilities of the Airport High Speed Line as constructed in compliance with this order; including the substructure and superstructure of, and the approaches to, the bridge carrying Elmwood Avenue (a City street) over and above the tracks at this location." (Underlining supplied)

Thus, by reason of the fact that Elmwood Avenue is not a City street, but rather a State Highway designated as L. R. 67308, as admitted by PennDOT in its Answer to the City's Petition for Modification and at N. T. 92-93 (10/8/80 hearing), the City of Philadelphia also requested that the aforesaid Ordering Paragraph 17 be modified inter alia to read as follows:

"17. That during and after completion of the crossing improvement project and its opening to public use, the Commonwealth of Pennsylvania, Pennsylvania Department of Highways, at its sole cost and expense, shall continue to maintain the substructure and superstructure of, and the approaches to the bridge carrying Elmwood Avenue (a State Highway, L. R. 67308) over and above the tracks at this location."

The justification for the foregoing requested modification is found in 36 P. S. 1758-201 which provides, inter alia, as follows:

"ARTICLE II - CITIES OF THE FIRST CLASS

Section 201. The following public streets or sections thereof, including bridges thereon, in cities of the first class are adopted by the Commonwealth as State Highways to be taken over upon the terms and conditions and subject to the limitations hereinafter contained in Article II and shall thereafter be maintained, constructed, reconstructed and resurfaced in the same manner, with like power and authority as provided by the laws of the Commonwealth applicable to State highways, upon the terms and conditions and subject to the limitations as hereinafter provided in Article II."

Section 202 of the foregoing Statute, 36 P. S. 1758-202 makes reference to those Routes in the City of Philadelphia, designated as State Highways, namely, Routes 67278 to 67373. In the Act of September 18, 1961, P. L. 1389, Section 202, it is provided as follows:

"Section 202. The City streets to be taken over in the City of Philadelphia are situate and described as follows:

Route 67308. Beginning at the intersection of Island Avenue, Passyunk Avenue and Elmwood Avenue; thence northeasterly on Elmwood Avenue to the intersection of Elmwood Avenue, Fifty-sixth Street and Lindbergh Blvd., a distance of about 1.9 miles."

It is submitted that since Elmwood Avenue, including the bridge, is a State Highway, as aforesaid, therefore, the duty of maintenance of the substructure, superstructure and approaches, under the above cited Statute is upon the Pennsylvania Department of Transportation.

Moreover, the construction work involved in this proceeding does not affect the highway bridge structure or the vehicular traffic thereon (N. T. 10 of 10/8/80 hearing), and accordingly, under the above cited Statute (36 P. S. 1758 Section 201 et seq), the duty of maintenance of the substructure, superstructure and approaches, remains upon the Pennsylvania Department of Transportation.

It is to be noted with emphasis that Penndot, in its Answer to the City's Petition for Modification (Paragraph 6) and again at N.T. 92 and 93 of the 10/8/80 hearing, admitted and agreed that Elmwood Avenue is a State Highway and that Penndot has responsibility to maintain the base and surface courses of the bridge and the approaches thereto. Penndot however denies maintenance responsibility for the substructure and superstructure under Article II Section 203 of the Act of September 18, 1961, 36 P. S. 1758-203, hereinafter more fully set forth and discussed at length (The City's contention is that the said Section 203 is applicable only to streets and not to bridges. The Commonwealth Court in Commonwealth of Pennsylvania, Department of Transportation v. Pa. PUC, 21 Commonwealth 407 (1975) agreed. This case is also discussed at length infra.)

Penndot's admission and acceptance of liability and responsibility for approaches to, and base and surface courses of the bridge was and is made notwithstanding the fact that the City acquired title to the right of way under the bridge from Conrail in July of 1979 (A copy of the deed was supplied to Counsel for Penndot at his request).

Penndot's position with respect to the maintenance responsibility for the substructure and superstructure of the bridge appears to be that since the Elmwood Avenue bridge was built by the railroad prior to it having been placed upon the State Highway system, and the railroad performed maintenance thereon; that the constructing railroad and its successor, Conrail, had the maintenance responsibility even after the bridge became part of the State Highway system (N. T. 95 of 10/8/80 hearing), which Penndot contends has now become the City's responsibility because the City has acquired the right of way below the bridge.

This position flies directly in the face of the legislative mandate of the Act of 1961, 36 P. S. 1758 Section 201 et seq. While it is correct that the bridge was constructed by the railroad in 1923; (N. T. 6 of 10/8/80 hearing in Docket A-00102085 which is a case involving the same bridge and is referred to in the instant matter at N. T. 93 of the 10/8/80 hearing) and the railroad had performed maintenance thereof (N.T. 95 of 10/8/80 hearing in the instant matter), yet when Elmwood Avenue, including the bridge, was placed upon the State Highway System by the Act of 1961, 36 P.S. 1758 Section 201 et seq., the duty of maintenance, as set forth in the Act, was legislatively mandated, placed and imposed upon the Commonwealth of Pennsylvania, Department of Transportation, notwithstanding that the railroad may have performed some maintenance. Certainly, the maintenance responsibility was never upon the City, and the City never expressly assumed same; nor could it relieve PennDOT from PennDOT's legislatively imposed duty of maintenance.

But, as aforesaid, PennDOT continues to argue that it, PennDOT, is only responsible for approaches to, and base and surface courses of the bridge citing the same Act of 1961, 36 P. S. 1758-203. The City contends that PennDOT's argument is erroneous and fallacious and leads to an absurd and illogical conclusion.

PennDOT's argument that because another party originally maintained a bridge before it was placed upon the State Highway system, that same party (and its successors) still retain maintenance responsibility after the bridge is taken and placed upon the State Highway system, leads to an absurd and illogical conclusion, since all roads and bridges constructed and open to the public prior to being placed on the State Highway system were originally maintained by parties other than PennDOT.

Carrying Penndot's contention to its logical conclusion, Penndot would never have maintenance responsibility for any highway or bridges placed on the State Highway system after having been constructed by others.

Moreover, applicable case law supports the City's position.

In the case of Comm. of Penna. Department of Transportation v. Pa. PUC, 21 Commonwealth Ct. 407 (1975), the Court held that when a bridge in a third class city is transferred to the Commonwealth under the provisions of the Act of 1961, Sept. 18, P. L. 1389, the Commonwealth acquires the obligation to maintain the bridge, excepting only already outstanding construction or reconstruction obligations and certain other construction and maintenance obligations relating only to highways, not bridges.

In the instant matter, we are dealing with a bridge in a first class city, but, it is submitted, that the same conclusion and holding is applicable and will control here, since the same statutory language is involved for judicial interpretation and construction.

In Comm. of Penna. Department of Transportation v. Pa. PUC, 21 Commonwealth Ct. 407 (1975), supra, Penndot argued that the Act of 1961 limits its obligation for maintenance to only the base or surface courses of such bridges, and cited the provisions of Section 103, 36 P. S. Sec. 1758-103, which is applicable to cities of 2nd and 3rd class, as follows:

"This article is not intended and shall not be construed:

.....(2) To place upon the Commonwealth any obligation for maintenance, construction, reconstruction or resurfacing other than the base or surface course. The maintenance authorized by this article shall not include snow removal or street cleaning and shall be limited to the portions between existing curb lines available in vehicular traffic."

Penndot again seeks to have the Commission construe this language as referring to all cases of transfer of bridges under the Act.

The Court in Comm. of Penna. Department of Transportation v. Pa. PUC, 21 Commonwealth Ct. 407 (1975) in responding to the argument of Penndot in that case stated, inter alia:

"Such a construction would be in direct conflict with Section 101 of the Act, 36 P.S. Sec. 1758-101 which provides:

'All or part of the following various public highways, or sections thereof, bridges, tunnels, viaducts and approaches thereto, in counties, shall, and when the county commissioners consent thereto by resolution a copy of which shall be filed in the office of the clerk of the courts of the proper county and with the Department of Highways, be adopted by the Commonwealth as a State Highway, and shall thereafter be maintained and constructed in the same manner with like power and authority as provided by the laws of the Commonwealth applicable to State Highways; however, no highway bridge viaduct or approach thereto shall be taken over by the Commonwealth under the provisions of this act if a contract for the improvement thereof has been entered into between a contractor and the Commonwealth or local authorities, or both, until such contract shall have been completed.' (Emphasis supplied) The provision relied on by the Commonwealth in our view obviously refers to the Commonwealth's obligation with respect to the maintenance of highways, not bridges."

(Emphasis supplied by Court)

Likewise, in the instant matter, Penndot incorrectly argues that the obligation for maintenance is limited to only the base or surface courses of such bridges in cities of the first class, and cites the identical provisions of Section 203 of the Act, 36 P. S. Sec. 1758-203, which is applicable to cities of the first class and which provides,

"This act is not intended and shall not be construed:

.....

(2) To place upon the Commonwealth any

obligation for the maintenance construction, reconstruction or resurfacing of said streets other than its base or surface course."

(Emphasis supplied)

As can be seen, the language relating to cities of the first class is identical to that of Section 1758-203 which relates to cities of the second and third class, and therefore does not relate to bridges.

Moreover, as the Court held in Comm. of Penna. Department of Transportation v. Pa. PUC, 21 Commonwealth Ct. 407 (1975) supra, i.e. that such a construction would be in direct conflict with Section 101 of the Act, supra. It is submitted that in the instant matter relating to cities of the first class, such a construction would be in direct conflict with Section 201 of the Act, 36 P.S. Section 1758-201, which is applicable to cities of the first class and provides,

"The following public streets or sections thereof, including bridges thereon, in cities of the first class and adopted by the Commonwealth as State Highways to be taken on upon the terms and conditions and subject to the limitations hereinafter contained in Article II, and shall thereafter be maintained, constructed, reconstructed and resurfaced in the same manner, with like power and authority as provided by the laws of the Commonwealth applicable to State Highways, upon the terms and conditions and subject to the limitations as hereinafter provided in Article II."

(Emphasis supplied)

It is submitted therefore, that in the instant matter, as in the Comm. of Pa., Dept. of Trans. v. Pa. PUC. case, supra, the provision relied on by Penndot, i.e. Section 20, of the Act obviously refers to the Commonwealth's obligation with respect to the maintenance of highways, not bridges.

It can thus be seen that the language of the sections cited by Penndot in the Comm. of Pa., Dept. of Trans. v. Pa. PUC. case, supra, is virtually identical to the language relied on by Penndot in the instant matter. Accordingly, the same result should obtain; i.e. that Penndot

is responsible for maintenance of the bridge.

It is submitted therefore, that the duty of maintenance of the approaches to, and the superstructure and substructure of the Elmwood Avenue bridge should be the responsibility of the Commonwealth of Pennsylvania, Department of Transportation, at its sole cost and expense.

In addition, the City in its Petition for Modification also requested modification of Paragraph 15 of the Findings of Fact (p. 5 of Order of May 29, 1980 entered June 19, 1980) which reads:

"15. City of Philadelphia will furnish all materials and perform all work of construction, at its initial cost and expense, and will be responsible for future maintenance of the completed project, at its sole cost and expense."

to be modified for clarification, to read as follows:

"15. City of Philadelphia will furnish all materials and perform all work of construction as shown on Exhibit No. 32 at its initial cost and expense, and will be responsible for future maintenance of the completed project; namely, the aforesaid work shown on Exhibit No. 32, at its sole cost and expense."

Likewise, the City, in its Petition for modification, also requested that Ordering Paragraph 9 (p. 8 of Order of May 29, 1980 entered June 19, 1980) which reads:

"9. That City of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to complete the remainder of the railroad-highway crossing improvement project in accordance with the approved plan."

be modified to read as follows:

"9. That City of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to complete the remainder of the railroad-highway crossing improvement project in accordance with the approved plan, as set forth in Ordering Paragraph 3 hereof."

IV Conclusion

For all of the foregoing reasons, the City of Philadelphia respectfully requests modification of the Order of the Commission adopted May 29, 1980, entered June 19, 1980, in accordance with the Petition of the City filed July 15, 1980, wherein it was requested inter alia that the Commonwealth of Pennsylvania, Pennsylvania Department of Transportation be responsible, at its sole cost and expense, for the maintenance of the substructure, superstructure and approaches to the Elmwood Avenue Bridge on Elmwood Avenue, a State Highway (L.R. 67308).

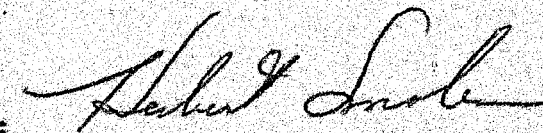
Respectfully submitted,

ALAN J. DAVIS  
City Solicitor

ANDRE DASENT  
Deputy City Solicitor

HERBERT SMOLEN  
Deputy City Solicitor

BY:



HERBERT SMOLEN  
Deputy City Solicitor

Proposed Findings of Fact

1. Elmwood Avenue; including the bridge, is a State Highway (L.R. 67308 (Paragraph 8 of Penndot's Answer to City Petition for Modification; and N.T. 92-93 of 10/8/80 hearing; and 36 P.S. 1758-201 and 202)
2. The only work on the bridge is the construction of protective parapets, which does not affect the highway bridge structure or the vehicular traffic thereon (N.T. 10 of 10/8/80 hearing)
3. Penndot has admitted responsibility and liability for maintenance of the superstructure, substructure and approaches to the Elmwood Avenue bridge. (Paragraph 6 of Penndot's Answer to City Petition for Modification; and N.T. 92-93 of 10/8/80 hearing).

Proposed Conclusions of Law

1. Elmwood Avenue, including the bridge, is a State Highway (L.R. 67308) (Paragraph 8 of Penndot's Answer to City Petition for Modification; and N.T. 92-93 of 10/8/80 hearing; and 36 P.S. 1758-201 and 202)
2. Penndot has admitted responsibility and liability for maintenance of the superstructure, substructure and approaches to the Elmwood Avenue bridge. (Paragraph 6 of Penndot's Answer to City Petition for Modification; and N.T. 92-93 of 10/8/80 hearing).
3. Since Elmwood Avenue, including Elmwood Avenue Bridge, is a State Highway, the duty of maintenance of the substructure, superstructure and approaches is upon the Pennsylvania Department of Transportation (36 P.S. 1758-201 and 202)
4. The limitations set forth in 36 P.S. 1758-203 refer to the Commonwealth's obligation with respect to the maintenance of highways, not bridges; since the Court in Comm. of Pa. Dept. of Trans. v. Pa. PUC, 21 Comm. Ct. 407 (1975) interpreted the same language in 36 P.S. 1758-103 as relating only to highways, and not to bridges.

Proposed Order

1. That Paragraph 17 of Commission Order adopted May 29, 1980 and entered June 19, 1980 be modified to provide that the Commonwealth of Pennsylvania, Department of Transportation, at its sole cost and expense, shall maintain the substructure, superstructure of, and the approaches to the bridge carrying Elmwood Avenue (a State Highway, L.R. 67308) over and above the railroad tracks as this location
2. That Penndot, in addition to its duty of maintenance of substructure and superstructure of the bridge, is responsible for base and surface courses and approaches to the bridge
3. That for clarification, Paragraph 15 of the Findings of Fact (page 5 of Order of May 29, 1980, entered June 19, 1980) be modified to read:

"City of Philadelphia will furnish all materials and perform all work of construction as shown on Exhibit No. 32 at its initial cost and expense, and will be responsible for future maintenance of the completed project; namely, the aforesaid work shown on Exhibit No. 32, at its sole cost and expense."

4. That for clarification, Paragraph 9 of the Order of May 29, 1980, entered June 19, 1980, be modified to read:

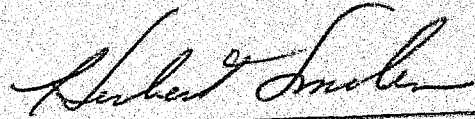
"That City of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to complete the remainder of the railroad-highway crossing improvement project in accordance with the approved plan, as set forth in Ordering Paragraph 3 hereof."

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Brief thereon, by First Class mail, postage prepaid, upon all known parties of record in this proceeding.

December 19, 1980

DATE



HERBERT SMOLEN  
DEPUTY CITY SOLICITOR

ORIGINAL



CITY OF PHILADELPHIA

LAW DEPARTMENT  
15th Floor, Municipal Services Building  
Philadelphia, Pa. 19107

ALAN J. DAVIS  
City Solicitor

December 18, 1980

DOCUMENT  
FOLDER

Pennsylvania Public Utility Commission  
North Office Building  
P.O. 3265  
Harrisburg, PA. 17120

RECEIVED  
SECRETARY'S OFFICE  
PUBLIC UTILITY  
COMMISSION

DEC 22 9 39 AM '80

Attn: Secretary

Re: Application of the City of Philadelphia  
A. 00098061

Dear Sir:

Earlier this week, I filed original and 15 copies of the Brief of the City in the above matter, with Certificate of Service attached. The date on the Certificate of Service is inadvertently shown thereon as December 19, 1980; when the correct date was December 15, 1980. Accordingly, I enclose herewith amended Certificate of Service, and have forwarded copies to the parties of record.

Very truly yours,

HERBERT SMOLEN  
Deputy City Solicitor

DEC 22 9 39 AM '80

RECEIVED  
SECRETARY'S OFFICE  
PUBLIC UTILITY  
COMMISSION

**DOCUMENT  
FOLDER**

**DOCKETED**  
DEC 29 1980  
*[Handwritten initials]*

A. 98061

AMENDED  
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Brief thereon, by First Class mail, postage prepaid, upon all known parties of record in this proceeding.

*December 15, 1980*

DATE

*Herbert Smolen*

HERBERT SMOLEN  
DEPUTY CITY SOLICITOR



# CITY OF PHILADELPHIA

JUL 1 16 24 AM '81

RECEIVED  
SECRETARY'S OFFICE  
PUBLIC UTILITY  
COMMISSION

LAW DEPARTMENT  
15th Floor, Municipal Services Building  
Philadelphia, Pa. 19107

ALAN J. DAVIS  
City Solicitor

215-Mu6-5250

June 26, 1981

Pennsylvania Public Utility Commission  
North Office Building  
Harrisburg, Pennsylvania 17120

ATTENTION: William P. Thierfelder, Secretary

RE: APPLICATION OF CITY OF PHILADELPHIA  
DOCKET NO. 98061

*Record* H.H.

Dear Sir:

On or about October 3, 1980, I filed an additional Application under the above Docket No. for approval of the construction of protective barriers on the 84th Street crossing of the Airport High Speed Line.

I am enclosing herewith a set of drawings in connection therewith.

We would greatly appreciate a prompt Order without the necessity of a formal hearing, especially in view of the fact that the estimated cost of Thirty Eight Thousand Dollars (\$38,000.) is to be funded by the Airport High Speed Line Project (Federal 80%, State 16 2/3%, City 3 1/3%).

Thank you for your prompt attention and cooperation.

Very truly yours,

HERBERT SMOLEN,  
Deputy City Solicitor

HS:db

Enclosures

- cc: Herbert G. Zahn, Esquire
- Preston Granbery, Esquire
- Rudolph Chillemi, Esquire
- Joel E. Mazor, Esquire
- Judith Soken, Esquire
- W. Scott Armentrout, Esquire

**DOCUMENT  
FOLDER**

**NOTICE OF TRANSMITTAL**

ARCHITECTURE & ENGINEERING DIVISION  
 DEPARTMENT OF PUBLIC PROPERTY  
 CITY OF PHILADELPHIA  
 1050 Municipal Services Bldg., Phila., Pa. 19107

DATE: July 2, 1981  
 TO: Herbert Halderman,  
 PENNA. PUBLIC UTILITY COMMISSION  
 North Office Building, Harrisburg, Pa. 17120  
 PROJECT NO.: 20-594-2-038  
 AND TITLE: AIRPORT HIGH SPEED LINE  
 PROTECTION BARRIER & GROUNDING-84th STREET BRIDGE

*A-98061*

CONTRACT  
 General  Heating and Ventilating  Plumbing  Air Conditioning  Electrical

The following  copies are sent to you  enclosed herewith  under separate cover  
 prints  
 Drawings  Shop drawings  Material suppliers  Cost Breakdown   
 Letter  Progress schedule  Subcontractors  Catalog cuts

**FILE**  
**H.H.H.**

ITEMS & COPIES	PREPARED BY	CATALOG OR DRAWING NO.	MO.-DAY-YR.	TITLE
A 2	City of Phila./Urban Engineers	-	5-29-81	Contract 38 Plans
B				
C				
D				
E				
F				

- RETURNED FOR CORRECTIONS: resubmit corrected copies.
- APPROVED WITH CORRECTIONS AS NOTED; resubmit corrected copies.
- APPROVED;  distribute as required;  for your records.
- ISSUED for execution of the work.
- SUBMITTED FOR:  your review;  your information.

REMARKS: as per your request to Herbert Smolen 7/1/81

**DOCUMENT FOLDER**

BY: *Nicholas Bubernak*

Nicholas Bubernak, P.E., Acting Project Manager AHSL

- COPIES TO:
- Project File 38 H2, PUC 81
  - B1. File
  - R. C. Belfi
  - N. Wortman
  - H. Smolen
  -
- City Architect  Project Architect  Project Engineer  Chief Design Engineer

# OVERSIZE DOCUMENT(S)

MAPS

(AIRPORT HIGH SPEED LINE.

PROTECTION BARRIER and GROUNDING - 84<sup>th</sup>  
STREET BRIDGE )



CITY OF PHILADELPHIA

ORIGINAL

LAW DEPARTMENT  
15th Floor, Municipal Services Building  
Philadelphia, Pa. 19107

ALAN J. DAVIS 8 45 AM '81  
City Solicitor

RECEIVED  
SECRETARY'S OFFICE  
PUBLIC UTILITY  
215-M66-52500H



July 2, 1981

Pennsylvania Public Utility Commission  
North Office Building  
Harrisburg, Pennsylvania 17120

ATTENTION: Secretary

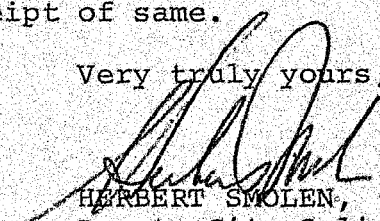
RE: APPLICATION OF  
THE CITY OF PHILADELPHIA  
DOCKET NO. 98061

Dear Sir:

In connection with the above Docket, I enclose herewith  
a Cost Summary on Airport High Speed Line Contract No. 7.

Kindly acknowledge receipt of same.

Very truly yours,

  
HERBERT SMOLEN,  
Deputy City Solicitor

HS:db

Enclosure

# INTERNAL PROGRESS REPORT CONSTRUCTION

CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC PROPERTY  
ACCOUNTING

PERIOD COVERED  
**FINAL CONTRACT COST**  
CONTRACTOR'S NAME  
ROCKLAND CONSTRUCTION CO.  
CONTRACT NO.  
20-594-2-07  
MAGS CODE NO.  
15-13-30

REPORT NUMBER PROJECT NAME AIRPORT RAIL LINE

ITEM NO.	DESCRIPTION	UNITS OR %	VALUE	UNIT PRICE	TOTAL CONTRACT		CURRENT PERIOD		EARNED	
					UNITS OR %	VALUE	UNITS OR %	VALUE	UNITS OR %	VALUE
1.	Structural Excavation	4550 CY	117,162.	25.75	100%	117,162.-				
2.	CI AA Cement Concrete	5600 CYL	260,000.	225.00	5600.	1,260,000.-				
3.	CI A Cement Concrete	4465 CY	669,750.	150.00	4465	669,750.-				
4.	CI B Cement Concrete	2,775 CY	194,250.	70.00	2775	194,250.-				
5.	Reinforcement Bars	252460 LBS	757,338.	.30	2,524,460	757,338.-				
6.	Fabricated Structural Steel	6023200 LBS	3,011,600.	.50	6,023,200	3,011,600.-				
7.	Pre Neo Comp Sealer 1" NOV.	1320 LF	17,160.	13.00	1320	17,160.-				
8.	Pre Neo Comp Sealer 1-1/2" NOV	110 LF	2,530.	23.00	110	2,530.-				
9.	Pre Neo Comp Sealer 2" NOV	125 LF	5,625.	45.00	125	5,625.-				
10.	Waterproofing Membrane	9160 SY	73,280.	8.00	9160	73,280.-				
11.	Protection Course	18600 SY	93,000.	5.00	18,600	93,000.-				
12.	Precast Conc Panels (Sound Barrier)	6170 LF	197,440.	32.00	6170	197,440.-				
13.	Downpouting	2000 LF	100,000.	50.00	2000	100,000.-				
14.	#2B Coarse Aggregate	16 CY	320.	20.00	100%	320.-				
15.	Set Bar Exca Str. Backfill	200 CY	3,000.	15.00	100%	3,000.-				
16.	Prot. Coating R.C. Surfaces	300 SY	300	1.00	300	300.-				
<b>TOTAL</b>					<b>TOTAL</b>					

**DOCKETED**  
JUL 13 1981

**DOCUMENT HOLDER**

INSPECTOR DESIGN CONSULTANT CM, CONSULTANT

PROJECT MANAGER  
*[Signature]*

EMPLOY - CONSTRUCTION

**INTERNAL PROGRESS REPORT**

CONSTRUCTION

CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC PROPERTY  
ACCOUNTING

PERIOD COVERED

CONTRACTOR'S NAME  
**HOGLAND CONSTRUCTION CO.**

REPORT NUMBER PROJECT NAME  
**AIRPORT RAIL LINE**

WORK PACKAGE NO.  
**Viaquod**

CONTRACT NO.  
**20-59L-2-07**

WACS CODE NO.  
**15-13-30**

ITEM NO.	DESCRIPTION	UNITS OR %	VALUE	UNIT PRICE	TOTAL CONTRACT		EARNED	
					UNITS OR %	VALUE	UNITS OR %	PROJECT TO DATE VALUE
17.	Ballast (On Structure)	1,100 CY	23,100.	21.		1,100	23,100 -	
18.	Clearing & Grubbing & Field Office	1S	14,332.	14,332.		100%	14,332 -	
19.	Unclassified Excavation	16,300 CY	40,750.	2.50		100%	40,750 -	
20.	Set Bor Exca-Granu, Type A	12,500 CY	37,500.	3.		100%	37,500 -	
21.	Embankment	4,200 CY	8,400.	2.		4,200	8,400 -	
22.	Guard Rail	1,994 LF	18,345.	9.20		1,994	18,345 -	
23.	Maint. & Prot. of Traffic Facilities PE & RR	1S	45,000.	45,000.		100%	45,000 -	
24.	Crush Stone (Und. Struc.) 4" Thick	14,000 SY	5,600.	4.		1400	5,600 -	
25.	Crush Stone (ERO Cont) 4" Thick	2,100 SY	8,400.	4.		100%	8,400 -	
26.	Seed & Soil Suppl., Formula C	9,500 SY	1,900.	.20		9,500	1,900 -	
27.	Seed & Soil Suppl., Formula D	2,100 SY	840.	.40		2,100	840 -	
28.	Mulching	103,000 SF	4,120.	.04		103,000	4,120 -	
29.	Temp. Seed & Mulch (ERO Control)	5,000 SY	1,750.	.35		100%	1,750 -	
30.	Cl B Cone Splash Blocks	5 EA	250.	50.		5	250 -	
31.	C.I. Downspout Conn. at Piers	183 LF	5,490.	30.		183	5,490 -	
Contract Item 1 - Lump Sum Total (#1 thru 31)		TOTAL	6,718,532.			TOTAL	100%	

INSPECTOR

DESIGN CONSU ANTI

C.M. CONSULTANT

DEPUTY - CONSTRUCTION

MANAGER

*[Signature]*

# INTERNAL PROGRESS REPORT

CONSTRUCTION

CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC PROPERTY  
ACCOUNTING

PERIOD COVERED

REPORT NUMBER	PROJECT NAME	WORK PACKAGE NO.	CONTRACTOR'S NAME
	AIRPORT RAIL LINE	Via duct	ROCKLAND CONSTRUCTION CO.
BID ITEM		CONTRACT NO.	CONTRACT NO.
		20-594-2-07	15-13-30
			MAGS CODE NO.

ITEM NO.	DESCRIPTION	UNITS OR %	VALUE	UNIT PRICE	TOTAL CONTRACT		EARNED	
					UNITS OR %	VALUE	UNITS OR %	VALUE
2.	HP 12x74 Steel Beam Piles	363081F	762,468.	21.				
3.	HP 12 x 74 Steel Beam Test Piles	-	-	-				
a.	16 Piles each 30' long	16 IS	18,100.	18,100.			100%	18,100 -
b.	6 Piles each 35' long	6 IS	7,600.	7,600.			100%	7,600 -
c.	2 Piles each 40' long	2 IS	2,800.	2,800.			100%	2,800 -
d.	11 Piles each 45' long	11 IS	16,600.	16,600.			100%	16,600 -
e.	7 Piles each 50' long	7 IS	11,400.	11,400.			100%	11,400 -
4.	Pile Load Test - Part 1	-	-	-				
a.	1 Test at Pier 15	1 IS	20,000.	20,000.			100%	20,000 -
b.	1 Test at Pier 30	1 IS	20,000.	20,000.			100%	20,000 -
c.	1 Test at Pier 39	1 IS	20,000.	20,000.			100%	20,000 -
d.	1 Test at Pier 48	1 IS	20,000.	20,000.			100%	20,000 -
e.	1 Test at Pier 52	1 IS	20,000.	20,000.			100%	20,000 -
5.	Pile Load Test - Part 2							
a.	1 Test at Pier 15	1 IS	3,500.	3,500.			100%	3,500 -
b.	1 Test at Pier 30	1 IS	3,500.	3,500.			100%	3,500 -
<b>TOTAL</b>								
<b>TOTAL</b>								

SPECTOR

DESIGN CONSULTANT

S.M. CONSULTANT

DEPUTY - CONSTRUCTION

PROJECT MANAGER

*Robert Palmer*

# INTERNAL PROGRESS REPORT

CONSTRUCTION

CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC PROPERTY  
ACCOUNTING

REPORT NUMBER: AIRPORT RAIL LINE  
PROJECT NAME: AIRPORT RAIL LINE  
WORK PACKAGE NO.: Viaduct  
CONTRACT NO.: 20-594-2-07  
MASC CODE NO.: 15-13-30

PERIOD COVERED: HOCHTITAN CONSTRUCTION CO.

ITEM NO.	DESCRIPTION	UNITS OR %	VALUE	UNIT PRICE	TOTAL CONTRACT		EARNED	
					UNITS OR %	VALUE	CURRENT PERIOD	PROJECT TO DATE
1	Test at Pier 39	1 LS	3,500.	3,500.	100%	3,500 -		
1	Test at Pier 48	1 LS	3,500.	3,500.	100%	3,500 -		
1	Test at Pier 52	1 LS	3,500.	3,500.	100%	3,500 -		
	Addition Pile Load Test	-	-	-				
1	Addition Test at Pier 15	1 LS	9,000.	9,000.	100%	9,000 -		
1	Addition Test at Pier 30	1 LS	9,000.	9,000.	100%	9,000 -		
1	Addition Test at Pier 39	1 LS	9,000.	9,000.	100%	9,000 -		
1	Addition Test at Pier 48	1 LS	9,000.	9,000.	100%	9,000 -		
1	Addition Test at Pier 52	1 LS	9,000.	9,000.	100%	9,000 -		
	5% Retainage - Total Contract	N/C	N/C	N/C				
	Perform Load Test in Piers Footing	1 LS	Credit (-10,238.)		100%	(-10,238 -)		
	Traffic Diversion - Old Rt. #291	1 LS	2,400.	2,400.	100%	2,400 -		
	Increase HP 12x74 Steel Beam Piles	10000 LF	210,000.	21.	100%	210,000 -		
	Increase HP 12x74 Steel Beam Piles	30000 LF	630,000.	21.	100%	630,000 -		
	Relocate PECO Cables & Street Lights	1 LS	5,045.	5,045.	100%	5,045 -		
TOTAL								
DESIGN CONSULTANT								
CM, CONSULTANT								

PROJECT MANAGER: *[Signature]*

CONTRACTOR: CONSTRUCTION



Distribution below:

DATE Sept. 4, 1981

FROM: <sup>NB</sup> Nicholas Subernak, Acting Project Manager AHSL, 1122 CHA

SEP 11 1 45 PM '81 98061

SUBJECT: AIRPORT HIGH SPEED LINE  
Project No. 20-594-2-039  
BRILL/ARSENAL INTERLOCKING PROJECT

RECEIVED  
SECRETARY'S OFFICE  
PUBLIC UTILITY  
COMMISSION

Please be advised that a meeting to review the preliminary Pennsylvania Public Utility Commission Application for the above-referenced project will be held on Thursday, September 24, 1981 at 10:00 A.M. In the office of Mr. John Storch, Engineer for the PA. Public Utility Commission (address shown below):

Mr. John Storch  
Room 408 - Transportation and Safety Bldg.  
(Northwest corner of North Street and  
Commonwealth Avenue)  
Harrisburg, Pennsylvania

NB:NW:eo

DISTRIBUTION:

- R. C. Belfi
- Z. Khan
- H. Smolen
- J. Cottingham, Septa
- A. Reynolds, FRA
- G. Singh, DCP
- J. Finch, DCP
- J. Storch, Pa. PUC
- R. D. Johnson, Amtrak
- A. Nafis, DCP
- E. W. Croyle, U.T.U
- N. Wortman
- File 39 F2

BUREAU OF  
SEP 10 1981  
RAIL  
TRANSPORTATION

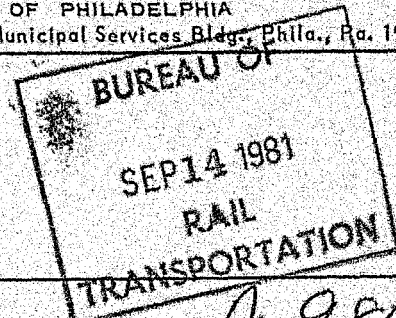
DOCKETED  
SEP 10 1981  
*M*

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INDEXED

# NOTICE OF TRANSMITTAL

ARCHITECTURE & ENGINEERING DIVISION  
DEPARTMENT OF PUBLIC PROPERTY  
CITY OF PHILADELPHIA  
1050 Municipal Services Bldg., Phila., Pa. 19107

DATE: September 9, 1981  
TO: John L. Storch, P.E., Public Utility Engineer  
PENNA. PUBLIC UTILITY COMMISSION  
P.O. Box 3265, Harrisburg, Pa. 17120  
PROJECT NO.: 20-594-2-039 - AIRPORT HIGH SPEED LINE  
AND TITLE: Brill/Arsenal Interlocking Project



CONTRACT  
 General     Heating and Ventilating     Plumbing     Air Conditioning     Electrical

A-98061

The following  copies are sent to you  enclosed herewith  under separate cover  
 prints  
 Drawings     Shop drawings     Material suppliers     Cost Breakdown      
 Letter     Progress schedule     Subcontractors     Catalog cuts

ITEMS & COPIES	PREPARED BY	CATALOG OR DRAWING NO.	MO.-DAY-YR.	TITLE
A 1	James M. Finch, DCP	-	8/31/81	Preliminary Draft - Statement to PA. PUC
B				
C				
D				
E				
F				

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PUBLIC UTILITY  
COMMISSION  
SEP 18 10 03 AM '81

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- APPROVED WITH CORRECTIONS AS NOTED; resubmit corrected copies.
- APPROVED:  distribute as required;  for your records.
- ISSUED for execution of the work.
- A  SUBMITTED FOR:  your review;  your information.



REMARKS:

The enclosed, in more detailed form, will be discussed at our September 24 meeting.

BY: *Nicholas Bubernak*

Nicholas Bubernak, P.E., Acting Project Manager AHSL

COPIES TO: w/Attachment

- Project File 39 H-2
- BI File
- R. C. Belfi
- Z. Khan
- J. Cottingham, Septa
- H. Smolen (cc)

- City Architect
- Project Architect
- Project Engineer
- Chief Design Engineer

- A. Reynolds, FRA (cc)
- G. Singh, DCP (cc)
- J. Finch, DCP (cc)
- E. W. Croyle
- N. Wortman (cc)

PRELIMINARY DRAFT - 8/31/81

STATEMENT TO PENNSYLVANIA

PUBLIC UTILITIES COMMISSION

SUPPLEMENTAL TO PAPUC DOCKET NO. A98061

Application of Federal Railroad Administration (FRA), National Railroad Passenger Corporation (Amtrak) and City of Philadelphia, jointly, for exemptions from minimum overhead, side and track centers clearance requirements of Title 52, Chapter 33, Section 33 Pennsylvania Laws, Railroad Regulations, as a result of the alterations and additions to the Amtrak interlocking at 54th Street (Brill-Arsenal), Philadelphia, PA.

I. Introduction

The section of railroad located between the interlockings now designated as "Brill" and "Arsenal" (Mileposts PA 4.39 to PA 2.20) is owned by Amtrak and jointly used by Amtrak, Conrail and SEPTA. There are five tracks in this area. Track 0 is in disrepair and out of service; tracks 1 and 4 are shared by Amtrak and SEPTA; tracks 2 and 3 are used by Conrail.

The goal of the Northeast Corridor Improvement Project (NECIP) in this area is to improve the operation and speed

-1-

**DOCUMENT  
FOLDER**

**DOCKETED**  
**SEP 18 1981**  
B

of Amtrak trains without hindering existing operations of SEPTA and Conrail.

In the near future SEPTA will be inaugurating high speed suburban passenger service to the Philadelphia airport over a newly constructed line, known as the Airport High Speed Line (AHSL). This service will pass through the trackage in the Brill-Arsenal interlocking and will add significantly to the number of train movements at this location, which already has a high traffic density.

To accommodate the AHSL trains and to accomplish the NECIP improvements to Amtrak service the City of Philadelphia and NECIP have agreed to fund jointly the reconfiguration of trackage in this area. The revisions will minimize conflicts among Amtrak, SEPTA and Conrail traffic and expedite train movements. The reconfiguration will provide five tracks from the AHSL new Flyover bridge (MP 4.10 ) to 54th Street overhead bridge (PA 2.81) and six tracks from that point to MP 2.47.

## 2. Clearance Considerations -

This extensive track reconfiguration is in an area which was originally constructed to clearance standards that are less than the present PAPUC regulations. To enable the

project to be accomplished within reasonable expenditure limits and to avoid major disruptions to adjoining properties. The overall design has proceeded on the basis of achieving safe and operationally acceptable clearances, consistent with existing conditions or improved where reasonably possible. NECIP and the City of Philadelphia seek the approval by PAPUC of exceptions to the clearance regulations which are included in this design concept, as summarized below:

Brill-Arsenal Interlocking Design Clearance Exceptions

<u>Category</u>	<u>PAPUC Standard</u>	<u>Number of Exceptions</u>
Side clearances to catenary poles	12.0'	113
Side clearances to other structures	12.0	21
Track centers, parallel tracks	13.5'	17
Vertical clearances	22.0'	34

a. Side Clearances to Catenary Poles -

The design clearance general minimum is 8.5' from catenary pole to adjacent track center. To achieve this, the design requires relocation of 25 catenary poles which otherwise would be less than 8.5'. By designing to 8.5' instead of 12' there is a

significant reduction in span and hence a saving in construction cost. The details on clearances to these poles and those which are not relocated, although less than PAPUC standard, are shown in Exhibit 1 attached. It is estimated that the savings to the project by designing to the 8.5' catenary pole clearance are in the order of \$1.8 million.

b. Side Clearances To Other Structures -

The structures consist of overhead bridge abutments or piers, for the most part. There are five such bridges in the area, and it would be prohibitively expensive to rebuild these active highway supporting structures. Additionally, the disruption to local traffic would have widespread adverse impacts on the public. There is also one undergrade through plate girder bridge, through which there are minor track shifts. Clearance changes are small, although four out of six are improved. Details on the clearance exceptions to other structures are set forth in Exhibit 1 attached.

c. Track Centers - Because the project involves constructing an additional track for much of the area,

available space between overhead bridge piers and/or abutments is a limiting factor. As stated in paragraph 2 b above, it would not be fiscally and environmentally feasible to reconstruct the overhead bridges that limit track centers. Furthermore, the track centers being designed are greater than existing track centers, which will not be changed, at numerous other locations on the Northeast Corridor trackage between Philadelphia and Washington. Details of track centers dimensions are stated in Exhibit 1, attached.

- d. Vertical Clearances - There are seven overhead bridges in the project area which involve vertical clearance exceptions. The clearances provided by the design are all adequate to meet existing and proposed railroad operating and proposed railroad operating clearance requirements and are consistent with the NECIP Baseline for Overhead Bridges. The changes from existing vertical clearances are due to essential reprofiling associated with the new track configuration. The height of the bridges above top of rail are controlled by property and geographical conditions, and any raising of a structure causes significant impacts on the approaches. The adverse impacts on the public and nearby environment plus the major cost considerations make it impractical to consider raising all these structures. Vertical clearance exceptions are given in detail in Exhibit 1 herewith.

## EXHIBIT 1

## SUMMARY OF SIDE CLEARANCES

Vicinity of BRILL to ARSENAL  
MP PA 4.39 to PA 2.20  
SECTION IMPROVEMENT DHA

(Compensated Clearance = Equivalent Tangent Track Side Clearance after adjustment for superelevation and curvature)

Compensated Side Clearances at Northeast Corridor  
Improvement Project Track Realignment Projects

Curve Number	Catenary Pole/ Track Number	Drawing Number	Compensated Side Clearances (Ft/In)		Side Clearance Change	
			Existing	Proposed		
	W29	1	PP-1	10' 1"	9' 11"	-1"
	W28	1	"	10' 1-1/2"	9' 10-1/4"	-3-1/4"
	W27	1	PP-2	9' 9-1/4"	9' 8-1/4"	-1"
640	W21	BR	PP-3			
"	W21	1	"	9' 9-1/4"	9' 8-3/4"	-1/2"
"	W21	4	"	9' 10-1/2"	9' 11-1/4"	+3/4"
	W21A	0	PP4	10' 5-1/4"	9' 1-1/4"	-1' 4"
650-2	W21A	1	"			
	W21A	4	"	10' 0"	10' 2-1/4"	+2-1/4"
	W21B	0	"	10' 0"	9' 9"	-3"
	W21B	1	"	9' 6-3/4"	9' 7-3/4"	+1"
	W21B	4	"	10' 1/4"	10' 2-1/2"	+2-1/4"
	W20	0	"	7' 9"	9' 7"	+1' 10"
	W20	1	"	9' 3-1/2"	9' 3-1/2"	+0"
	W20	4	"	9' 7-1/2"	9' 9-1/2"	+2"
	W19	0	"	11' 6-1/4"	11' 1"	-5-1/4"
	W19	1	"	9' 7-1/4"	9' 6"	-1-1/4"
	W18A	0	PP-4	11' 2-3/4"	11' 6-1/2"	+3-3/4"
	W18A	1	"	12' 1/2"	11' 11-3/4"	-3/4"
	W18	1	"			
	W18	4	"	8' 11"	8' 8-3/4"	-2-1/4"
	W18	5	"	New Tk	10' 8-3/4"	-
	W17A	1	"	9' 6-3/4"	9' 7"	+1/4"
	17	5	"	New Tk	9' 3-3/4"	-
	16	5	PP-5	" "	9' 5-1/4"	-
	15	5	"	" "	9' 3-1/4"	-
	14	5	"	" "	9' 2-3/4"	-
	13	5	"	" "	9' 1-1/4"	-
	W12B	5	PP-6	" "	9' 6-1/2"	-
	W12A	0	"	12' 0"	8' 11"	-3' 1"

## SUMMARY OF SIDE CLEARANCES (Cont.)

Curve Number	Catenary Pole/ Track Number	Drawing Number	Compensated Side Clearances (Ft/In)		Side Clearance Change	
			Existing	Proposed		
	W12A	5	PP-6	New Tk	9' 6-1/4"	-
	W11	0	"	11' 10-1/4"	8' 11-1/4"	-2' 11"
	W11	5	"	New Tk	9' 6"	-
	W10	0	"	12' 4-1/4"	9' 2-1/2"	-3' 1-3/4"
	W10	5	"	New Tk		Pole relocated
	W9	0	"	12' 3-3/4"	9' 2-3/4"	-3' 1"
	W9	5	"	New Tk		Pole Reloc
	W9	PC	"	New Sdg		-
307A-1	W8	0	PP-7			
	W8	5	"	New Tk		Pole Reloc
	W7	0	"	New Tk		Pole Reloc
	W7	5	"	New Tk		Pole Reloc
	W6-1/2	1	"	10' 2-1/4"		
	W6	1	"	New Tk		Pole Reloc
307A-2	W6	5	"	10' 8-3/4"		Pole Reloc
"	W5-2/3	5	"			
"	W5-1/3	5	"			
	W5	1	"	8' 0"		
	W5	5	"	10' 10"	10' 11-1/2"	Pole Reloc +1-1/2"
	W3	1	PP-8	11' 8-1/2"		
	W3	2	"	Pole Reloc		(Pole Reloc (Pole Reloc
	W3	5	"	10' 9-3/4"	10' 7-3/4"	-2"
307	W2A	5	"			
	W2-1/2	0	"		8' 11-3/4"	
	W2	0	"	Pole Reloc		Pole Reloc
307	W2	5	"			
"	W1A	0	"			
"	W1A	1	"			
"	W1A	5	"			
"	W1	0	"			
"	W1	1	"			
"	W1	5	"			
"	T380B	1	PP8			
"	T380	0	"	New Tk		
"	T380	1	"			
"	T380	5	"			
	T379A	1	PP9	7' 3-1/4"		
	T379A	0	"	Pole reloc		(Pole Reloc (Pole Reloc

## SUMMARY OF SIDE CLEARANCES (Cont.)

Curve Number	Catenary Pole/ Track Number	Drawing Number	Compensated Side Clearances (Ft/In)		Side Clearance Change	
			Existing	Proposed		
	T379	1	"	8' 11-3/4"	10' 1/2"	+1-3/4"
	T379	2	"	8' 11-1/4"	8' 7-1/2"	-3-3/4"
	T379	5	"	10' 8"	10' 11"	+3"
306	T378	1	"			(Pole Reloc
"	T378	2	"			(Pole Reloc
"	T378	5	"			(Pole Reloc
"	T377	1	"			(Pole Reloc
"	T377	2	"			(Pole Reloc
"	T377	5	"			(Pole Reloc
"	T376	1	"			(Pole Reloc
"	T376	2	"			(Pole Reloc
"	T376	5	"			(Pole Reloc
306	T375A	5	PP9			(Pole Reloc
"	T375	1	"			(Pole Reloc
"	T375	2	"			(Pole Reloc
"	T375	5	"			(Pole Reloc
"	T374	1	PP10			(Pole Reloc
"	T374	2	"			(Pole Reloc
"	T373	0	"	New Pole		-New Pole
"	T373	3	"			
"	T373	4	"			
"	T372-1/2"	5	"	9' 2-1/4"	7' 3-1/2"	-1'10-3/4"
"	T372	0	"			Pole Reloc
"	T372	3	"			
"	T372	4	"			
"	T371	0	"			Pole Reloc

## SUMMARY OF SIDE CLEARANCES (Cont.)

Curve Number	Catchary Pole/ Track Number	Drawing Number	Compensated Side Clearances (Ft/In)		Side Clearance Change
			Existing	Proposed	
"	T371 4	"			(Pole Reloc
"	T371 5	"			(Pole Reloc
"	T370-1/2 0	"			Pole Reloc
"	T370 0	"			Pole Reloc
"	T370 4	"			(Pole Reloc
"	T370 5	"	8' 1/4"	8' 4"	+3-3/4"
"	T369-1/2 4	"			(Pole Reloc
"	T369-1/2 5	"			(Pole Reloc
"	T369 3	PP11			(Pole Reloc
"	T369 4	"			(Pole Reloc
"	T368-1/2 0	"	New Pole		New Pole
"	T368-1/2 3	"			(Pole Reloc
"	T368-1/2 4	"			(Pole Reloc
"	T368 1	"			(Pole Reloc
"	T368 2	"			(Pole Reloc
"	T367 2	"			
"	T366 RT	"			
"	T366 0	"			
"	T366 2	"			

EXHIBIT 1

SUMMARY OF SIDE CLEARANCES

Vicinity of Brill to Arsenal  
 MP PA 4.39 to PA 2.20  
 SECTION IMPROVEMENT DHA

(Compensated Clearance = Equivalent Tangent Track Side Clearance after adjustment for superelevation and curvature)

Compensated Side Clearances at Northeast Corridor Improvement Project Track Realignment Projects

3.64

Curve Number	Structure/ Track Number	Drawing Number	Compensated Side Clearances (Ft)		Side Clearance Change
			Existing	Proposed	
	OHB PA <del>4.38</del> 4	PP-1	10.24	10.56	+ .32
650-1	" " 1	"	10.45	10.45	+ .04
"	" 3.25 1	PP-4			
650-2	" " 1	"			
"	" 3.11 5	"			
"	" " 5	"			
"	" " 1	"			
"	" " 1	"			
"	" " 0	"			
"	" " 0	"			
	" 2.81 5	PP-5	New TK	8.50	-
	" 2.35 5	PP-7	8.34	8.50	+ .16
	" " 2	"	11.08	8.58	-2.50
	" " 1	"	9.36	9.50	+ .16
307	Conc. Wall 5	PP-8			
	UGB PA89.32/3	PP-11	6.83	7.08	+ .25
	" " 2	"	6.93	7.05	+ .12
	" " 1	"	6.74	6.73	-.01
	" " 0	"	6.90	7.03	+ .13
	" RT/W	"	6.78	6.52	-.26
	" RT/E	"	6.21	6.52	+ .31

## EXHIBIT I

## SUMMARY OF REPRESENTATIVE SUB-STANDARD TRACK CENTERS

Vicinity of Brill to Arsenal  
 MP PA 4.39 to MP PA 2.20

SECTION IMPROVEMENT DHA

(Compensated Clearance = Equivalent Tangent Track Clearance after adjustment for superelevation and curvature)

Compensated Track Centers at Northeast Corridor  
 Improvement Project Track Realignment Projects -

<u>Curve Number</u>	<u>Location</u>	<u>Drawing Number</u>	<u>Compensated Track Centers Tracks</u>	<u>Proposed (FT.)</u>
	OHB PA 3.64	PP-1	4-3	12.32
	"	"	3-2	12.36
	"	"	2-1	12.16
	STA. 49+30.00	PP-4	5-4	12.67
	"	"	4-3	13.00
	"	"	3-2	13.00
	"	"	2-1	13.00
	OHB PA 2.35	PP-7	5-4	13.00
	"	"	4-3	13.00
	"	"	3-2	13.00
	"	"	1-0	13.00
307	OHB PA 2.93	PP-8	5-4	
"	"	"	3-2	
306	STA 104+36.11	PP-9	5-4	
"	"	"	3-2	
	UGB PA 89.32	PP-11	3-2	13.18
	"	"	1-0	13.16

17 Representative Track Centers  
 Exceptions

EXHIBIT 1

SUMMARY OF VERTICAL CLEARANCES

Vicinity of BRILL to ARSENAL  
MP 4.39 to MP 2.20  
SECTION IMPROVEMENT DHA

Drawing No.	Structure	Track No.	Clearance (Ft)		Clearance Change (Ft)
			Existing	Proposed	
PR-1	OHB PA 3.64	1	18.68	18.87	+ .19
"	"	2	21.62	21.39	- .23
"	"	3	21.59	21.43	- .16
PR-3	OHB AHSL	4	18.09	18.51	+ .42
"	"	1	New Structure	20.84	-
"	"	2	"	20.56	-
"	"	3	"	20.47	-
"	"	4	"	20.38	-
PR-6	OHB PA 3.25	0	"	19.46	-
PR-5	"	1	"	19.11	-
"	"	2	"	18.72	-
"	"	3	"	19.18	-
"	"	4	"	19.40	-
PR-6	OHB PA 3.11	0	18.99	18.78	- .21
PR-5	"	1	18.32	18.92	+ .60
"	"	2	18.22	18.72	+ .50
"	"	3	18.56	18.84	+ .28
"	"	4	18.71	18.76	+ .05
PR-6	"	5	New Track	18.58	-
PR-7	OHB PA 2.81	1	19.44	19.02	- .42
"	"	2	19.05	18.96	- .09
"	"	3	18.98	18.95	- .03
"	"	4	19.13	18.99	- .14
PR-8	"	5	New Track	19.12	-
PR-12	OHB PA 2.35	0	20.30	19.70	- .60
PR-11	"	1	19.80	19.64	- .16
"	"	2	19.60	19.82	+ .22
"	"	3	19.59	19.28	- .31
"	"	4	19.87	19.26	- .61
PR-12	"	5	New Track	19.70	-
PR-13	OHB PA 2.93	2	21.04	20.80	- .24
"	"	3	20.65	20.02	- .63
"	"	4	20.79	20.69	- .10
PR-14	"	5	New Track	20.91	-

34 Vertical Clearance Exceptions

CITY OF PHILADELPHIA  
Department of Public Property  
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