

1. REPORT DATE: March 20, 1980

2. BUREAU AGENDA NO.: MAY-80-TR-260*

3. BUREAU: Rail Transportation

4. SECTION(S): Engineering

5. PUBLIC MEETING DATE: May 29, 1980

6. APPROVED BY:
 Director: R.A. Peteritas 7-5188
 Supervisor:

7. MONITOR: Commissioner Cawley

8. PERSON IN CHARGE: Storch 7-5648

9. DOCKET NO.: A-00098061

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

(a) APPLICATION OF CITY OF PHILADELPHIA RE: (1) ALL CROSSINGS OF THE NEW AIRPORT HIGH SPEED LINE (CONSTRUCTION, ALTERATION, ABOLITION, ET AL.), BETWEEN CENTER CITY PHILADELPHIA AND PHILADELPHIA INTERNATIONAL AIRPORT, (2) COST ALLOCATIONS, AND (3) CLEARANCE EXEMPTIONS.

(b) Latest of a series of on-going hearings deals with alterations required at existing Elmwood Avenue crossing, above grade, of Conrail's 60th Street Freight Branch, where present tracks will be shifted and new AHSL tracks will be placed; wingwall modifications; addition of parapet fencing; track and roadbed construction. Property has been acquired, costs are agreed-upon, no non-carrier utility involvement, and no objections entered.

(c) The Bureau of Rail Transportation has prepared a recommended order approving this portion of the application and construction of the alterations at the Elmwood Avenue crossing, all in accordance with the city's plan exhibit, which is also approved by the order. Construction, maintenance and cost responsibilities are also delegated.

The Bureau recommends that the Commission approve the order.

JLS:a

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

CONTENT OF MOTION: Staff recommendation adopted.

DOCKETED
 JUN - 9 1980
 m

DOCUMENT FOLDER

June 19, 1980

A-00098061

Herbert Smolen, Esquire
804 U G I Building
1401 Arch Street
Philadelphia, PA 19107

Application of City of Philadelphia for approval of
(1) the construction, alteration or reconstruction
of the crossings of Penn Central Transportation Company,

Dear Sir:

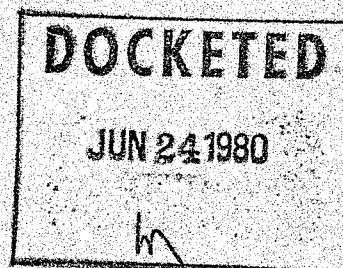
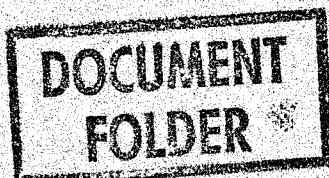
This is to advise you that an order has been adopted by the
Commission in Public Meeting on May 29, 1980, in the above
entitled proceeding.

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

Very truly yours,

William P. Thierfelder
Secretary

ts
Enclosure
Certified Mail
Return Requested
See attached list.



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held May 29, 1980

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

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

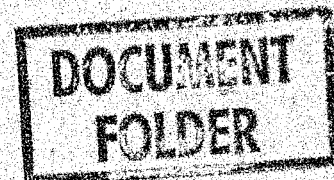
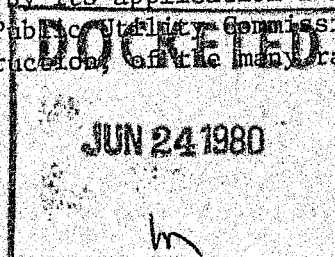
A-00098061

John J. Chiovero, ALJ, Sitting Examiner.
Herbert Smolen, for City of Philadelphia.
Rudolph A. Chillemi, for Philadelphia Electric Company.
Joel E. Mazor, for Consolidated Rail Corporation.
Edward H. Huss, for Southeastern Pennsylvania Transportation Authority.
George D. Wenick, for Pennsylvania Department of Transportation.
W. Scott Armentrout, for National Railroad Passenger Corporation.
Paul R. Hitchcock, for The Baltimore and Ohio Railroad Company.

O R D E R

BY THE COMMISSION:

City of Philadelphia, by its application filed July 5, 1973, seeks approval of Pennsylvania Public Utility Commission for the construction, alteration and/or reconstruction of the main railroad-highway



crossings involved with the construction of a proposed high-speed passenger rail line, designated as the Airport High Speed Line (AHSL), to serve commuters between center-city Philadelphia and the Philadelphia International Airport complex. Separate hearings have been held on matters concerning the various crossing locations involved as detailed plans have been finalized for each, and orders have been issued by this Commission covering the specifics of construction and costs for the individual locations, all at the subject docket A-00098061. On March 22, 1979, formal hearing was held upon those matters pertinent to the proposed alterations required at the existing crossing, above grade, where new tracks of the AHSL will be placed beneath the bridge carrying Elmwood Avenue, a city street, over the 60th Street Freight Branch of Consolidated Rail Corporation.

At that hearing, Applicant City of Philadelphia presented testimony relevant to its proposal through Richard S. Starr, Project Manager for the AHSL; Consolidated Rail Corporation presented its testimony through Stafford C. Walker, Senior Civil Engineer; and Southeastern Pennsylvania Transportation Authority through its Director-Operational Planning, Frank Berdan, Jr. Additionally, City of Philadelphia submitted its Exhibits Nos. 32 and 33, being, respectively, six sheets of construction drawings for the proposed work at this location, and a one-page summary of the estimated costs thereof.

Applicant's testimony was directed to an explanation of the type and extent of work proposed at this location, as shown on its Exhibit No. 32, consisting of relocation of the existing Freight Branch track and construction of 140 linear feet of new track bed and rail placement beneath the westerly span of the existing Elmwood Avenue structure, together with the construction of a gabion wingwall, drainage facilities and protective parapets; all at a total estimated cost of \$63,699.00, as itemized below:

OVERSIZE DOCUMENT(S)

PUC EXHIBIT NO. 32

(six sheets of construction drawings for the proposed work at this location,

City of Philadelphia Exhibit No. 33
Estimated Cost of Construction at Elmwood Avenue
between AHSL Stations 222+10 and 223+50

Grading and Drainage:

Roadbed Excavation	\$ 815.00
Embankment	1,800.00
Remove Existing Wingwall	<u>3,070.00</u>
Subtotal	\$ <u>5,685.00</u>

Trackwork:

Ballast	\$ 3,024.00
Sub-ballast	1,141.00
Tracks CWR	<u>10,640.00</u>
Subtotal	\$ <u>14,805.00</u>

Structures:

Gabion Wall	\$ 4,000.00
Protective Parapets	<u>30,900.00</u>
Subtotal	\$ <u>34,900.00</u>

Sum of Above Items	\$55,390.00
Escalation (15%)	<u>\$ 8,309.00</u>

TOTAL COST	\$63,699.00
------------	-------------

Testimony of Conrail and SEPTA was brief. Neither had objection to the City's proposal.

Upon careful consideration and review of all the evidence of record in this proceeding we make the following findings of fact relevant to the matters involved and which we deem pertinent to a decision in this proceeding;

FINDINGS OF FACT

1. The crossing involved is an existing crossing, above grade, where Elmwood Avenue (a city street) is carried over and above the 60th Street Freight Rail Branch of Consolidated Rail Corporation, via a two-span concrete structure with central supporting pier.

2. The subject application was filed with Pennsylvania Public Utility Commission on July 5, 1973, by City of Philadelphia, seeking approval for the construction, alteration and/or reconstruction of numerous railroad-highway crossings attendant to the proposed high-speed

commuter rail line being constructed to provide service between center-city Philadelphia and the Philadelphia International Airport complex.

3. The carriers named in the application, as being involved with the proposed AHSL construction, were Penn Central Transportation Company, debtor, Reading Company, debtor, The Baltimore and Ohio Railroad Company, and Southeastern Pennsylvania Transportation Authority.

4. On April 1, 1976, the facilities and operations of Penn Central Transportation Company and Reading Company, debtors, were assumed by Consolidated Rail Corporation and/or National Railroad Passenger Corporation under the terms of the Regional Rail Reorganization Act of 1973.

5. City of Philadelphia, Department of Transportation of the Commonwealth of Pennsylvania, Consolidated Rail Corporation, National Railroad Passenger Corporation, The Baltimore and Ohio Railroad Company, Southeastern Pennsylvania Transportation Authority, and all non-carrier public utility companies affected hereby are "concerned" and "interested" parties to this proceeding, within the context of Sections 2702 and 2704 of the Public Utility Code, 66 Pa. C.S. §§2702, 2704.

6. The Elmwood Avenue crossing, above grade, subject hereof, is situate on Conrail's 60th Street Freight Branch, which provides a connection between the formerly separate rail lines of Penn Central Transportation Company and Reading Company, between 59th Street and 60th Street, in southwest Philadelphia.

7. City's Exhibit No. 32 shows that the existing track of Conrail's 60th Street Freight Branch will be relocated from beneath the westerly span of the bridge to a location beneath the easterly span; thereby providing space for construction of the tracks of the AHSL along the present general alignment of the freight branch.

8. The proposed work will involve construction of new roadbed (ballast and sub-ballast) for the tracks, relocation of the existing track, and placement of approximately 140 linear feet of new continuous welded rail for the AHSL.

9. In addition to the track work, and in order to provide for the minimum clearances approved for this location by previous order issued July 24, 1974, there will be removal of the existing northwesterly wingwall of the structure, construction of a new gabion (stone and/or earth-filled wicker-like containers) wingwall, erection of protective parapet walls above the present concrete parapet walls of the bridge, grading of the surrounding areas, and construction of attendant drainage facilities to accommodate the new conditions of track grades and alignment.

10. New protective parapet walls will be of steel plate and structural sections, extending 3' - 3" above the height of the present

concrete parapet walls, and will extend the full length of the structure on both sides.

11. No disruption is expected as a result of the proposed work to either vehicular traffic utilizing the Elmwood Avenue structure or to rail traffic on the freight branch (which has been extremely minimal over the past several years).

12. No additional property is required to accommodate the project; no highways will be vacated or laid out; and no detours will be necessary during the period of construction.

13. Construction in accordance with City's Exhibit No. 32 will entail no involvement with facilities of any non-carrier public utility company.

14. The estimated cost of all work at this location, according to City's Exhibit No. 33, is \$63,699.00.

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.

16. City of Philadelphia requests the Public Utility Commission allocate construction costs in accordance with an existing agreement between it, the United States Urban Mass Transit Administration and Pennsylvania Department of Transportation (previously submitted as City Exhibit No. 25 at the hearing in this proceeding held January 13, 1978) wherein UMTA will reimburse the city 80% of construction costs and PennDOT will reimburse the city 16 2/3% of same; all as determined and established under a Capital Assistance Grant from the United States Department of Transportation, Urban Mass Transportation Administration.

17. Construction of this portion of the work involved with the AHSL project will be performed as a part of an overall contract encompassing other, more major portions of the project, which contract may take up to three years to complete after start of work; during which period the work herein described at Elmwood Avenue is estimated to take but two months to complete.

18. Legal title to the right-of-way beneath the existing Elmwood Avenue bridge, as of the date of hearing in this matter (March 22, 1979), was in the name of Consolidated Rail Corporation.

19. Consolidated Rail Corporation and City of Philadelphia have entered into an agreement, executed on February 28, 1979, and submitted to Pennsylvania Public Utility Commission for approval on March 13, 1979, wherein legal title to the subject right-of-way will be conveyed to the city for certain monetary considerations.

20. Conrail has not operated any trains over the 60th Street Freight Branch since acquisition of the property on April 1, 1976.

21. Conrail has no objection to the improvement at this location, as proposed by the city in its Exhibit No. 32.

22. SEPTA has no objection to the improvement at this location, as proposed by the city, but requests that adequate protection be afforded its 600-volt DC distribution line and facilities during construction in the vicinity of 60th Street.

We have carefully reviewed the record in this proceeding, including all testimony and exhibits presented at the hearing held March 22, 1979, and we conclude that construction of the railroad-highway crossing project as herein proposed by City of Philadelphia is necessary for the safety, convenience, accommodation and service of the traveling public, and is a necessary and integral part of the overall AHSL project to serve as a commuter link between City of Philadelphia and the Philadelphia International Airport. General approval of the concept and construction of the overall AHSL project has been granted by this Commission in prior orders, and we shall by this order grant approval of the detailed plans presented for the record by the city, covering this phase of the project located in the vicinity of Elmwood Avenue.

Further, it is noted that this Commission, in public meeting held April 5, 1979, approved the agreement for conveyance of the involved right-of-way, as required to accommodate this construction, at docket U-79030052. No objections having been entered for the record, and testimony having been offered with respect to assumption of all costs involved at this location, we find nothing to bar approval of construction of the project as proposed; THEREFORE,

IT IS ORDERED:

1. That the application be and is hereby approved, to the extent hereinafter defined.

2. That the existing crossing, above grade, where Elmwood Avenue crosses over and above the 60th Street Freight Branch of Consolidated Rail Corporation, in City of Philadelphia, be altered by the relocation of the existing freight branch rails and the addition of track and facilities to accommodate the new Airport High Speed Line; all generally in accordance with the detailed construction plan prepared by City of Philadelphia and admitted at the hearing held March 22, 1979, as city's Exhibit No. 32, and estimated to cost \$63,699.00; which plan is attached hereto, made part hereof, and is hereby approved.

3. 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 center-line Stations 222+10 and 223+50, as shown on the approved plan, the portion of the project over which this Commission will assume jurisdiction at this location; including construction of a gabion wingwall, drainage facilities, protective parapets and placement of track bed and rails, all in accordance with and as set forth in more detail on the plans hereinabove approved.

4. That Consolidated Rail Corporation and Southeastern Pennsylvania Transportation Authority, each at its initial cost and expense, furnish all material and do all work necessary to make any temporary or permanent alterations or relocations of its respective 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 or facilities.

5. That Consolidated Rail Corporation and Southeastern Pennsylvania Transportation Authority, each at its initial cost and expense, 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 respective tracks or facilities; and in addition, furnish such engineering services as may be required to ensure the safety of its respective operations and facilities which may be affected by the design and construction of the railroad-highway crossing improvement project.

6. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility company, other than Consolidated Rail Corporation and Southeastern Pennsylvania Transportation Authority, as hereinabove provided, located within or beyond the limits of this Commission's jurisdiction, which may be required as incidental to the construction of the project, be made by said 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.

7. That City of Philadelphia, at its initial 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 the purpose of the improvement.

8. 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 or pedestrian traffic during the time the improvement is being constructed.

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.

10. That the construction of the improvement project be fully completed, in a manner satisfactory to this Commission, on or before December 31, 1982; and that on or before said date, City of Philadelphia, Consolidated Rail Corporation and Southeastern Pennsylvania Transportation Authority 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.

11. That City of Philadelphia cooperate with Consolidated Rail Corporation and Southeastern Pennsylvania Transportation Authority, so that in the construction of the crossing improvement project the operations and facilities of the carriers will not be endangered or unnecessarily impeded.

12. That during the time the crossing improvement project is being constructed over, across or adjacent to its respective tracks or facilities, Consolidated Rail Corporation and Southeastern Pennsylvania Transportation Authority cooperate with City of Philadelphia and conduct its operations in a safe manner and under control.

13. That City of Philadelphia, at its initial cost and expense, pay all compensation for damages, if any, due to the owners for property taken, injured or destroyed by reason of the construction of the crossing improvement project in accordance with this order.

14. That City of Philadelphia pay Consolidated Rail Corporation and/or Southeastern Pennsylvania Transportation Authority, a sum or sums of money equal to the actual cost 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.

15. That City of Philadelphia pay Consolidated Rail Corporation and/or Southeastern Pennsylvania Transportation Authority, 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 14 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 carrier in compliance with numbered Paragraph 5 of this order.

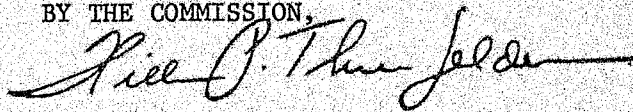
16. That upon completion of the crossing improvement project and its opening to public use, Consolidated Rail Corporation and Southeastern Pennsylvania Transportation Authority, each at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its respective track, signals, wire lines or other facilities in the vicinity of the subject improvement as constructed in compliance with this order.

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.

18. 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 United States Department of Transportation (Urban Mass Transportation Administration), Pennsylvania Department of Transportation, or others, in accordance with any lawful agreement(s) between the parties.

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

BY THE COMMISSION,



William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: May 29, 1980

ORDER ENTERED: JUN 19 1980