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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

- - -

A. 98061 - Application of the City of Philadelphia

- - -

January 13, 1976

FURTHER HEARING
(Pages 92 - 214)

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Public Utility Commission

Philadelphia, Pennsylvania

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ENTRY No. *Em*

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CITY OF PHILADELPHIA

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

SHELDON L. ALBERT
City Solicitor

John Starch

February 4, 1976

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Public Utility Commission

C.J. McElwee, Secretary
PUC
North Office Bldg., P.O. Box 3265
Harrisburg, Penna. 17120

RE: A.98061 - Airport Hi Speed Line

Dear Mr. McElwee:

In connection with the transcript of the Notes of Testimony of the hearing held on January 13, 1976, in the above matter, so that the City of Philadelphia's position is clear, I respectfully request that the following corrections be made in said transcript:

- (1) Page 213, line 13 should read -
"if the PUC accepts PE's statement."
- (2) Page 214, line 5 should read -
"...order that the Commission might issue, if PE's view is accepted."

Accordingly, I hereby respectfully request the Commission to amend the transcript as above set forth.

Very truly yours,

Herbert Smoien

Herbert Smoien
Deputy City Solicitor

O. K.
V. W. E.
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HS:8

cc: Interested parties

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I N D E X

SEPTA'S TESTIMONY

Direct Cross Redr. Recr.

Edmund H. Steel ----- 104 106 -- --

APPLICANT'S TESTIMONY

Robert C. Belfi ----- 108 135 153 --

155

READING COMPANY'S TESTIMONY

John E. Thompson ----- 162 166 -- --

PENNDOT'S TESTIMONY

Joseph A. Thompson ----- 170 172 -- --

PHILADELPHIA ELECTRIC COMPANY'S TESTIMONY

Gerald W. Gordon ----- 176 185 203 203

APPLICANT'S EXHIBITS

Mkd. Rec'd

- 15 No. 4 ✓ Six-page document, consisting of
16 construction sheets R-1 through
17 R-6 of the Airport High Speed
Line ----- 99 161
- 18 No. 5 ✓ 105-page set of plans for the
19 Airport High Speed Line ----- 99 161
- 20 No. 6 ✓ Two-page document containing the legal
21 description of the area of the
crossing involving the Industrial
Highway ----- 99 161
- 22 No. 7 ✓ Two-page document containing the legal
23 description of the area of the
crossing involving I-95 ----- 100 161

APPLICANT'S EXHIBITS, Continued:

		<u>Mkd.</u>	<u>Rec'd</u>
3	No. 8 Two-page document containing the legal description of the area of the crossing involving Essinging Avenue -----	100	161
6	No. 9 Two-page document containing the legal description of the area of the crossing involving Tinicum Avenue -----	100	161
8	No. 10 Two-page document containing the legal description of the area of the crossing over ramps A and L of the Industrial Highway -----	101	161
11	No. 11 Two-page document containing the legal description of the area of the crossing involving Bartram Avenue -----	101	161
13	No. 12 One-page letter addressed to Mr. Starr from Mr. Kilfeather ---	101	161
15	No. 13 One-page letter addressed to Mr. Starr from Mr. Synkonis -----	102	161
16	No. 14 One-page letter addressed to Mr. Starr from Mr. Frieman -----	102	161
18	No. 15 One-page letter addressed to Mr. Costello from Reading Company	102	161
19	No. 16 One-page letter addressed to Mr. Rush from Mr. Hare -----	103	161

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

- - -

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

- - -

BEFORE: MEYER L. CASMAN, Presiding Examiner

- - -

APPEARANCES:

HERBERT SMOLEN, ESQ.
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Philadelphia, Pennsylvania
Counsel for City of Philadelphia

1
2 APPEARANCES, Continued:3 HERBERT G. ZAHN, ESQ.
4 Capitol Associates Building
5 Harrisburg, Pennsylvania

6 Counsel for PennDOT

7 JOEL E. MAZOR, ESQ.
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9 Philadelphia, Pennsylvania

10 Counsel for Reading Company, Debtor

11 DAVID A. McCORMICK, ESQ.
12 1138 Six Penn Center Plaza
13 Philadelphia, Pennsylvania14 Counsel for Penn Central Transportation
15 Company, Debtor16 EDWARD F. GILHOOLY, ESQ.
17 One Presidential Boulevard
18 Bala Cynwood, Pennsylvania

19 Counsel for Gulf Oil Corporation

20 RUDOLPH A. CHILLEMI, ESQ.
21 2301 Market Street
22 Philadelphia, Pennsylvania23 Counsel for Philadelphia Electric
24 CompanyJUDITH BREEN SOKEN, ESQ.
2028 PSFS Building
Philadelphia, Pennsylvania

Counsel for SEPTA

- - -

1
2 FURTHER HEARING held in the State Office
3 Building, Philadelphia, Pennsylvania, on
4 Tuesday, January 13, 1976, beginning at 10:00 a.m.

5 - - -

6 P R O C E E D I N G S

7 THE EXAMINER: Good morning, ladies
8 and gentlemen. Let us proceed with the hearing which
9 is a continued hearing on Application 98061, and it is
10 the application of the City of Philadelphia for
11 approval of: One, the construction, alteration or
12 reconstruction of the crossings of Penn Central
13 Transportation Company, Debtor, Reading Company,
14 Debtor, The Baltimore and Ohio Railroad Company and
15 SEPTA involved in the construction of a high speed
16 passenger line from Suburban Station to the
17 Philadelphia International Airport, in the City of
18 Philadelphia; two, the allocation of the costs and
19 expenses incident thereto, and three, exemptions from
20 the minimum overhead and side clearance requirements
21 of Part III of the Commission's Railroad Regulations.

22 I did not hear the original first
23 hearing, which was held nearly two years ago, March 8th,
24 1974. And, therefore, not only for my enlightenment,

1
2 but for those of you who were also not here at the
3 last hearing, I am going to ask Mr. Mazor, if he will,
4 to summarize what took place at the last hearing.

5 MR. MAZOR: I thank you, Mr. Examiner, but
6 since we are not the applicant, I would much prefer
7 that the attorney for the applicant, Mr. Smolen,
8 perform that task.

9 MR. SMOLEN: Mr. Examiner, an application,
10 as phrased by the Examiner, had been filed by the
11 City of Philadelphia for the three items which the
12 Examiner mentioned, the approval of the construction of
13 the crossings, the allocation of the costs, and the
14 exemption from minimum overhead and side clearance
15 requirements of Part III of the Commission's
16 Railroad Regulations.

17 Based upon that application, a hearing
18 was held on March 8, 1974, before Hearing Examiner
19 Lanciano. The issues at that hearing were limited
20 solely to the exemptions from the overhead and side
21 clearance requirements for the reason that once the
22 exemptions, the questions and issues were passed upon,
23 the final plans could then be developed with respect to
24 the construction of these crossings. Thereafter, an

1
2 order was issued from the Commission with respect to
3 the exemptions and the plans were developed.

4 THE EXAMINER: And approved?

5 MR. SMOLEN: No. This is the next
6 hearing. There has been no hearing beyond the
7 exemption hearing.

8 THE EXAMINER: But those have been
9 approved, the exemptions?

10 MR. SMOLEN: Nine exemptions were
11 approved, yes.

12 Now, this hearing, in accordance with
13 the letter that we received from the Commission, is
14 limited to sheets R-1 through R-6 of the city's
15 construction drawings, which involve the facilities at
16 the airport and the public crossings of the high
17 speed line, and the highway completion, consisting of
18 the relocated Industrial Highway, Interstate I-95,
19 associated ramps, and Bartram Avenue, which lie between
20 the airport and properties of the Reading Company.
21 That is to say, at this particular hearing, all of
22 the crossings involved in the high speed line will not
23 be presented. Only those limited on construction
24 drawings R-1 through R-6. I will say this, that we have

1
2 previously furnished to the other parties in interest
3 those construction drawings, R-1 through R-6, so that
4 the parties are familiar with the issues at this
5 particular hearing.

6 Now, I have prepared testimony, in
7 canned form, which has been distributed to the other
8 parties. And we have various exhibits, namely,
9 Exhibit 4 through Exhibit 16. I have labeled it
10 Exhibit 4, because at the first hearing there were
11 marked for identification, and admitted into the
12 record, Exhibits 1, 2, and 3. So we started our
13 numbers for today with Exhibit 4. If there are no
14 questions that the Examiner has, I would like to mark
15 for identification these Exhibits 4 through 16, call
16 my witness, and submit the prepared testimony.

17 THE EXAMINER: The exhibits are not the
18 same numbers as these R-1 through R-6?

19 MR. SMOLEN: R-1 through R-6 are the pages,
20 the page numbers, which appear on Exhibit 4.

21 If the Examiner please, I would like to
22 have marked for identification as Exhibit 4 a
23 multi-page document containing construction sheets
24 R-1 through R-6. That will be Exhibit No. 4.

1 THE EXAMINER: All right.

2 (Six-page document, consisting of
3 construction sheets R-1 through R-6 of the Airport
4 High Speed Line, marked for identification as
5 Applicant's Exhibit No. 4.)
6

7 MR. ZAHN: Mr. Smolen, that is the one
8 consisting of six sheets of plans?

9 MR. SMOLEN: Yes, R-1 through R-6.

10 MR. ZAHN: Exhibit No. 4?

11 MR. SMOLEN: Yes, that is R-1 through
12 R-6.

13 Exhibit No. 5, if the Examiner please, I
14 would like to have marked for identification as again
15 a multi-page set of documents containing the
16 construction plans for the project.

17 (105-page set of plans for the Airport
18 High Speed Line, marked for identification as
19 Applicant's Exhibit No. 5.)

20 MR. SMOLEN: I would like to have marked
21 for identification as Exhibit No. 6 the legal
22 description for the crossing involving the Industrial
23 Highway.

24 (Two-page document containing the legal

1
2 description of the area of the crossing involving the
3 Industrial Highway, marked for identification as
4 Applicant's Exhibit No. 6.)

5 MR. SMOLEN: I would like to have
6 marked as Exhibit No. 7, the legal description of the
7 crossing for I-95.

8 (Two-page document containing the legal
9 description of the area of the crossing involving
10 I-95, marked for identification as Applicant's
11 Exhibit No. 7.)

12 MR. SMOLEN: I would like to have marked
13 as Exhibit No. 8, the legal description for the
14 crossing of Essington Avenue.

15 (Two-page document containing the legal
16 description of the area of the crossing involving
17 Essington Avenue, marked for identification as
18 Applicant's Exhibit No. 8.)

19 MR. SMOLEN: I would like to have marked
20 as Exhibit No. 9, the legal description of the
21 crossing of Tincum Avenue.

22 (Two-page document containing the legal
23 description of the area of the crossing involving
24 Tincum Avenue, marked for identification as Applicant's

1
2 Exhibit No. 9.)

3 MR. SMOLEN: I would like to have marked
4 as Exhibit No. 10, the legal description of the
5 crossing of the Industrial Highway, ramps A and L.

6 (Two-page document containing the legal
7 description of the area of the crossing over ramps
8 A and L of the Industrial Highway, marked for
9 identification as Applicant's Exhibit No. 10.)

10 MR. SMOLEN: I would like to have
11 marked as Exhibit No. 11, the legal description of
12 the crossing of Bartram Avenue.

13 (Two-page document containing the legal
14 description of the area of the crossing involving
15 Bartram Avenue, marked for identification as
16 Applicant's Exhibit No. 11.)

17 MR. SMOLEN: I have three copies of all
18 of these documents for the stenographer.

19 If the Examiner please, I would like to
20 have marked for identification as Exhibit No. 12, a
21 letter from the Redevelopment Authority containing a
22 right of entry expression from the Redevelopment
23 Authority.

24 (One-page letter addressed to Mr. Starr

1
2 from Mr. Kilfeather, marked for identification as
3 Applicant's Exhibit No. 12.)

4 MR. SMOLEN: I would like to have
5 marked as Exhibit No. 13, a letter from the
6 Pennsylvania Department of Highways, Commonwealth of
7 Pennsylvania, with respect to the right of entry.

8 (One-page letter addressed to Mr. Starr
9 from Mr. Synkonis, marked for identification as
10 Applicant's Exhibit No. 13.)

11 MR. SMOLEN: I would like to have marked
12 as Exhibit No. 14, a letter from the Philadelphia
13 Electric Company with respect to the right of entry.

14 (One-page letter addressed to Mr. Starr
15 from Mr. Frieman, marked for identification as
16 Applicant's Exhibit No. 14.)

17 MR. SMOLEN: I would like to have marked
18 as Exhibit No. 15, a letter from the Reading Company,
19 with respect to entry.

20 (One-page letter addressed to Mr. Costello
21 from Reading Company, marked for identification as
22 Applicant's Exhibit No. 15.)

23 MR. SMOLEN: I would like to have marked
24 as Exhibit No. 16, a letter from the Urban Mass

1
2 Transportation Administration of the U. S. Department
3 of Transportation, with respect to the entry letters.

4 (One-page letter addressed to Mr. Rush
5 from Mr. Hare, marked for identification as
6 Applicant's Exhibit No. 16.)

7 MR. SMOLEN: I have three copies for the
8 stenographer, and all parties have been furnished with
9 copies.

10 THE EXAMINER: I take it that when the
11 witness is ready to testify and we have duly sworn
12 him, that we will make these exhibits more detailed,
13 such as the date of their composition, so that there
14 is no question that we have the latest of that
15 particular exhibit number.

16 However, before doing that, we have a
17 lady member of the bar, her name is Judith Soken, who
18 has asked that because SEPTA, who she represents, is
19 really not a member, so to speak, on one side or
20 another, they have one witness who has a brief
21 statement to make. Would you all permit her to have
22 that witness appear before we proceed any further?
23 Do I hear any objections?

24 (No Response.)

1
2 THE EXAMINER: I hear none, therefore,
3 proceed, Miss Soken.

4 MS. SOKEN: Thank you very much, Mr.
5 Examiner.

6 THE EXAMINER: Put your witness on the
7 stand.

8 SEPTA'S TESTIMONY

9 ... EDMUND H. STEEL, 125 Lenape
10 Trail, Medford Lakes, New Jersey, having
11 been duly sworn as a witness by the Examiner,
12 was examined and testified as follows ...

13 DIRECT EXAMINATION

14 THE EXAMINER: Give us your name and
15 home address?

16 THE WITNESS: My name is Edmund H. Steel.
17 My home address is 125 Lenape Trail, Medford Lakes,
18 New Jersey.

19 THE EXAMINER: Now, Miss Soken, would you
20 please qualify the witness, his position with SEPTA,
21 and so forth?

22 BY MS. SOKEN:

23 Q By whom are you employed?

24 A SEPTA.

1
2 Q And how long have you been employed there?

3 A One year with SEPTA.

4 Q In what capacity?

5 A Engineer Maintenance of way, rail division.

6 Q Can you tell us whether SEPTA is a party of
7 interest in this proceeding?

8 A Yes, SEPTA is a party of interest.

9 Q And can you state in greater detail to what
10 extent we are a party of interest?

11 A Only insofar as SEPTA is a conduit for funds
12 paid to Reading Company under contracts.

13 Q Does SEPTA wish to comment on these proceedings?

14 A SEPTA has been selected and has entered into a
15 contract with the City of Philadelphia to manage the
16 operation of the Airport Line Service. In past
17 proceedings, SEPTA has supported this project. SEPTA
18 looks forward to the implementation of this important
19 service. SEPTA is in constant communication with the
20 city staff and has been the beneficiary of the city's
21 cooperation on the development of this facility.
22 SEPTA concurs with the city's application in this
23 proceeding.

24 Q Would SEPTA have any specific objections, either

1
2 now or anticipated, to the outcome of these proceedings?
3 And if so, would you state those objections in detail,
4 please?

5 A If SEPTA is ordered to participate in a direct
6 payment for any portion of the modification which was
7 ordered by the Commission, SEPTA would have an
8 objection. SEPTA has no funds of its own for such a
9 purpose since its role here is that of managing the
10 operation for the City of Philadelphia.

11 MS. SOKEN: Thank you very much.

12 Does anyone else wish to question the
13 witness?

14 THE EXAMINER: Mr. Smolen, have you any
15 cross-examination?

16 CROSS-EXAMINATION

17 BY MR. SMOLEN:

18 Q I note in response to one of the questions, that
19 you stated that SEPTA has entered into a contract with
20 the city to manage the operation of the Airport High
21 Speed Line?

22 A That's correct.

23 Q Is that correct?

24 A That's correct.

1
2 Q And that contract, that agreement, has been
3 executed, the management agreement?

4 A As far as I know, yes.

5 MR. SMOLEN: No further questions.

6 THE EXAMINER: Is there anyone that would
7 like to cross-examine the witness?

8 (No response.)

9 THE EXAMINER: I hear none.

10 Thank you very much, sir. You are
11 now excused, unless there is any objection to this
12 excusing.

13 (No response.)

14 THE EXAMINER: I hear none, therefore, you
15 are excused.

16 (Witness excused)

17 - - -

18 APPLICANT'S TESTIMONY

19 MR. SMOLEN: The city calls Mr. Belfi.
20 ... ROBERT C. BELFI, 829 Edison Avenue,
21 Philadelphia, Pennsylvania, having been duly
22 sworn as a witness by the Examiner, was
23 examined and testified as follows ...
24

DIRECT EXAMINATION

THE EXAMINER: Give us your name and home address.

THE WITNESS: Robert C. Belfi, 829 Edison Avenue, Philadelphia, Pennsylvania.

THE EXAMINER: Please qualify the witness.

BY MR. SMOLEN:

Q Mr. Belfi, by whom are you employed?

A The Department of Public Property, City of Philadelphia.

Q In what capacity?

A Chief Transit Engineer.

Q For how long?

A Approximately three years.

Q And what are your duties?

A I am responsible for the management of the design and construction of the transit program for the City of Philadelphia.

Q That includes the Airport High Speed Line?

A Yes, it does.

Q And are you familiar with the instant application?

A Yes, I am.

1
2 Q And all of the proceedings which transpired
3 prior to this hearing with respect to the Airport
4 High Speed Line?

5 A Yes, I am.

6 Q And are you authorized to appear and testify
7 at this hearing on behalf of the City of Philadelphia?

8 A Yes.

9 Q You have before you a nine-page document which
10 is entitled "Testimony of the City of Philadelphia,"
11 in which appears various questions and answers. If I
12 were to ask the questions which are set forth therein,
13 would your answers be the same as set forth therein?

14 A Yes, they would be with one exception.

15 Q What question and answer are we referring to?

16 A Question 17, or Answer 17.

17 Q Wait until we find that.

18 A In the second paragraph where the testimony
19 indicates that "No work on Philadelphia Redevelopment
20 Authority, Philadelphia Electric Company, or Reading
21 Company property will commence until these agreements
22 are formalized."

23 I would like to correct that to say that
24 we would, in the event that we do not have final

1
2 formalization of these agreements, we do intend to
3 start the construction in a timely fashion, so that it
4 may occur that we would start construction before these
5 agreements are consummated.

6 Q You mean if there are agreements in principle,
7 but not yet reduced to writing, that you would commence
8 construction?

9 A All the necessary approvals, final approvals,
10 of these agreements may not be in hand at the time that
11 we start construction.

12 MR. SMOLEN: With that addition to the
13 testimony, and if the Examiner please, I would like to
14 offer the written testimony, a copy of which has been
15 supplied to the stenographer, as the testimony of this
16 witness and submit him for cross-examination. I know
17 that the Examiner asked for a more detailed identification
18 of those letters, the exhibits which were previously
19 marked for identification, and before submitting the
20 witness for cross-examination, I would like to more
21 specifically identify those letters, and then submit
22 the witness for cross-examination on the canned testimony.

23 THE EXAMINER: Before we decide on
24 submitting it as so-called canned testimony, I would

1
2 like to be sure that all those that are interested have
3 seen this copy. There has been a great deal of public
4 interest on the part of--even radio stations have
5 called in here.

6 Now, I would like to be sure that all
7 parties in interest have a copy of this canned
8 testimony and that they have seen it, because if you
9 are interested and you haven't got a copy, it wouldn't
10 be fair at a public hearing to exclude anybody in
11 interest, and that means anybody of the public,
12 unless they have seen this thing. And it is only 12
13 or 13 pages, so that it really wouldn't take too long
14 to read.

15 MR. SMOLEN: If the Examiner please, I
16 would like to express my sentiment, that I whole
17 heartedly agree with those thoughts now expressed by
18 the Examiner. And if the Examiner desires, we could go
19 through these questions and answers orally on the
20 record.

21 THE EXAMINER: I think we wouldn't lose
22 time. I think we might save time, and then everybody
23 will be given an opportunity to voice their sentiments
24 or cross-examine the witness.

1
2 MR. SMOLEN: That's perfectly
3 satisfactory.

4 THE EXAMINER: Good. I would like the
5 witness to speak a little louder so that everybody in
6 the room could hear him. He doesn't seem to be
7 anemic or wanting of strength to do so. So I think
8 we all would appreciate it if we had it loudly read
9 so that everybody in interest could hear this testimony.

10 BY MR. SMOLEN:

11 Q Mr. Belfi, would you indicate the nature and
12 extent of the city's testimony at this hearing?

13 A Yes. The Public Utility Commission staff
14 indicated jurisdictional limits at various locations
15 and crossings. Of those designated by the PUC staff,
16 the city will limit its testimony and exhibits at this
17 hearing to: A, three proposed Speed Line crossings
18 of underground vehicle tunnels, said tunnels being
19 constructed by the Philadelphia Department of
20 Commerce, Division of Aviation at the Philadelphia
21 International Airport; and B, proposed crossing of a
22 viaduct structure to carry the Speed Line from the
23 airport over relocated Essington Avenue, ramps A and L
24 of I-95, I-95, relocated Industrial Highway, including

1 ramps A and D, Tinicum Avenue, and Bartram Avenue.

2 Q Now, Mr. Belfi, I show you a six-page set of
3 plans which have been marked for identification as
4 Exhibit No. 4, and ask you to describe it. Ed
4

5
6 THE EXAMINER: Particularly the date at
7 the bottom right corner, or wherever you have it, and
8 whose property, or who made these plans. We have often
9 had experiences where ~~changed~~ plans have been placed into
10 the record of a later date to correct some error. And
11 I would like to be sure that the record has the right
12 data. For that reason, please make them more detailed.

13 BY MR. SMOLEN:

14 Q Would you go through page by page and read the
15 identification at the bottom right-hand corner of each
16 page in response to the Examiner's request?

17 A First of all, all drawings are dated January 24,
18 1975. They were all prepared by Urban Engineers,
19 Incorporated, of Philadelphia, our consultants on this
20 project.

21 In detail, pages R-1, R-2, and R-3, of
22 Exhibit No. 4 show the location of the three proposed
23 crossings of the line over the underground vehicle
24 tunnels. Page R-4 shows viaduct crossings over

1
2 Essington Avenue and over ramps A and L of I-95, and
3 also over Tinicum Avenue. Page R-5 shows crossings of
4 viaduct over I-95 and over relocated Industrial
5 Highway. Page R-6 shows the viaduct crossing over
6 Bartram Avenue.

7 Q And those are the plans that have been submitted
8 to the stenographer as Exhibit No. 4 and to the other
9 parties?

10 A Yes, they are.

11 Q Now, Mr. Belfi, I show you, over here on this
12 table, a multi-page set of construction drawings, which
13 have been marked for identification as Exhibit No. 5,
14 and ask you to describe them. Identify them in the
15 same way that you described R-1 through R-6 of Exhibit
16 No. 4.

17 Do you want to come around here, Mr.
18 Belfi, and you can identify them? First of all, what
19 are they?

20 A These are the final construction drawings for
21 the viaduct structure more generally shown on Exhibit
22 No. 4, pages R-4 through R-6.

23 Q Do I understand that Exhibit No. 4 is the general
24 plans rather than specific construction plans, whereas

1
2 this Exhibit No. 5 is the specific construction plans?

3 A That's correct.

4 Q Please proceed to identify this Exhibit No. 5.

5 A All of the drawings in Exhibit No. 5 were
6 prepared by Urban Engineers, referred to in my previous
7 answer. The dates on these drawings vary. However,
8 they are covered by a title sheet labeled "Drawing
9 No. CS-1," dated 8/15/75.

10 Q Would you please read the title of that face
11 sheet?

12 A Architecture and engineering division,
13 Department of Public Property, City of Philadelphia,
14 Mayor Frank L. Rizzo, Airport High Speed Line between
15 Center City and International Airport, city project
16 No. 20-594-2-007, UMTA project No. PA-03-0043.

17 MR. SMOLEN: Off the record.

18 (Discussion off the record.)

19 THE WITNESS: The total drawings in this
20 set are 105 sheets.

21 BY MR. SMOLEN:

22 Q Now, Mr. Belfi, in connection with these
23 construction drawings, would you please describe in
24 general the type of construction to be undertaken in

1
2 this improvement?

3 A The basic construction of the viaduct will
4 consist of a poured reinforced concrete deck slab
5 supported by long structural steel beams that will
6 rest on cast-in-place reinforced concrete hammerhead
7 piers supported on steel pile foundations.

8 Q Now, in addition to the viaduct you mentioned in
9 your previous testimony, you mentioned crossings of
10 three vehicle tunnels; is that correct?

11 A That's correct.

12 Q Would you please describe the type of
13 construction where the Airport High Speed Line crosses
14 the vehicle tunnels in the airport?

15 A Basically, the construction consists of two
16 tracts constructed at ground level and resting on
17 subgrade, ballast and ties. The tracks will cross over
18 three tunnels constructed of precast reinforced
19 concrete box beams, above which will be placed fill and
20 the subgrade material for the tracks. The Airport
21 High Speed Line tracks and right-of-way will be
22 separated from terminal activity by two reinforced
23 concrete retaining walls.

24 Q Mr. Belfi, I show you a document, a two-page

1
2 document, which has been marked for identification as
3 Exhibit No. 6, which is a legal description and ask
4 you to identify it. 6

5 A Exhibit No. 6 is a two-page document containing
6 the legal description of the area of the crossing of
7 the viaduct over ramps A and D and the eastbound
8 and westbound lanes of relocated Industrial Highway,
9 as shown on Exhibit No. 4, page R-5.

10 Q Who prepared that, the description, if you know?

11 A Urban Engineers.

12 Q That's the city's consultants?

13 A Yes, sir.

14 Q I now show you a two-age document, which has
15 been marked for identification as Exhibit No. 7, and
16 ask you to identify that. 7

17 A Exhibit No. 7 is a two-page document containing
18 the legal description of the area of the crossing of
19 the viaduct over I-95, as shown on Exhibit No. 4,
20 page R-5.

21 Q And who prepared that?

22 A That was also prepared by Urban Engineers.

23 Q I now show you a multi-page document which has
24 been marked for identification as Exhibit No. 8, and

1
2 ask you to identify that.

3 A Exhibit No. 8 is a two-page document containing
4 the legal description of the area of the crossing of
5 the viaduct over Essington Avenue, as shown on Exhibit
6 No. 4, page R-3. This likewise was prepared by
7 Urban Engineers. 8

8 Q I now show you a document which has been
9 marked for identification as Exhibit No. 9, as ask
10 you to identify that.

11 A Exhibit No. 9 is a two-page document containing
12 a legal description of the area of the crossing of
13 the viaduct over Tinicum Avenue, as shown on
14 Exhibit No. 4, page R-4, also prepared by Urban
15 Engineers. 9

16 Q I now show you a two-page document, which has
17 been marked for identification as Exhibit No. 10, and
18 ask you to identify that.

19 A Exhibit No. 10 is a two-page document containing
20 the legal description of the area of the crossing of
21 the viaduct over ramps A and L of the Industrial
22 Highway, as shown on Exhibit No. 4, page R-4, which
23 was likewise prepared by Urban Engineers. 10

24 Q I now show you a two-page description, which

1
2 has been marked for identification as Exhibit No. 11.
3 Would you please identify it and describe it?

4 A Exhibit No. 11 is a two-page document containing
5 the legal description of the area of the crossing of
6 the viaduct over Bartram Avenue, as shown on Exhibit
7 No. 4, page R-6, prepared by Urban Engineers.

8 Q Now, has the city obtained indications from the
9 various parties with respect to approval of the
10 right of entry for the construction of the viaduct
11 structure?

12 A Yes, it has.

13 Q Now, Mr. Belfi, I show you a one-page letter
14 dated May 13, 1975, from Richard J. Kilfeather,
15 director of the Redevelopment Authority of the City of
16 Philadelphia, directed to Mr. Richard S. Starr of the
17 Department of Public Property, City of Philadelphia,
18 and ask you to identify that.

19 A This is a letter from the Redevelopment Authority
20 indicating approval from the Redevelopment Authority
21 Board of this construction.

22 Q Approval of what?

23 A The approval to grant an easement to the City of
24 Philadelphia upon mutually satisfactory terms for the

1
2 use of the appropriate portions of the Redevelopment
3 Authority land to permit the city to improve, and
4 SEPTA to operate, a high speed railroad facility
5 between Penn Center Station and the Philadelphia
6 International Airport.

7 Q I show you a one-page letter that was marked
8 for identification as Exhibit NO. 13. ~~the letter~~
9 dated March 31, 1975, from the Commonwealth of
10 Pennsylvania, Department of Transportation, from
11 Joseph D. Synkonis, addressed to Mr. Richard Starr of
12 the City of Philadelphia. Would you please
13 identify it and tell us what that is?

14 A This is a letter from the Commonwealth of
15 Pennsylvania making us aware that ^{their (Penn Dept's)} there only concerns
16 are about clearance and maintenance, and an
17 indication that the Commonwealth wishes to cooperate
18 as much as possible with the project.

19 MR. ZAHN: Mr. Examiner, I think to
20 clarify the record here, this letter that Mr. Belfi
21 refers to as Exhibit 13 is not a right of entry.
22 However, I understand that our right-of-way
23 department of the Department of Transportation has
24 sent a letter to the city granting them a right of

1
2 easement to the areas involved in these proceedings.
3 This 13 is not that letter, and I don't have the other
4 letter with me, but for the record we have agreed to
5 permit entry and to grant an easement, an aerial
6 easement, in the crossings involving state highways.

7 MR. SMOLEN: Off the record.

8 (Discussion off the record.)

9 THE EXAMINER: All right, sir. Let us
10 proceed.

11 BY MR. SMOLEN:

12 Q Mr. Belfi, I show you a one-page letter
13 marked for identification as Exhibit 14, dated
14 April 24, 1975, from a Mr. Frieman, a real estate
15 agent of the Philadelphia Electric Company, addressed
16 to Mr. Starr of the Philadelphia Department of Public
17 Property, and I ask you to identify it and describe it,
18 please?

19 A This is a letter from the Philadelphia Electric
20 Company indicating their willingness to cooperate with
21 the city in the construction of the Airport High
22 Speed Line. It is qualified by a statement: "However,
23 we wish to advise you that no work, in connection
24 therewith, should begin on the Electric Company's

1
2 right-of-way until construction drawings have been
3 reviewed and approved by interested departments of the
4 electric company."

5 THE EXAMINER: Any comments from you,
6 Mr. Chillemi, on that?

7 MR. CHILLEMI: To the best of my
8 knowledge, these plans have not been approved by the
9 Philadelphia Electric Company. And the letter also
10 does indicate that an agreement is expected, I
11 understand, between the city and the Reading Company
12 and PE. And the agreement with the city, as of
13 today, as I understand, has not been entered into.

14 THE WITNESS: That's correct. Our legal
15 counsel is working on these agreements and we hope to
16 have these finalized in the near future.

17 BY MR. SMOLEN:

18 Q You are referring to an agreement between the
19 Reading--

20 A Between the Electric Company and the City of
21 Philadelphia.

22 Q Mr. Chillemi mentioned the Reading Company, also,
23 I think.

24 MR. CHILLEMI: That's what the letter has,

1
2 what your exhibit states. Read the last paragraph.

3 MR. SMOLEN: You stated about an
4 agreement not having yet been executed?

5 MR. CHILLEMI: Not entered into, not
6 executed.

7 MR. SMOLEN: Between what parties?

8 MR. CHILLEMI: According to that letter,
9 three parties.

10 BY MR. SMOLEN:

11 Q Mr. Belfi, are you now negotiating with any
12 parties with respect to the agreement mentioned in
13 Exhibit 14?

14 A Yes, we are.

15 Q With what parties?

16 A The Philadelphia Electric Company and the
17 Reading Company.

18 Q These agreements being agreements between
19 public utilities and the city, would ordinarily, in the
20 normal course, be filed with the Commission for
21 approval under the Public Utility Law; is that
22 correct?

23 THE EXAMINER: It is your undertaking
24 to see that they will be forwarded to Harrisburg for

1
2 inclusion into the record of this case.

3 MR. SMOLEN: Yes, Mr. Examiner.

4 BY MR. SMOLEN:

5 Q Will you please, then, proceed to identify and
6 describe Exhibit 15, which is a one-page letter dated
7 August 16, 1973, from the assistant vice president of
8 the administration and planning service of the
9 Reading to Mr. Costello, commissioner of Public
10 Property, City of Philadelphia?

11 A This letter indicates that the trustees of the
12 property of the Reading Company, debtor, to the extent
13 that they have legal power to do so, express their
14 willingness to negotiate an agreement or agreements
15 with the City of Philadelphia and SEPTA to operate a
16 high speed railway facility between Penn Center Station
17 and Philadelphia International Airport.

18 Q Are such negotiations now under way?

19 A Yes, they are.

20 Q Between what parties?

21 A Between the Reading Company and the City of
22 Philadelphia.

23 Q And we will supply--

24 A And SEPTA.

1
2 Q That's a three-party negotiation, Reading, SEPTA,
3 and City of Philadelphia?

4 A No, I am sorry. Let me correct that.

5 We are negotiating an agreement between
6 the Reading Company and the City of Philadelphia.

7 Q And has a final written agreement been executed
8 as of today's hearing?

9 A No, it has not.

10 Q When and if same is executed, will you supply it
11 to the Commission as a late filed exhibit?

12 A Yes, we will.

13 THE EXAMINER: Any comments from you,
14 Mr. Mazor?

15 MR. MAZOR: Yes. Initially, we do not
16 interpret the letter of August 16th as a right of
17 entry upon the property of the debtor. The terms of
18 the easement agreement, which is necessary for the
19 commencement of the construction, have been mutually
20 agreed upon. Reading Company is submitting to its
21 bankruptcy court for approval that agreement. As soon
22 as that approval is obtained and the agreement executed,
23 and the requirement of the Public Utility Law with
24 respect to the agreement in filing with the Commission

1
2 have been accomplished, then the city will have the
3 easement necessary to begin construction on that
4 portion of the work.

5 THE EXAMINER: Good.

6 BY MR. SMOLEN:

7 Q And now, Mr. Belfi, I show you a one-page letter
8 marked for identification as Exhibit No. 16, which
9 is dated June 10, 1975, from Wilbur E. Hare, director
10 of the project management division of the Department
11 of Transportation, Urban Mass Transportation
12 Administration, addressed to Mr. Frank J. Rush,
13 real estate operational manager of the City of
14 Philadelphia, and I ask you to identify the letter and
15 describe it.

16 A This is a letter from the Department of
17 Transportation, Urban Mass Transportation Administration,
18 indicating that the written approvals received from
19 the Philadelphia Redevelopment Authority, Philadelphia
20 Electric Company, and Pennsylvania Department of
21 Transportation, and the Reading Company, are adequate
22 for the city to exercise the applicable right of
23 entries.

24 THE EXAMINER: Yes, Mr. Chillemi?

1
2 MR. CHILLEMI: Mr. Examiner, with
3 respect to that part of the letter which refers to a
4 right of entry which has been given by the Philadelphia
5 Electric Company, I am informed that no such right of
6 entry has ever been given to date and, therefore,
7 to that extent the letter is incorrect.

8 MR. SMOLEN: Well, I think this letter,
9 Mr. Chillemi, is UMTA's opinion as to whether or not
10 we have rights. We are not basing our case on
11 UMTA's letter, we are just telling the Commission
12 that UMTA is satisfied with the progress and the
13 development of these right of entries and the status
14 of the negotiations with the various parties.

15 We admit, we have no agreement with you
16 yet. The witness testified to that effect, that it is
17 under negotiation and that it will be submitted to the
18 Commission when same has been executed formally.

19 BY MR. SMOLEN:

20 Q Now, Mr. Belfi, getting back to your testimony,
21 with respect to these agreements, was it your
22 testimony that you are negotiating with various
23 parties to finalize easement agreements?

24 A That's correct.

1
2 Q And with whom, again, are you negotiating?

3 A The various agreements are being negotiated
4 between the Reading, the Philadelphia Electric
5 Company--

6 Q Redevelopment?

7 A Redevelopment Authority, that's correct.

8 Q Prior to my asking you these questions, you made
9 a correction on Question and Answer No. 17. Now, in
10 order for the record to be straight and logical, would
11 you please explain again when and whether work will be
12 commenced until the agreements about which you have
13 just testified are formally executed?

14 A We have made the assumption in my earlier
15 statement, that the letters that we have received from
16 these various parties, constituted a right of entry
17 permission to enter upon their private properties.
18 If that condition does exist, we will start work as soon
19 as possible.

20 Q And if the condition does not exist?

21 A Then we would have to work out the necessary
22 arrangements with the various parties that would allow
23 us to enter upon their property for construction.

24 Q In the latter case, then, your statement in

1
2 Answer 17 is that no work would be done until the
3 agreements were formalized?

4 A If it necessitates an agreement, that's correct.

5 Q Now, are you negotiating with any other parties?

6 A Yes. In addition, the city is negotiating with
7 the Philadelphia Electric Company and ARCO Pipe Line
8 Company to enter an agreement to design the
9 relocation of their respective structures now located
10 on Philadelphia Electric Company property and Reading
11 Company property, respectively, as shown on Exhibit
12 No. 4, page R-6.

13 With respect to the Mobil Pipe Line
14 facilities now located on Reading Company property as
15 shown on Exhibit No. 4, page R-6, the city and Mobil
16 Pipe Line Company have already executed an agreement
17 to design the relocation of the Mobil facility.

18 On completion of the design of Mobil,
19 ARCO, and Philadelphia Electric Company facilities
20 located on private property, as aforesaid on Exhibit
21 No. 4, page R-6, the city intends to provide an easement
22 for the new locations of the Mobil and ARCO lines.

23 On completion of the design of the
24 facilities to be relocated satisfactory to the city and

1
2 to the respective parties, the city will negotiate
3 agreements with the respective parties for the
4 relocation costs for these utility facilities now on
5 privately owned property.

6 Q Who will maintain the crossings over the airport
7 vehicle tunnels and the viaduct structure?

8 A The City of Philadelphia.

9 Q Are there any highways required to be vacated
10 or new or relocated highways to be laid out under
11 this project?

12 A No. No new or relocated highways are to be
13 laid out under this project.

14 Q Will the Commission be required to lay out any
15 new highways as a result of this hearing?

16 A No.

17 Q Will it be necessary for the Commission to
18 appropriate any property for purposes of the proposed
19 crossings?

20 A No.

21 Q What is the estimated cost of constructing the
22 viaduct structure and the three tunnel crossings?

23 A The estimated cost to be incurred is \$10.8
24 million. Additional cost for purchase of easements

1
2 and relocation of Mobil Pipe Line Company lines and
3 ARCO Pipe Line Company lines and Philadelphia
4 Electric Company lines now on private property in
5 connection with the viaduct as supplied by the
6 respective parties, when possible, is as follows:

7 The Easement from Philadelphia Redevelopment Authority
8 is \$20,600.

9 Q Is that a city estimate?

10 A City estimate. The easement from Philadelphia
11 Electric Company is \$7,500, which is also a city
12 estimate. The easement from Philadelphia Electric
13 Company for right-of-way for Mobil and ARCO, \$4,800,
14 a city estimate. Relocation of Philadelphia Electric
15 Company's 38 KV line is \$40,000, as furnished to us
16 by PE Company. Relocation of Mobil's 6-inch oil
17 line on Exhibit No. 11, it is \$2,587, based on a
18 Mobil estimate. On Exhibit No. 4, page R-6, \$37,640,
19 also a Mobil estimate. The relocation of the ARCO
20 8-inch and 12-inch oil lines, Exhibit No. 11, \$7,000.
21 Total, Exhibit No. 4, page R-6, \$120,000. Both
22 estimates being ARCO estimates.

23 The oil company estimates and city
24 estimates quoted above are for the portion of the

1
2 relocation costs particularly within the
3 jurisdictional area outlined by PUC staff on
4 Exhibit No. 4, page R-6.

5 Q You mean the Public Utility Commission staff?

6 A Yes. The estimated costs are pro-rated over
7 the limits of involvements as outlined on pages R-5
8 and R-6 of Exhibit No. 4.

9 In addition, the city is negotiating
10 with the Reading Company for easement rights on the
11 Chester Branch, a ten-pier section of which is
12 involved at the northerly end of the viaduct
13 section.

14 Q Are there any anticipated traffic detours
15 necessitated during construction?

16 A No. It is not anticipated that any traffic
17 detours or interference will be required during the
18 construction of the viaduct or the crossings of the
19 vehicle tunnels.

20 Q Now, how is the project to be funded, Mr. Belfi?

21 A It is anticipated that the funding for payment
22 of the construction of the viaduct and the tunnel
23 crossings, as well as the entire project, will be as
24 follows: Urban Mass Transportation Administration,

1 U.S. Department of Transportation, 80 percent;
2 The Commonwealth of Pennsylvania, Pennsylvania
3 Department of Transportation, 16-2/3 percent; City
4 of Philadelphia, 3-1/3 percent.
5

6 As of the present time, the city has
7 applied to the Urban Mass Transportation Administration
8 and the Pennsylvania Department of Transportation for
9 grants totaling, including the city's share, \$68.8
10 million broken down in the aforementioned percentages.

11 As of this time, grants from the Urban
12 Mass Transportation Administration totaling \$30 million
13 have been approved. The city proportion for the entire
14 project has been approved in the city's capital
15 program. The Commonwealth of Pennsylvania has also
16 passed legislation for a portion of its funding of the
17 project costs.

18 Q Do you have an estimated time for the
19 construction of the three crossings and the viaduct
20 structure?

21 A It is estimated that it will take approximately
22 two years from the date of the start of the
23 construction.

24 Q And when do you intend to commence construction?

1
2 A. Upon approval of the construction plans by the
3 Public Utility Commission, and after the easements and,
4 agreements aforementioned have been obtained and
5 entered into, and upon final grant approval, by the
6 appropriate authorities. In the event that we can get
7 permission short of having to execute the agreements
8 mentioned, we will start construction earlier.

9 Q But that depends upon the will and the agreement
10 of the other parties?

11 A. That's correct.

12 Q What is the city requesting of the Commission at
13 this time?

14 A The city is seeking approval of the construction
15 plans for the construction of the three crossings and
16 the viaduct structure, construction of which is subject
17 to the city's obtaining the aforesaid easements and the
18 entering into the aforesaid agreements, and also
19 subject to final grant approvals by the appropriate
20 authorities.

21 THE EXAMINER: Before we proceed with
22 cross-examination, I notice interests of Mobil and
23 ARCO referred to.

24 Are there any representatives here of those

1
2 two companies?

3 (No response.)

4 THE EXAMINER: I don't see any appearance
5 on behalf of those companies and I don't hear of any
6 representatives being present here.

7 Let us proceed, first with PennDOT.

8 Mr. Zahn?

9 CROSS-EXAMINATION

10 BY MR. ZAHN:

11 Q Mr. Belfi, you testified that the proposed
12 crossing of the viaduct structure will cross several
13 roadways and ramps. Essington Avenue, right?

14 A That's correct.

15 Q Is that a state highway, a legislative route?

16 A I believe it is.

17 Q Ramps A and L of the Industrial Highway, is that
18 a state facility, legislative route?

19 A Yes, it is.

20 Q And I-95 is also a legislative route; is that
21 correct?

22 A That's correct.

23 Q Now, relocated Industrial Highway, including
24 ramps A and D, are they state facilities?

1
2 A. Yes, I believe they are.

3 Q. Now, Tinicum Avenue. What about that?

4 A. I am not familiar with that. I don't believe
5 it is a state highway.

6 Q. Hasn't that street been closed off?

7 A. Yes, it has.

8 Q. And as far as PennDOT is aware, that is now a
9 city street; is that correct?

10 MR. SMOLEN: We are not really sure of
11 what PennDOT is aware of.

12 MR. ZAHN: That it is a city street.

13 MR. SMOLEN: Your question was, is
14 PennDOT aware it is a city street.

15 MR. ZAHN: I didn't say that, Mr. Smolen.
16 I am saying as far as PennDOT is concerned, we under-
17 stand that it is a city street.

18 BY MR. ZAHN:

19 Q. Now, I am asking you, Mr. Belfi, if you know
20 whether it is a city street?

21 A. I don't know.

22 MR. ZAHN: Would you have anyone here who
23 could testify to that, Mr. Smolen?

24 MR. SMOLEN: If you will give me a moment.

1
2 If that's information that you desire,
3 we can supply it by letter with copies to the
4 Commission and to you, and to all the parties.

5 THE EXAMINER: I think all of that
6 information, like identification of the legislative
7 route numbers or anything else that lacks definition,
8 please let's make it definite. That's the purpose of
9 the hearing.

10 As you know, I am a little stubborn about
11 a complete record and a proper record. And certainly
12 those official names, such as the legislative route
13 numbers, identification of streets by names, and
14 whether that also has a route number, anything that
15 needs specific naming or identification should be
16 stated in the record. There shouldn't be any doubt
17 whatever left as to what we are talking about.

18 MR. SMOLEN: We made note of that,
19 Mr. Examiner. We intend to supply that information.

20 MR. ZAHN: Thank you, Mr. Smolen.

21 BY MR. ZAHN:

22 Q What about Bartram Avenue? It's PennDOT's
23 understanding that PennDOT is presently constructing
24 Bartram Avenue, and that will be turned over to the city

1
2 as a city street; is that correct?

3 A. That is my understanding.

4 Q Now, you gave legal descriptions for crossings,
5 and those legal descriptions are for some crossings
6 over legislative routes, are they not?

7 A. That's correct.

8 Q Now, what are you asking the Commission to do
9 as far as those legal descriptions are concerned? Are
10 you asking that the land or the aerial easements be
11 appropriated by the Commission in these proceedings?

12 A. We are asking the Commission to approve the
13 construction of the crossings.

14 MR. SMOLEN: May I interrupt?

15 The descriptions are being supplied at
16 the request of the Commission. They wanted to
17 establish the exact metes and bounds of the crossings.
18 We are asking for no appropriation whatsoever.

19 MR. ZAHN: Well, in fact, your highway is
20 going to cross serially over some state highways, are
21 they not?

22 MR. SMOLEN: And I think you already
23 indicated that the state has given its permission for
24 such crossings. We are supplying those descriptions

1 because the Commission staff requested it.

2
3 MR. ZAHN: So that in effect you are
4 asking for an aerial easement over those crossing
5 areas of the state highways?

6 MR. SMOLEN: Yes, and I think you have
7 indicated that those have been granted.

8 MR. ZAHN: I am just trying to get the
9 record straight.

10 MR. SMOLEN: All right.

11 BY MR. ZAHN:

12 Q Now, you testified in your description of the
13 type of construction of the Airport High Speed Line,
14 that there were to be two tracks at ground level. Do
15 you mean one set of tracks, or two sets of tracks?

16 A Two sets of tracks.

17 Q So that when you testified in answer to Mr. Smolen's
18 questions of whether or not it would be necessary for
19 the Commission to appropriate any property for the
20 purpose of these crossings, in effect you are asking
21 the Commission for an aerial easement which is a type
22 of appropriation, is it not?

23 MR. SMOLEN: Let me interrupt here. We are
24 not asking the Commission to appropriate any property.

1
2 the easements required for the construction of the
3 viaduct and the three crossings will be acquired by
4 negotiations by the city and the various parties
5 involved. The descriptions as aforesaid, as I
6 mentioned before, the descriptions of the crossings
7 are supplied for the record because the Commission
8 staff requested us to supply that. We are not asking
9 for appropriation of anything.

10 MR. ZAHN: Well, if the request for the
11 aerial easement is in fact an appropriation, then you
12 are asking for it, right?

13 MR. SMOLEN: No, it is not an
14 appropriation. We are not asking for an appropriation.

15 MR. ZAHN: You are asking for an
16 easement, isn't that a property interest?

17 MR. SMOLEN: We are acquiring the
18 easements by straight negotiations, but not through
19 the auspices of the PUC. We are asking for the
20 approval of the construction of this aerial viaduct
21 structure over this crossing, and that's it. We are
22 not asking for any appropriation.

23 MR. ZAHN: Well, I have no ulterior purpose,
24 Mr. Smolen. I am not trying to see whether or not

1
2 PennDOT can recover any money from the city. So if
3 that's what you have in mind, that's not it. But
4 the purpose here of giving a description of the
5 area over which you will cross state highways--

6 MR. SMOLEN: To establish the metes and
7 bounds.

8 MR. ZAHN: There are certain property
9 rights that you want the Commission to grant you
10 permission to cross over these areas. That's all I
11 am trying to say.

12 MR. SMOLEN: That's not correct.

13 MR. ZAHN: Then you don't want the
14 Commission to approve the crossing over a state highway
15 by metes and bounds?

16 MR. SMOLEN: We want the Commission to
17 approve the crossing. We will obtain the rights to
18 cross private property from those private parties
19 involved.

20 MR. ZAHN: What about public parties?

21 MR. SMOLEN: And public parties, namely,
22 PennDOT. We are asking the Commission to approve the
23 construction plans for these crossings. The actual
24 rights to make the crossing over private grounds or

1
2 public grounds will be acquired by the city in
3 separate negotiations, private negotiations, between
4 the respective parties.

5 MR. ZAHN: Now, Mr. Smolen, Mr. Belfi has
6 testified throughout these proceedings that
7 negotiations are pending with four parties, and of
8 the four parties, PennDOT is not one. And that's
9 why I am concerned whether or not you intend to enter
10 into an agreement with the Department of Transportation
11 to obtain rights to cross over these highways or
12 whether you want the Commission to order that.

13 MR. SMOLEN: I thought your previous
14 statement was that PennDOT has already granted those
15 rights.

16 MR. ZAHN: We have granted a right of
17 entry. To grant an easement, you can't just say, okay.
18 You need metes and bounds and things of that sort,
19 and I am just trying to straighten it out to see
20 whether or not you intend to enter into an agreement
21 with PennDOT for an aerial easement over these crossings,
22 or whether you want the PUC in its order to order you
23 over there. That's all.

24 MR. SMOLEN: I think the former would be

1
2 applicable, that the city and PennDOT will enter into
3 the easement agreement about which you have mentioned
4 and which we have mentioned before, and we are not
5 asking the Commission to do that.

6 MR. ZAHN: Well, now, when that agreement
7 is completed, will that be filed with the Commission
8 and the parties?

9 MR. SMOLEN: Yes.

10 BY MR. ZAHN:

11 Q Now, Mr. Belfi, you testified that no detours
12 will be necessary. Now, while you are constructing
13 this viaduct over state highways, what type of safety
14 measures do you intend to use to protect the traveling
15 public while this viaduct is being constructed if you
16 are not going to detour traffic?

17 A Well, we will provide whatever is deemed
18 necessary by the appropriate party. In this case,
19 PennDOT. We mentioned I-95, some of these facilities
20 are not yet constructed. And if the situation
21 develops that I-95, or any other facilities are
22 constructed at the same time, or prior to our
23 initiating our work, we will take appropriate measures
24 to provide the necessary protection.

1
2 MR. ZAHN: Then, Mr. Smolen, may I ask
3 whether you will have any objection to the Commission,
4 in its order in these proceedings, direct that the
5 city take such safety measures to protect the
6 traveling public in those areas where you are building
7 your viaduct as approved by the Pennsylvania
8 Department of Transportation?

9 MR. SMOLEN: I think I would have no
10 objection to that, but subject to the limitation that
11 it would have to be approved also by the City of
12 Philadelphia, and if there is any disagreement that
13 the Public Utility Commission would have the final
14 word on the protection to be afforded.

15 MR. ZAHN: Well, I don't see how the
16 Public Utility Commission has the function of
17 determining what safety measures are to be used if they
18 generally say that the city is to protect the
19 traveling public in accordance with the regulations
20 or the requests of PennDOT. It is either one or the
21 other. Either you are going to ask the Commission to
22 grant general instructions to the city that they use
23 precautions and safety measures with the approval of
24 PennDOT, or they have to make specific directions--

1
2 MR. SMOLEN: I see nothing inconsistent
3 with making a provision in the order that it is for
4 the approval of PennDOT and the city for safety
5 measures, and if there is any disagreement with what
6 safety measures should be used, then the Public
7 Utility Commission should rule.

8 MR. ZAHN: That only delays your
9 project.

10 MR. SMOLEN: Yes, it may have that
11 effect, and it may not. This is all supposition. And
12 I think to protect the record and to protect the
13 interests of the city, we certainly have to have the
14 right of approval of what type of safety precautions
15 are to be used.

16 MR. ZAHN: Mr. Smolen, you are constructing
17 over our highways. And, Mr. Examiner, I would
18 request that the Commission direct that the safety
19 measures be those approved by PennDOT, not by the city.
20 Of course, the city and PennDOT are both interested in
21 safety, but it has to be PennDOT's final word, not
22 the city's.

23 MR. SMOLEN: And if the Examiner please,
24 I would request that if there is any such provision

1
2 in the order that it be subject to the approval of
3 both PennDOT and the city, and if there is any
4 disagreement between the parties as to the type of
5 safety precautions to be used, then the Public
6 Utility Commission itself should order what safety
7 precautions are to be used.

8 THE EXAMINER: Well, the record has it
9 and the Examiner certainly has no authority to speak
10 for the Commission. If you people want to be specific
11 about it, you will have to duly file your petitions
12 and Answers therein. But the record has your thoughts
13 on the matter, unless you are going to proceed
14 further.

15 BY MR. ZAHN:

16 Q Mr. Belfi, you said that the Commonwealth of
17 Pennsylvania has passed legislation for a portion of
18 its funding. Do you know what legislation that is?

19 A I believe it was under Legislative Bill 593.

20 Q What year?

21 A Last year. It occurred during 1975.

22 Q Now, you were asked when you intended to
23 commence construction and you had a lot of ifs in your
24 answer. Do you have any idea of how long it will be

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2 until you obtain these easement agreements with the
3 various parties and the final grant of funds? Do you
4 have any idea of how long that will be?

5 A I would say at the present time, if we get
6 adequate rights of entry, we are prepared to go to bids
7 momentarily.

8 Q That's not answering my question. Do you have
9 any idea of how long it would take before you go to
10 bids, just some ball park figure? I mean, is it
11 three or four or ten years, five years? What are we
12 talking about? When do you intend to go to
13 construction?

14 A We intend to go to bids within the next three
15 or four weeks.

16 Q Does that mean that you will have gotten your
17 final funding and approval of the agreements within
18 that period of time?

19 MR. SMOLEN: Let me interrupt. I don't
20 think he said awarding a contract. I think he said
21 advertising.

22 MR. ZAHN: I understand.

23 THE WITNESS: The \$30 million that we
24 already have is adequate to cover the costs of this

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2 particular section of our project. We have permission
3 from UMTA to go to construction--well, let me
4 qualify that. We have a tentative approval from
5 UMTA to go to construction. We hope to have their
6 final approval in time to award bids in a timely
7 fashion.

8 BY MR. ZAHN:

9 Q Well, I gather that you expect to advertise for
10 bids within the next three months, is that it?

11 A Yes.

12 Q Then you would start construction after you
13 award the bids?

14 A Yes.

15 Q Mr. Belfi, in your funding of the project, you
16 got UMTA as 80 percent and PennDOT as 16-2/3 and the
17 city as 3-1/3. Originally, wasn't this funding
18 to be 80, ten, and ten, and when did the change
19 occur?

20 A Originally, the proportion was as I testified.
21 There had been some discussion in PennDOT that they
22 would change their proportion to a ten percent funding,
23 in which case the city would have to pick up the
24 difference, thereby, ten percent. The latest

1
2 information that I have, and I believe Bill 593
3 confirms this, is that PennDOT intends to provide
4 16-2/3 percent funding.

5 Q Mr. Belfi, Urban Engineers prepared all of your
6 plans, details, construction drawings, things of that
7 sort?

8 A That's correct.

9 Q The city will perform the detailed review of
10 those plans, will it not?

11 A That's correct.

12 Q Mr. Belfi, on your Exhibit No. 5, your final
13 viaduct construction plans, have they been supplied
14 to PennDOT?

15 A Yes, they have.

16 Q Are they any different than Exhibit No. 5 that
17 you are presenting today?

18 A No, they are the same drawings.

19 Q Just one further question, Mr. Belfi. You
20 intend to have PennDOT approve those plans, do you not?

21 A Yes, we do.

22 MR. ZAHN: Thank you. That's all.

23 THE EXAMINER: Any redirect?

24 MR. SMOLEN: No.

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2 MR. MAZOR: There is more cross.

3 Mr. Examiner, I think there is more cross here.

4 THE EXAMINER: Of course, and I am not
5 even taking time off for a recess so that all the
6 time you need will be giving to you.

7 I cannot help to express this, for I had
8 thought when this matter came up in '74, that we would
9 have it ready for our Bicentennial year, 1976, and now
10 you say two years, and chances are it may be longer.

11 And I just want to put out on the record that the
12 first hearing was on March 8, 1974. The Public
13 Utility Commission's order was on July 24, 1974, a
14 very detailed order, as you know. And now we have
15 waited until '76, the 13th of January, 1976, and we
16 still have a long way to go.

17 I want to point out that all of the
18 exhibits mentioned approval, haven't received
19 approval, but are working on approval. Particularly,
20 before we introduce Mr. Mazor, we have that Exhibit
21 No. 15, which is the approval from the trustees, and
22 all we have from the record so far is that it has been
23 submitted to the trustees for approval, or the
24 trustees have asked for approval from the court, which-

1
2 ever it is. So that there is a great deal to do.
3 It isn't my business to be critical, but as a man of
4 the public, I am one who has been terribly interested
5 in transportation. You may remember my activities,
6 not only with the Citizen's Council on city planning,
7 when I headed many committee's--and incidentally we
8 started this Chestnut Street Mall proposition--but I
9 was the first traffic engineer in the state of
10 Pennsylvania in 1922, and served two years in that
11 capacity, and I am vitally interested in that and I am
12 vitally interested in the success of this operation.
13 I just want to urge, whatever the past has been, that
14 the future be such that not one day, not one minute,
15 is lost to perfect these agreements, so that we will
16 have no hitch in the operation from now on.

17 MR. ZAHN: Mr. Examiner?

18 THE EXAMINER: Yes?

19 MR. ZAHN: You said that you didn't mean
20 to be critical, but your remarks certainly are, sir.
21 And you as an engineer know the time it takes to
22 prepare plans and get funding. Nobody has been
23 negligent in this thing, it just takes time. And when
24 you are dealing with so many parties, you just can't

1
2 do it overnight. And if your remarks are meant to be
3 criticism to any of the parties here, we take issue
4 with it.

5 THE EXAMINER: That is entirely in-
6 appropriate. I made no criticism.

7 MR. ZAHN: Well, you started mentioning
8 time periods.

9 THE EXAMINER: Well, you may take that
10 implication, but I meant not to be critical, because I
11 am probably more acquainted with these things, having
12 been an Examiner since March 3, 1961. That's longer
13 than you have been with the Department of
14 Transportation and the state.

15 MR. ZAHN: I has, sir. But I
16 interpreted your remarks as being critical.

17 THE EXAMINER: I am not being critical.
18 But I do plead that we not waste any time, that we do
19 everything we can to hurry this very needed improvement.
20 That's why I make that plea. I do not mean to
21 criticize and I do not mean to censor anybody. And I
22 think your remarks are entirely uncalled for, Mr. Zahn.

23 Let us proceed now with Mr. Mazor.

24 BY MR. MAZOR:

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2 Q Mr. Belfi, I just have one question, sir. I
3 direct your attention to sheet R-6 of Exhibit No. 4.
4 And may I ask, with respect to that sheet, sir, what
5 is the easternmost numbered pier for which you are
6 asking approval of construction at this hearing?

7 MR. SMOLEN: May we have a moment so
8 that he can read these plans, Mr. Examiner?

9 THE WITNESS: In answer to your question,
10 the Commission has indicated jurisdiction to
11 approximately pier No. 20. However, the contract
12 for construction of the viaduct will extend to pier
13 15.

14 MR. MAZOR: Thank you, sir. You have
15 answered my question. That's all.

16 THE EXAMINER: Any redirect?

17 MR. SMOLEN: Yes.

18 REDIRECT EXAMINATION

19 BY MR. SMOLEN:

20 Q Mr. Belfi, will you explain briefly the various
21 ramifications on the grant application with UMTA, and
22 the delays in this project, if any, and how they were
23 caused?

24 A Well, certainly we are sympathetic with the

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2 Examiner's statement. The city has been very
3 diligent in trying to expedite this project. However,
4 we have experienced numerous delays, none the least of
5 which was the delay in getting the federal funding,
6 or the whole funding situation approved in a timely
7 fashion. I think this has been one of our major
8 stumbling blocks.

9 Also, we have extended the duration of the
10 construction somewhat to try to implement this
11 construction of this project in the most economical
12 sequence of the work without having to overly
13 compress the work of the contractors. We are confronted
14 with numerous problems like working out these
15 agreements with the Reading Company being somewhat
16 uncertain about their future disposition and status.
17 We are also hopeful that the Commission will also treat
18 our requests for an order in a diligent manner so that
19 there are not any delays caused on that account.

20 The city had intentions of getting the
21 project started before now, but circumstances beyond
22 our control have caused us to come in here at this
23 late date.

24 THE EXAMINER: That's understandable.

1
2 Now, let's go off the record.

3 (Discussion off the record.)

4 THE EXAMINER: I think we can still here
5 from Mr. McCormick on behalf of the Penn Central.

6 MR. MAZOR: Mr. McCormick has left.
7 Actually, Penn Central's facilities are not affected
8 by this portion of the construction at all,
9 Mr. Examiner.

10 THE EXAMINER: I only took his name from
11 the appearance sheet.

12 Let the record show, when called upon,
13 Mr. McCormick wasn't here and he had not asked to be
14 excused, as far as I have my memory on the subject.

15 How about you, Mr. Chillemi? Do you want
16 to ask the witness any questions?

17 MR. CHILLEMI: Yes.

18 THE EXAMINER: Go ahead, sir.

19 CROSS, Continued

20 BY MR. CHILLEMI:

21 Q The plans that you submitted as Exhibit No. 4
22 are the same ones that were sent to the Philadelphia
23 Electric Company for their review as part of this
24 hearing, are they not?

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A That's correct.

Q Now, these plans really show the highway arrangement as they existed sometime in the past and not present, isn't that also correct?

A I believe they show the latest information that we have on the highway arrangements.

Q The Answer in 6-B, proposed crossing of a viaduct structure to carry the Speed Line from the airport over, and you have, relocated Essington Avenue. Are you really referring to the Industrial Highway Bypass or what is called that now?

A That is such a conglomeration of highways down there. From one day to the next, we really don't know where any one highway is going to be or what the temporary relocation is going to be. Our intention was that it would be constructed over whatever is there at the time that we went into construction. We have indicated I-95, I realize, that is on the city plan, but that physically is not a highway.

Q The Industrial Highway shown on Exhibit No. 4 is really covered by buildings now, isn't it?

MR. SMOLEN: What sheet are you referring to?

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2 MR. CHILLEMI: I think I am talking about
3 R-3.

4 THE WITNESS: This relocation is really
5 part of the work in the airport complex itself. And I
6 am not sure at this point in time, I am just assuming
7 that highway will be in its relocated position at the
8 time that we get involved with construction in that
9 area.

10 MR. ZAHN: Mr. Examiner, perhaps
11 Mr. Chillemi may ask our witness when he gets on the
12 stand, who may be a little more familiar with this
13 than Mr. Belfi.

14 BY MR. CHILLEMI:

15 Q Referring to the same Question and same Answer,
16 6-B, Mr. Belfi, you indicated that the viaduct
17 structure will carry the High Speed Line over Bartram
18 Avenue. Is it also correct to state that the highway
19 viaduct will carry the High Speed Line over
20 Philadelphia Electric right-of-way at that point, too?

21 A That's correct.

22 Q Referring to Exhibit No. 11. Exhibit No. 11,
23 which consists of the legal description of Tract 6,
24 does not contain, or does not include, a legal

1 description of Philadelphia Electric Company right-of-way.

2
3 A That's correct. The Exhibit does not define
4 by metes and bounds the PE property that is involved
5 here.

6 Q Can we agree that it should?

7 MR. CHILLEMI: We will just let the
8 record show that the description is not included in
9 Exhibit No. 11.

10 MR. SMOLEN: The description of PE
11 right-of-way?

12 MR. CHILLEMI: Yes, the description of
13 PE right-of-way.

14 BY MR. CHILLEMI:

15 Q And would it be correct that the reason for that
16 was because of an attempt to negotiate for the
17 attainment of the easement from the Philadelphia
18 Electric Company by the city?

19 A That's correct.

20 Q I refer you now to Question 22, Mr. Belfi, of
21 your testimony: "What is the estimated cost of
22 constructing the viaduct structure and the three tunnel
23 crossings?"

24 One of your costs is for the relocation

1
2 of the Philadelphia Electric Company's 38 KV Line.
3 In view of the fact that the company does not have a
4 38 KV Line, could you possibly be referring to the
5 220 Line that the company does have?

6 A From the information that we have, we received
7 an estimate of \$40,000 for what was claimed to be a
8 38 KV Line. If that is incorrect, I believe it should
9 be corrected.

10 Q Then we will attempt to do so in our testimony.

11 I want to refer you to R-6 of Exhibit No. 4,
12 Mr. Belfi. One of the notes to your plan, as it
13 pertains to us, states that PE Company, 13 KV Line to
14 be relocated, by others, from pole E-45976 to pole
15 E-46054.

16 If additional poles are to be relocated
17 as a result of this project, do you intend to include
18 them for reimbursement, or do you mean by this note
19 just to limit the number of poles for which you will
20 pay?

21 A It is my understanding that the limits that we
22 have defined were the mutually agreed upon limits that
23 were caused by our project. If it is brought to light
24 that additional poles are required to be relocated as a

1
2 result of our work, then we will adjust these limits
3 accordingly by mutual agreement.

4 Q Mr. Belfi, is it anticipated that once this
5 High Speed Line is constructed, that it will be
6 financially self-sustaining from the fare box?

7 MR. SMOLEN: I am going to make an
8 objection to that question. I don't think it is an
9 issue before the Commission. And, number two, I am not
10 sure that an engineering witness is capable of
11 answering that type of question. Therefore, I object.

12 THE EXAMINER: Will you withdraw the
13 question, Mr. Chillemi?

14 MR. CHILLEMI: I will withdraw the
15 question.

16 MR. SMOLEN: Off the record.

17 (Discussion off the record.)

18 THE EXAMINER: Are you through,
19 Mr. Chillemi?

20 MR. CHILLEMI: That's all.

21 THE EXAMINER: Any redirect?

22 MR. SMOLEN: None.

23 THE EXAMINER: Is there any other counsel
24 representing any interest who wants to cross-examine

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the witness?

(No response.)

THE EXAMINER: Is there anybody of the public present here desiring to question the witness?

(No response.)

THE EXAMINER: I think we have exhausted all cross-examination of your, Mr. Belfi.

(Witness excused)

- - -

MR. SMOLEN: I move for the admission of Exhibits 4 through 16.

THE EXAMINER: Any objections?

MR. MAZOR: No, sir.

THE EXAMINER: Therefore, they will be made part of the record.

(Exhibits Nos. 4 through 16, received into evidence.)

THE EXAMINER: Off the record.

(Discussion off the record.)

(Short recess)

THE EXAMINER: Let us proceed now with your witness, Mr. Zahn.

MR. ZAHN: Mr. Examiner, in view of the

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fact that PennDOT's testimony is very short, I would suggest that Reading Company and PE go on. They are more involved then we are.

MR. MAZOR: We are prepared, sir.

THE EXAMINER: Go ahead, Mr. Mazor.

READING COMPANY'S TESTIMONY

... JOHN E. THOMPSON, 10 Lynn Drive, Norristown, Pennsylvania, having been duly sworn as a witness by the Examiner, was examined and testified as follows ...

DIRECT EXAMINATION

THE EXAMINER: Give us your name and home address.

THE WITNESS: My name is John E. Thompson, 10 Lynn Drive, Norristown, Pennsylvania.

THE EXAMINER: Mr. Mazor.

BY MR. MAZOR:

Q Mr. Thompson, by whom are you employed and in what capacity?

A I am employed by the Reading Company as Engineer, Project Development.

Q Are you authorized to testify on behalf of the Reading Company in this proceeding?

1
2 A Yes, I am.

3 Q And are you familiar with the project which is
4 the subject matter of this proceeding?

5 A Yes.

6 Q Now, according to the notice received from the
7 Commission, this hearing is limited to sheets R-1
8 through R-6 of the city's construction drawings. Have
9 you reviewed these drawings?

10 A Yes.

11 Q Does the Reading Company have any objection to
12 the scheme set forth in said drawings?

13 A No.

14 Q Now, please describe the effect on Reading
15 Company facilities as shown on these plans, and
16 particularly sheet R-6?

17 A It is our understanding that the portion of the
18 project involved today, and particularly as shown on
19 sheet R-6, extends to Pier 15.

20 With that understanding the following
21 are the effects on Reading Company facilities:
22 Since the construction of Pier 16 and the additional
23 piers south to Reading Company's right-of-way line
24 either interfere with operating clearances to our

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2 existing tracks or require the removal of these tracks
3 to construct these piers, it becomes necessary to
4 construct, on a new alignment, a single main line
5 track between Reading Company engineering stations
6 232+17, more or less, and 260+88, more or less.

7 In addition to the construction of
8 track on a new alignment, the proposed construction
9 also requires the rehabilitation of Reading Company's
10 No. 1 track between engineering stations 254+82, more
11 or less, and 286+03, more or less, plus the
12 installation of a No. 15 turnout at engineering
13 station 272+00, more or less. This turnout will be the
14 easterly limit of single main track.

15 Also No. 1 track must be rehabilitated
16 between engineering stations 232+17, more or less, and
17 225+58, more or less, with the installation of a
18 temporary No. 10 turnout in No. 1 track at engineering
19 station 226+72, more or less, and will be the
20 westerly limit of single main track during this phase
21 of construction.

22 Upon completion of the new single main
23 track alignment, it will be necessary to remove the
24 existing No. 1 track between engineering stations

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2 232+17, more or less, and 254+82, more or less, and
3 existing No. 2 track between engineering stations
4 232+17, more or less, and 276+00, more or less.

5 Prior to the aforementioned trackwork,
6 it will be necessary to construct a track and turnout
7 panelization area in the vicinity of Bell Road Station
8 located at Reading Company engineering station
9 178+00, more or less.

10 The installation of welded rail, signal,
11 communication and catenary facilities will also be
12 required. However, it is not considered part of this
13 phase of work and is not included in the estimate.

14 Q Do we have an estimate for the cost of the work
15 that you just described?

16 A Yes. It is estimated to cost \$380,000.

17 Q What portion of this work is contemplated to be
18 performed by railroad forces?

19 A It is contemplated railroad forces will construct
20 the railroad on a roadbed prepared by the city's
21 contractor.

22 Q Now, has Reading Company reviewed the plans for
23 the viaduct structure?

24 A Yes.

1
2 Q And does Reading Company have any objection to
3 the viaduct structure?

4 A No, as long as the structure is maintained at
5 the sole cost of parties other than the railroad.

6 Q Do you have anything further to add?

7 A Yes. We have been negotiating for an extended
8 period of time with the city and are near agreement
9 for the use of our property and the allocation of
10 work and costs, and assuming that these agreements are
11 completed to our satisfaction and are executed, we have
12 no objection to this project.

13 Further, we wish the record to note that
14 some or all of the railroad work involved will be
15 completed after Reading Company transfers operation of
16 this branch to some other entity. We believe the
17 Commission should make some provision in its order
18 recognizing this fact.

19 MR. MAZOR: Thank you, Mr. Thompson.

20 The witness is available for cross-examina-
21 tion.

22 THE EXAMINER: Mr. Smolen?

23 CROSS-EXAMINATION

24 BY MR. SMOLEN:

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2 Q Previously, in a statement by counsel, he stated
3 that a petition for the approval of a certain
4 agreement is now pending before the reorganization
5 court. Is that correct? Are you familiar with that?

6 MR. MAZOR: I am informed that this is
7 correct. The agreement has been approved by the
8 trustees and will be submitted to Judge Ditter
9 presumably at our next hearing for his approval. And
10 that is as it relates to the easement.

11 MR. SMOLEN: That relates to the
12 easement?

13 MR. MAZOR: Yes, sir.

14 MR. SMOLEN: Also, as I understand,
15 Mr. Mazor is not a witness here, but just for our own
16 clarification, do we have some time reference as to
17 when it will be submitted to the court?

18 MR. MAZOR: I assume there will be a
19 hearing sometime this month, Mr. Smolen, and I am sure
20 it will be on the list. As the city does with all our
21 petitions, they will receive a copy.

22 MR. SMOLEN: Thank you.

23 BY MR. SMOLEN:

24 Q Is it a condition of the Reading Company prior to

1
2 the entry by the city upon Reading's property for
3 purpose of the construction of any of the facilities
4 involved in this hearing, that that agreement be
5 executed by both parties?

6 A I would say, yes.

7 Q I take it, then, if for some reason or other
8 there is a delay in the approval of that agreement by
9 the court, or any other delay, that the Reading will
10 not permit the city to enter and commence construction
11 with an appropriate order of the Commission, if you
12 know?

13 MR. MAZOR: I would like to say that that
14 would probably be a management decision, Mr. Smolen,
15 which would be made in proper course through our
16 chief engineer, if that eventuality arises. I am not
17 sure Mr. Thompson even has the authority to answer that,
18 sir.

19 MR. SMOLEN: Thank you. No further
20 questions.

21 THE EXAMINER: Is there any other counsel
22 present that would like to ask the witness any
23 questions?

24 BY MR. ZAHN:

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Q Mr. Thompson, your estimate of the costs, how far in the future does that go? Is the estimate at today's prices, or a year from now, or what, do you know?

A Yes, I do. This is projected to the latter part of 1976.

Q When you realign your tracks and remove them, will that involve any public crossings?

A I do not believe it does.

MR. ZAHN: Thank you, sir. I have no further questions.

THE EXAMINER: Is there any other attorney present that would like to ask the witness any questions?

(No response.)

THE EXAMINER: I hear none.

Is there anyone of the public present who would like to ask the witness any questions?

(No response.)

THE EXAMINER: I hear none.

Mr. Mazor, any redirect?

MR. MAZOR: No, thank you, sir.

THE EXAMINER: Therefore, thank you very

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2 much, Mr. Witness.

3 (Witness excused)

4 - - -

5 MR. MAZOR: That's our testimony, sir.

6 MR. ZAHN: Mr. Examiner, in order to
7 clarify the record, PennDOT will go next so that
8 PE Company can get an idea of the roadways involved.

9 THE EXAMINER: Go ahead.

10 MR. ZAHN: I call Mr. Thompson.

11 PENNDOT'S TESTIMONY

12 ... JOSEPH A. THOMPSON, 604 Hampton
13 Avenue, Southampton, Pennsylvania, having
14 been duly sworn as a witness by the Examiner,
15 was examined and testified as follows ...

16 DIRECT EXAMINATION

17 THE EXAMINER: Give us your name and home
18 address.

19 THE WITNESS: Joseph A. Thompson. My home
20 address is 604 Hampton Avenue, Southampton,
21 Pennsylvania.

22 BY MR. ZAHN:

23 Q By whom are you employed?

24 A By the Pennsylvania Department of Transportation.

1
2 Q In what capacity?

3 A Design and liaison engineer.

4 Q And are you familiar with this project?

5 A Yes, I am.

6 Q And you are a professional engineer, are you not?

7 A That is true.

8 Q You are authorized to testify on behalf of the
9 department?

10 A Yes, I am.

11 Q Now, Mr. Thompson, does PennDOT desire to
12 perform a superficial review only of the plans of
13 such things as drainage and maintenance of traffic
14 prior to the Commission's approval?

15 A That's right, yes.

16 Q And when would the department make that review
17 and give the Commission its notification of approval
18 of the plans?

19 A No later than the end of January, '76.

20 Q And you would send a letter to the Commission
21 and all parties involved as to the review that you have
22 made; is that correct?

23 A That's correct.

24 Q Now, Mr. Thompson, there were some questions about

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2 the highways involved in these proceedings, but
3 before I go into that, is there anything that you want
4 to add to your testimony that might be of help in
5 this proceeding?

6 A No, nothing that I would like to add.

7 MR. ZAHN: I think, Mr. Examiner, rather
8 than ask the questions of Mr. Thompson, I will turn
9 him over for cross-examination, and I think
10 Philadelphia Electric can bring out the questions that
11 they want.

12 THE EXAMINER: Mr. Smolen?

13 CROSS-EXAMINATION

14 BY MR. SMOLEN:

15 Q Mr. Zahn, your counsel, previously stated for
16 the record that PennDOT had by other documents granted
17 the city right of entry and would by subsequent
18 documents grant the city certain easement rights in
19 connection with the crossings involved; is that correct?

20 A That is correct. Mr. Zahn's statement had been
21 that the right of entry forms had been granted. We
22 subsequently checked with our right-of-way department
23 and they said that they had not issued them. I don't
24 believe they were ever really asked for.

1
2 Q So what I referred to as perhaps a substituted
3 or amended Exhibit No. 13, this right of entry
4 permit really does not yet exist?

5 A That's correct, it doesn't exist.

6 Q Do I take it, then, from your testimony, that
7 you will now proceed to prepare, or your office will
8 prepare, to proceed to prepare and forward to the city
9 the requisite permission involved in this proceeding?

10 A Yes, we will be in contact with Mr. Starr's
11 office, and we will get these documents out to the city.

12 Q And is that also applicable to the easement
13 rights?

14 A We will begin negotiations on the easement
15 rights.

16 Q With Mr. Starr's office?

17 A Yes.

18 MR. SMOLEN: Thank you very much.

19 No further questions.

20 THE EXAMINER: Is there anybody else who
21 desires to ask the witness any questions?

22 MR. CHILLEMI: Yes.

23 THE EXAMINER: Go ahead, Mr. Chillemi.

24 BY MR. CHILLEMI:

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2 Q Do the plans, submitted as Exhibit No. 4 by the
3 City of Philadelphia, show the highway arrangement in
4 that area as it exists today, or as it existed sometime
5 in the past?

6 A They show it as it existed sometime in the past.
7 This is the original in the very light blue on these
8 drawings, and the very light blue is the base mapping
9 as it originally existed for Route 291. Also, the
10 dashed lines in the heavier blue line is showing what
11 would be not a final configuration, but an interim
12 configuration of a much more final nature that exists
13 now, also, if that clarifies it.

14 Q Has Tinicum Avenue, as shown on Exhibit No. 4,
15 been replaced by the Industrial Highway Bypass?

16 A Tinicum Avenue, as shown on this Exhibit No. 4,
17 has partially been replaced by the Industrial Highway
18 Bypass. The remaining portion of Tinicum Avenue, for
19 a good portion, has physically been removed by the
20 relocated Industrial Highway construction, and the
21 remainder is passable, but is not of any direct service
22 to anyone but the construction operations.

23 Q Does PennDOT have a set of plans which currently
24 show the highway configuration as it exists today in

1
2 that area?

3 A We would have plans, and we do have plans, that
4 show the design for the work that is now under
5 construction, but we would not have anything that would
6 show any moment in time up until the project is done of
7 the present configuration.

8 MR. CHILLEMI: That's all, Mr. Examiner.

9 THE EXAMINER: Does anyone else desire
10 to ask the witness questions?

11 (No response.)

12 THE EXAMINER: Any redirect?

13 MR. ZAHN: No, sir.

14 THE EXAMINER: Thank you very much, sir.
15 You are excused.

16 (Witness excused)

17 - - -

18 THE EXAMINER: Now, Philadelphia Electric,
19 please?

20

21

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1
2 PHILADELPHIA ELECTRIC COMPANY'S TESTIMONY

3 ... GERALD W. GORDON, 133 Fox Chase
4 Lane, Cherry Hill, New Jersey, having been
5 duly sworn as a witness by the Examiner,
6 was examined and testified as follows ...

7 DIRECT EXAMINATION

8 THE EXAMINER: Give us your name and
9 home address.

10 THE WITNESS: Gerald W. Gordon, 133
11 Fox Chase Lane, Cherry Hill, New Jersey.

12 THE EXAMINER: Mr. Chillemi.

13 MR. CHILLEMI: Mr. Examiner, do you want
14 me to continue as you have previously, in that you
15 want me to ask each question individually rather than
16 submit the testimony in canned form?

17 THE EXAMINER: I would rather have you do
18 it. It is short and most people here have not seen it.

19 BY MR. CHILLEMI:

20 Q You are employed by Philadelphia Electric
21 Company?

22 A That's correct.

23 Q In what capacity?

24 A Senior Engineer, Electrical Engineering Division,

1
2 Engineering and Research Department.

3 Q Are you authorized to testify on behalf of the
4 Philadelphia Electric Company?

5 A Yes, I am.

6 Q In the course of your duties, have you had
7 occasion to familiarize yourself with the proposal by
8 the City of Philadelphia for construction of the
9 Airport High Speed Line?

10 A Yes, I have.

11 Q Will you state for the record what facilities
12 Philadelphia Electric Company has in the area of the
13 proposed Airport High Speed Line crossings of roadways
14 and private rights-of-way between the Philadelphia
15 International Airport terminal buildings and the
16 properties of the Reading Company?

17 A Philadelphia Electric Company has aerial
18 facilities on private right-of-way adjacent to and
19 paralleling the Reading Company tracks on both the north
20 and south side of the tracks. The facilities on the
21 north side of the tracks consist of 13,200 volt
22 wires on wood poles, line 2706. The facilities on the
23 south side of the tracks consist of a 220,000 volt
24 aerial line utilizing steel structures. The steel

1
2 structures will also be used by the City of
3 Philadelphia to support the catenary system for the
4 Airport High Speed Line.

5 The Philadelphia Electric Company also
6 has aerial facilities in public right-of-way along
7 the east side of the Industrial Highway Bypass
8 partially in Delaware County and continuing along
9 Tinicum Island Road entirely in Delaware County between
10 the relocated Industrial Highway and East Scott Drive.
11 These facilities consist of 13,200 volt aerial wires
12 on wood poles, line 2708. The line that now exists
13 along the Industrial Highway Bypass originally was
14 located on Tinicum Island Road partially in
15 Delaware County and was relocated to the bypass at
16 the request of the City of Philadelphia without the
17 necessity of obtaining permits.

18 Q To what extent will Philadelphia Electric
19 Company facilities be affected by the proposed Airport
20 High Speed Line project?

21 Q The 13,200 volt and 220,000 volt aerial
22 facilities on private right-of-way paralleling the
23 Reading Company tracks are in conflict with the proposed
24 project. To maintain the continuity of this 13,200

1
2 volt line, the 13,200 volt facilities must be removed
3 and relocated before any work can be started on the
4 portion of the High Speed Line that involves Reading
5 Company track in the area west of 84th Street. A new
6 13,200 volt aerial line will be constructed on the
7 private right-of-way previously mentioned adjacent to
8 and paralleling the railroad on the south side of the
9 tracks between 84th Street and a point just west of
10 the High Speed Line viaduct. Construction of the
11 220,000 volt line was started in October, 1975. The
12 design of the structures adjacent to the proposed
13 High Speed Line viaduct was modified prior to the
14 start of construction at the request of the City of
15 Philadelphia, and higher structures installed in order
16 to provide the required clearance to the viaduct.

17 The 13,200 volt facilities along the
18 Industrial Highway Bypass are also in conflict with the
19 proposed crossings and must be removed. The
20 continuity of this line will be maintained by
21 installing new underground facilities along the
22 relocated Industrial Highway between the Industrial
23 Highway Bypass and East Scott Drive, and new aerial
24 facilities along East Scott Drive between the

1
2 relocated Industrial Highway and Tinicum Island Road
3 adjacent to Cargo City. The work involved is shown on
4 the Philadelphia Electric Company drawing titled
5 "Relocation of facilities in advance of construction
6 of Airport High Speed Line across Industrial Highway
7 Bypass."

8 Q What is the cost of modifying, removing,
9 relocating, and replacing the existing Electric
10 Company facilities that are in conflict with the
11 proposed Airport High Speed Line crossings?

12 A The estimated cost of relocating the 13,200
13 volt aerial facilities from right-of-way on the north
14 side of the tracks to right-of-way on the south side of
15 the tracks is \$100,000. The estimated cost of
16 modifying the steel structures supporting the 220,000
17 volt line adjacent to the viaduct is \$40,000. The
18 estimated cost of removing the aerial facilities from
19 the Industrial Highway Bypass and Tinicum Island
20 Road and installing new facilities in the relocated
21 Industrial Highway and East Scott Drive is \$320,000.
22 However, \$165,000 of the cost is chargeable to system
23 betterment.

24 Q Since the aerial facilities parallel to the

1
2 railroad on both the north side and south side of the
3 tracks are on private right-of-way, has the City of
4 Philadelphia been requested to pay for the
5 modification, removal, relocation, and replacement of
6 these facilities?

7 A Yes. The city has indicated it is willing to
8 pay 100 percent of the cost of work involving
9 Philadelphia Electric Company facilities on private
10 right-of-way. A written agreement to that effect
11 between the parties is anticipated.

12 Q Who will perform the work on Philadelphia
13 Electric Company facilities?

14 A Philadelphia Electric Company will remove,
15 relocate and replace its facilities as required.

16 Q Who will maintain these facilities?

17 A Philadelphia Electric Company will maintain its
18 facilities.

19 Q Is there an alternative to replacing the
20 existing facilities on the Industrial Highway Bypass
21 and Tinicum Island Road with underground facilities
22 in the relocated Industrial Highway?

23 A Yes. Discussions are underway with the airport
24 authorities in an effort to obtain a right-of-way

1
2 essentially following the route of the Industrial
3 Highway Bypass and Tinicum Island Road between the
4 relocated Industrial Highway and East Scott Drive.

5 If an adequate right-of-way can be obtained, the
6 Electric Company facilities in conflict can be
7 relocated at a cost that should not exceed \$50,000.

8 Q What precautions must be observed during
9 construction of the viaduct carrying the High Speed
10 Line over the private right-of-way south of the
11 tracks?

12 A Our requirements describing precautions for
13 safe guarding personnel and Philadelphia Electric
14 Company facilities will be given to the City of
15 Philadelphia for inclusion in the specifications for
16 the project.

17 Q Are any other conditions involved in the
18 construction of the viaduct?

19 A Yes. The Philadelphia Electric Company should
20 be reimbursed for all expenses involving the presence
21 of a safety inspector, de-energizing conductors or any
22 other precautionary measures it deems necessary to
23 protect against bodily injury and property damage that
24 may result from the City of Philadelphia's contractor's

1
2 work procedures. Also, the Philadelphia Electric
3 Company System Operator shall determine the
4 available time periods feasible for outages of the
5 220,000 volt line in the event de-energizing of the
6 aerial conductors is requested by the contractor. If
7 the contractor insists on a specified time for an
8 outage which will result in inefficient system
9 operation, then the contractor must bear the cost of
10 these inefficiencies as determined by the System
11 Operator. The contractor should be made aware of the
12 Philadelphia Electric Company's requirements and they
13 should be included in the contract documents.

14 Q Does Philadelphia Electric Company agree to
15 construct or pay for the construction of any portion
16 of the High Speed Line project?

17 A No.

18 Q Does Philadelphia Electric Company agree to pay
19 for the cost of modifying, removing, relocating and
20 replacing its facilities?

21 A No. Philadelphia Electric Company requests
22 that the Commission order the City of Philadelphia
23 to reimburse the company 100 percent of the estimated
24 cost of \$140,000 for work on private right-of-way, plus

1 the cost of any precautionary measures that are
2 necessary and to reimburse the company for the
3 estimated cost of \$155,000, excluding betterment, for
4 work on public right-of-way in an amount proportionate
5 to the degree of federal and state participation.
6 The estimated costs include a credit to the city for
7 expired service life and a charge for sacrificed
8 life. The \$155,000 estimate for work on public
9 right-of-way can be reduced to \$50,000 if right-of-way
10 can be obtained across airport property by agreement
11 or Commission order. If any agreements are reached
12 with the city the Commission will be notified
13 immediately. All of the work on both private and
14 public rights-of-way is the direct result of the
15 construction requirements for the High Speed Line.
16 Any precautionary measures required are solely an aid
17 to construction of the High Speed Line crossings.

18 Q Will any of the modifications, removals,
19 relocations or replacements for which reimbursement is
20 requested benefit Philadelphia Electric Company or its
21 customers?
22

23 A No.

24 Q Does Philadelphia Electric Company have any

1
2 objections to the proposed Airport High Speed Line
3 crossings?

4 A No, providing that its facilities can be
5 removed, relocated and replaced as previously
6 described, and the appropriate agreement reached.

7 Q Now, Mr. Gordon, are the costs estimates which
8 you stated today based on the highway arrangements as
9 shown on the plans submitted to you by the City of
10 Philadelphia?

11 A No, my cost estimates are based on the highway
12 arrangements as they presently exist today.

13 MR. CHILLEMI: Cross-examine.

14 THE EXAMINER: Mr. Smolen?

15 CROSS-EXAMINATION

16 BY MR. SMOLEN:

17 Q The facilities which you have referred to in
18 Answer 7, are they all included in Exhibit No. 4,
19 R-1 through R-6, or do they appear beyond R-1 through
20 R-6?

21 A The work relating our facilities on public
22 property are all included within the limits you have
23 designated.

24 The 220,000 volt facilities are included

1
2 within your diagram. The 13,200 volt line on the
3 north side of the tracks, as I stated, must be
4 relocated in its entirety before any work can be
5 started involving Reading Company tracks. No work
6 will be done to relocate any tracks until our line is
7 removed. Therefore, I have included all of the line in
8 this testimony.

9 Q And my question is, this new 13,200 volt aerial
10 line, is that included on R-1 through R-6 of
11 Exhibit No. 4?

12 A A portion of it is, yes.

13 Q And a portion is not, then?

14 A The line could not be relocated in pieces. It
15 must be in a whole or the project cannot go ahead.

16 Q Now, are any of the facilities that you mentioned
17 in Answer to Question No. 7 outside of the geographical
18 designation which appears on R-1 through R-6, the
19 outlines of the areas of the crossings involved?

20 A Would you repeat that, please?

21 Q Well, you have R-1 through R-6?

22 A This is R-6.

23 Q Now, you will note on R-6, there is an outline
24 there in heavy blue ink.

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A That's correct.

Q For your information, that outline was made by the PUC staff indicating the limits of their jurisdiction.

My question to you, are any of the facilities about which you have testified outside of that designated outline?

A The facilities on the north side are outside of the outline as shown here. But as I said, it has been indicated in the Reading Company testimony, the facilities shown within interfere with their track, and their track cannot be relocated until our line is relocated. The two are integrally tied together.

Q What facility of PE is outside this area?

A The 13,200 volt line on the north side of the track. The 220,000 volt towers are within the limits. Well, the towers themselves may be outside your line, but the conductors will span this. Therefore, essentially, since the conductors cannot exist without towers, I assume you will agree that the towers are to be included in these.

Q I am asking you questions merely to find out where your facilities are located. And I want to know,

1
2 is the 13,200 volt line, or any part of it, outside
3 of the designated area there on R-6?

4 A Yes, the 13,200 volt facilities and the private
5 right-of-way are outside of the area shown here.

6 Q How about the 220,000 volt line?

7 A The 220 volt facilities cross the area that you
8 have outlined.

9 Q Now, in response to Question No. 8, you have
10 estimated various costs of relocation and modifications.
11 Are these costs subject to an engineering design
12 contract or agreement to fix those costs?

13 A Any costs indicated are estimated costs. The
14 actual charge will be based on actual costs. These
15 are estimated.

16 Q Is there some engineering design agreement or
17 study that PE and the city has embarked upon?

18 A I believe there is an agreement to reimburse the
19 PE Company for design work connected with this
20 project.

21 Q What is the purpose of this design agreement?

22 A To reimburse the company for the engineering
23 work involved in the relocations.

24 Q Do I understand that the Philadelphia Electric

1
2 Company has submitted a proposal for the design of
3 this 13,200 volt and the 220,000 volt aerial
4 facilities, a proposal to the city for the design of
5 the relocation and modification of those facilities?

6 A. We have submitted an estimated cost of the
7 relocation. We have not submitted any plans for
8 such.

9 Q. An estimated cost?

10 A. Right.

11 Q. And that was submitted to the city?

12 A. That's correct.

13 Q. And has that, to your knowledge, been submitted
14 to UMTA for approval?

15 A. I have no idea.

16 Q. I understand that you have submitted estimated
17 costs, as you have stated in your testimony. Has
18 Philadelphia Electric also submitted a proposal for
19 the funding of the design of these facilities, the
20 design of the relocation and modification of these
21 facilities, a proposal to the city for the payment of
22 the design costs for these facilities?

23 A. I believe there are a number of agreements under
24 negotiation. I am not aware of what they exactly

1
2 encompass.

3 MR. SMOLEN: Is there someone else here
4 from your company who can testify to the status of
5 such a proposal?

6 MR. CHILLEMI: No, we haven't anyone
7 here.

8 BY MR. SMOLEN:

9 Q So these costs that you answered to in
10 Answer No. 8 are PE estimates?

11 A That's correct.

12 Q And is this total estimate of \$320,000 to be
13 reduced by \$165,000?

14 A That's correct. And if the right-of-way is
15 obtained, it would be further reduced to \$50,000.

16 Q So the \$320,000 could be reduced to \$50,000?

17 A That's correct.

18 Q Now, do I understand your testimony that the
19 \$320,000, reduced by \$165,000, or reduced to \$50,000
20 at Tinicum Island Road and the Industrial Highway
21 Bypass is due to the Airport High Speed Line
22 construction?

23 A That's correct.

24 Q With whom are you undertaking discussions in

1
2 connection with the alternate right-of-way at the
3 airport?

4 A We have been in discussions with the route
5 engineers, the project managers for the airport, and
6 Mr. Jacobson, director of planning for the airport.

7 Q And what is the status of those discussions and
8 negotiations?

9 A Our rights-of-way department is preparing
10 some type of proposal to be submitted to the airport.
11 When I say "airport," of course I mean City of
12 Philadelphia, likewise.

13 Q Yes, the commerce division.

14 Have you ever discussed with any city
15 officials this work on Island and Tinicum Road prior
16 to this morning's hearing?

17 A In a letter to Mr. Starr requesting the cost of
18 our relocations, which I believe may have been two or
19 three weeks ago. And there had been some talk
20 previously of our line in conflict, but at that time
21 they had no resolution of what we would do. However,
22 the relocation of this line along the relocated
23 Industrial Highway and East Scott Drive does show on
24 PennDOT's plans of the relocated Industrial Highway.

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2 Q Do I understand your testimony, that the
3 relocation of these facilities, which you have
4 testified about this morning, are shown on PennDOT
5 highway drawings?

6 A That's correct.

7 Q Why are they shown there?

8 A For two reasons. In the event we are forced to
9 go that route rather than cross the airport, it
10 indicates to other utilities and the constructors of
11 the High Speed Line and the highway, that we do plan
12 to have facilities there and that they do exist. When
13 the construction takes place, they will be aware and
14 take precautions.

15 Q Is the relocation of those facilities about
16 which we are discussing now in any way caused by any
17 type of highway adjustments or relocation or
18 construction aside from this Airport High Speed Line?

19 A No.

20 MR. SMOLEN: No further questions,
21 Mr. Examiner.

22 THE EXAMINER: Any further redirect?

23 MR. CHILLEMI: No, Mr. Examiner, but I do
24 want to submit the testimony in prepared form because

1
2 it does have a diagram attached to it, which I would
3 like to have admitted into evidence.

4 THE EXAMINER: Why don't you make an
5 exhibit of just the diagram? But please identify it.
6 Mark it as Philadelphia Electric Company's
7 Exhibit No. 1.

8 (One-page map entitled "Relocation of
9 facilities in advance of construction of Airport High
10 Speed Line across Industrial Highway Bypass," marked
11 for identification as Philadelphia Electric
12 Company's Exhibit No. 1.)

13 MR. ZAHN: I have one or two questions I
14 wanted to ask.

15 BY MR. ZAHN:

16 Q Mr. Gordon, you testified that if you are not
17 able to get these underground facilities that will
18 reduce your costs to \$50,000, that part of the costs
19 you are asking to be reimbursed for is \$155,000 for
20 facilities that are presently on public right-of-way
21 that have to be relocated; is that correct?

22 A That's correct. However, I did not specify
23 underground facilities across the airport. I merely
24 specified facilities. The type is undetermined.

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2 Q Now, the facilities that you are relocating on
3 public right-of-way, are they on state highways?

4 A The status of the highways is very unclear to me.

5 Q Well, suppose you tell us where those facilities
6 are as you know them?

7 A The facilities are located on the Industrial
8 Highway Bypass between the relocated Industrial
9 Highway and the portion where Tinicum Island Road
10 remains.

11 Q The presently existing Industrial Highway Bypass?

12 A The presently existing Industrial Highway Bypass.

13 Q And they will have to be removed?

14 A That's correct.

15 Q I understand that the bypass is a state highway.

16 A It may be. I am really uncertain of it.

17 Q Do you know whether or not your company is in
18 public right-of-way by permit?

19 A We were requested to relocate by the city. The
20 city, at that time, maintained that they owned a
21 portion of that road and did not want any permit, did
22 not require any permit. They said the status of the
23 road was very confusing.

24 Q You mean where you are going to relocate you don't

1
2 require a permit?

3 A The city maintained it was their property.

4 Q Where your present facilities exist?

5 A That's correct.

6 MR. CHILLEMI: Shall we note the assent of
7 the PennDOT engineer to that answer?

8 MR. ZAHN: Yes, you can.

9 BY MR. ZAHN:

10 Q And those facilities, that's the estimate of
11 \$155,000 to relocate those facilities; is that
12 correct?

13 A That's correct.

14 Q Do you know whether or not your company has
15 paid the City of Philadelphia, or anyone, for the
16 right to place those poles where they presently
17 exist?

18 A We have a letter of authorization from
19 Mr. Burns, the deputy director of Commerce,
20 authorizing us to place the poles without charge.

21 Q And what's the approximate date of that letter?
22 Is that an old letter?

23 A I would say it is at least a year old.

24 Q Before the bypass was built?

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A Well, we had to relocate the poles before they could complete the work.

MR. ZAHN: Thank you.

MR. SMOLEN: May I ask some other questions?

THE EXAMINER: Yes.

BY MR. SMOLEN:

Q The facilities which you have testified about that you have a certain letter from Mr. Burns, do you have that letter here?

MR. CHILLEMI: What letter is this?

MR. SMOLEN: A letter from Mr. Burns with respect to the authorization.

THE CHILLEMI: No, I don't have it.

MR. SMOLEN: Your witness testified that you have such a letter.

MR. CHILLEMI: Do you want it?

MR. SMOLEN: Yes, I would appreciate it.

BY MR. SMOLEN:

Q Where are the facilities located that are mentioned in this letter?

A On the Industrial Highway Bypass.

Q Is that inside the airport itself, or outside the

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airport?

A. The state maintains it's a state highway. The city maintains it's a city property. I don't know the answer to that question.

Q. Now, that letter is, as you testified, permission by Mr. Burns?

A. That's correct.

Q. To place the facilities there, your facilities there?

A. That's correct.

Q. Do I understand that you don't really care whose property it is as long as you have the authority to put the facilities there?

A. Yes.

Q. Did you get an authorization from the state, assuming that it is a state highway? Did you get authority from the state to do it?

MR. CHILLEMI: Your Honor, I am going to object to that since we don't know whose it is. Why speculate?

BY MR. SMOLEN:

Q. You got no permission from the state?

MR. CHILLEMI: If you know.

1
2 THE WITNESS: I don't know. I did not
3 specifically. Whether our construction people did, I
4 can't honestly answer. I arranged with the city to try
5 to cover that portion.

6 BY MR. SMOLEN:

7 Q What portion?

8 A If it was on city property, I tried to clear that
9 up.

10 Q You took no efforts with respect to the state?

11 A No.

12 Q Now, was that for a permanent installation or
13 temporary installation?

14 A There was no mention of any time limit.

15 Q Since there wasn't a mention of a time limit,
16 it was contemplated, then, by you that you might have to
17 remove them at any time if the city told you to remove
18 them since it was on city property?

19 A That is true of any line that we have anywhere.
20 I might add that the line was relocated from Tinicum
21 Island Road without any charge to the city or anyone
22 else. The company absorbed all the expenses in the
23 initial relocation, and I am talking about a second
24 relocation.

1
2 Q Why was it initially relocated?

3 A Because when the Industrial Highway Bypass was
4 installed, Tinicum Island Road was removed and we had to
5 move them over to the Industrial Highway Bypass.

6 Q So you have no permit from the City of
7 Philadelphia, and to your knowledge, nothing from the
8 state of Pennsylvania, the Commonwealth of Pennsylvania,
9 with respect to the installation of those facilities?

10 A I can't answer with regard to the state. With
11 reference to the city, we were informed that permits
12 were not necessary.

13 Q So you don't have any?

14 A Right.

15 Q Can you tell us how much of the costs, about
16 which you have testified, could be attributable to the
17 area in Delaware County and the area in Philadelphia
18 County?

19 A Well, the line, if any part of it has to be
20 removed, there are no alternatives. The entire part
21 must go.

22 Q What portion is in Philadelphia and what portion
23 is in Delaware County of the line?

24 A It would only be a guess, really, by looking at

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this.

Q In percentages?

A I really can't say. They don't show the county line. I honestly can't say.

Q Would it be half, more than half, in Delaware County?

A I would estimate most of it is probably in Delaware County. The relocation we are asking for is essentially in the city part. Most of the line will remain intact if we can maintain the right-of-way across the airport.

MR. SMOLEN: No further questions.

I have requested a copy of that letter.

BY MR. ZAHN:

Q Mr. Gordon, of the \$155,000 to relocate your facilities to public right-of-way, are all of those facilities within the area specified by the PUC as their jurisdiction?

MR. CHILLEMI: A final determination hasn't been made.

MR. SMOLEN: That is shown on R-1 through R-6.

MR. CHILLEMI: I think you ought to make

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that clear.

THE WITNESS: Based on the drawings I have in front of me?

BY MR. ZAHN:

Q Yes.

A The physical construction involved, if we go across--obtain the right-of-way across airport property, it would be within the jurisdiction shown. If we were forced to abandon that line without right-of-way across the airport property, it would not be within the area specifically outlined on this drawing in front of me.

Q It would be outside that area?

A That's correct.

Q You are talking about existing facilities?

A The existing facilities are within the limits indicated here. I am referring to, if the relocated facilities--

Q I mean, the existing facilities.

A The existing facilities are within the limits and jurisdiction, yes.

Q Now, the limits of the jurisdiction, as shown on Exhibit No. 4--

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2 A Let me clarify that. The limits shown in
3 certain of these areas are incorrect, because the
4 roads no longer exist. I am assuming that the limits
5 would be extended as they presently do exist, and not
6 cover fictitious roads. I am assuming that the
7 limits and jurisdiction are extended. Then, yes, is
8 the answer to your questions.

9 Q Now, the only other question we are having a go
10 around with is this sacrificed life. When you say
11 that in your estimated costs that you are including
12 credit to the city for the expired service life and a
13 charge for sacrificed life, is that sacrificed life
14 related to the facilities that are in public
15 right-of-way and private right-of-way?

16 A Yes.

17 Q And do you have a breakdown of your \$155,000
18 that might show us what portion of sacrificed life is
19 in public right-of-way that you are charging for?

20 A No, we are not charging for any of these
21 figures. These are merely estimates. Whatever
22 charges are made will be based on actual costs, and
23 I have no way of determining that at the present time.

24 Q But do you intend to charge for sacrificed life

1
2 for facilities that are on public rights-of-way?

3 A That's correct.

4 MR. ZAHN: I have no further questions.

5 REDIRECT EXAMINATION

6 BY MR. CHILLEMI:

7 Q Mr. Gordon, in response to one of Mr. Smolen's
8 questions, he inquired about the relocation of
9 certain poles. Were these poles relocated to permit
10 airport expansion?

11 A That's correct.

12 Q And was the cost of that relocation borne by the
13 Philadelphia Electric Company at that time?

14 A Yes, it was.

15 MR. CHILLEMI: Thank you.

16 THE EXAMINER: Is there anyone else that
17 desires to ask the witness any questions?

18 RECROSS EXAMINATION

19 BY MR. SMOLEN:

20 Q I am still a little confused on one point raised
21 by Mr. Zahn, and that is on Exhibit No. 4, R-1 through
22 R-6 as we have introduced them, and on this R-6, the
23 designated outline there.

24 Are the facilities within the outline, your

1
2 PE facilities within that outline?

3 A I assume--

4 MR. CHILLEMI: Mr. Examiner, I think
5 the answer has to depend upon the validity of this
6 Exhibit No. 4. Now, he has answered it a number of
7 times and the answer can only come out again the
8 same way.

9 BY MR. SMOLEN:

10 Q As Exhibit No. 4 stands now, are your
11 facilities within the designated area?

12 MR. CHILLEMI: Well, I would like to
13 object to the question, because it has already been
14 shown that Exhibit No. 4 is incorrect.

15 MR. SMOLEN: I don't know that that has
16 been demonstrated at all.

17 MR. CHILLEMI: It is incorrect, because
18 it shows roads that don't exist.

19 MR. SMOLEN: It may show the old
20 locations of the roads that are not open to traffic
21 now, but those roads are still--

22 THE WITNESS: Part of the roads are
23 covered by airport buildings.

24 BY MR. SMOLEN:

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Q Exhibit No. 4, as it stands now, as you are looking at this sheet now, are your facilities within the designated areas?

A Exhibit No. 4 is completely incorrect, and as an engineer, I can't accept it.

Q I am not asking you to accept it.

MR. CHILLEMI: I want to renew my objection based on Mr. Gordon's statement.

THE EXAMINER: I don't know that it has been conclusively proved one way or another. I can't see any harm in answering the question that Mr. Smolen has asked, because we certainly have plans prior to the relocation to show the correctness or the incorrectness of this or not. The question is simply as the plan is before the man.

MR. CHILLEMI: The answer cannot be yes or no. It has to be qualified and he has qualified it, and if Mr. Smolen wants to hear it again, and you so rule, let him hear it again.

THE EXAMINER: Answer the question: if you can. If you have to qualify it again, fine, but I can't see any objection to the question.

THE WITNESS: The section referred to as

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Tract 3--

BY MR. SMOLEN:

Q You are referring to what page now?

A This is Exhibit No. 4, page R-3.

Q I asked you about R-6.

A I am sorry. I didn't hear that.

Q That was the question, R-6. Specifically, are your facilities, about which you have testified, within this area designated as R-6 now stands?

A As I previously testified, the 220,000 volt facilities are within the lines shown. The 13,200 volt lines are not in R-6.

Q That's as they presently stand today, your facilities today?

A That's correct.

Q Does Tinicum Road show on R-6?

A No. It shows on R-3. I believe it was R-3.

Q Can you turn to R-3?

A Yes. Yes, it shows on R-3. Well, so far as the limits are concerned, it shows on R-4.

Q On R-4 as it stands before you, are the PE facilities, about which you have testified, within the limits as designated on R-4?

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2 A. Well, the limits shown here would also include
3 the Industrial Highway Bypass, although it is not
4 shown. Therefore, the answer would be yes.

5 The bypass is alongside former Tinicum Island Road.

6 I might add that there are multiple
7 drawings from PennDOT and the airport showing roads
8 as they exist.

9 MR. SMOLEN: I have no further questions.

10 THE EXAMINER: Are there any other
11 questions of this witness?

12 (No response.)

13 THE EXAMINER: I hear none.

14 Thank you very much, Mr. Gordon. You are
15 excused.

16 (Witness excused)

17 - - -

18 THE EXAMINER: Are there any additional
19 witnesses that want to take the stand?

20 (No response.)

21 THE EXAMINER: I hear none.

22 MR. ZAHN: Judge, PennDOT was going to
23 call a witness, but I think I can make a statement as
24 to PennDOT's position on its behalf as far as

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2 reimbursing the utility companies for facilities that
3 are on public right-of-way. And if you will accept
4 that, I think we can save some time.

5 THE EXAMINER: Go ahead.

6 MR. ZAHN: It is PennDOT's position that
7 neither the city nor PennDOT be exposed to any costs
8 to reimburse the utility companies for relocating their
9 facilities that are presently existing on public
10 right-of-way, whether they are in or out of the
11 Commission's jurisdiction. And further, that
12 PennDOT does not agree that PE company be reimbursed
13 for sacrificed life of their facilities which are on
14 public right-of-way. Our witness would testify to
15 that.

16 THE EXAMINER: That was perfectly proper
17 for you to make that statement on behalf of PennDOT,
18 but not on behalf of the city.

19 MR. SMOLEN: I will join in that
20 statement of Mr. Zahn, and I have a witness to testify
21 to that effect.

22 THE EXAMINER: We won't bother with the
23 witness. There is no question that you are just
24 stating what the witness would state, unless your

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2 statements would be challenged by the PE representative.

3 MR. CHILLEMI: Of course, by statement
4 I challenge their position. Of course, I wouldn't
5 have come here and asked for reimbursement if I didn't.

6 THE EXAMINER: You don't challenge that
7 position that they are taking?

8 MR. CHILLEMI: If that is their
9 position.

10 THE EXAMINER: Gentlemen, I have a
11 few questions.

12 First of all, you know the hearing was
13 limited as per the letter of notice of the hearing,
14 and in that respect, is the applicant's testimony
15 concluded?

16 MR. SMOLEN: It is with respect to the
17 limitation of the Commission's letter ordering the
18 hearing this morning.

19 THE EXAMINER: Is the protestants'
20 testimony concluded? Is there any protestant present
21 that would like to conclude its testimony?

22 MR. CHILLEMI: I don't wish to ask to add
23 anymore testimony. I just wish to make a remark for
24 the record.

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2 I request that whatever order the
3 Commission makes in this case granting the approval
4 of the city's application, that it be made contingent
5 to a condition providing that all agreements that have
6 to be entered into for the payment of the modifications
7 of our facilities and the obtaining of the easements,
8 all be concluded and finalized first before any
9 construction begins.

10 THE EXAMINER: All right, sir, it is on
11 the record.

12 Now, I am questioning whether briefs
13 might be in order, particularly with respect to what
14 you just stated, Mr. Chillemi, or will we leave that
15 for the final hearing? And if so, how many days shall
16 we allot for the final hearings on this thing?

17 MR. SMOLEN: If you will give me a
18 moment, Mr. Examiner.

19 I would think, Mr. Examiner, that at the
20 maximum we would need perhaps three more hearings,
21 but we would request that hearings be scheduled at a
22 future time when we are prepared to go to the hearings
23 on the other aspects of this project.

24 THE EXAMINER: Would you consider more

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2 than one day necessary, or would one day be sufficient
3 for the next hearing?

4 MR. SMOLEN: For the next hearing, one
5 day would be sufficient.

6 THE EXAMINER: Is there anyone that
7 would like to have the hearing extended over more than
8 one day?

9 (No response.)

10 THE EXAMINER: I guess not.

11 All right. I will not ask for briefs at
12 the present time, and the record will speak for itself
13 if the Commission desires to take any action with or
14 without hearings, with or with or without briefs.
15 And if they take the position that briefs are
16 desired, they will notify the parties concerned about
17 briefs. But sticking to my desire to not postpone
18 these unnecessarily, I will say, we will just
19 recommend that a one-day hearing be set down for
20 Philadelphia and the next point beyond the limits as
21 set down in the letter of December 5th to Mr. Herbert
22 Smolen.

23 MR. SMOLEN: And if the Examiner please,
24 the scheduling of that additional one-day hearing,

1
2 may I request that we notify the Commission by letter
3 as to when we will be prepared to go to that hearing
4 rather than the Commission setting an arbitrary date?

5 THE EXAMINER: Well, that means everybody
6 rather than you, but if you feel you yourself can
7 handle it, well, I would recommend it, but I can't
8 leave it to everybody to request when they are ready.
9 Somebody has to be ready, or the moving party.

10 MR. SMOLEN: When we are prepared--

11 THE EXAMINER: You are speaking for the
12 city?

13 MR. SMOLEN: Yes.

14 THE EXAMINER: All right. I will
15 recommend a one-day hearing in Philadelphia, and the
16 time to be set for the next stage in accordance with
17 the city's notice to the Public Utility Commission
18 that they are so ready for a next stage.

19 MR. SMOLEN: Thank you.

20 And with respect to the order, or to an
21 order from this hearing, we are looking forward to
22 receipt of an order on this particular phase of the
23 project rather than waiting until the entire testimony
24 is in. If there is any particular issue with respect

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2 to allocation of costs, the issues that have been
3 raised with respect to PE and the state and the city
4 with respect to allocation of costs, if that remains
5 an issue in the mind of the Commission, then we will
6 ask for an interim order to proceed with the
7 construction with the final allocation of costs to be
8 covered in the final order.

9 MR. CHILLEMI: You mean an interim order
10 calling for the city to pay the initial relocation
11 costs? Any other type of order would be objected to by
12 PE.

13 MR. SMOLEN: ^{Of the POC records} In view of PE's statement,
14 then that would have to be what the interim order would
15 contain, if an interim order is necessary. It may be
16 that the Commission in its discretion will order a
17 final order subject to the acquisition of the easements,
18 the entering of the agreements, about which we have
19 testified, and also subject to the final approvals by
20 the appropriate authorities.

21 And I say, if there is a question of the
22 allocation for the relocation of the PE facilities,
23 if there is a question in the Commission's mind, then
24 that could be subject to a final order rather than

1
2 being included in the initial order. And, again,
3 PE has objected to paying any initial relocation costs.
4 That would have to be upon the city in any interim
5 order that the Commission might issue., *if PE's view is accepted.*

6 THE EXAMINER: All right, gentlemen. With
7 those remarks on the record, does anyone else want to
8 make any additional remarks?

9 MR. CHILLEMI: I have just been informed
10 by Mr. Gordon that the letter which he referred to,
11 the official's name was Mr. Brough, not Mr. Burns.

12 THE EXAMINER: Thank you. This concludes
13 the meeting.

14 - - -

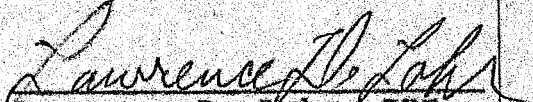
15 (Hearing concluded at 1:20 p.m.)

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REPORTER'S CERTIFICATE

I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the notes taken by me at the hearing in the above cause before the Pennsylvania Public Utility Commission, and that this is a correct transcript of the same.


Lawrence D. Lohr, RPR

Reported by: LAWRENCE D. LOHR, RPR

OVERSIZE DOCUMENT(S)

EXHIBIT NO. 4

PROJECT TITLE
AIRPORT HIGH SPEED LINE
DRAWING TITLE
ROADWAY PLAN STA. 497+24 TO STA. 498+96.13

(SHEETS R1 through R-6)

OVERSIZE DOCUMENT(S)

EXHIBIT NO. 5

- AIRPORT HIGH SPEED LINE
BETWEEN
CENTER CITY and INTERNATIONAL AIRPORT -

PLANS (105 sheets)

Delaware County
Airport High Speed Line
Tinicum Township
P.U.C. A. 98061

P. U. C.
A 98061
Philadelphia DATE 1/17/76
EXHIBIT A-6
REPORTER: VARALLO

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City of Philadelphia,
SECRETARY'S OFFICE PROPERTY OWNER
PUBLIC UTILITY
COMMISSIONER

ALL THAT CERTAIN tract of land, together with all buildings,
structures or parts thereof of any description or use whatsoever,
erected or located thereon, situated in Tinicum Township, Delaware
County, bounded and described as follows, to wit:

Beginning at a point on the base line for Legislative
Route 762 - Legislative Route 67054, westbound, at approximate
station 132+90, said point being opposite approximate station
447+91 on Track No. 1 of the Airport High Speed Line, and
approximately 50 feet southwest thereof; thence by a line
extending in a northerly direction curving to the right with
a radius of 1085 feet more or less, the arc distance of 287
feet more or less to a point on the line dividing Delaware
County from Philadelphia County; thence along the same in a
southeasterly direction 98 feet more or less to a point opposite
approximate station 445+73 on Track No. 1 of the Airport High
Speed Line and 30 feet therefrom measured in a northeasterly
direction; thence by a line extending in a southerly direction,
curving to the left with an approximate radius of 1005 feet,
concentric with Track No. 1 of the Airport High Speed Line
and approximately 30 feet east thereof, the arc distance of
440 feet more or less to a point on the prolongation of the
axis of Pier 44 of the Airport High Speed Line, and measured

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FEB 5 - 1976
ENTRY No: *[Signature]*

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Exhibit 6

radially 30 feet from Track No. 1; thence by a line extending in a westerly direction on the axis of Pier 44, a distance of 103 feet more or less to a point; thence by a line extending in a northerly direction curving to the right with a radius of 1085 feet more or less, the arc distance of 176 feet more or less to the place of beginning.

The above tract of land shown on the drawing as Airport High Speed Line right-of-way is a portion of real estate which became legally vested in the City of Philadelphia by condemnation by the City of Philadelphia for airport purposes by Ordinance of the City of Philadelphia dated December 18, 1945, approved by Mayor Bernard Samuel and amended February 4, 1947.

Philadelphia County
Airport High Speed Line
City of Philadelphia
P.U.C. A. 98601

PA. P. U. C.	
A. 98601	DATE: 1/13/76
EXHIBIT A-7	
REPORTER: VANALLO	

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City of Philadelphia, PROPERTY
SECRETARY'S OFFICE
PUBLIC UTILITIES

ALL THAT CERTAIN tract of land, together with all buildings, structures or parts thereof of any description or use whatsoever, erected or located thereon, situated in City of Philadelphia, Philadelphia County, bounded and described as follows, to wit:

(Tract No. 2)

Beginning at a point where the line dividing Philadelphia County from Delaware County crosses a line concentric with and approximately 50 feet measured in a westerly direction opposite approximate station 445+17 on Track No. 1 of the Airport High Speed Line, said point also being at the arc distance of 287 feet more or less from a point in the base line of Legislative Route 762 - Legislative Route 67054, westbound, at approximate station 132+90 on the said base line; thence by a line extending in a northerly direction curving to the right with a radius of 1085 feet more or less, concentric with Track No. 1 of the Airport High Speed Line and 50 feet more or less westwardly therefrom, the arc distance of 335 feet more or less, to a point on the prolongation of the axis of Pier 36 on the Airport High Speed Line, and approximately 50 feet westwardly from Track No. 1 of the Airport High Speed Line; thence in an easterly direction along the axis of Pier 36 of the Airport High Speed Line 80 feet, more or less, to a point 30 feet more or less east of Track No. 1 of the Airport High Speed Line; thence by

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FEB 5 - 1976
ENTRY No.

Exhibit * 7

a line extending in a southerly direction curving to the left with a radius of 1005 feet more or less, concentric with Track No. 1 of the Airport High Speed Line and 30 feet more or less eastwardly therefrom, the arc distance of 365 feet more or less to a point on the aforesaid line dividing Philadelphia County from Delaware County; thence along the same by a line extending in a northwesterly direction 98 feet more or less to the place of beginning.

The above tract of land shown on the drawing as Airport High Speed Line right-of-way is a portion of real estate acquired by the Redevelopment Authority of the City of Philadelphia by condemnation proceedings in Court of Common Pleas #3, September Term, 1958, #827. Title vested in the Redevelopment Authority on December 8, 1958.

Delaware County and Philadelphia Counties
Airport High Speed Line
Tinicum Township and City of Philadelphia
P.U.C. A. 98601

PA
A-8
Date: 1/13/70
EXHIBIT A-8
REPORTER: VIALLO

City of Philadelphia,
PROPERTY OWNER.

ALL THAT CERTAIN tract of land, together with all buildings,
structures or parts thereof of any description or use whatsoever,
erected or located thereon, situated in Tinicum Township and City of
Philadelphia, Delaware and Philadelphia Counties, bounded and described, as
follows, to wit:

(Tract No. 3)

Beginning at a point on the northerly right-of-way
line for the Airport High Speed Line at its intersection with
the easterly side of Pedestrian Bridge "A", being approximately
station 473+43 on Track No. 1 of the Airport High
Speed Line, and approximately 10 feet north therefrom; thence
in a southwesterly direction 35 feet more or less to a point
on the westerly side of Pedestrian Bridge "A", being approxi-
mately 8 feet south of Track No. 1; thence still in a south-
westerly direction 115 feet more or less to a point in the
southerly right-of-way line of the Airport High Speed Line,
opposite approximate station 472+08 on Track No. 1; thence in
a westerly direction along the southerly right-of-way line of
the Airport High Speed Line 378 feet more or less to a point
opposite approximate station 468+30 on Track No. 1 of the Airport
High Speed Line; thence in a northeasterly direction approxi-
mately 250 feet to a point in the northerly right-of-way line
of the Airport High Speed Line, opposite approximate station

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ENTRY No. *[Signature]*

Exhibit # 8

470+75 on Track No. 1; thence along the northerly right-of-way line of the Airport High Speed Line 267 feet more or less to the place of beginning.

Being the bed of Legislative Route 762 - Legislative Route 67054 where it is crossed by the right-of-way of the Airport High Speed Line.

Exhibit # 8

Delaware County
Airport High Speed Line
Tinicum Township

PA. P. U. C.
A. 98061
DATE: 1/17/76
EXHIBIT A-9
REPORTER: VARALLO

EX 7-1

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City of Philadelphia, PROPERTY OWNER

SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

(*)

As shown on the City of Philadelphia, Department of Public Property's Drawings for the Airport High Speed Line in Delaware County. ALL THAT CERTAIN TRACT OF LAND, situated in Tinicum Township, bounded and described as follows, to wit:

(Tract No. 4)

Beginning at the point of intersection of the center-line of Tinicum Avenue and the northerly right-of-way line of the Airport High Speed Line, said point being about 20 feet measured in a northerly direction from approximate station 466+63 of Track No. 1 of the Airport High Speed Line; thence in an easterly direction along the northerly right-of-way line of the Airport High Speed Line a distance of 30 feet more or less to a point; thence in a southerly direction 66 feet more or less to a point in the southerly right-of-way line of the Airport High Speed Line; thence along the same in a westerly direction 125 feet more or less to a point; thence in a northerly direction approximately 65 feet to a point in the aforesaid northerly right-of-way line of the Airport High Speed Line; thence along the same in a westerly direction 96 feet more or less to the place of beginning.

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The above tract of land shown on the drawing as Airport High Speed Line right-of-way is a portion of real estate which became legally vested in the City of Philadelphia

Exhibit 29

by condemnation by the City of Philadelphia for airport purposes by Ordinance of the City of Philadelphia dated December 18, 1945, approved by Mayor Bernard Samuel and amended February 4, 1947.

⊛ ALL THAT CERTAIN tract of land, together with all buildings, structures or parts thereof of any description or use whatsoever, erected or located thereon, situated in Tinicum Township, Delaware County, bounded and described as follows, to wit:

Delaware County
Airport High Speed Line
Tinicum Township
P.U.C. A. 98061

PA. P. U. C.
A. 98061
Philadelphia, DATE: 1/13/76
EXHIBIT A-10
REPORTER: VARALLO

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SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION
Philadelphia, PROPERTY OWNER



As shown on the City of Philadelphia, Department of Public Property's Drawings for the Airport High Speed Line in Delaware County. ALL THAT CERTAIN TRACT OF LAND, situated in Tinicum Township, bounded and described as follows, to wit:

(Tract No. 5)


Beginning at a point on the southerly right-of-way line of the Airport High Speed Line at the distance of 144 feet more or less measured in a westerly direction from the intersection of the southerly right-of-way line of the Airport High Speed Line and the centerline of Tinicum Avenue; thence in a southerly direction 68 feet more or less to a point in the bed of Legislative Route 762 - Legislative Route 67054; thence in a westerly direction in the bed of Legislative Route 762 - Legislative Route 67054 a distance of 285 feet more or less to a point; thence by a line extending in a northwesterly direction curving to the right with a radius of 1215 feet more or less, concentric with and approximately 30 feet south west of the base line of Ramp A, an arc distance of 330 feet more or less to a point; thence by a line extending in a north-easterly direction, crossing Ramp A and Ramp L, a distance of 197 feet more or less to a point approximately 25 feet north east of station 181+06.15 (Pier 11 L) of Ramp L; thence by a line extending in a southeasterly direction, curving to the left

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FOLDER

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ENTRY No. *[Signature]*

with a radius of approximately 575 feet, an arc distance of 205 feet more or less to a point opposite station 183+16.52 (Pier 13 L) and 25 feet more or less northeast thereof; thence by a line extending in a southeasterly direction, curving to the left with a radius of approximately 1018 feet, the arc distance of 243 feet more or less to a point; thence by a line extending in a southerly direction, a distance of approximately 18 feet to the place of beginning.

The above tract of land shown on the drawing as Airport High Speed Line right-of-way is a portion of real estate which became legally vested in the City of Philadelphia by condemnation by the City of Philadelphia for airport purposes by Ordinance of the City of Philadelphia dated December 18, 1945, approved by Mayor Bernard Samuel and amended February 4, 1947.

 ALL THAT CERTAIN tract of land, together with all buildings, structures or parts thereof of any description or use whatsoever, erected or located thereon, situated in Tinticum Township, Delaware County, bounded and described as follows, to wit:



ALL THAT CERTAIN tract of land situated in the County of Philadelphia, City of Philadelphia, bounded and described as follows:

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SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

TRACT #6

Beginning at a point along the western legal right-of-way line of Bartram Avenue, said point being located on the eastern operating easement line for the Airport High Speed Line and distant thirty one and six tenths (31.6) feet easterly of and measured perpendicular to the centerline of Track 1 of the said Airport High Speed Line at tangent-spiral Station 431+67.28 thereof; thence in a southwesterly direction along the said eastern operating easement line a distance of three hundred seventy seven and nine hundredths (377.09) feet to a point and intersection with the legal right-of-way line for Bartram Avenue distant fifty six and eleven hundredths (56.11) feet easterly of and measured radially from the centerline of Bartram Avenue, said point being distant fifty two and eighty two hundredths (52.82) feet easterly of and measured radially from the centerline of Track 1 of the Airport High Speed Line at spiral-curve Station 435+52.28 thereof; thence in a southwesterly direction along the legal right-of-way line for Bartram Avenue having a radius of four thousand twenty seven and ninety five hundredths (4027.95) feet, an arc distance of two hundred four and seventeen hundredths (204.17) feet to a point and intersection with the western operating easement line for the Airport High Speed Line distant fifty and no hundredths (50.00) feet westerly of and measured radially from the centerline of Track 1 for the Airport High Speed Line at or about Station 437+30 thereof; thence in a northerly direction along the western operating easement line for the said Airport High Speed Line having a radius of one thousand eighty five and forty six hundredths

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A. *98061*
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EXHIBIT *A-11*
REPORTER: *VA...*

Exhibit # *11*
OCT 16 1975

(1085.46) feet, an arc distance of one hundred eighty five and fifty hundredths (185.50) feet to a point, said point being distant fifty and no hundredths (50.00) feet westerly of and measured radially from the centerline of Track 1 for the Airport High Speed Line at spiral-curve Station 435+52.28 thereof; thence continuing in a northerly direction along the western operating easement line a distance of forty six and ninety nine hundredths (46.99) feet to a point and intersection with the legal right-of-way line for Bartram Avenue distant fifty six and eleven hundredths (56.11) feet westerly of and measured radially from the centerline of Bartram Avenue, said point being distant fifty and no hundredths (50.00) feet westerly of and measured radially from the centerline of Track 1 of the Airport High Speed Line at or about Station 435+08 thereof; thence in a northeasterly direction along the legal right-of-way line for Bartram Avenue having a radius of three thousand nine hundred fifteen and seventy three hundredths (3915.73) feet, an arc distance of three hundred fifty three and twenty six hundredths (353.26) feet to a point and place of beginning and containing seventy two hundredths (0.72) acre of land more or less.

The above tract of land is a portion of real estate owned by the Pennsylvania Department of Transportation and formerly owned by the Redevelopment Authority of the City of Philadelphia.


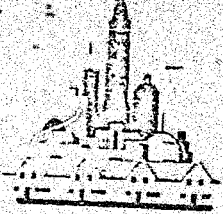
 ALL THAT CERTAIN tract of land, together with all buildings, structures or parts thereof of any description or use whatsoever, erected or located thereon, situated in City of Philadelphia, Philadelphia County, bounded and described as follows, to wit:

Exhibit # 11



Redevelopment Authority

OF THE CITY OF PHILADELPHIA

1234 MARKET STREET • PHILADELPHIA, PA. 19107
(215) 854-XXXX

MICHAEL J. LONERGAN
Chairman
MARGARET C. GORDON
ROBERT K. GRAY
PAUL M. LAWSON
C. JOSEPH O'DONOGHUE
AUGUSTINE A. SALVETTI
Executive Director

May 13, 1975

Exhibit #12

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

PA. P. U. C.
A. 9806
Phila. DATE: 1/13/76
EXHIBIT A-12
REPORTER: VARALLO

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

Dear Mr. Starr:

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

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

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

RECEIVED
FEB 4 AM 10:50
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

Very truly yours,

Richard J. Kilgus

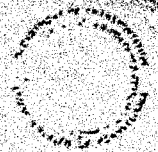
RICHARD J. KILGUS
Director
Development, Rehabilitation-Financing

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

RECORD FOLDER

DOCKETED
APPLICATION DOCKET
FEB 5 - 1976
ENTRY No. *100*

200 Radnor-Chester Road
St. Davids, PA 19087



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March 31, 1975 SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

RLR/JRT
Delaware & Philadelphia Counties
Airport H.S.L.
City Project
No. 20-594-2-2

PA. P. U. C.
FILED
DATE: 1/13/76
EXHIBIT A-13
REPORTER: VARALLO

EX#13

Mr. Richard S. Starr
Project Manager
Airport High Speed Line
City of Philadelphia
Department of Public Property
1020 Municipal Services Bldg.
Philadelphia, PA 19107

Dear Mr. Starr:

We have investigated the matter of R/W as the above referenced work affects the Department's projects in the vicinity of the Airport. It appears that only a P.U.C. order will be necessary. As you are aware we are only concerned about clearances and maintenance and wish to cooperate as much as possible with your project.

We therefore await your application to the P.U.C.

Very truly yours,

Joseph H. Synonis, Jr.

Joseph H. Synonis, Jr., P.E.
District Engineer

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APPLICATION DOCKET
FEB 5 - 1976
ENTRY No. *Sm*

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FOLDER

Exhibit 13
APR 3 1975

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76 FEB 4 AM 10:51

PHILADELPHIA ELECTRIC COMPANY

2301 MARKET STREET

PHILADELPHIA, PA. 19101

(215) 841-4000

SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

REAL ESTATE DIVISION

PA. P. U. C.	
EXHIBIT	DATE 1/13/76
REPORTER	VARALLO

April 24, 1975
File: PE 7151

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

RE: Airport High Speed Line
Request for Approval of Easement across Philadelphia
Electric Property near Philadelphia International Airport

Dear Mr. Starr:

Regarding your letter of March 25, 1975, to Mr. Ralph Erme, requesting the above subject approval, please be advised that the Electric Company is willing to cooperate with the City in the construction of the Airport High Speed Line. However, we wish to advise you that no work, in connection therewith, should begin on the Electric Company's right of way until construction drawings have been reviewed and approved by the interested departments of the Electric Company.

I am enclosing for your perusal two draft copies of the proposed Agreement between the Electric Company, the City of Philadelphia and Reading Company which provides for the utilization of the Electric Company's property adjoining the Chester branch of the Reading Railroad for the proposed Airport High Speed Line.

Very truly yours,

J. S. Frieran
Real Estate Agent

cc
Encl.

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APPLICATION DOCKET
FEB 5 - 1976
ENTRY No. <i>[Signature]</i>

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SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

Original in file A
Exhibit # 15

August 16, 1973.

PA. P. U. C.
98 061
DATE 1/13/76
A-15
VARALLO

Mr. William A. Costello,
Commissioner of Public Property,
City of Philadelphia,
1020 Municipal Services Building,
Philadelphia, Pa. 19107.

Dear Mr. Costello:

The Trustees of the property of Reading Company, Debtor, (Railroad), to the extent they have legal power so to do, hereby express their willingness to negotiate an agreement or agreements with the City of Philadelphia (City) and the Southeastern Pennsylvania Transportation Authority (SEPTA), upon mutually satisfactory terms for the use of appropriate portions of Railroad's facilities to permit the City to improve and construct, and SEPTA to operate, a high-speed railroad facility between Penn Center Station and the Philadelphia International Airport.

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

This expression of Trustees' position and any agreement are contingent upon a diligent effort on the part of the City and SEPTA to develop details at the staff level prior to completion of detail design and of construction specifications.

Railroad has received a draft in outline form of a proposed agreement. When this agreement has been reviewed by Railroad for acceptability of substance, Railroad will notify SEPTA, which will then prepare a final draft for further review, and if acceptable to Railroad, for Court approval and execution.

Very truly yours,

Assistant Vice President-
Administration and Passenger Services

RECORD
FOLDER

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APPLICATION DOCKET
FEB 5 - 1976
ENTRY No: *[Signature]*

cc: Richardson Dilworth, Esq.
Mr. Andrew L. Lewis, Jr.

bbc: Mr. C. E. Bertrand
Mr. A. W. Hesse, Jr.



DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
WASHINGTON, D.C. 20520

Exhibit # 16

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JUN 10 1975

SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

Mr. Frank J. Rush
Real Estate Operational Manager
City of Philadelphia
Department of Public Property
1020 Municipal Services Building
Philadelphia, Pennsylvania 19107

PA P.U.C.
<i>Photo</i> DATE <i>1/13/76</i>
EXHIBIT <i>A-16</i>
REPORTER: VAIALLO

Re: Project No. PA-03-0043
Right-of-Entry Permits

Dear Mr. Rush:

In reply to the City's request of May 20, UMTA is satisfied that the right-of-entry approvals received from the Philadelphia Redevelopment Authority, Philadelphia Electric Company, Pennsylvania Department of Transportation and the Reading Company are adequate for the City to exercise the applicable right-of-entries.

Sincerely,

Wilbur E. Hare
Wilbur E. Hare
Director
Project Management Division

DOCKETED
APPLICATION DOCKET
FEB 5 - 1976
ENTRY No. <i>[Signature]</i>

RECORD
FOLDER

JUN 12 1975