

1. REPORT DATE: June 23, 1978 : 2. BUREAU AGENDA NO.  
 3. BUREAU: Rail Trans. : JUN-78-TR-232\*  
 4. SECTION(S): : 5. PUBLIC MEETING DATE:  
 6. APPROVED BY: June 27, 1978  
 Director: Peteritas 7-5188 :  
 Supervisor: :  
 7. MONITOR: :  
 Chm. Carter/Comm. O'Bannon :  
 8. PERSON IN CHARGE: :  
 Hart 7-4640 :  
 9. DOCKET NO: :  
 A. 98061 :  
 10. (a) CAPTION (abbreviate if more than 4 lines)  
 (b) Short summary of history & facts, documents & briefs  
 (c) Recommendation

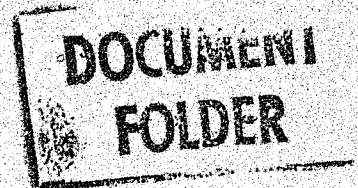
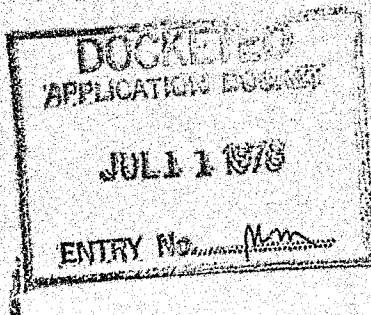
(a) Appli. of City of Phila. for approval of (1) constr., alter., or reconstr. of crossings of Penn Central Trans. Co., Debtor, Reading Co., Debtor, Baltimore & Ohio Co. and SEPTA involved in construction of high-speed passenger line from Suburban Station to Phila. International Airport, in City of Phila., (2) the allocation of costs and expenses incident thereto and (3) exemption from minimum overhead and side clearance requirements of Part III of Commission's Railroad Regulations.

(b) By application filed July 5, 1973 and hearing held January 13, 1978, City of Phila. proposes to construct 3 above-grade highway bridges at 63rd St., 70th St. and Lindbergh Blvd. and to alter two existing above-grade highway bridges at 61st st. and 84th st. and to alter the existing at-grade crossing at Island Ave. All construction cost to be allocated according to prior agreements between PennDOT (16-2/3%), UMTA (80%) and City (3-1/3%), and all utility relocation costs to be allocated according to prior agreements.

(c) The Bureau of Rail Transportation recommends adoption and issuance of an attached order, directing City of Phila. to initially bear all construction costs, for all portions of work, without prejudice to the City's right to recover any portions of the costs from PennDOT and UMTA. Further, all costs of utility relocations to be borne by the City, subject to prior agreements between the utility companies and the City of Phila.

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

CONTENT OF MOTION: Staff recommendation adopted.



June 30, 1978

A. 98061

Herbert Smolen  
1580 Municipal Service Building  
Philadelphia, Pennsylvania 19107

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

Dear Sir:

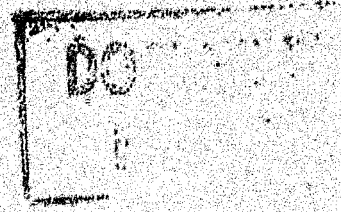
Enclosed herewith is an executed Order issued by the Commission on June 27, 1978, in the above entitled proceeding.

Kindly acknowledge receipt in behalf thereof, using for that purpose the enclosed form.

Very truly yours,

C. J. McElwee  
Secretary

fao  
Encls.  
Cert. Mail  
Receipt Req.



DUPLICATE REC. FD.  
ORIGINAL CERTIFIED  
TO COMMONWEALTH COURT.

Rudolph A. Chillemi, Esquire  
Philadelphia Electric Company  
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Philadelphia, PA 19101

Joel E. Mazor, Commerce Counsel  
Consolidated Rail Corporation  
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Philadelphia, PA 19104

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SEPTA  
2028 PSFS Bldg.  
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Philadelphia, PA 19107

W. Preston Granbery, Esquire  
The Bell Telephone Company of Pennsylvania  
One Parkway  
Philadelphia, PA 19102

Robert Sz wajkos, Esquire  
Trustees of Penn Central Transportation Company  
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Philadelphia, PA 19103

Barton A. Hertzbach  
Philadelphia Gas Works  
Packard Building, 14th Floor  
Philadelphia, PA 19102

Robert W. Cunliffe, Deputy Attorney General  
Pennsylvania Department of Transportation  
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Seventh & Forster Streets  
Harrisburg, PA 17120

W. S. Armentrout  
National Railroad Passenger Corporation  
Northeast Corridor Operations  
Suburban Station Building - 5th Floor  
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(AMTRACK)

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Trustees of Reading Company  
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Plymouth Meeting, PA 19462

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Chessie System  
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(THE BALTIMORE AND OHIO RAILROAD COMPANY)

C T Corporation System  
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Philadelphia, PA 19109  
(ARCO Pipe Line Company)

Richard P. Randall, Esquire  
Law Department  
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Philadelphia, PA 19101

Richard Starr  
Project Manager  
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John T. Updegraff, Esquire  
ARCO Building  
Independence, KS 67301

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Public Meeting held June 27, 1978  
Harrisburg, PA 17120

Commissioners Present:

Louis J. Carter, Chairman  
Robert K. Bloom  
Michael Johnson  
W. Wilson Goode

Application of City of Philadelphia for approval A. 98061  
of (1) the construction, alteration or recon-  
struction of the crossings of Penn Central Trans-  
portation Company, Debtor, Reading Company, Debtor,  
The Baltimore and Ohio Railroad Company and SEPTA  
involved in the construction of high-speed pas-  
senger line from Suburban Station to the Phila-  
delphia International Airport, in the City of  
Philadelphia, (2) the allocation of costs and  
expenses incident thereto and (3) exemption  
from minimum overhead and side clearance re-  
quirements of Part III of the Commission's  
Railroad Regulations.

COUNSEL OF RECORD:

Rudolph S. Pallastrone, ALJ, for Public Utility Commission  
Herbert Smolen, for City of Philadelphia  
Rudolph A. Chillemi, for Philadelphia Electric Company  
Joel E. Mazor, for Consolidated Rail Corporation  
Judith B. Soken, for Southeastern Pennsylvania Transportation Authority  
Barton A. Hertzbach, for Philadelphia Gas Works  
John T. Undergraff, for ARCO Pipe Line Company  
George P. Wenick, for Pennsylvania Department of Transportation  
W. Preston Granberry, for The Bell Telephone Company of Pennsylvania  
Candace Kreiger, for Pennsylvania Public Utility Commission

ORDER

BY THE COMMISSION:

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

DUPLICATE RECORD.  
ORIGINAL CERTIFIED  
TO COMMONWEALTH COURT.

attendant to the proposed high-speed commuter rail line to be constructed to provide passenger service between Center-City Philadelphia and the Philadelphia International Airport complex. Prior hearings were held in this proceeding covering variance from Part III of this Commission's Railroad Regulations and other crossings involved in this application.

At the hearing held January 13, 1978, Richard S. Starr, Project Manager for the Airport High Speed Line (AHSL), testified on behalf of City of Philadelphia, describing the construction involved at the location of three proposed new above-grade highway bridges to be constructed at 63rd Street (State Highway Route 67371), 70th Street (a city street) and Lindbergh Boulevard (State Highway Route 67309); also the alteration to the existing above-grade highway bridge at 61st Street (a city street) and the alteration to the track facilities beneath the existing above-grade highway bridge at 84th Street (State Highway Route 67280); and the reconstruction of the at-grade crossing at Island Avenue (State Highway Route 67281).

Construction of the 63rd Street and 70th Street bridges are described in City Exhibit Nos. 17 and 18. City Exhibit No. 17 consists of 89 sheets of construction drawings showing the details of construction of the 63rd Street and 70th Street bridges. Sheets 1 through 11A contain index map, general notes, summary of quantities, tabulation of drainage items and roadway typical sections. Sheets 12 through 15 show detailed drainage structures for the construction of 63rd and 70th Street bridges. Sheets 16 through 29 contain the roadway drawings for 63rd Street and Sheets 30 through 46 contain the structural drawings for 63rd Street

TO COMMONWEALTH COURT  
OF PENNSYLVANIA  
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bridge. Sheets 47 through 66 contain the roadway drawings for 70th Street and Sheets 67 through 89 contain the structural drawings for 70th Street bridge. City Exhibit No. 18 is a four page set of construction drawings showing the track and roadbed construction at the 63rd Street and 70th Street crossings.

The construction of 63rd Street will involve the construction of a pre-stressed concrete, adjacent box beam, high abutment-type bridge having a span of 59 feet. The roadway approaches will be constructed on embankment with a concrete retaining wall approximately 450 feet in length extending from the southeast wing wall. The roadway paving will consist of 1-1/2" ID-2 bituminous surface course on a 7" bituminous base course with a sub-base of 12", for a total width of pavement of 54 feet between concrete curbs. Five foot concrete sidewalks, within a 13-foot or 14-foot wide landscaped area, will be provided on each side of the roadway. Maximum gradients of the roadway will not exceed 4%, as required by the Department of Streets of the city of Philadelphia. Track construction beneath the bridge will consist of a new sub-grade, drainage ditches, sub-ballast 6 inches in depth, ballast 12 inches minimum in depth, wooden ties, steel tie plates, and new 140-lb steel rails. The estimated time of construction at 63rd Street is 425 working days.

The construction of 70th Street will involve the construction of a pre-stressed concrete, adjacent box beam, high abutment-type bridge having a span of 77 feet. Roadway approaches will be constructed on an embankment with a concrete retaining wall between engineering highway Stations 13+00 and 16+00. This retaining wall will permit construction

of a service road for Philadelphia Industrial Development Corporation, which would otherwise be denied access to 70th Street. The roadway paving will consist of two 30-foot cartways of 3" ID-1 bituminous surface course on a 10" plain cement concrete base course. A 4-foot concrete median will divide the cartways, with a 5-foot concrete sidewalk on each side of the roadway. Maximum gradients of the roadway will not exceed 4%, as required by the Department of Streets of the city of Philadelphia. Due to construction on existing alignment, a pile-supported slab will be constructed to protect the southwest main gravity storm sewer, a 3 cell box section 22 feet wide and 9 feet deep. This pile-supported slab extending from engineering Station 13+50 to engineering Station 23+50 will be 30 feet in width, varying in depth from 2' 6" to 4' 0". Construction beneath the 70th Street bridge will involve the same type of track rehabilitation as beneath the 63rd Street bridge. The estimated time for construction of 70th Street is 425 work days.

City Exhibit Nos. 19 and 20 show the work to be performed at the 61st Street crossing. City Exhibit No. 19 is an eight-page set of construction drawings showing the structural alterations to the existing above-grade highway bridge at 61st Street. Sheets 1 through 8 contain a general plan and summary of quantities; details of modifications to the east and west abutments; substructure details; wing wall details; and reinforcement bar schedules for the east and west abutments. City Exhibit No. 20 is a two-page set of construction drawings showing the track and track roadbed construction at the 61st Street crossing.

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The proposed alteration at 61st Street will increase the minimum horizontal clearances from 7' 6" to 9' 6" and will provide secure crib walls and wing walls. The crib walls will be constructed of reinforced concrete counterforts and pre-cast pre-stressed concrete panels. Three new wing walls, each 40 feet in length, will be constructed of reinforced concrete, supported on steel H-beam pile foundations. The total clearance between crib walls will be increased from 42 feet to 54 feet. Track construction beneath the 61st Street bridge will be the same type of construction as detailed above at 63rd Street. In addition to said construction, a number 15 turn-out (140-lb. steel rail) will be installed on the AHSL track number 1, with point of switch located at former Reading Railroad valuation engineering station 71+21.61. The estimated time of construction at 61st Street is seven months.

Construction at the new proposed Lindbergh Boulevard above-grade highway bridge is described in detail in City Exhibit Nos. 21 and 22. City Exhibit No. 21 is a seventeen-page set of construction drawings showing the new bridge construction at Lindbergh Boulevard. Exhibit No. 21 shows a general plan and elevation of the structure; general notes and summary of quantities; bridge stake-out sketch; bridge abutment details and bridge slab plans; bar schedules for abutments and bridge slab; framing plan; bridge catenary attachments; and bridge utility details. Exhibit No. 22 is a three-page set of construction drawings showing track, track roadbed construction at Lindbergh Boulevard, plus temporary and final signalization.

The construction of the highway bridge at Lindbergh Boulevard will involve the construction of a pre-stressed concrete, adjacent box

beam, high-abutment type bridge 110'-9" wide, with a span of 39'-7". The roadway approaches will be constructed on embankments 1 to 2 feet above the existing ground. Roadway paving will consist of two 33-foot cartways of 2-1/2" ID-2 bituminous surface course, with an eight-inch plain cement concrete base course on a six-inch sub-base. On the structure, roadway paving will consist of a 4-1/2" reinforced concrete slab placed on pre-stressed concrete box beams. A median varying in width from 12 feet to 22 feet, consisting of plain cement concrete curbs separated by either a landscaped section or plain cement concrete paving, 6 inches in depth, will divide the cartways. A five-foot or ten-foot wide concrete sidewalk will be provided on each side of the roadway, and a ten-foot or eleven-foot reinforced concrete sidewalk will be provided on the structure. Maximum gradients of the roadway will not exceed 4%, as required by Department of Streets of the City of Philadelphia. A utility bridge, 21 feet 4 inches wide, consisting of a 4-1/2" reinforced concrete slab on pre-stressed concrete adjacent box beams with a span of 39'-7", will be constructed adjacent to the highway structure. Construction beneath the bridge structure will consist of railroad rehabilitation along the right-of-way of Conrail's 60th Street Branch. This work will include new subgrade, drainage ditches, sub-ballast 6-inches in depth, ballast 15 inches minimum in depth, wooden ties, steel tie plates, and 140-lb. steel rails. In addition, a number 15 turn-out (140-lb steel rail) will be installed to merge with the AHSL at Valuation engineering Station 230+78.96. The estimated time for construction at Lindbergh Boulevard is two years. The existing 60th Street Branch track will not be relocated, and Conrail will be permitted to use the future AHSL tracks for special high and wide loads and as an emergency detour route.

Conrail indicates that during construction all rail traffic will be removed from the 60th Street Branch.

At 84th Street (State Highway Route 67280) an existing highway bridge crosses above the railroad tracks of Consolidated Rail Corporation. City Exhibit No. 23 is a two-page set of construction drawings showing track and track roadbed construction at 84th Street. The design of the AHSL proposes to replace the existing track and track roadbed without jeopardizing the minimum horizontal and vertical clearances that are required by this Commission's Railroad Regulations. The estimated time for construction of 84th Street is one month.

Island Avenue (State Highway Route 67281) crosses Conrail tracks, at-grade, and the AHSL design proposes to rehabilitate the track and track roadbed and to retain the existing warning facilities. City Exhibit No. 24 is a two-page set of construction drawings showing the track and track roadbed construction at Island Avenue. At a future date, PennDOT plans to construct an overhead highway bridge at this location, under a separate application to the Pennsylvania Public Utility Commission. The estimated time for construction at Island Avenue is one month.

The cost of construction of these improvements at the aforesaid crossings is estimated by the City as follows:

63rd Street and 70th Street	\$6,603,700.00
61st Street	283,000.00
Lindbergh Boulevard	2,068,800.00
84th Street	65,000.00
Island Avenue	65,000.00
Total	<u>\$9,085,500.00</u>

Payment of these costs has been established under a Capital Assistance Grant from the U.S. Department of Transportation, Urban Mass Transportation Administration, whereby the Federal government agrees to pay 80% of the eligible costs.

City Exhibit 25 is a 37-page document, being a copy of the Capital Assistance Grant Contract between the city of Philadelphia and United States of America, executed by all parties, whereby the Federal government bears 80% of the eligible costs, as stated in Section III on pages 1 and 2 of the agreement.

Funds to cover the remaining 20% of the costs will be paid pursuant to the agreement by the Commonwealth of Pennsylvania (16-2/3% of the costs) and the City of Philadelphia (3-1/3% of the costs). City Exhibit 26 is composed of two letters from the Department of Transportation of the Commonwealth of Pennsylvania agreeing to its 16-2/3% participation in the costs of construction.

City Exhibit 27 is a 15-page document, being a copy of an agreement dated March 28, 1977, between the city of Philadelphia and Philadelphia Electric Company, whereby Electric Company agrees to grant the City the right to utilize its property, and also agrees to joint construction of a 230 kv transmission line for transmission of electric power and electrification of the AHSL. The agreement bears signatures of approval by representatives of each party and attached to the agreement is a copy of the City's ordinance of December, 1976, approving the

agreement. This agreement was approved by this Commission on April 27, 1978 (U-78049005).

City Exhibit 28 is a 15-page document, being a copy of an agreement dated November 23, 1977, between the city of Philadelphia and The Bell Telephone Company of Pennsylvania, bearing signatures of approval by representatives of each party. The agreement provides for the allocation of costs on a 50-50 basis for relocation of The Bell Telephone Company's facilities during normal working hours, estimated at \$150,000.00. The City will bear 100% of premium time differential costs for all overtime requested by the city and the City will bear 50% of the actual Straight time costs associated with the requested overtime work. If the project is abandoned or discontinued, city agrees to pay Bell 100% of Bell's actual costs. This agreement was approved by this Commission on January 4, 1978 (U-77128893).

Exhibit 29 is a 19-page document, being a copy of an agreement dated March 11, 1977, between city of Philadelphia and Philadelphia Facilities Management Corporation (owner-operator of Philadelphia Gas Works) bearing signatures of approval by representatives of each party. Attached thereto are copies of the City's Standard Contract Requirements and cost estimates for the work covered by the agreement wherein the City agrees to pay Philadelphia Gas Works its costs, not to exceed \$840,321.00 for the actual work covered by the agreement.

City Exhibit 30 is a 10-page document, being a copy of an agreement dated October 11, 1977, between city of Philadelphia and ARCO Pipe Line Company, bearing signatures of approval by representatives of each party. Attached to same is a copy of the contract and cost estimates for the work covered by the agreement whereby the City agrees to pay ARCO Pipe Line Company its costs, not to exceed \$437,000.00 for the actual work covered by the agreement. This agreement was approved by this Commission on February 8, 1978 (U-78018910).

City Exhibit 31 is an 11-page document, being a copy of an agreement dated October 11, 1977, between City of Philadelphia and Mobil Pipe Line Company, bearing signatures of approval by representatives of each party. Attached to same is a copy of the contract and cost estimate for the work covered by the agreement whereby the city agrees to pay Mobil Pipe Line Company its costs, not to exceed \$357,000.00, for the actual work covered by the agreement. This agreement was dismissed by this Commission on February 8, 1978 for lack of jurisdiction (U-78018911).

Mr. Starr for the city testified that it will not be necessary for this Commission to appropriate property for any of the proposed construction. He stated that all detours involved and required by this proceeding will be established and maintained by the city at its sole cost and expense, and all future maintenance on the 63rd Street Bridge, 70th Street Bridge, 61st Street Bridge and Lindbergh Boulevard Bridge will be assumed by the city.

Mr. Starr further testified that no street car lines will be affected by the construction of the AHSL, nor will any highways be vacated or any new highways laid out and established.

City of Philadelphia requests this Commission to promptly issue an order directing the following:

1. Construction in accordance with the City's plans, admitted into evidence at the January 13, 1978 hearing.

2. Cost of construction work allocated as follows:

a. Urban Mass Transportation Administration - 80% as per Capital Assistant Grant Contract, City Exhibit

No. 25,

b. Pennsylvania Department of Transportation - 16-2/3% per City Exhibit No. 26.

c. City of Philadelphia - 3-1/3%.

3. Utility relocation costs to be allocated per agreements with the utilities.

4. Further hearings on other AHSL crossings, at the request of proposer of applicants.

5. The filing of briefs and oral arguments to be deferred until conclusion of all AHSL crossing hearings.

Stafford C. Walker, Senior Civil Engineer for Consolidated Rail Corporation (Conrail) testified that Conrail has no objection to the construction of the AHSL. At the Lindbergh Boulevard crossing, which involves the 60th Street branch of Conrail, there is one track which currently carries no train movements. There are two tracks at each of the other crossings with four freight trains, a through train and a shifting or local freight train in each direction, operating each day at a maximum authorized speed of fifteen miles per hour. Conrail's principal involvement in these crossing improvements will entail furnishing watchmen and flagmen, for which Conrail requests full reimbursement for the services rendered.

Hertel C. Missimer, Engineer of Distribution Design for Philadelphia Gas Works (PGW), testified that the Philadelphia Gas Works is managed and operated by the Philadelphia Facilities Management Corporation, a non-profit corporation. The proposed construction in this proceeding, to which Philadelphia Gas Work has no objection, will require the following adjustments to Philadelphia Gas Works facilities as covered in its agreement identified at City Exhibit No. 29, exclusive of 58th Street bridge alterations, which were adjudicated through prior proceeding:

1. Lindbergh Boulevard Bridge, Station 231 + 35 - relocate two 20-inch high pressure gas mains with a total length of 200 feet. Estimated to cost \$176,540.00.
2. 63rd Street Bridge, Station 258 + 25 - relocate 1330 feet of 20-inch high pressure gas main. Estimated to cost \$213,220.00.

3. 70th Street Bridge, Station 302 + 85 - relocate 1520 feet of

12-inch gas main. Estimated to cost \$124,600.00.

The reimbursement for PGW costs incurred as a result of this proceeding is covered in its agreement dated March 11, 1977, with the city of Philadelphia, (City Exhibit No. 29). The figures are preliminary estimates based on current costs and project planning. If the actual costs exceed the figure agreed upon, city and Philadelphia Gas Works will enter into good faith negotiations, subject to approval of the Urban Mass Transportation Administration (UMTA). Philadelphia Gas Works agrees to maintain all such relocated gas lines.

Robert D. Hamer, Engineering Associate for The Bell Telephone Company of Pennsylvania testified, describing the company's involvement in this proceeding.

Lindbergh Boulevard: The existing facilities consist of twenty-multi concrete conduits and a concrete manhole. These conduits contain 150 feet of 1800 and 1500 pair feeder cables and 150 feet of 1800, 1100 and 900 pair trunk cables. Due to the proposed construction, new facilities are to be established in the north footway of Lindbergh Boulevard consisting of 300 feet of twenty 4-inch conduits and four concrete manholes containing two 1800, one 1500 and one 900 pair cables. Estimated cost is \$84,000.00 with a construction time period of 96 working days.

63rd Street: The existing facilities consist of a 51 pair

aerial feeder cable on the east side of 63rd Street, between Eastwick Avenue and the former Reading Railroad Company tracks.

A four-inch conduit is located in 63rd Street with a 50 pair feeder cable servicing Dublin Lumber Company, located on the southwest corner of 63rd Street and Eastwick Avenue. A 200

pair aerial cable is located on the east side of 63rd Street with a 50 pair buried cable branching off to service W. T.

Cowan Company. Due to the proposed construction, new

facilities will be established to serve Dublin Lumber Company

and W. T. Cowan Company. This will require burying approx-

imately 500 feet of 50 pair cable in the south footway of

Eastwick Avenue, from 63rd Street to Dublin Lumber Company's

office. In addition, the company will remove the existing

aerial cable, consisting of 300 feet of 51 pair cable located

on the east side of 63rd Street and, the 234 feet of 50 pair

cable located on Dublin Lumber Company property.

In order to provide service to the W. T. Cowan Company, a 30

foot pole and approximately 600 feet of 50 pair buried cable

will be placed in the east footway of 63rd Street. The company

will also remove approximately 260 feet of 100 pair cable.

The net cost of work required to relocate its facilities on

public property is \$5,000 and to relocate its facilities on

private property is \$1,000. It will take approximately 25

working days to accomplish the work.

70th Street: The existing facilities consist of a 25 pair aerial feeder cable on the east side of 70th Street, south of Lindbergh Boulevard, with an underground cable branching off to serve Simmons Mattress Company. Also, six 3 1/2-inch cement conduits are located on the west side of 70th Street under the former Reading Railroad Company tracks. Due to the proposed construction, new facilities will be established in the newly provided utility easement. This will require placing 250 feet of buried cable in the utility easement to serve Simmons Mattress Company. The existing 200 feet of aerial cable on the east side of 70th Street, south of Lindbergh Boulevard, will be removed and the six 3 1/2-inch main conduits will be abandoned. The net cost to relocate its facilities on public property is \$2,000 and will take about 10 working days. All costs associated with this proceeding should be borne in accordance with the terms of the agreement dated November 23, 1977 (City Exhibit No. 28) between the company and the city of Philadelphia. All future maintenance of the relocated facilities will be the responsibility of The Bell Telephone Company of Pennsylvania.

Gerald W. Gordon, Senior Engineer for the Philadelphia Electric Company, testified that the company has aerial facilities in public right-of-way along both sides of Lindbergh Boulevard, on the west side of 61st Street and on both sides of 63rd Street and 70th Street. It also has aerial facilities on private right-of-way along the east side

of Conrail's 60th Street Branch, on the south side of Conrail's Chester Branch, and along the north side of Conrail's Chester Branch from 70th Street to a point 300 feet west of 70th Street.

**Lindbergh Boulevard:** The facilities at this location consist

of 4,000 volt wires, 13,200 volt wires and a 120/240 volt wire on the north side and 120/240 volt wires on the south side.

Also, there are 13,200 volt wires on the east side of Conrail's 60th Street Branch, extending to the south from Lindbergh

Boulevard. These facilities will be temporarily removed

during the construction of the bridge and replaced after the

completion of the project. A 13,200 volt facility on the east

side will be relocated to new right-of-way adjacent to the

existing private right-of-way, on the east side. The above-

described work is estimated to cost \$35,000.

**63rd Street:** The facilities at this location consist of

13,200 volt wires, an aerial cable, and 120/240 volt wires on

the west side and 120/240 volt wires on the east side. A

13,200 volt facility will be relocated into proposed utility

corridor adjacent to the west side of the street. A 120/240

volt facility will be removed and substituted by a new underground

facility to supply street lights. One of the structures

supporting the 66,000 volt facility must be replaced by a

higher structure. The estimated cost is \$80,000 for the

66,000 volt facility, and \$50,000 for the other facilities.

70th Street: The facilities at this location consist of 13,200 volt wires and 120/240 volt wires on the west side. Also, 13,200 volt wires are located on the north side of Conrail's Chester Branch, extending to the west from 70th Street. The facilities along Conrail's Chester Branch, on the south side of the tracks crossing 61st Street, 63rd Street and 70th Street, consist of 66,000 volt wires on steel structures. Due to the proposed construction, the 13,200 volt facility will be relocated to a proposed utility corridor adjacent to the west side of the street. The 13,200 volt facility on the north side of the tracks will be rearranged. The 120/240 volt facility will be removed and substituted by a new underground facility to supply street lights. One of the structures supporting the 66,000 volt line must be replaced by a higher structure. The estimated cost is \$80,000 for the 66,000 volt facility, and \$50,000 for the other facilities.

61st Street: There are no conflicts between the company and the construction of the AHSL at 61st Street; however, there may be interference during actual construction due to the use of certain types of construction equipment.

Island Avenue: The facilities at this location consist of a 230,000 volt transmission line, and an open wire line, on the south side of the Chester Branch. On the west side of Island Avenue there are aerial facilities, consisting of a 15,200

volt aerial line, a 4,000 volt aerial line and a 120/240 volt aerial line. There is no relocation of facilities anticipated at this crossing, however, it is anticipated that safety inspectors will be required during construction.

According to Philadelphia Electric Company all costs involved in this relocation of its facilities are covered by the agreement between the city of Philadelphia and the company, identified as City Exhibit No. 27 in this proceeding. Philadelphia Electric Company avers that it should be totally reimbursed for all expenses involving the presence of safety inspectors, de-energizing conductors or other precautionary measures it deems necessary. Also, the company shall determine the available time periods feasible for outages of the 66,000 volt line, in the event de-energizing of the aerial conductors is requested by the city or its contractor. If the required time for an outage results in inefficient system operation, then it is the opinion of the electric company that the contractor must bear the costs of these inefficiencies.

Lee A. Christman testified on behalf of ARCO Pipeline Company, indicating that City Exhibit No. 30, the agreement between the city of Philadelphia and ARCO Pipe Line Company, reimburses the company for all construction costs relating to its facilities that will be affected by the construction of the AHSL. He further testified that ARCO does not plan to relocate its pipe line unless it is fully reimbursed by the city.

FINDINGS

Upon careful consideration of all evidence of record, including the testimony and exhibits presented at the hearing held January 13, 1978, this Commission finds as hereinafter set forth:

1. In accordance with Sections 409 and 411 of the Public Utility Law, Act of May 28, 1937, P.L. 1053, as amended, 66 P.S. §§1179, 1181, the Application of City of Philadelphia, is properly before this Commission for determination.

2. The partial construction, proposed by applicant herein, is necessary for the completion of the AHSL, which will provide passenger service between Center-City Philadelphia and the Philadelphia International Airport Complex.

3. This application pertains to the overall construction, alteration, et al, of numerous crossings affected by the AHSL project, however, this order specifically involves the construction of the three above-grade highway bridges at 63rd Street (S.H.R. 67371), 70th Street (a city street) and Lindbergh Boulevard (S.H.R. 67309); the alteration of the existing above-grade highway bridge at 61st street (a city street) and the alteration to the tracks located beneath existing above-grade highway bridge at 84th Street (S.H.R. 67280); and the reconstruction of the at-grade crossing at Island Avenue (S.H.R. 67281).

4. Under a Capital Assistance Grant from U.S. Department of Transportation, Urban Mass Transportation Administration, (City Exhibit 25) the federal government will contribute 80% of the eligible construction costs.

5. The costs of the remaining 20% of said improvements will be paid, pursuant to agreement by the Commonwealth of Pennsylvania (16-2/3% of the cost) and the city of Philadelphia (3-1/3% of the cost).

6. City of Philadelphia has entered into agreements (City Exhibit 29, 30 and 31) with Philadelphia Gas Works, ARCO Pipeline Company and Mobil Pipeline Company wherein city of Philadelphia agrees to pay the companies 100% of the cost of alteration, relocation and construction of facilities necessitated by the construction of the AHSL.

7. City of Philadelphia has entered into agreement (City Exhibit 27) with Philadelphia Electric Company where City of Philadelphia agrees to pay the company 100% of the cost of allocation, relocation and construction of facilities necessitated by the construction of the AHSL.

8. City of Philadelphia has entered into agreement (City Exhibit 28) with The Bell Telephone Company of Pennsylvania wherein City of Philadelphia agrees to pay the utilities 50 percent of the cost for alteration, relocation and construction of the facilities during normal working hours, 100 percent of premium time differential costs for all overtime requested by the city; and 50 percent of the actual straight time associated with the requested overtime work.

9. All detours required by the construction, will be established and maintained by the city of Philadelphia, at its sole cost and expense.

10. It will not be necessary for this Commission to appropriate property for any of the proposed improvements.

11. City of Philadelphia agrees to assume responsibility for all future maintenance on the 63rd Street bridge, 70th Street bridge, 61st Street and Lindbergh Boulevard bridge.

12. Conrail has no objection to the construction of the AHSL.

13. At the Lindbergh Boulevard crossing there is one track of Conrail that is presently carrying no train movements.

14. At each of the other crossings involved in this proceeding, there are two tracks with four freight trains, a through freight train and a shifting or local freight train in each direction daily, operating at a maximum authorized speed of 15 miles per hour.

15. Pennsylvania Department of Transportation, Philadelphia Electric Company, Philadelphia Gas Works, The Bell Telephone Company of Pennsylvania, ARCO Pipe Line Company and Mobile Pipe Line Company do not have any objection to the construction of the AHSL.

16. The AHSL will be electrified for propulsion of the high-speed passenger trains.

17. City of Philadelphia agrees, at its initial cost and expense, to construct the project in accordance with its Exhibit Nos. 17, 18, 19, 20, 21, 22, 23 and 24.

Accordingly, upon careful review of all evidence of record in this proceeding and based upon the specific findings aforesaid we conclude that the request of City of Philadelphia seeking Commission approval for the construction of the rail-highway crossings involved in this proceeding, as part of the construction of the AHSL, should be approved, and, therefore we will approve the construction of those crossings as shown and defined in City of Philadelphia Exhibit Nos. 17 through 24, situated at 63rd Street, 70th Street, Lindbergh Boulevard, 61st Street, 84th Street and Island Avenue.

Further, we deem it fair and appropriate that insofar as there exist agreements between the parties to this proceeding relating to the funding of this improvement, this Commission should not abrogate such agreements by independent assessment and allocation of those costs.

We recognize that the payment of the construction costs for the involved improvement has been established under a Capital Assistance Grant from the United States Department of Transportation, Urban Mass Transportation Administration, whereby the Federal government agrees to

pay 80% of the eligible costs (City Exhibit No. 25). We also recognize that the Pennsylvania Department of Transportation, a party to this proceeding, has agreed to pay 16-2/3% of the costs of construction (City Exhibit No. 26). Accordingly, we conclude that the City of Philadelphia should, at its initial cost and expense, construct the project, with reimbursement to the City by PennDOT of 16-2/3% of the construction costs, as agreed to by PennDOT, and without prejudice to the City's right to recover from UMTA all or any portion of the project construction costs pursuant to the lawful agreement existing between the City and UMTA.

We also recognize that the City of Philadelphia has consummated lawful agreements with Philadelphia Facilities Management Corporation (owner-operator of Philadelphia Gas Works), Philadelphia Electric Company, The Bell Telephone Company of Pennsylvania, ARCO Pipe Line Company and Mobil Pipe Line Company for alteration, relocation and construction of facilities and further that these agreements cover reimbursement to these companies for costs incurred as a result of facility relocations necessitated by the proposed projects. All appropriate agreements were submitted and have been approved by this Commission pursuant to Section 911 of the Public Utility Law, except the agreement between the City and Mobil Pipe Line Company which was dismissed for lack of jurisdiction under Section 911 since said company is not a public utility.

We do, however, recognize and approve the agreement between the City and Mobil Pipe Line Company on the basis that said company is a private property owner with facilities at or adjacent to the subject crossings, subject to our grade crossing jurisdiction as a party to this proceeding. Accordingly, we direct that the necessary adjustments or relocations of Mobil's facilities and payment of Mobil's relocation costs be in accordance with the agreement entered into on October 11, 1977, between the City and Mobil Pipe Line Company, City Exhibit No. 31; **THEREFORE,**

**IT IS ORDERED:**

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

2. That two new crossings, above grade, where 63rd Street (State Highway Route 67371) and 70th Street, (a city street) constructed as proposed, will cross above the grade of the tracks of the proposed Airport High Speed Line, in the city and county of Philadelphia, be constructed; generally in accordance with the detailed construction drawings prepared by City of Philadelphia and admitted at the hearing held January 13, 1978, as City Exhibit Nos. 17 and 18, which plans are made part hereof and are hereby approved.

3. That a new crossing, above grade, where Lindbergh Boulevard (State Highway Route 67309), constructed as proposed, will cross above

the grade of the tracks of the proposed Airport High Speed Line, in the city and county of Philadelphia, be constructed; generally in accordance with the detailed construction drawings prepared by city of Philadelphia and admitted at the hearing held January 13, 1978, as City Exhibit Nos.

21 and 22, which plans are made part hereof, and are hereby approved.

4. That the existing crossing, above grade, where 61st Street crosses above the grade of tracks of the proposed Airport High Speed Line, in the city and county of Philadelphia, be altered and/or reconstructed; generally in accordance with the detailed construction drawings prepared by city of Philadelphia and admitted at the hearing held January 13, 1978, as City Exhibit Nos. 19 and 20, which plans are made part hereof and are hereby approved.

5. That the existing crossing above grade, where 84th Street (State Highway Route 67280) crosses above the grade of tracks of the proposed Airport High Speed Line, in the city and county of Philadelphia, be altered and/or reconstructed; generally in accordance with the detailed construction drawings to replace the track and track roadbed, prepared by city of Philadelphia and admitted at the hearing held January 13, 1978, as City Exhibit No. 23, which plan is made part hereof and is hereby approved.

6. That the existing crossing, at grade, where Island Avenue (State Highway Route 67281) crosses the tracks of the proposed Airport High Speed Line, in the city and county of Philadelphia, be altered and/or reconstructed; generally in accordance with the detailed construction

drawings to replace the track and track roadbed prepared by the city of Philadelphia and admitted at the hearing held January 13, 1978, as City Exhibit 24, which plan is made part hereof, and is hereby approved.

7. That city of Philadelphia at its initial cost and expense,

furnish all material and do all work necessary to construct the improvements as set forth in more detail and approved in numbered paragraphs 2, 3, 4,

5 and 6, hereinabove; including all structures, roadway paving, track and track roadbed rehabilitation and drainage facilities attendant thereto, all in accordance with the plans hereinabove approved.

8. That Consolidated Rail Corporation, at its initial cost

and expense, furnish all materials and do all work necessary to make any temporary or permanent alterations or relocations of its tracks, signals, wire lines or other facilities required by reason of the construction of the improvements; and in addition, furnish and maintain watchmen and flagmen as may be necessary to protect its facilities and operations during the time the project is being constructed over, across or adjacent to its tracks.

9. That Consolidated Rail Corporation, at its initial cost

and expense, furnish any construction inspectors as required to observe

the progress of the work during the time the project is being constructed over, across or adjacent to its tracks; and, in addition, furnish such

engineering services as may be required to ensure the safety of its

operations and facilities which may be affected by the design and construction of the railroad-highway crossing improvements.

10. That Philadelphia Gas Works, at its initial cost and expense, furnish all material and do all work necessary to make any temporary or permanent alterations, relocations and/or changes to its existing gas mains, structures, equipment or other facilities, as required by reason of and to accommodate construction of the improvement in accordance with this order.

11. That Philadelphia Electric Company, at its initial cost and expense, furnish all material and do all work necessary to make any temporary or permanent alterations, relocations and/or changes to its existing aerial and underground lines, conduits, structures, equipment or other facilities, as required by reason of and to accommodate construction of the improvement in accordance with this order.

12. That Philadelphia Electric Company, at its initial cost and expense, furnish and maintain such safety inspectors or other personnel, as required to ensure the safety of its facilities and equipment at these locations and to avoid personal injury or property damage during the time of construction in accordance with this order.

13. That The Bell Telephone Company of Pennsylvania, at its initial cost and expense, furnish all material and do all work necessary to make any temporary or permanent alterations, relocations and/or changes to its existing aerial and underground lines, conduits, structures, equipment or other facilities, as required by reason of and to accommodate construction of the improvement in accordance with this order.

14. That ARCO Pipe Line Company, at its initial cost and expense, furnish all material and do all work necessary to make any temporary or permanent alterations, relocations and/or changes to its existing pipe lines, structures, equipment or other facilities, as required by reason of and to accommodate construction of the improvement in accordance with this order.

15. That Mobil Pipe Line Company, having agreed so to do, under the terms of its agreement with the City, City Exhibit No. 31, at its initial cost and expense, furnish all material and do all work necessary to make any temporary or permanent alterations, relocations and/or changes to its existing pipe lines, structures, equipment or other facilities, as required by reason of and to accommodate construction of the improvement in accordance with this order.

16. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, exclusive of Consolidated Rail Corporation, Philadelphia Gas Works, Philadelphia Electric Company, The Bell Telephone Company of Pennsylvania, ARCO Pipe Line Company and Mobil Pipe Line Company, as hereinabove provided, located within or beyond the limits of the improvement, which may be required as incidental to the construction of the project, be made by said public utility, at its sole cost and expense, and in such a manner as will not interfere with the construction of the improvement; and said relocated or changed facilities thereafter be maintained by the respective utility.

17. That city of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to effect the vacation, relocation, removal or demolition of any non-utility structure, including occupied dwellings, located upon property required for purpose of the improvement.

18. That city of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to establish and maintain any detours which may be found necessary or advisable to accommodate properly vehicular and pedestrian traffic during the time the project is being constructed.

19. That city of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to complete the remainder of the crossing improvements in accordance with the approved plans.

20. That all work of constructing crossing improvements be completed in a manner satisfactory to this Commission on or before December 31, 1981; and that on or before said date, each party hereto report to this Commission the date of actual completion of its respective portions of the work; and at the earliest practicable time subsequent to said date of completion, submit to this Commission a detailed statement of the actual costs incurred by it in furnishing material and in performing work on each of the respective portions of the project, in compliance with this order.

21. That city of Philadelphia cooperate with Consolidated Rail Corporation, so that, in the construction of the crossing improvements, the operations and facilities of the company will not be endangered or unnecessarily impeded.

22. That during the time the crossing improvements are being constructed over, across or adjacent to its tracks, Consolidated Rail Corporation cooperate with city of Philadelphia and conduct its operations in a safe manner and under control.

23. That city of Philadelphia, at its initial cost and expense, pay all compensation for damages, if any, due to the owners for property taken, injured or destroyed by reason of the construction of railroad-highway crossing improvements in accordance with this order.

24. That city of Philadelphia pay Consolidated Rail Corporation a sum or sums of money equal to the actual cost of watchmen and flagmen services rendered by Consolidated Rail Corporation to protect its operations and facilities, contingent solely upon the work and operations of the city and/or its contractor(s) during the time the project is being constructed over, across or adjacent to the tracks of the corporation.

25. That city of Philadelphia pay Consolidated Rail Corporation, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to the actual costs of material furnished and work performed by Consolidated Rail Corporation in compliance with

17. That city of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to effect the vacation, relocation, removal or demolition of any non-utility structure, including occupied dwellings, located upon property required for purpose of the improvement.

18. That city of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to establish and maintain any detours which may be found necessary or advisable to accommodate properly vehicular and pedestrian traffic during the time the project is being constructed.

19. That city of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to complete the remainder of the crossing improvements in accordance with the approved plans.

20. That all work of constructing crossing improvements be completed in a manner satisfactory to this Commission on or before December 31, 1981; and that on or before said date, each party hereto report to this Commission the date of actual completion of its respective portions of the work; and at the earliest practicable time subsequent to said date of completion, submit to this Commission a detailed statement of the actual costs incurred by it in furnishing material and in performing work on each of the respective portions of the project, in compliance with this order.

21. That city of Philadelphia cooperate with Consolidated Rail Corporation, so that, in the construction of the crossing improvements, the operations and facilities of the company will not be endangered or unnecessarily impeded.

22. That during the time the crossing improvements are being constructed over, across or adjacent to its tracks, Consolidated Rail Corporation cooperate with city of Philadelphia and conduct its operations in a safe manner and under control.

23. That city of Philadelphia, at its initial cost and expense, pay all compensation for damages, if any, due to the owners for property taken, injured or destroyed by reason of the construction of railroad-highway crossing improvements in accordance with this order.

24. That city of Philadelphia pay Consolidated Rail Corporation a sum or sums of money equal to the actual cost of watchmen and flagmen services rendered by Consolidated Rail Corporation to protect its operations and facilities, contingent solely upon the work and operations of the city and/or its contractor(s) during the time the project is being constructed over, across or adjacent to the tracks of the corporation.

25. That city of Philadelphia pay Consolidated Rail Corporation, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to the actual costs of material furnished and work performed by Consolidated Rail Corporation in compliance with

numbered Paragraph 8 of this order, exclusive of the cost of watchmen and flagmen services reimbursed to the corporation in accordance with numbered Paragraph 24, above; and, in addition, a sum or sums of money equal to the actual cost of construction inspector services and engineering services rendered by the corporation in compliance with numbered Paragraph 9 of this order.

26. That city of Philadelphia in accordance with its agreement with Philadelphia Facilities Management Corporation (owner-operator of Philadelphia Gas Works), pay Philadelphia Gas Works, a sum or sums of money equal to the actual cost of material furnished and work performed by Philadelphia Gas Works in compliance with numbered Paragraph 10 of this order; said reimbursement to the company by city of Philadelphia may include items of work and expense incurred by the company such as are eligible for payment under the rules, regulations and administrative orders of the Federal Department of Transportation, Urban Mass Transportation Administration covering Mass Transportation projects undertaken with federal funds; the salvage value of material recovered or temporarily used to be deducted from the actual cost of that portion of work done or material furnished by the company at the expense of city of Philadelphia.

27. That city of Philadelphia in accordance with its agreement with Philadelphia Electric Company, pay Philadelphia Electric Company, a sum or sums of money equal to the actual cost of material furnished and work performed by Philadelphia Electric Company in compliance with numbered Paragraph 11 and 12 of this order; said reimbursement to the

company by city of Philadelphia may include items of work and expense incurred by the company such as are eligible for payment under the rules, regulations and administrative orders of the Federal Department of Transportation, Urban Mass Transportation Administration covering Mass Transportation projects undertaken with federal funds; the salvage value of material recovered or temporarily used to be deducted from the actual cost of that portion of work done or material furnished by the company at the expense of city of Philadelphia.

28. That city of Philadelphia in accordance with its agreement with The Bell Telephone Company of Pennsylvania, pay The Bell Telephone Company of Pennsylvania a sum or sums of money equal to fifty percent (50%) of the actual cost of material furnished and work performed, during normal working hours, by The Bell Telephone Company of Pennsylvania in compliance with Paragraph No. 13 of this order; said reimbursement to the company by city of Philadelphia may include items of work and expense incurred by the company such as are eligible for payment under the rules, regulations and administrative orders of the Federal Department of Transportation, Urban Mass Transportation Administration covering mass transportation projects undertaken with federal funds; the salvage value of material recovered or temporarily used to be deducted from the actual cost of that portion of work done or material furnished by the company at the expense of city of Philadelphia.

29. That city of Philadelphia in accordance with its agreement with ARCO Pipe Line Company, pay ARCO Pipe Line Company a sum or sums of

money equal to the actual cost of material furnished and work performed by ARCO Pipe Line Company in compliance with numbered Paragraph 14 of this order; said reimbursement to the company by city of Philadelphia may include items of work and expense incurred by the company such as are eligible for payment under the rules, regulations and administrative orders of the Federal Department of Transportation, Urban Mass Transportation Administration covering mass transportation projects undertaken with federal funds; the salvage value of material recovered or temporarily used to be deducted from the actual cost of that portion of work done or material furnished by the company at the expense of the city of Philadelphia.

30. That city of Philadelphia in accordance with its agreement with Mobil Pipe Line Company pay Mobil Pipe Line Company a sum or sums of money equal to the actual cost of material furnished and work performed by Mobil Pipe Line Company in compliance with numbered Paragraph 15 of this order; said reimbursement to the company by city of Philadelphia may include items of work and expense incurred by the company such as are eligible for payment under the rules, regulations and administrative orders of the Federal Department of Transportation, Urban Mass Transportation Administration covering mass transportation projects undertaken with federal funds; the salvage value of material recovered or temporarily used to be deducted from the actual cost of that portion of work done or material furnished by the company at the expense of the city of Philadelphia.

31. That Department of Transportation of the Commonwealth of Pennsylvania in accordance with its agreement with the City pay the City a sum or sums of money equal to sixteen and two-third percent (16-2/3%) of the actual cost of material furnished and work performed by the City of Philadelphia in compliance with Paragraph 7 of this order.

32. That upon completion of the construction of the improvements and their opening to public use, Consolidated Rail Corporation, at its sole cost and expense, furnish all materials and do all work necessary thereafter to maintain its tracks, signals, wirelines or other facilities in the vicinity of the subject improvements, constructed in compliance with this order.

33. That upon completion of the construction of the improvements and their opening to public use, Philadelphia Gas Works, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its existing and/or altered facilities located at or in the vicinity of the subject improvements, constructed in compliance with this order.

34. That upon completion of the construction of the improvements and their opening to public use, Philadelphia Electric Company, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its existing and/or altered facilities located at or in the vicinity of the subject improvements, constructed in compliance with this order.

35. That upon completion of the construction of the improvements and their opening to public use, Philadelphia Electric Company, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its existing and/or altered facilities located at or in the vicinity of the subject improvements, constructed in compliance with this order.

36. That upon completion of the construction of the improvements and their opening to public use, The Bell Telephone Company of Pennsylvania, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its existing and/or altered facilities located at or in the vicinity of the subject improvements, constructed in compliance with this order.

37. That upon completion of the construction of the improvements and their opening to public use, ARCO Pipe Line Company, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its existing and/or altered facilities located at or in the vicinity of the subject improvements, constructed in compliance with this order.

38. That upon completion of the construction of the improvements and their opening to public use, Department of Transportation of the Commonwealth of Pennsylvania, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the approaches of all State-designated Highway Routes constituting crossings with the Airport High Speed Line, as constructed in compliance with this order.

39. That upon completion of the construction of the improvements and their opening to public use, city of Philadelphia, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the approaches of all City-designated Public Streets constituting crossings with the Airport High Speed Line, as constructed in compliance with this order.

40. That upon completion of the construction of the improvements and their opening to public use, city of Philadelphia, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the remainder of the improvements, including the tracks, track roadbed, substructures, superstructures and roadway paving of the structures at 61st Street, 63rd Street, 70th Street, Lindbergh Boulevard and 83rd, and in addition the crossing, at grade, at Island Avenue, and other ancillary facilities of the Airport High Speed Line, complete, all as constructed in compliance with this order.

41. That this order, insofar as it imposes costs of construction and maintenance upon city of Philadelphia is without prejudice to the right of City of Philadelphia to recover part or all of such cost thus incurred from SEPTA, Philadelphia Gas Works, Philadelphia Electric Company, The Bell Telephone Company of Pennsylvania, Consolidated Rail Corporation, ARCO Pipe Line Company, Mobil Pipe Line Company, Pennsylvania Department of Transportation and United States Department of Transportation (Urban Mass Transportation Administration), or others in accordance with

any lawful agreement between the parties. To the extent, there are agreements between any of the parties, the payments and payment procedures specified in the agreements shall govern. Upon completion of the work, a final statement of the costs shall be submitted to the Pennsylvania Public Utility Commission for certification.

BY THE COMMISSION,

G. J. McElwee  
Secretary

(SEAL)

ORDER ADOPTED: June 27, 1978

ORDER ENTERED: **JUN 30 1978**