

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application Docket No. 83618

In re: Application of DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA - For approval of the alteration and reconstruction of the crossing where State Highway Route 148 crosses above the grade of the tracks of The Pennsylvania Railroad Company, in East Lampeter Township, Lancaster County, and the allocation of the costs and expenses incident thereto.

ORDER

BY THE COMMISSION, APRIL 1, 1957:

State Highway Route 148 extends in a general southwesterly direction about 31 miles from a point in the City of Reading, Berks County, to a junction with State Highway Route 142 in East Lampeter Township, Lancaster County, about two miles east of the City of Lancaster. At a point in East Lampeter Township, about 762 feet north of said junction, State Highway Route 148 crosses over and above the grade of three electrified tracks of the main line of The Pennsylvania Railroad Company.

The bridge which carries State Highway Route 148 over the tracks of The Pennsylvania Railroad Company was constructed supposedly as a temporary bridge by the railroad company in accordance with an order issued September 23, 1929 by our predecessor, The Public Service Commission of the Commonwealth of Pennsylvania, at Application Docket No. 21419. The bridge is a single-span girder structure having a total length of 73 feet and is supported at each end upon masonry abutments. The superstructure consists of steel girders and floor beams with a timber floor and has a clear roadway width of 18 feet. The vertical clearance between the top of the rail and the bottom of the superstructure is 20 feet 2 inches.

The substructure and superstructure of the bridge are maintained by The Pennsylvania Railroad Company and the highway approaches to the structure are maintained by Department of Highways of the Commonwealth of Pennsylvania.

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The order of September 23, 1929 at Application Docket No. 21419, supra, provided, inter alia, that within one year from the date of the order the temporary bridge was to be replaced with a permanent structure on an improved alignment so as to eliminate the reverse curves on the approaches. The record in this proceeding indicates that the so-called temporary structure was never replaced by a permanent bridge, and that the approaches to the bridge have never been reconstructed to eliminate the reverse curves.

In addition, the highway grades on each side of the bridge descend at the rates of eight per cent for the first hundred feet; four per cent for the second hundred feet, and one per cent for the third hundred feet. The highway approaches are graded for a width of 30 feet and paved with bituminous material for a width of 20 feet.

Daily highway traffic, at the location of the crossing, averages 675 passenger cars and 125 trucks or a total of 800 motor vehicles. It is anticipated that in 1964 average daily traffic will consist of 1,000 motor vehicles.

Daily rail traffic at the location of the crossing consists of 21 passenger trains westbound and 20 passenger trains eastbound, operated at speeds not in excess of 75 miles an hour and 12 freight trains westbound and 14 freight trains eastbound operated at speeds not in excess of 50 miles an hour.

Because of the narrow roadway width of the existing bridge and in order to improve the alignment and grades on the existing approaches to the crossing, Department of Highways proposes to reconstruct the approaches and the bridge so as to accommodate modern traffic. In the instant application, Department of Highways seeks our approval of such alteration of the crossing, above grade, and the allocation of the costs.

A general plan, prepared by Department of Highways and submitted of record at the hearing held January 17, 1957 as Department of Highways' Exhibit No. 1, shows that the highway will be reconstructed on revised grades and alignment from its junction with State

Highway Route 142 approximately 750 feet south of the crossing to a point about 600 feet north of the crossing. The approaches to the crossing will be graded for widths varying from 32 to 36 feet, and the center portion thereof will be paved for a width of 21 feet with a bituminous surface crushed aggregate base.

The plan also shows that a new bridge will be constructed at approximately the location of the existing bridge.

Detail bridge plans, submitted of record at the hearing as Department of Highways' Exhibit No. 2, show that the proposed bridge over the railroad tracks is a three-span concrete deck steel I-beam structure having a total length of 171 feet, 7 $\frac{1}{4}$ inches. The superstructure will be supported at each end upon concrete abutments and at the two intermediate points upon concrete piers. A minimum horizontal clearance of 12 feet 4 $\frac{1}{4}$ inches is provided between the center lines of the tracks and the face of the nearest pier and a minimum vertical clearance of 23 feet 6 inches is provided between the tops of rails and the bottom of the superstructure.

The bridge will provide a roadway 28 feet in width between curbs and a sidewalk five feet in width along the easterly side of the roadway. Parapet walls approximately three feet in height will be constructed along each side of the roadway on the two outer spans and on the center span, which extends over the tracks of the railroad company, a solid protective barrier approximately six feet seven inches in height will extend along the outer edge of the sidewalk on the east side and outside the curb on the west side.

The cost of constructing the bridge structure and reconstructing the highway between State Highway Survey stations 0+0 and 10+20, which constitutes the highway-railroad improvement to which this Commission is limiting its jurisdiction, is estimated by Department of Highways at \$157,850 and consists of the following items:

Grading	\$ 25,000
Drainage	2,200
Pavement	8,400
Bridge	106,000
Curb and sidewalk	100
Guard fence	1,800
Contingencies	<u>14,350</u>
Total	\$157,850

Department of Highways proposes to perform all work to construct the entire improvement in accordance with the plans submitted as Department of Highways' Exhibit Nos. 1 and 2, and agrees to assume any fair share of the construction costs allocated to it. It is anticipated that funds used to defray the cost of the proposed construction will be 100 per cent State funds.

It will be necessary for this Commission to appropriate property for the increased width of right of way of the highway within the portion of the improvement over which we have assumed jurisdiction. Descriptions of the properties to be appropriated were prepared by Department of Highways and submitted of record at the hearing held January 17, 1957 as Department of Highways' Exhibit No. 4. Damages for property that may be taken, injured or destroyed by reason of the proposed reconstruction of the highway and the alteration of the bridge are estimated at \$6,750, and Department of Highways agrees to be made responsible for the settlement and the payment of the property damages.

Department of Highways agrees to maintain the highway approaches, but is of the opinion that the railroad company should be required to maintain the new bridge.

The record discloses that it will be necessary for Department of Highways to provide a temporary route for highway traffic during the time the alteration of the highway and the reconstruction of the bridge is in progress.

The Pennsylvania Railroad Company has no objection to the construction of the crossing improvement in accordance with the general and detail construction plans submitted of record by Department of Highways.

In event the application is approved and the crossing improvement constructed in accordance with the general and detail construction plan, the railroad company agrees to perform all work necessary to alter temporarily as well as to relocate permanently its communication and signal cables and catenary facilities at the location of the crossing. The estimated cost of this work totals \$9,100 and consists of the following items:

Temporary relocation of communication system	\$5,101
Restoration of communication system	2,499
Temporary arrangement of catenary system	970
Restoration of catenary system	<u>530</u>
Total	\$9,100

The Pennsylvania Railroad Company also will require watchmen and/or flagmen at the site of the improvement during construction, when necessary in the opinion of the railroad company, to provide protection for railroad operations. According to testimony submitted by a witness for the railroad company, the railroad company must have construction and engineering inspectors on the site when deemed necessary in the opinion of the railroad company. The railroad company will furnish all such employes, but is of the opinion that the cost incurred should be borne by others.

The record discloses that the bridge structure has been maintained by The Pennsylvania Railroad Company but the railroad company has not maintained the highway approaches. The railroad company does not believe that it has any obligation with respect to the proposed reconstruction of this bridge and is unwilling to assume any cost in respect thereto.

The witness for the railroad company testified that the bridge is a permanent structure and is in good condition and the project does not involve a grade elimination. According to the witness, Department of Highways is doing nothing more than realigning and reconstructing the highway in general and, in connection therewith, desires to reconstruct and widen the bridge, and this is of no

benefit or advantage to the railroad company.

The railroad company agrees to maintain, at its expense, its relocated or altered communication lines, signal lines, catenary system, tracks and roadbed beneath the new structure, and it is also willing to maintain, at its expense, the substructure and superstructure of the bridge, exclusive of the roadway and sidewalk. According to the railroad company, the roadway and sidewalk should be maintained by others.

The relocation and reconstruction of the highway and bridge structure, as proposed, will require temporary and permanent relocation of facilities of The Bell Telephone Company of Pennsylvania. The temporary work will be performed by the telephone company at its own expense, estimated at \$1,200 prior to the reconstruction of the bridge, but the telephone company desires to relocate permanently its line and ducts on the reconstructed bridge, as provided for on the detail construction plans. The cost of installing ducts and other required facilities on the reconstructed bridge is estimated to cost \$1,300. The telephone company agrees to furnish all material and assume all costs in connection with relocating and reconstructing its facilities required by reason of the reconstruction of the highway and the bridge structure, and will arrange directly with the contractor building the bridge to place the duct facilities.

Upon full consideration of the matters and things involved, we find and determine that the alteration of the above-described highway-railroad crossing in East Lampeter Township, Lancaster County, in accordance with the general plan submitted of record as Department of Highways' Exhibit No. 1, is necessary or proper for the service, accommodation, convenience or safety of the public;
THEREFORE,

IT IS ORDERED:

1. That the instant application be and is hereby approved.
2. That the existing crossing where State Highway Route 148 crosses above the grade of the main line tracks of the Harrisburg District of the Philadelphia region of The Pennsylvania Railroad Company in East Lampeter Township, Lancaster County, be altered in accordance with the general plan submitted of record at the hearing held January 17, 1957 as Department of Highways' Exhibit No. 1, which said plan is attached hereto, is made part hereof and is hereby approved, except insofar as it may relate to the deletion of work, the division of work or to the allocation of the costs and expenses incident to the construction or maintenance of the improvement.
3. That the plans showing the details of the substructure and superstructure of the new crossing, above grade, submitted of record at the hearing held January 17, 1957 as Department of Highways' Exhibit No. 2, be and are hereby approved.

4. That, in accord with the provisions of Section 409 of the Public Utility Law, 1937, P.L. 1053, as amended by Act No. 388, approved the 25th day of May, 1945, P.L. 1012, the following described properties, together with all buildings, structures or parts thereof, of any description or use whatsoever, erected or located thereon, be and are hereby severally taken and appropriated for the purpose of the improvement in accordance with the approved plan filed of record at Application Docket No. 83618 with Pennsylvania Public Utility Commission at Harrisburg, Pennsylvania, and that numbered Paragraph 4 of this order shall be recorded in its entirety by the Recorder of Deeds of Lancaster County, and shall be indexed under the name or names of the record owners of such properties, at the sole cost and expense of Department of Highways of the Commonwealth of Pennsylvania, applicant herein.

1. Maurice W. and Daisy C. Sullivan, record owners
Box 2037 Old Philadelphia Pike
Lancaster, Pennsylvania

ALL THAT CERTAIN tract of land situated in East Lampeter Township, Lancaster County, bounded and described as follows, to wit:

Beginning at a point on the westerly side of State Highway Route 148, Section 11, said point being on the northerly legal right of way line of State Highway Route 142 and on the required right of way line for State Highway Route 148 and distant seventy-eight (78) feet westerly from the construction center line of State Highway Route 148 at or about Station 0+15 thereof and measured at right angles thereto; thence in a northeasterly direction along said required right of way line and along the arc of a circular curve to the left with a radius of fifty-five (55) feet to a point distant thirty (30) feet northerly and measured at right angles from the construction center line of Route 148 at or about Station 0+70 thereof; thence in a northerly direction along the required right of way line to a point distant thirty (30) feet northerly and measured radially from the construction center line at or about Station 3+16 thereof; thence in an easterly direction to a point on the legal right of way line distant twenty-eight and five tenths (28.5) feet westerly and measured radially from the construction center line at or about Station 3+16 thereof; thence in a southerly direction along the legal right of way line to a point distant twenty-eight (28) feet westerly and measured radially from the construction center line at or about Station 2+92 thereof; thence in a southerly direction along the legal right of way line to a point distant twenty-five (25) feet westerly and measured at right angles from the construction

center line at or about Station 0+65 thereof; thence in a southwesterly direction along the legal right of way line and along the arc of a circular curve to the right to a point and place of beginning and containing five-hundred seventeen ten thousandths (0.0517) of an acre of land, more or less.

The above tract of land is a portion of real estate which became legally vested in Maurice W. and Daisy C. Sullivan by deed of Omer W. and Ida B. Landis, dated March 31, 1931 and recorded March 31, 1931 in Deed Book N, Volume 30, page 380 in the Lancaster County Courthouse.

2. Paul W. March, record owner
R. D. No. 4
Lancaster, Pennsylvania

ALL THAT CERTAIN tract of land situated in East Lampeter Township, Lancaster County, bounded and described as follows, to wit:

Beginning at a point on the easterly side of State Highway Route 148, Section 11, said point being on the northerly legal right of way line of State Highway Route 142 and distant ninety (90) feet easterly from the construction center line of State Highway Route 148, Section 11 at or about Station 0+36 thereof and measured at right angles thereto; thence in a westerly direction along said legal right of way line to a point distant forty-five (45) feet easterly and measured at right angles from the construction center line of State Highway Route 148 at or about Station 0+31 thereof; thence in a northwesterly direction along the legal right of way line of the present State Highway Route 148 and along the arc of a circular curve to the right to a point distant twenty-five (25) feet easterly and measured at right angles from the construction center line of State Highway Route 148, Section 11 at or about Station 0+48 thereof; thence in a northerly direction along said legal right of way line to a point distant twenty-one (21) feet easterly and measured radially from the construction center line at or about Station 2+92 thereof; thence in a northerly direction along said legal right of way line to a point distant twenty (20) feet easterly and measured radially from the construction center line at or about Station 3+35 thereof; thence in a westerly direction along said legal right of way line to a point distant ten (10) feet easterly and measured radially from the construction center line at or about Station 3+35 thereof; thence in a northerly direction along said legal right of way line to a point distant ten (10) feet easterly and measured radially from the construction center line at or about Station 3+50 thereof; thence in a northerly direction along said legal right of way line to a point distant fourteen (14) feet easterly and measured radially from the construction center line at or about Station 4+47 thereof; thence in a northeasterly direction along said legal right of way line to a point distant eighteen (18) feet easterly and measured radially from the construction center line at or about Station 4+72 thereof; thence in an easterly direction to a point on the required limit of slope line distant forty (40) feet easterly and measured radially from the construction center line at or about Station 4+75 thereof; thence in a southwesterly direction along the required limit of slope line to a point distant

thirty (30) feet easterly and measured radially from the construction center line at or about Station 4+00 thereof; thence in a southerly direction along the required right of way line to a point distant thirty (30) feet easterly and measured at right angles from the construction center line at or about Station 0+90 thereof; thence in a southeasterly direction along the required right of way line and along the arc of a circular curve to the left with a radius of fifty-five (55) feet to a point and place of beginning and containing one thousand two hundred five ten thousandths (0.1205) of an acre of land, more or less.

The above tract of land is a portion of real estate which became legally vested in Paul W. March by deed of Amos L. Smucker, Administrator of the estate of Katie L. Smucker, dated May 6, 1955 and recorded May 6, 1955 in Deed Book G, Volume 44, page 146 in the Lancaster County Courthouse.

3. Omer W. and Ida B. Landis, record owners
R. D. No. 4
Lancaster, Pennsylvania

ALL THAT CERTAIN tract of land situated in East Lampeter Township, Lancaster County, bounded and described as follows, to wit:

Beginning at a point on the westerly side of State Highway Route 148, Section 11, said point being on the required right of way line and distant thirty (30) feet westerly from the construction center line at or about Station 3+16 thereof and measured radially thereto; thence in a northerly direction along the required right of way line to a point distant thirty (30) feet westerly and measured radially from the construction center line at or about Station 3+50 thereof; thence in a northerly direction along the required limit of slope line to a point distant forty (40) feet westerly and measured radially from the construction center line at or about Station 4+50 thereof; thence in a northerly direction along the required limit of slope line to a point distant forty-five (45) feet westerly and measured radially from the construction center line at or about Station 5+00 thereof; thence in a northerly direction along the required limit of slope line to a point distant fifty-one (51) feet westerly and measured radially from the construction center line at or about Station 6+00 thereof; thence in a northerly direction along the required limit of slope line to a point distant fifty-two (52) feet westerly and measured radially from the construction center line at or about Station 6+50 thereof; thence in a northeasterly direction along the required limit of slope line to a point on the southerly right of way line of The Pennsylvania Railroad company distant thirty-eight (38) feet westerly and measured radially from the construction center line at or about Station 6+81 thereof; thence in an easterly direction along said railroad right of way line to a point distant twenty-eight (28) feet westerly and measured radially from the construction center line at or about Station 6+85 thereof; thence in a southerly direction along said railroad right of way line to a point on the legal right of way line distant five (5) feet westerly and measured radially from the construction center line at or about Station 6+08 thereof; thence in a southwesterly direction along the

legal right of way line to a point distant nine (9) feet westerly and measured radially from the construction center line at or about Station 5+50 thereof; thence in a south-westerly direction along the legal right of way line to a point distant nineteen (19) feet westerly and measured radially from the construction center line at or about Station 4+55 thereof; thence in a southerly direction along the legal right of way line to a point distant twenty-two (22) feet westerly and measured radially from the construction center line at or about Station 3+50 thereof; thence in a southerly direction along the legal right of way line to a point distant twenty-two (22) feet westerly and measured radially from the construction center line at or about Station 3+35 thereof; thence in a westerly direction along the legal right of way line to a point distant twenty-nine (29) feet westerly and measured radially from the construction center line at or about Station 3+35 thereof; thence in a southerly direction along the legal right of way line to a point distant twenty-eight and five tenths (28.5) feet westerly and measured radially from the construction center line at or about Station 3+16 thereof; thence in a westerly direction to a point and place of beginning and containing two thousand three hundred fifty-three ten thousandths (0.2353) of an acre of land, more or less.

The above tract of land is a portion of real estate which became legally vested in Omer W. and Ida B. Landis by deed of Freda V. Hart, dated December 18, 1936 and recorded December 18, 1936 in Deed Book U, Volume 32, page 596 in the Lancaster County Courthouse.

4. Kenneth Wilkinson, record owner
1914 Eden Road
Lancaster, Pennsylvania

ALL THAT CERTAIN tract of land situated in East Lampeter Township, Lancaster County, bounded and described as follows, to wit:

Beginning at a point on the easterly side of State Highway Route 148, Section 11 said point being on the required limit of slope line and distant forty (40) feet easterly from the construction center line at or about Station 4+75 thereof and measured radially thereto; thence in a westerly direction to a point on the legal right of way line distant eighteen (18) feet easterly and measured radially from the construction center line at or about Station 4+72 thereof; thence in a northeasterly direction along the legal right of way line to a point distant twenty-four (24) feet easterly and measured radially from the construction center line at or about Station 5+50 thereof; thence in a northeasterly direction along the legal right of way line to a point distant thirty (30) feet easterly and measured radially from the construction center line at or about Station 6+50 thereof; thence in a northerly direction along the legal right of way line to a point distant twenty-five (25) feet easterly and measured radially from the construction center line at or about Station 7+03 thereof; thence in a northerly direction along the legal right of way line to a point on the southerly right of way line of The Pennsylvania Railroad Company distant twenty-three (23) feet easterly and measured radially from the construction center line at or about Station 7+12 thereof; thence in an

easterly direction along said railroad right of way line to a point on the required right of way line distant thirty (30) feet easterly and measured radially from the construction center line at or about Station 7+14 thereof; thence in a southerly direction along the required right of way line to a point distant thirty (30) feet easterly and measured radially from the construction center line at or about Station 7+00 thereof; thence in a southerly direction along the required limit of slope line to a point distant fifty (50) feet easterly and measured radially from the construction center line at or about Station 6+50 thereof; thence in a southerly direction along the required limit of slope line to a point and place of beginning and containing one thousand sixty-two ten thousandths (0.1062) of an acre of land, more or less.

The above tract of land is a portion of real estate which became legally vested in Kenneth Wilkinson by deed of Amos L. Smucker, Administrator of the estate of Katie L. Smucker, dated May 5, 1955 and recorded June 2, 1955 in Deed Book K, Volume 44, page 86 in the Lancaster County Courthouse.

5. Christian D. and Grace W. Landis, record owners
R. D. No. 4, Box 312
Lancaster, Pennsylvania

ALL THAT CERTAIN tract of land situated in East Lampeter Township, Lancaster County, bounded and described as follows, to wit:

Beginning at a point on the northwesterly side of State Highway Route 148, Section 11, said point being on the northerly right of way line of The Pennsylvania Railroad Company and on the northwesterly required limit of slope line and distant fifty-two (52) feet northwesterly from the construction center line at or about Station 8+67 thereof and measured radially thereto; thence in a north-easterly direction along the required limit of slope line to a point distant fifty-two (52) feet northwesterly and measured at right angles from the construction center line at or about Station 9+00 thereof; thence in a northeasterly direction along the required limit of slope line to a point distant forty-seven (47) feet northwesterly and measured at right angles from the construction center line at or about Station 10+14 thereof; thence in a southeasterly direction to a point on the legal right of way line distant sixteen (16) feet northwesterly and measured at right angles from the construction center line at or about Station 10+20 thereof; thence in a southwesterly direction along the legal right of way line to a point distant twenty (20) feet northwesterly and measured at right angles from the construction center line at or about Station 9+79 thereof; thence in a southwesterly direction along the northerly right of way line of The Pennsylvania Railroad Company to a point distant fifty (50) feet northwesterly and measured radially from the construction center line at or about Station 8+69 thereof; thence in a westerly direction along said railroad right of way line to a point and place of beginning and containing sixty-three thousandths (0.063) of an acre of land, more or less.

The above tract of land is a portion of real estate which became legally vested in Christian D. and Grace W. Landis by deed of J. Lloyd and T. Susan Wenger, dated April 2, 1949 and recorded April 2, 1949 in Deed Book C, Volume 40, page 211 in the Lancaster County Courthouse.

6. Russell C. and Hazel E. Hauf, record owners
R. D. No. 4, Box 311
Lancaster, Pennsylvania

ALL THAT CERTAIN tract of land situated in East Lampeter Township, Lancaster County, bounded and described as follows, to wit:

Beginning at a point on the southeasterly side of State Highway Route 148, Section 11, said point being on the northerly right of way line of The Pennsylvania Railroad Company and on the required limit of slope line and distant forty-nine and five tenths (49.5) feet southeasterly from the construction center line at or about Station 9+14 and measured at right angles thereto; thence in a westerly direction along said railroad right of way line to a point on the legal right of way line distant two (2) feet southeasterly and measured radially from the construction center line at or about Station 8+91 thereof; thence in a northeasterly direction along the legal right of way line to a point distant ten (10) feet southeasterly and measured at right angles from the construction center line at or about Station 9+50 thereof; thence in a northeasterly direction along the legal right of way line to a point distant fifteen (15) feet southeasterly and measured at right angles from the construction center line at or about Station 10+20 thereof; thence in a southeasterly direction to a point on the required limit of slope line distant forty-three (43) feet southeasterly and measured at right angles from the construction center line at or about Station 10+20 thereof; thence in a southerly direction along the required limit of slope line to a point distant fifty (50) feet southeasterly and measured at right angles from the construction center line at or about Station 9+50 thereof; thence in a southwesterly direction along the required limit of slope line to a point and place of beginning and containing one thousand four ten thousandths (0.1004) of an acre of land, more or less.

The above tract of land is a portion of real estate which became legally vested in Russell C. and Hazel E. Hauf by deed of Alice M. Otto (widow), dated January 25, 1947 and recorded January 25, 1947 in Deed Book P, Volume 38, page 367 in the Lancaster County Courthouse.

5. That, in accord with the provisions of Section 409 of the Public Utility Law, 1937, P.L. 1053, as amended by Act No. 388, approved the 25th day of May, 1945, P.L. 1012, the following described property be and is hereby taken and appropriated for the purpose of the improvement in accordance with the approved plan filed of record at Application Docket No. 83618 with Pennsylvania Public Utility Commission at Harrisburg, Pennsylvania, and that numbered Paragraph 5 of this order shall be recorded in its entirety by the Recorder of Deeds of Lancaster County and shall be indexed under the name or names of the record owners of said property at the sole cost and expense of Department of Highways of the Commonwealth of Pennsylvania, applicant herein.

1. The Pennsylvania Railroad Company, record owner
30th Street Station
Philadelphia, Pennsylvania

ALL THOSE CERTAIN tracts of land situated in East Lampeter Township, Lancaster County, bounded and described as follows, to wit:

TRACT NO. 1

Beginning at a point on the westerly side of State Highway Route 148, Section 11, said point being on the required limit of slope line and distant thirty-eight (38) feet westerly from the construction center line at or about Station 6+81 thereof and measured radially thereto; thence in a northeasterly direction along the required limit of slope line to a point on the required right of way line distant thirty (30) feet westerly and measured radially from the construction center line at or about Station 7+00 thereof; thence in a northeasterly direction along the required right of way line to a point distant thirty (30) feet northwesterly and measured radially from the construction center line at or about Station 7+72 thereof; thence in a southerly direction along the legal right of way line to a point distant seven (7) feet northwesterly and measured radially from the construction center line at or about Station 7+00 thereof; thence in a southerly direction along the legal right of way line to a point on the construction center line at or about Station 6+50 thereof; thence in a southwesterly direction along the legal right of way line to a point distant five (5) feet westerly and measured radially from the construction center line at or about Station 6+08 thereof; thence in a northerly direction to a point distant twenty-eight (28) feet westerly and measured radially from the construction center line at or about Station 6+85 thereof; thence in a westerly direction to a point and place of beginning and containing five hundred seventy-four ten thousandths (0.0574) of an acre of land, more or less.

TRACT NO. 2

Beginning at a point on the northwesterly side of State Highway Route 148, Section 11, said point being on the required limit of slope line and distant thirty-nine (39) feet northwesterly from the construction center line at or about Station 8/20 thereof and measured radially thereto; thence in a northerly direction along the required limit of slope line to a point distant fifty-two (52) feet northwesterly and measured radially from the construction center line at or about Station 8/50 thereof; thence in a northeasterly direction along the required limit of slope line to a point distant fifty-two (52) feet northwesterly and measured radially from the construction center line at or about Station 8/67 thereof; thence in an easterly direction to a point distant fifty (50) feet northwesterly and measured radially from the construction center line at or about Station 8/69 thereof; thence in a northeasterly direction to a point on the legal right of way line distant twenty (20) feet northwesterly and measured at right angles from the construction center line at or about Station 9/79 thereof; thence in a southwesterly direction along the legal right of way line to a point distant twenty-three (23) feet northwesterly and measured at right angles from the construction center line at or about Station 9/40 thereof; thence in a southwesterly direction along the legal right of way line to a point distant thirty (30) feet northwesterly and measured at right angles from the construction center line at or about Station 9/00 thereof; thence in a southwesterly direction along the legal right of way line to a point distant forty (40) feet northwesterly and measured radially from the construction center line at or about Station 8/50 thereof; thence in a southwesterly direction along the legal right of way line to a point and place of beginning and containing three hundredths (0.03) of an acre of land, more or less.

TRACT NO. 3

Beginning at a point on the southeasterly side of State Highway Route 148, Section 11, said point being on the required right of way line and distant thirty (30) feet southeasterly from the construction center line at or about Station 7/14 thereof and measured radially thereto; thence in a westerly direction to a point on the legal right of way line distant twenty-three (23) feet southeasterly and measured radially from the construction center line at or about Station 7/12 thereof; thence in a northerly direction along the legal right of way line to a point distant eight (8) feet northwesterly and measured radially from the construction center line at or about Station 8/00 thereof; thence in a northeasterly direction along the legal right of way line to a point distant eight (8) feet northwesterly and measured radially from the construction center line at or about Station 8/50 thereof; thence in a northeasterly direction along the legal right of way line to a point distant two (2) feet southeasterly and measured radially from the construction center line at or about Station 8/91 thereof; thence in an easterly direction to a point on the required limit of slope line distant forty-nine and

five tenths (49.5) foot southeasterly and measured at right angles from the construction center line at or about Station 9/14 thereof; thence in a southwesterly direction along the required limit of slope line to a point distant forty-nine (49) feet southeasterly and measured radially from the construction center line at or about Station 8/50 thereof; thence in a southwesterly direction along the required limit of slope line to a point on the required right of way line distant thirty (30) feet southeasterly and measured radially from the construction center line at or about Station 8/00 thereof; thence in a southwesterly direction along the required right of way line to a point and place of beginning and containing one thousand six hundred sixty-four ten thousandths (0.1664) of an acre of land, more or less.

The above three tracts of land are portions of real estate which became legally vested in The Pennsylvania Railroad Company by deed of John Panner, et ux, dated January 16, 1878 recorded January 24, 1879 in Deed Book G, Volume 11, page 576, by deed of David H. Buckwalter, dated December 28, 1893 and recorded January 1, 1894 in Deed Book N, Volume 14, page 133; by deed of Abraham K. Landis, et ux., dated January 17, 1893 and recorded January 25, 1893 in Deed Book N, Volume 14, page 48; by deed of Jacob Landis, et ux., dated January 13, 1877 and recorded December 13, 1877 in Deed Book C, Volume 11, page 223; by deed of David L. Mower, et al., dated January 15, 1912 and recorded July 19, 1912 in Deed Book D, Volume 21, page 356; by deed of George E. Burkholder, dated September 25, 1937, and date not recorded, Deed Book F, Volume 33, page 365, and by deed of Aaron D. Buckwalter, et ux., dated September 23, 1937, and date not recorded, Deed Book F, Volume 33, page 367, all recorded in the Lancaster County Courthouse.

6. That The Pennsylvania Railroad Company, at its sole cost and expense, furnish all material and do all work required to make any necessary temporary or permanent alterations or relocations of its tracks, signals, wire lines and catenary lines located on its right of way and, in addition, maintain watchmen and flagmen to protect its train movements during the time the span of the new bridge is being constructed over and adjacent to its tracks and during the time alterations are being made to its facilities located on its right of way.

7. That The Pennsylvania Railroad Company, at its sole cost and expense, furnish construction and engineering inspectors as may be required during the time the span of the new bridge is being constructed over and adjacent to its tracks.

8. That The Bell Telephone Company of Pennsylvania, at its sole cost and expense, furnish all material and do all work necessary to temporarily locate its facilities at the location of the crossing and to permanently locate its facilities on the reconstructed bridge at the crossing, as shown on the approved plans.

9. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Pennsylvania Railroad Company and The Bell Telephone Company of Pennsylvania, located within the limits of any highway which may be required as incidental to the execution of the improvement, 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.

10. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Pennsylvania Railroad Company and The Bell Telephone Company of Pennsylvania, located beyond the limits of any highway which may be required as incidental to the execution of the improvement, be made by said public utility in such a manner as will not interfere with the construction of the improvement.

11. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to effect the vacation, relocation, removal or demolition of any nonutility structures, including occupied dwellings, located upon property required for the construction of the improvement.

12. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours required to accommodate properly highway traffic during the time the improvement is being constructed.

13. That Department of Highways furnish all material and do all work necessary to complete the remainder of the highway-railroad crossing improvement in accordance with the approved plans.

14. That the improvement be fully completed in a manner satisfactory to this Commission on or before September 1, 1958, and that on or before said date The Pennsylvania Railroad Company, The Bell Telephone Company of Pennsylvania and Department of Highways each report to this Commission the date of actual completion of its respective portion, and at the earliest practicable time subsequent to said date of completion submit to this Commission a detailed statement of the actual cost incurred by it in furnishing material and in performing work in compliance with this order.

15. That Department of Highways cooperate with The Pennsylvania Railroad Company so that in the construction of the crossing improvement the operation of facilities of The Pennsylvania Railroad Company will not be endangered or unnecessarily impeded.

16. That, during the time the improvement is being constructed over and adjacent to its tracks, The Pennsylvania Railroad Company cooperate with Department of Highways and operate its trains in the vicinity of the crossing in a safe manner and under control.

17. That The Pennsylvania Railroad Company pay any money to which it may be entitled as compensation for damages for any of its property taken, injured or destroyed by reason of the construction of the improvement in accordance with this order.

18. That Department of Highways pay all compensation for damages due to the owners, exclusive of The Pennsylvania Railroad Company, for property taken, injured or destroyed by reason of the construction of the crossing improvement in accordance with this order.

19. That The Pennsylvania Railroad Company pay Department of Highways, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to Forty Thousand Dollars (\$40,000) to apply upon the cost of material furnished and work performed by the department in compliance with numbered Paragraph 13 of this order.

20. That, upon completion of the improvement and its opening to public use, The Pennsylvania Railroad Company, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its facilities located at the crossing and, in addition, to maintain the substructure and superstructure of the new bridge constructed in compliance with this order, including curbs, parapets, railings and roadway and sidewalk slabs, but exclusive of the top surfaces of said roadway and sidewalk slabs.

21. That, upon completion of the improvement and its opening to public use, Township of East Lampeter, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the top surface of the bridge sidewalk constructed in compliance with this order and to remove snow and ice, when necessary, from the sidewalk surface.

22. That, upon completion of the improvement and its opening to public use, Department of Highways, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the remainder of the improvement constructed in compliance with this order, including the roadway surface of the bridge deck.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Leuschert
Chairman

ATTEST:

William P. Poan
Secretary