

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application Docket No. 95245

In re: Application of READING COMPANY and PENN CENTRAL COMPANY - For approval of (1) the abolition of the crossings where Township Road No. 699 crosses the track of Reading Company, at grade, and above the grade of the tracks of Penn Central Company and (2) the construction of the crossings, in lieu thereof, where the same highway, constructed as proposed, will cross above the grade of the tracks of the same companies at Park City Shopping Center, partly in Manheim Township and partly in the City of Lancaster, Lancaster County.

ORDER

BY THE COMMISSION, NOVEMBER 15, 1971:

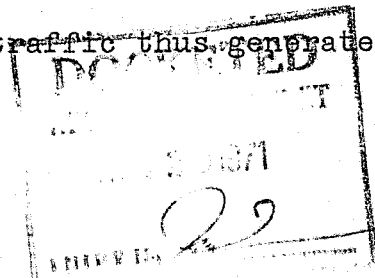
In Lancaster County, Manheim Township Road No. 699 is the south and east boundary between the township and the city of Lancaster. At a point in Manheim Township, approximately 900 feet northwest of State Highway Route 138 (Manheim Pike), Township Road No. 699 crosses, at grade, a single track of the Lancaster Branch of Reading Company and continues to cross, above grade, two main line tracks of the Philadelphia-Harrisburg section of Penn Central Transportation Company (formerly Penn Central Company).

Reading Company and Penn Central Transportation Company jointly proposed that the existing crossings, at grade and above grade, be abolished and that new crossings be substituted therefor approximately 530 feet north of the existing above-grade crossing.

The proposal was to relocate and reconstruct Township Road No. 699 in such manner as to cross all tracks, above grade, on a single separation structure.

The need for relocation and reconstruction of the crossing was precipitated by purchase and development of the area served, Park City Associates, the purchasers of land southwest of the tracks, developed the area as a shopping center and the vehicular traffic thus generated

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could not be accommodated by the existing crossing. By various agreements, made part of this record, the developers have arranged to bear the cost of construction and maintenance of the new facility and removal of the existing crossing facilities.

By this application, Reading Company and Penn Central Transportation Company sought Commission approval of the abolition of the existing crossings, at grade and above grade, the construction of the relocated crossings, above grade, in lieu thereof, and the allocation of costs and expenses incident thereto.

Our preliminary order issued at this docket April 21, 1969, approved the application, directed construction of the new crossings, abolition of the present crossings, and provided for hearing to be held. Our preliminary order remained in effect until December 31, 1969, then expired in accordance with its provisions.

Hearing was held June 2, 1969, all interested parties having been duly notified. Penn Central Transportation Company, Reading Company, City of Lancaster, Township of Manheim and Park City Associates entered appearances. Testimony was received from all parties. Seven exhibits were entered by the applicants, two by City of Lancaster and one by Township of Manheim. Of the seven applicant exhibits, Nos. 1 through 4 were received at the hearing. Exhibits 6 and 7 were filed with us June 20, 1969. Applicants' Exhibit No. 5 was received October 20, 1971, completing the record of testimony.

Detailed construction plans for the bridge at the relocated crossing were approved by us in executive session September 19, 1969.

Applicants' Exhibit No. 1, submitted at the hearing, is a plan of the project identified by the file number L. A. 588-2A. This plan is a modification of a plan number L.A. 588-A and approved by our order of April 21, 1969. Further revisions of the plan were made subsequent to hearing.

By letter dated December 16, 1969, applicant presented a revised copy of plan L.A. 588-2A stating that it had been submitted for review to all parties of record and requesting that we approve and substitute the revised plan for previous submissions. This revised plan is identified as Drawing No. LA-588-2A dated March 17, 1969, revised May 21, 1969, and November 3, 1969. The revised plan is signed indicating approval by the township, county and city and by Lancaster County and Lancaster City Planning Commissions. A further note on the plan indicates that it is on file with the Recorder of Deeds for Lancaster County superseding the plan previously filed.

The revised plan was submitted to this Commission and served on all interested parties. No exceptions were taken thereto.

Applicants' Exhibits Nos. 2 through 4 are drawings showing plans and profiles of the tracks, plans and profiles of the highway approaches and preliminary details of the bridge. Applicants' Exhibits Nos. 6 and 7 are schematic drawings of traffic control lights to operate at the intersections of the crossing approaches with the nearest public highways.

City of Lancaster Exhibit No. 1 is a plan showing municipal boundaries separating City of Lancaster and Manheim Township in the vicinity of the crossings.

Manheim Township Exhibit No. 1, City of Lancaster Exhibit No. 2 and applicants' Exhibit No. 5 are duly executed agreements between the municipalities and Park City Associates and between the Trustees of Penn Central Transportation Company, Debtor, and Reading Company as railroad parties and Park City Associates. The agreements show the responsibilities toward construction and maintenance of the new crossings that each of the parties is willing to assume.

During a period of negotiation between Park City Associates and Trustees of Penn Central Transportation Company, Debtor, the subject crossing and its approaches have been constructed as contemplated in our expired preliminary order, generally in accordance with plans approved by us or introduced as exhibits at the hearing or substituted therefor

with our knowledge and tacit approval. The crossing has been operated in the recent past as a private crossing presumably by parol agreement between Park City Associates and the carriers. We are now concerned with establishing the crossing as a public facility and allocating the costs and expenses related to its completion and operation.

Testimony taken at the hearing included introduction of exhibits, clarification of their purport and reaffirmation of the basis of our preliminary order.

As constructed, the new crossing is a five span multiple steel stringer bridge 289 feet 6 inches long. Numbered from the northeast, the second and fourth spans cross above tracks of Reading Company and Penn Central Transportation Company, respectively. Clearances are in excess of those required by our railroad regulations. A crash wall is constructed at Pier No. 4.

The bridge supports a super-structure 64 feet 6 inches wide having two directional roadways each 24 feet wide between six-inch high curbs separated by a white concrete traffic separator four feet wide. The curbs are integral with sidewalks five feet wide. Parapet walls surmounted by aluminum railing are at the outer edges of the sidewalks making up the remaining super-structure width. In span four, above track of Penn Central Transportation Company, protective fences five feet two inches high covered by solid 3/16 inch tread plate are erected on the parapet walls in lieu of railing as protection for or from electrical lines.

The bridge profile is a vertical curve rising 2 feet 1 inch at center with ascending and descending grades 3.2% at its ends, this profile is suitable for 35 miles an hour traffic and consistent with the operating conditions of the crossing.

The crossing is part of a newly-constructed highway called West Roseville Road which connects State Highway Route 138 (Manheim Pike) in Manheim Township as its northeast terminus and State Highway Route 36184 (old Harrisburg Pike) a boundary separating Manheim Township and City of Lancaster as its southwest terminus. Those termini are the

nearest points of access from the crossing to the public highway system and we assume jurisdiction between them as a railroad-highway crossing project.

The newly constructed highway which comprises the approaches (West Roseville Road) will serve the same traffic between the same state highway routes at intersections near the same points as Manheim Township Road No. 699. In addition, the new facility has capacity to serve traffic destined for or exiting from Park City Shopping Center at either terminus, a service for which the present crossing and approaches is wholly inadequate.

The new crossing is approached from State Highway Route 138 at the southeast by a 700 foot tangent on rising grade increasing from one percent to four and nine-tenths percent then decreasing to three and two-tenths percent at the bridge abutment. The bridge has a crest vertical curve as previously described. The northwest approach continues the tangent approximately 400 feet to a "tee" intersection where West Roseville Road turns approximately 90 degrees to the right and a private road of Park City Associates turns to the left. The grade descends starting as three and two-tenths percent at the abutment increasing to four and four-tenths then decreasing to level at the intersection.

The roadway section for the tangent approaches is the same as on the bridge with six-inch curbs and divider. However, the approaches have eight-foot wide shoulders meeting the bridge sidewalk grade with steel guard rail aligned with the bridge parapet.

The southeast approach continues around the boundary between City of Lancaster and Manheim Township to exit onto State Highway Route 36184 which is also a boundary between the municipalities. The continuing part of the southwest approach has a 48 foot wide paved roadway with shoulders but without center divider. Access driveways to the shopping center facilities are connected to the roadway at intervals. Applicants' Exhibit No. 1, as revised, shows the plan of West Roseville Avenue and

shows that the right of way, varying in width from 70 to 100 feet, has been duly laid out as a public highway, accepted by City of Lancaster and by Manheim Township and recorded with the Recorder of Deeds of Lancaster County. The plan also shows that the section of highway from State Highway Route 138 southwest to the southwest right-of-way line of Reading Company is located in Manheim Township and that the remainder of the highway continuing southwesterly to State Highway Route 36184 is located in City of Lancaster.

The bridge crossing the tracks of Reading Company and Penn Central Transportation Company was built generally in accordance with plans introduced at the hearing as applicant's Exhibit No. 4 and detail construction plans and specifications approved by this Commission September 19, 1969.

Traffic control lights, construction generally in accordance with plans introduced as applicant's Exhibits No. 6 and No. 7, are in service at the Route 138 and Route 36184 connections of the crossing approaches.

Pennsylvania Power & Light Company maintains a power transmission line on steel towers roughly parallel to Reading Company tracks, crossing above the east approach approximately 50 feet east of the east bridge abutment. Sun Pipe Line Company maintains a six-inch high pressure gas pipeline crossing east of the east abutment below ground and below the elevation of the rails.

Penn Central Transportation Company maintains high voltage power lines crossing above the fourth and fifth spans of the bridge, signal wires and a communication cable crossing above the fifth span and trolley wires crossing below the fourth span.

A 12-inch water main is suspended below the north curb line of the bridge, a conduit for lighting is enclosed in the north parapet wall and three additional conduits are encased in the north sidewalk for future use. Four electrical conduits are suspended below the south curb line, and a lighting conduit is encased in the south parapet wall and two telephone conduits are encased in the south sidewalk.

The drainage installation for the bridge and approach roadways appear complete and adequate.

Exhibit No. 1 of Manheim Township, Exhibit No. 2 of City of Lancaster and Exhibit No. 5 of applicants (Penn Central Transportation Company and Reading Company) are duly-signed copies of agreements between the parties and Park City Associates stating the responsibilities that each party will accept toward construction and maintenance of the railroad-highway crossing project and compensation to be paid in consideration thereof.

According to the agreements and testimony, Manheim Township will accept responsibility for maintenance of the traffic lights, including energization at the intersection of the newly-constructed highway (West Roseville Road) and State Highway Route 138, and the maintenance of that portion of the highway located in Manheim Township, specifically the portion between the west right-of-way line of Penn Central Transportation Company and State Highway Route 138. In addition, the township is willing to accept responsibility for any maintenance of the new bridge located in Manheim Township assigned to it by this Commission on right of way of Penn Central Transportation Company and Reading Company. Maintenance by the Township will be compensated. City of Lancaster is willing to accept maintenance of the newly-constructed highway within the city boundaries, specifically between the west right-of-way line of Penn Central Transportation Company and State Highway Route 36184. The city is also willing to maintain the traffic lights at the intersection of the highway and State Highway Route 36184, including energization. The city's maintenance will be at its own expense, including maintenance of the water main but excluding street lighting. Both carriers agree to waive damages for operating right of way taken, injured or destroyed for the new construction and to maintain their own facilities at their cost and expense within the limits of the project upon its completion.

Reading Company is willing to remove its crossing facilities for the existing crossing, at grade, and Penn Central Transportation Company will accept responsibility for removal of the bridge over its tracks at the present public crossing. All agreements by the parties expressed in testimony or submitted as exhibits were contingent upon the right to collect from Park City Associates for work performed or materials used in the project.

While mentioned in testimony at the hearing, no specific party agreed to be responsible for barricades at the old crossing; however the agreements are of a scope to provide payment therefor.

It is not necessary that we lay out or establish any new highway in connection with this crossing project; it is, however, necessary that we vacate a portion of Township Road No. 699 and appropriate certain parcels of railroad property. Correct descriptions of the railroad properties reviewed and approved by the carriers were submitted to us by letter dated January 14, 1970. Drawing No. LA-588-2A has been further revised and submitted to show those properties.

After full consideration of the matters and things involved, we find and determine that abolition of the crossings and establishment of new crossings, in lieu thereof, as described in the caption of this application, are necessary or proper for the service, accommodation, convenience or safety of the public; THEREFORE,

IT IS ORDERED:

1. That the application be and is hereby approved.
2. That the crossings, in Manheim Township, Lancaster County, where Township Road No. 669 crosses, at grade, a single track of the Lancaster Branch of Reading Company and crosses above the grade of two main line tracks of Penn Central Transportation Company, are hereby abolished; and that the crossings in the same township and county where newly-construction West Roseville Road crosses above the same tracks of the same companies be and are hereby established as public crossings.

3. That our action in executive session September 19, 1969, approving bridge plans submitted at this docket is hereby reaffirmed.

4. That drawings submitted at the hearing held June 2, 1969, as applicants' Exhibits Nos. 2, 3, 6 and 7, titled Railroad Alignment at West Roseville Road; Plan and Profile of West Roseville Road; Preliminary Traffic Signal Plan Dwg No. 140-5 and Preliminary Traffic Signal Plan Dwg. No. 215-18 are made part hereof and are hereby approved.

5. That Drawing No. LA-588-2A dated March 17, 1969, revised May 21, 1969 and November 3, 1969, submitted in substitution for applicants' Exhibit No. 1 and filed with the Recorder of Deeds for Lancaster County and as further revised to show the plan of railroad properties to be appropriated, is attached hereto, made part hereof and is hereby approved.

6. That in accord with the provisions of Section 409 of the Public Utility Law, 1937, P.L. 1053, as amended and supplemented, 66 P.S. 1179, the following described properties be and are hereby severally taken and appropriated for the purpose of the construction of the improvement in accordance with the approved plan attached hereto, and that numbered Paragraph 6 of this order, together with a copy of said plan, shall be recorded by the Recorder of Deeds of Lancaster County and shall be indexed under the name or names of the record owners of such properties, grantor(s), and to the Commonwealth of Pennsylvania, grantee, at the initial cost and expense of Manheim Township.

- (1) Reading Company, record owner
Reading Terminal
Philadelphia, Penna.

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

Beginning at a point in the south line of land belonging to Park City Associates, said Beginning Point being located on a line curving to the left having a radius of 2,320.64 feet, an arc distance of 165.82 feet, the chord of said arc being North 41 degrees 46 minutes 45 seconds West, a distance of 165.78 feet from a concrete monument at the southeast corner of said land belonging to Park City Associates; thence from the point of Beginning and crossing the right of way of the Reading Company, South 56 degrees 24 minutes 20 seconds West, a distance of 55.91 feet to a point in the north right of way line of Penn Central Transportation Company; thence along the right of way line of Penn Central Transportation Company by a line curving to the left having a radius of 2,265.64 feet, an arc distance of 96.51 feet, the chord of said arc being North 45 degrees 17 minutes 50 seconds West, a distance of 96.51 feet to a point; thence recrossing the right of way of the Reading Company, North 56 degrees 24 minutes 20 seconds East, a distance of 56.39 feet to a point in line of land belonging to Park City Associates; thence along land of Park City Associates by a line curving to the right having a radius of 2,320.64 feet, an arc distance of 96.42 feet, the chord of said arc being South 45 degrees 01 minute East, a distance of 96.41 feet to the point or place of Beginning.

CONTAINING: 0.1 Acre, more or less.

- (2) Penn Central Transportation Company, record owner
Six Penn Center Plaza
Philadelphia, Penna.

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

Beginning at a point in the south right of way line of the Reading Company, said point being located the following two courses and distances from a concrete monument at the southeast corner of land belonging to Park City Associates: (1) by a line curving to the left having a radius of 2,320.64 feet, an arc distance of 165.82 feet, the chord of said arc being North 41 degrees 46 minutes 45 seconds West, a distance of 165.78 feet, (2) South 56 degrees 24 minutes 20 seconds West, a distance of 55.91 feet; thence from said point of Beginning crossing the right of way of Penn Central Transportation Company, South 56 degrees 24 minutes 20 seconds West, a distance of 250.83 feet to a point in line of other lands belonging to Park City Associates; thence along the land belonging to Park City Associates, North 44 degrees 57 minutes West, a distance of 96.39 feet to a point; thence recrossing the right of way of Penn Central Transportation Company, North 56 degrees 24 minutes 20 seconds East, a distance of 250.23 feet to a point in the south right of way line of the Reading Company; thence along said right-of-way line of the Reading Company by a line curving to the right having a radius of 2,265.64 feet, an arc distance of 96.51 feet, the chord of said arc being South 45 degrees 17 minutes 50 seconds East, a distance of 96.51 feet to the point or place of Beginning.

CONTAINING 0.5 Acres, more or less.

7. That Manheim Township, at its initial cost and expense, furnish all material and do all work necessary to complete construction of that portion of West Roseville Road within the boundaries of said township, including installation of traffic control lights at the intersection of West Roseville Road and State Highway Route 138, all in accordance with the approved plans and, in addition, erect suitable barricades at both approaches to the vacated crossing to safely warn the public and prevent further use of the crossing.

8. That Reading Company, at its initial cost and expense, furnish all material and do all work necessary to remove pavement, guard timbers and warning devices from its vacated crossing.

9. That the Trustees of Penn Central Transportation Company, at the initial cost and expense of said company, furnish all material and do all work necessary to complete the new bridge in accordance with the approved plans and, in addition, to remove the company's existing bridge from the abolished crossing.

10. That City of Lancaster, at its initial cost and expense, furnish all material and do all work necessary to complete construction of that portion of West Roseville Road within the limits of said city, including installation of traffic control lights at the intersection of West Roseville Road and State Highway Route 36184 and, in addition, complete the remainder of the project all in accordance with the approved plans.

11. That any relocation of, changes in, or removal of any adjacent structures, equipment, or other facilities of any public utility, other than Reading Company and Penn Central Transportation Company, located within the limits of any highway within the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the project, be made by said public utility at its sole cost and expense, and in such manner as will not interfere with the construction of the improvement and said relocated or changed facilities thereafter be maintained by the respective utility.

12. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than Reading Company and Penn Central Transportation Company, located beyond the limits of any highway within the limits of this Commission's jurisdiction, which may be required as incidental to the execution of the project, be made by said public utility in such manner as will not interfere with the construction of the improvement and said relocated or changed facilities thereafter be maintained by the respective utility.

13. That the railroad-highway crossing project be fully completed in a manner satisfactory to this Commission on or before December 31, 1971, and that on or before said date, Reading Company, Trustees of Penn Central Transportation Company, City of Lancaster and Manheim Township each report to this Commission the date of actual completion of its respective portion of the work.

14. That all those portions of former Manheim Township Road No. 699 situated between the east right-of-way line of Reading Company and the east right-of-way line of State Highway Route No. 36184 and located in Manheim Township and/or City of Lancaster, beyond the limits of newly-constructed West Roseville Road as laid out and established on revised Drawing No. LA 588-2A as herein approved, be and are hereby vacated and closed to public use.

15. That Reading Company and Trustees of Penn Central Transportation Company each pay any money to which it may be entitled severally as compensation for damages for any of its operating right-of-way property taken, injured or destroyed by reason of the construction of the railroad-highway crossing project, in accordance with this order.

16. That upon completion of the railroad-highway crossing project, Manheim Township, at its initial cost and expense, furnish all material and do all work necessary to maintain, in a manner satisfactory to this Commission, that portion of the railroad-highway crossing project constructed within the boundaries of said township, including maintenance and energization of the traffic control lights at the intersection of

West Roseville Road and State Highway Route 138, maintenance of West Roseville Road, including drainage, and maintenance of the substructure and superstructure of the new bridge over tracks of Reading Company Penn Central Transportation Company and maintenance of the barricade the abolished crossings.

17. That upon completion of the railroad-highway crossing project, Reading Company, at its sole cost and expense, maintain its tracks, wire lines and other railroad facilities.

18. That upon completion of the railroad-highway crossing project, Trustees of Penn Central Transportation Company, at its sole cost and expense, maintain its tracks, wire lines and other railroad facilities.

19. That upon completion of the railroad-highway crossing project, City of Lancaster, at its sole cost and expense, furnish a material and do all work necessary to maintain in a manner satisfactory to this Commission that portion of West Roseville Road located within the boundaries of said city, including maintenance and energization traffic lights at the intersection of West Roseville Road and State Highway Route No. 36184, but excluding maintenance and energization street lighting, and in addition maintain its water main, including that portion in the Manheim Township approach and upon the new bridge.

20. That this order is without prejudice to the right of Reading Company, Trustees of Penn Central Transportation Company, Manheim Township or City of Lancaster, each, to collect from Park City Associates of its costs and expenses incident to completion of construction and/or maintenance as ordered hereinabove in accordance with any valid agreement or understanding between them.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Thomas J. Blouin

Chairman

ATTEST:

Will Peter
Secretary