

1. <u>REPORT DATE:</u> August 15, 1995	:	2. <u>BUREAU AGENDA NO.</u> AUG-95-ALJ-117*
3. <u>BUREAU:</u> ALJ	:	
4. <u>SECTION(S):</u>	:	5. <u>PUBLIC MEETING DATE:</u> August 31, 1995
6. <u>APPROVED BY:</u> Acting CALJ: Robert A. Director: Christianson Supervisor:	:	
7. <u>MONITOR:</u>	:	
8. <u>PERSON IN CHARGE:</u> ALJ Smolen	:	
9. <u>DOCKET NO:</u> C-80011839	:	

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

(a) Villanova University v. National Railroad Passenger Corporation (Amtrak); Consolidated Rail Corporation (Conrail); Southeastern Pennsylvania Transportation Authority (SEPTA); Pennsylvania Department of Transportation (PennDOT); County of Delaware and Radnor Township

(b) On January 31, 1980, Villanova University filed a Complaint alleging inadequate and dangerous facilities for pedestrian movement across the lines of track in the vicinity of the crossing where Spring Mill Road crosses over and above four tracks of Amtrak, adjacent to Villanova University. Following several public hearings, the Commission adopted an Order on December 17, 1982 which directed PennDOT to inform the Commission annually of progress made toward replacement of the bridge at the subject crossing. Thereafter, a field investigation conference was scheduled and held on September 25, 1990 at the site of the crossing. By Order adopted April 23, 1992, the Commission directed PennDOT to construct the improvement at its initial cost and expense. The project was completed on May 9, 1994 and a further hearing was scheduled and held on December 8, 1994 to take testimony regarding the allocation of costs and maintenance responsibilities.

(c) Judge Smolen issued a decision allocating costs and assigning maintenance responsibilities.

Recommended Decision served: June 28, 1995  
No Exceptions have been received by the Commission.

KJR

**DOCKETED**  
SEP 15 1995

<u>MOTION BY:</u> Commissioner Rolka	Commissioner Chm. Quain - Yes
	Commissioner Hanger - Yes
<u>SECONDED:</u> Commissioner Crutchfield	Commissioner Bloom - Yes

CONTENT OF MOTION: 1) The Secretary's Bureau shall be directed to add Adelphia Cable Company to the service list; 2) the Decision shall be served as a Tentative Decision allowing the parties a 20-day comment period before it can become final, and 3) the Office of Special Assistants shall be directed to prepare an appropriate Order.

**DOCUMENT  
FOLDER**

X-CAL

AUG 31 1995

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Harrisburg, Pennsylvania 17105-3265

VILLANOVA UNIVERSITY  
v.  
NATIONAL RAILROAD PASSENGER  
CORPORATION (AMTRAK);  
CONSOLIDATED RAIL CORPORATION  
(CONRAIL); SOUTHEASTERN  
PENNSYLVANIA TRANSPORTATION  
AUTHORITY (SEPTA); PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
(PENNDOT); COUNTY OF DELAWARE  
AND RADNOR TOWNSHIP

PUBLIC MEETING - AUGUST 31, 1995

AUG-95-ALJ-117\*

DOCKET NO. C-80011839

BTL

PA. P. U. C. DIV.  
INFO. CONTROL DIV.

95 SEP -6 PH 2:52

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MOTION OF COMMISSIONER DAVID W. ROLKA

The Recommended Decision before us allocates costs and maintenance responsibilities in this rail-highway proceeding. However, I believe there is one aspect which was overlooked and requires modification.

Ordering Paragraph 9 directs Adelphia Cable Company to reimburse PennDOT for 100% of the costs incurred by PennDOT in relocating Adelphia's facilities. The Recommended Decision cites no justification therefor. On reviewing the record, I note that Adelphia Cable Company did not appear on the service list for the cost allocation hearing nor does it appear on the service list for the Recommended Decision. Accordingly, in order to preserve Adelphia's due process rights, I believe the Decision should be issued as a Tentative Decision and served on all of the parties with a 20-day comment period before it becomes final.

**THEREFORE, I move that:**

1. the Secretary's Bureau shall be directed to add Adelphia Cable Company to the service list;
2. the Decision shall be served as a Tentative Decision, allowing the parties a 20-day comment period before it can become final; and
3. the Office of Special Assistants shall be directed to prepare an appropriate Order.



DOCUMENT  
FOLDER

Aug 30, 1995  
DATE

DAVID W. ROLKA, COMMISSIONER



COMMONWEALTH OF PENNSYLVANIA  
 PENNSYLVANIA PUBLIC UTILITY COMMISSION  
 P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
 REFER TO FILE

October 6, 1995

C-80011839

■  
 W D PICKERING UTILITY ENGINEER  
 PENNDOT  
 509 TRANSPORTATION AND SAFETY BLDG  
 HARRISBURG PA 17120  
 ■

**DOCKETED**  
 FEB 8 1996

Villanova University

vs

National Railroad Passenger Corporation (AMTRAK); Consolidated Rail Corporation (CONRAIL); Southeastern Pennsylvania Transportation Authority (SEPTA); Pennsylvania Department of Transportation (PENNDOT); County of Delaware; and Radnor Township

To Whom It May Concern:

At Public Meeting of August 31, 1995, the Commission approved the above captioned proceeding, at docket number C-80011839.

The **Delaware County Recorder of Deeds** will need to be notified of the attached "property excert" for procedure of payment for the recording fees.

Therefore, we are requesting that you please contact:

**THOMAS J JUDGE SR**  
**RECORDER OF DEEDS**  
**DELAWARE COUNTY COURTHOUSE**  
**WEST FRONT STREET**  
**MEDIA PA 19063**

to determine the cost of recording this document, and forward the attached, together with your check to the County Recorder.

Thank you for your cooperation in this matter.

Very truly yours,

*John G. Alford*

John G. Alford  
 Secretary

**DOCUMENT  
 FOLDER**

law  
 Enclosure  
 Certified Mail  
 Receipt Requested

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
HARRISBURG, PA. 17105-3265

Public Meeting held August 31, 1995

Commissioners Present:

John M. Quain, Chairman  
Lisa Crutchfield, Vice-Chairman  
John Hanger  
David W. Rolka  
Robert K. Bloom

Villanova University

C-80011839

v.  
National Railroad Passenger Corporation  
(AMTRAK); Consolidated Rail Corporation  
(CONRAIL); Southeastern Pennsylvania  
Transportation Authority (SEPTA);  
Pennsylvania Department of Transportation  
(PENNDOT); County of Delaware; and  
Radnor Township

DOCKETED  
FEB 8 1996

TENTATIVE OPINION AND ORDER

DOCUMENT  
FOLDER

BY THE COMMISSION:

Before us for consideration is the Recommended Decision (hereinafter "R.D.") of Administrative Law Judge ("ALJ") Herbert Smolen issued on June 28, 1995, in the above-captioned proceeding. No exceptions have been received.

Background

By Complaint filed on January 31, 1980, Villanova University ("Villanova" or "Complainant") filed the instant Complaint against the following Respondents: National Railroad

Passenger Corporation ("AMTRAK"); Consolidated Rail Corporation ("CONRAIL"); Southeastern Pennsylvania Transportation Authority ("SEPTA"); Pennsylvania Department of Transportation ("PENNDOT"); County of Delaware; and Radnor Township. The Complaint alleged that there exists a dangerous condition in the vicinity of the rail-highway crossing where Spring Mill Road (SR 0320) crosses over and above four tracks of AMTRAK adjacent to Villanova University in Radnor Township, Delaware County. Villanova alleged that the dangerous condition exists because of inadequate and hazardous facilities for pedestrians at the crossing. (R.D., p. 1).

After several public hearings, we directed, among other things, that PENNDOT inform us annually of the progress made toward replacement of the bridge at the crossing. On August 20, 1990, PENNDOT submitted preliminary plans for the replacement of the bridge and reconstruction of the roadway approaches. By Order entered April 29, 1992, we directed that PENNDOT prepare detailed construction plans and construct the bridge replacement at its initial cost and expense. The project was completed on May 9, 1994. (R.D., pp. 2-4).

Further hearing was held on December 8, 1994, regarding the allocation of costs and the assignment of future maintenance for the crossing. Appearances were entered for PENNDOT, AMTRAK, CONRAIL and Philadelphia Electric Company ("PECO"). Radnor Township and Delaware County provided written responses to the questions sent out by our former Bureau of Safety and Compliance ("BSC"), but neither was present at the hearing. Upon objection by some of the parties concerning the admission of these answers of Radnor Township and Delaware County into the record in this proceeding, the ALJ did not allow these answers to be admitted. On June 28, 1995, the Recommended Decision of the ALJ was issued wherein the ALJ made recommended allocations of costs, assignment of maintenance and appropriation of property regarding this

crossing. (R.D., pp. 32-45). As stated above, no exceptions to the Recommended Decision have been received.

### Discussion

In the Recommended Decision, the Administrative Law Judge made specific Findings of Fact and Conclusions of Law (R.D., pp. 5-14, and 31-32, respectively). We incorporate those herein by reference to the extent that they are consistent with this Opinion and Order.

In the Recommended Decision, the ALJ recommended, among other things, that PENNDOT be directed to maintain the bridge structure, including the roadway on the structure, and to remove snow, ice and debris from the roadway. Additionally, the ALJ recommends that the Radnor Township be made responsible for, among other things, removing snow, ice, debris and graffiti from the curbs and sidewalks on the approaches to the bridge, as well as the stairs leading from the bridge to the railroad platform below. The ALJ further recommended that Philadelphia Suburban Water Company ("PSWC") and Bell Atlantic-Pennsylvania, Inc., ("Bell Atlantic") be required to bear all costs incurred with respect to this project. The ALJ also recommended that PENNDOT bear all costs incurred by SEPTA and AMTRAK, as well as 10% of the costs incurred by PECO. (R.D., pp. 32-36).

The ALJ further recommended that Adelpia Cable Company ("Adelpia") reimburse PENNDOT for all costs which PENNDOT incurred on behalf of Adelpia in completing the project. (R.D., p. 36). The record in this proceeding establishes that the total costs incurred by PENNDOT on behalf of Adelpia were \$11,988. (PENNDOT Exh. 1, p. 17, Tr. hearing held December 8, 1994, p. 183, PENNDOT Exh. 12).

In reviewing this matter, we note that the ALJ provided no justification for this recommendation relative to the allocation of costs to Adelphia. We determine, based on our review of the record in this proceeding, that Adelphia should reimburse PENNDOT for 100% of the costs which PENNDOT incurred on Adelphia's behalf. The record in this proceeding establishes that PENNDOT constructed the facilities requested by Adelphia in the public right-of-way at the crossing. Furthermore, Adelphia's facilities were located in the public right-of-way prior to the project. Moreover, Adelphia has been occupying the public right-of-way at the crossing. (PENNDOT Exh. 1, pp. 17-18, Tr. December 8, 1994, pp. 217-218). Accordingly, we conclude, based on the record in this proceeding, that it is appropriate for Adelphia to pay 100% of the costs which PENNDOT incurred on its behalf in completing the project.

We note, however, that Adelphia did not appear on the service list for the cost allocation hearing, nor does it appear on the service list for the Recommended Decision. Accordingly, in order to preserve Adelphia's right of due process, we will issue this Order as a Tentative Opinion and Order and serve it on all of the parties in this proceeding, including Adelphia, and permit a 20-day comment period before the Tentative Opinion and Order becomes final; **THEREFORE,**

**IT IS TENTATIVELY ORDERED:**

1. That the Recommended Decision of Administrative Law Judge Herbert Smolen which was issued on June 28, 1995, is adopted, as modified by this Opinion and Order.

2. That the Secretary's Bureau of this Commission add to its service list the following party: Adelphia Cable Communications, 1 Apollo Road, Box 198, Plymouth Meeting, Pennsylvania 19462.

3. That the Pennsylvania Department of Transportation, having agreed to do so, at its sole cost and Expense, furnish all material and do all work necessary to:

(a) maintain the substructure, superstructure and sidewalk structure of the bridge;

(b) maintain the roadway surface on the bridge between the curb and parapet and on the approaches from curb to curb; and the surface of the sidewalk on the bridge from the center line of Abutment No. 1, Station 783+72.89 to center line of Abutment No. 2, Station 784+74.11; and

(c) remove snow, ice and debris from the roadway on the approaches between the curbs, and from curb to parapet on the bridge;

all in a safe and satisfactory manner and condition.

4. That the Township of Radnor, at its sole cost and expense, furnish all material and perform all work necessary to:

(a) remove snow, ice, debris and graffiti from the curbs and sidewalks on the approaches and the curb and sidewalk and parapets on the bridge;

(b) maintain the stairs leading down from the bridge deck sidewalk to the railroad platform below, including snow, ice, debris and graffiti removal therefrom;

(c) maintain the lighting facilities and pay for the costs of continuing electric service therefor, wherever same are necessary for the protection of the public, on the approaches, sidewalks, bridge (including sidewalk thereon) and the stairs and stairway leading from the bridge down to the railroad platform; and

(d) maintain the curbs and sidewalks on the approaches to the bridge;

all in a safe and satisfactory manner and condition, and without prejudice to the Township of Radnor's right to enforce any lawful ordinances or agreements pertaining to the foregoing responsibilities.

5. That Philadelphia Suburban Water Company, at its sole cost and expense, bear all of the costs incurred with respect to the alteration, relocation, replacement or adjustment of its facilities necessary to accommodate the construction of the project; and, if it has not already done so, Philadelphia Suburban Water Company, when and as certified by the Commission, shall pay to the Pennsylvania Department of Transportation a sum or sums of money equal to 100% of the costs incurred by the Pennsylvania Department of Transportation for work performed on behalf of Philadelphia Suburban Water Company in connection with the project.

6. That Bell Atlantic-Pennsylvania, Inc, at its sole cost and expense, bear all of the costs incurred with respect to the alteration, relocation, replacement or adjustment of its facilities necessary to accommodate construction of the project; and, if it has not already done so, Bell Atlantic-Pennsylvania, Inc., when and as certified by the Commission, shall reimburse the Pennsylvania Department of Transportation a sum or sums of money equal to 100% of the costs incurred by the Pennsylvania Department of Transportation for work performed on behalf of Bell Atlantic-Pennsylvania, Inc., in connection with the project.

7. That the Pennsylvania Department of Transportation, having agreed to do so, at its sole cost and expense, shall bear all of the costs incurred by the Southeastern Pennsylvania Transportation Authority with respect to the alteration, relocation, replacement or adjustment of its facilities necessary to accommodate construction of the project; and if it has not already done so, the Pennsylvania Department of

Transportation, when and as certified by the Commission, shall reimburse the Southeastern Pennsylvania Transportation Authority a sum or sums of money equal to 100% of the costs incurred by the Southeastern Pennsylvania Transportation Authority in connection with the construction of the project.

8. That the Pennsylvania Department of Transportation, having agreed to do so, at its sole cost and expense, shall bear all of the costs incurred by the National Railroad Passenger Corporation with respect to the alteration, relocation, replacement or adjustment of its facilities necessary to accommodate construction of the project; and if it has not already done so, the Pennsylvania Department of Transportation, when and as certified by the Commission, shall reimburse the National Railroad Passenger Corporation a sum or sums of money equal to 100% of the costs incurred by the National Railroad Passenger Corporation in connection with the construction of the project.

9. That the Pennsylvania Department of Transportation, at its sole cost and expense, when and as certified by the Commission, shall reimburse PECO Energy Company a sum or sums of money equal to 10% of the costs incurred with respect to the alteration, relocation, replacement or adjustment of facilities of PECO Energy Company necessary to accommodate construction of the project; excluding those costs associated with that portion of the new six duct band shown from point 3 to point 9A on PECO Energy Company drawing 504-0532-2 on PECO Energy Company Exhibit No. 2 (December 8, 1994) in this proceeding.

10. That PECO Energy Company bear all of the remaining costs, including those costs associated with that portion of the new six duct band shown from point 3 to point 9A on PECO Energy Company drawing 504-0532-2 on PECO Energy Company Exhibit No. 2 (December 8, 1994), incurred in furnishing materials and

performing work in connection with the alteration, replacement, relocation or adjustment of PECO Energy Company facilities in connection with the project.

11. That the Adelpia Cable Company, at its sole cost and expense, bear all of the costs incurred by the Pennsylvania Department of Transportation with respect to the alteration, relocation, replacement or adjustment of the facilities of Adelpia Cable Company necessary to accommodate construction of the project; and if it has not already done so, shall reimburse the Pennsylvania Department of Transportation, when and as certified by the Commission, a sum or sums of money equal to 100% of the costs incurred by the Pennsylvania Department of Transportation for work performed on behalf of Adelpia Cable Company in connection with the construction of the project.

12. That, except as otherwise provided in this Order, the Pennsylvania Department of Transportation, Philadelphia Suburban Water Company, Bell Atlantic-Pennsylvania, Inc., PECO Energy Company, National Railroad Passenger Corporation and any utility, non-utility party, municipality, township, borough, county involved, each respectively, at their sole cost and expense, furnish all material and do all work necessary to maintain their respective facilities and property; all in a safe and satisfactory manner and condition.

13. That the late-filed Exhibit Nos. 16 and 17 of the Pennsylvania Department of Transportation are hereby received into the record in this proceeding and approved.

14. That the appropriations of parcels of property and aerial easements for the construction of the crossing and approaches previously made in prior Commission Orders pertaining to Tract No. 1, Tract No. 2, Tract No. 3, Tract No. 4, Tract No. 5, Tract No. 9, Temporary Construction Easement No. 1, Temporary

Construction Easement No. 2 and Temporary Construction Easement No. 7, are hereby revoked and rescinded; and in accordance with the provisions of Section 2702(b) of the Public Utility Code, 66 Pa. C.S. §2702(b), the following revised described parcels of property and easements together with additions thereto are hereby appropriated nunc pro tunc, for the construction of the crossing and approaches in accordance with the revised final plans approved by the Commission; and that this paragraph be recorded in the Office for the Recording of Deeds in the County of Delaware, Commonwealth of Pennsylvania, indexed under the name or names of the record owners of said property, as grantor(s), and the Pennsylvania Department of Transportation, ad grantees, at the sole cost and expense of the Pennsylvania Department of Transportation;

ALL THOSE CERTAIN TRACTS OF LAND, situated in the Township of Radnor, Delaware County, Pennsylvania, bounded and described as follows, to wit:

TRACT NO. 1 (REVISED)  
(Required Right-of-Way)

Beginning at a point on the northerly side of State Route 0320, said point being the intersection of the southerly AMTRAK right-of-way line and the northerly legal right-of-way line for State Route 0320 distant thirteen (13) feet northwesterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+56; thence in a northeasterly direction along the right-of-way line of AMTRAK to a point distant thirty (30) feet northwesterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+47; thence in a northeasterly direction along the required right-of-way line of State Route 0320 to a point distant thirty (30) feet northwesterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+61.1; thence in a southeasterly direction along the aerial easement line to a point distant thirteen (13) feet northwesterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+69.7; thence in a southwesterly direction along the legal right-of-way line of State Route 0320 to a point and place of beginning and containing

two-hundred thirty-six (236) square feet more or less.

TRACT NO. 2 (REVISED)  
(Required Right-of-Way)

Beginning at a point on the southerly side of State Route 0320, said point being the intersection of the required right-of-way line for State Route 0320 and the southerly temporary construction easement line for AMTRAK distant twenty-eight (28) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+77; thence northwesterly along the projected required right-of-way line to a point distant twenty (20) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+73; thence northeasterly along the legal right-of-way of State Route 0320 to a point distant twenty (20) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+86.2; thence southeasterly along required aerial easement line to a point distant twenty-eight (28) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+90.3; thence continuing southwesterly along the temporary construction easement line to a point and place of beginning and containing one-hundred and six (106) square feet more or less.

TRACT NO. 3 (REVISED)  
(Aerial Easement)

Beginning at a point on the northerly side of State Route 0320, said point being the intersection of the northerly legal right-of-way line for State Route 0320 and the southerly required aerial easement line of State Route 0320 distant thirteen (13) feet northwesterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+69.7; thence in a northwesterly direction along the required aerial easement line to a point distant thirty-seven (37) feet northwesterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+57.6; thence in a northeasterly direction along the required aerial easement line to a point distant thirty-seven (37) feet northwesterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 784+62; thence in a southeasterly direction along the AMTRAK northern right-of-way line to a point distant thirteen and one-half (13.5) feet northwesterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 784+72.5;

thence in a southwesterly direction along the legal right-of-way line for State Route 0320 to a point and place of beginning and containing two thousand four hundred sixty (2460) square feet more or less.

TRACT NO. 4 (REVISED)  
(Aerial Easement)

Beginning at a point on the southerly side of State Route 0320, said point being the intersection of the southerly legal right-of-way line for State Route 0320 and the required aerial easement line of State Route 0320 distant twenty (20) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+86.2; thence in a northeasterly direction along the legal right-of-way line of State Route 0320 to a point distant nineteen and one-half (19.5) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+44.5; thence in a southeasterly direction along the temporary construction easement line to a point distant thirty-five (35) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 785+52.3; thence in a southwesterly direction along the required aerial easement line to a point distant thirty-five (35) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+93.8; thence in a northwesterly direction along the required aerial easement line to a point and place of beginning and containing two thousand four hundred and sixteen (2416) square feet more or less.

TRACT NO. 5  
(Retainment of Aerial Easement, Conveyance of Surface Easement to AMTRAK Excluding Pier Footing Area)

Beginning at a point on the southerly side of State Route 0320, said point being the intersection of the southern legal right-of-way line of State Route 0320 and the southern aerial easement line of State Route 0320 distant nineteen and one-half (19.5) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 784+57; thence in a northwesterly direction along the aerial easement line to a point distant three (3) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 784+50; thence in a northeasterly direction along the AMTRAK property line to a

point distant three (3) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 785+25; thence in a southeasterly direction along the temporary construction easement line to a point distant nineteen and one-half (19.5) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 785+34.5; thence in a southwesterly direction along the legal right-of-way line for State Route 0320 to a point and place of beginning and containing one thousand two hundred and thirteen (1213) square feet more or less.

TRACT NO. 6 (Added)

(Retainment of aerial easement, Conveyance of Surface Easement to AMTRAK Excluding Abutment Footing Area)

Beginning at a point on the northerly side of State Route 0320, said point being the intersection of the northern legal right-of-way line of State Route 0320 and the northern aerial easement line of State Route 0320 distant thirteen (13) feet northwesterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+69.7; thence in a northeasterly direction along the aerial easement line to a point thirteen (13) feet northwesterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+80; thence in a southeasterly direction along the existing aerial easement line to a point distant twenty (20) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+96; thence in a southwesterly direction along the aerial easement line to a point distant twenty (20) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+86.2; thence in a southwesterly direction along the legal right-of-way line for State Route 0320 to a point and place of beginning and containing three hundred and fifteen (315) square feet more or less.

TRACT NO. 9

(Retainment of Aerial Easement, Conveyance of Surface Easement to AMTRAK Excluding Pier Footing Area)

Beginning at a point on the northerly side of State Route 0320, said point being the intersection of the southern aerial easement line of State Route 0320 and the northern legal right-of-way line of State Route 0320 distant thirteen and one-half (13.5) feet northwesterly and measured at right angles from

the right-of-way centerline of State Route 0320 at or about Station 784+41.5; thence in a northeasterly direction along the legal right-of-way line to a point thirteen and one-half (13.5) feet northwesterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 784+72.5; thence in a southwesterly direction along the AMTRAK right-of-way line to a point distant three (3) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 704+00; thence in a southwesterly direction along the AMTRAK property line to a point distant three (3) feet southeasterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 784+50; thence in a northwesterly direction along the aerial easement line to a point and place of beginning and containing five hundred and three (503) square feet more or less.

The above seven (7) tracts of land shown on the Department of Transportation's Drawings Authorizing Acquisition of Right-of-Way for State Route 0320 Section 12S R/W and designated and delineated as part of Parcel No. 5 on Sheet 11 of said drawings as recorded in the office for the recording of deeds, etc., in Delaware County Pennsylvania, in Volume 17, Page 243, on January 17, 1992, and re-recorded in Volume 17, Page 432 on February 2, 1993, are portions of real estate which became legally vested in National Railroad Passenger Corporation by deed of Consolidated Rail Corporation, dated October 11, 1978 and recorded October 20, 1978 in Deed Book 2670, Page 988 in the Delaware County Courthouse.

TEMPORARY CONSTRUCTION EASEMENT NO. 1  
(Revised)

Beginning at a point on the southerly side of State Route 0320, said point being the intersection of the southerly required legal right-of-way line of S.R. 0320 and the line for the Temporary Construction Easement distant twenty-eight (28) feet and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+77; thence in a northeasterly direction along the required right-of-way line for State Route 0320 to a point distant twenty-eight (28) feet and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 90.3; thence in a southeasterly direction along the required aerial easement line for State Route 0320 to a point distant thirty-five (35) feet and measured at right angles from the right-of-way centerline for State Route 0320 at or about Station 783+93.8; thence continuing northeasterly along the required aerial easement line for State

Route 0320 to a point distant thirty-five (35) feet and measured at right angles from the right-of-way centerline for State Route 0320 at or about Station 784+12.5; thence in a southeasterly direction along the front of the AMTRAK/SEPTA platform for the eastbound trains to a point distant four hundred and ninety-seven (497) feet and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 785+44.5; thence in a southwesterly direction to a point distant five hundred and ten (510) feet and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 785+20; thence in a northwesterly direction along the AMTRAK property line (projected as necessary) to a point and place of beginning and containing ten thousand two hundred and seventy (10,270) square feet more or less.

TEMPORARY CONSTRUCTION EASEMENT NO. 2

Beginning at a point on the southerly side of State Route 0320, said point being the intersection of the temporary construction easement line and AMTRAK property line distant one hundred and thirty (130) feet southeasterly and measured at right angles from the right-of-way centerline for State Route 0320 at or about Station 786+70.5; thence in a southwesterly direction to a point distant one hundred and thirty (130) feet southeasterly and measured at right angles from State Route 0320 at or about Station 785+88; thence in a northwesterly direction to a point of intersection with the existing right-of-way line for State Route 0320 distant nineteen and one-half (19.5) feet southeasterly and measured at right angles from the right-of-way centerline for State Route 0320 at or about Station 785+34.5; thence in a northeasterly direction along the existing right-of-way line for State Route 0320 to a point distant nineteen and one-half (19.5) feet southeasterly and measured at right angles from the right-of-way centerline for State Route 0320 at or about Station 785+44.5; thence in a southeasterly direction to a point distant ninety-seven (97) feet southeasterly and measured at right angles from the right-of-way centerline for State Route 0320 at or about Station 785+80; thence in a northeasterly direction along the temporary construction easement line to a point and place of beginning and containing two thousand one hundred and ninety-four (2194) square feet more or less.

TEMPORARY CONSTRUCTION EASEMENT NO. 4

Beginning at a point on the northerly side of State Route 0320, said point being the intersection of the northerly required right-of-way line for State Route 0320 and the AMTRAK right-of-way line distant thirty (30) feet northwesterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+47; thence in a northwesterly direction along the right-of-way line of AMTRAK to a point distant fifty (50) feet northwesterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+36.4; thence in a northeasterly direction along the Temporary Construction Easement line for AMTRAK to a point distant fifty (50) feet northwesterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+51; thence in a southeasterly direction along the Temporary Construction Easement line for AMTRAK to a point distant thirty (30) feet northwesterly and measured at right angles from the right-of-way centerline of State Route 0320 at or about Station 783+61.1; thence in a southwesterly point and place of beginning and containing two hundred and thirty-six (236) square feet more or less.

The above three (3) tracts of land show on the Department of Transportation's Drawings Authorizing Acquisition of Right-of-Way for State Route 0320 Section 12S R/W and designated and delineated as part of Parcel No. 5 on Sheet 11 of said drawings as recorded in the office for the recording of deeds, etc., in Delaware County, Pennsylvania, in Volume 17, Page 243, on January 17, 1992, and re-recorded in Volume 17, Page 432 on February 2, 1993, are portions of real estate which became legally vested in National Railroad Passenger Corporation by deed of Consolidated Rail Corporation, dated October 11, 1978 and recorded October 20, 1978 in Deed Book 2670, Page 988 in the Delaware County Courthouse.

15. That the Pennsylvania Department of Transportation take all appropriate steps and action forthwith to accomplish the rescissions, revocations, and recording of record provided for in Ordering Paragraph 14 of this Opinion and Order.

16. That the Pennsylvania Department of Transportation, at its sole cost and expense, pay all compensation for damages, if any, for property and easements

taken, injured or destroyed by reason of the construction of the crossing improvement.

17. That, to the extent not inconsistent with the provisions of this Tentative Opinion and Order, all parties concerned in this proceeding, at their respective sole cost and expenses, shall bear all remaining costs incurred by them respectively.

18. That this Tentative Opinion and Order, insofar as it places costs on various parties, is without prejudice to their respective rights to recover said costs from others in accordance with any lawful agreements.

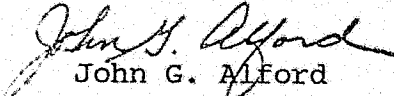
19. That to the extent not inconsistent with the provisions of this Tentative Opinion and Order, the prior Orders of this Commission shall remain in full force and effect.

20. That this Tentative Opinion and Order is binding upon the parties hereto and their respective successors and assigns.

21. That the parties to this proceeding shall have a

period of twenty (20) days from the entry date of this Tentative Opinion and Order in which to file comments. If no comments are received within the specified time period, this Tentative Opinion and Order shall become final without further action by this Commission.

BY THE COMMISSION

  
John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: August 31, 1995

ORDER ENTERED: **OCT 6 1995**

THIS 6th DAY OF OCTOBER, 1995

THE UNDERSIGNED HEREBY ACKNOWLEDGES RECEIPT OF

COPY OF TENTATIVE OPINION AND ORDER

UNDER DATE OF August 31, 1995 IN DOCKET NUMBER C-80011839

IN BEHALF OF GINA D'ALFONSO ESQUIRE PENNDOT

RECEIVED  
OCT 17 1995

SECRETARY'S OFFICE  
Public Utility Commission

*Gina M. D'Alfonso* 10/12/95

SIGNATURE

Kindly sign and date this form and return to:

PUC-FILE ROOM  
NORTH OFFICE BLDG  
B-20  
HARRISBURG PA

Commonwealth of Pennsylvania  
Department of Transportation

OCT 12 1995

OFFICE OF  
CHIEF COUNSEL

AWT

DOCKETED  
OCT 19 1995



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

October 6, 1995

C-80011839

■  
THOMAS J JUDGE SR  
RECORDER OF DEEDS  
DELAWARE COUNTY COURTHOUSE  
WEST FRONT STREET  
MEDIA PA 19063  
■

SOCKETED  
FEB 8 1996

DOCUMENT  
FOLDER

Villanova University

vs

National Railroad Passenger Corporation (AMTRAK); Consolidated Rail Corporation (CONRAIL);  
Southeastern Pennsylvania Transportation Authority (SEPTA); Pennsylvania Department of  
Transportation (PENNDOT); County of Delaware; and Radnor Township

To Whom It May Concern:

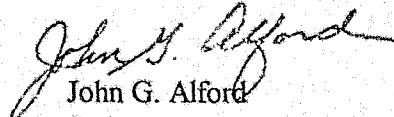
Enclosed, herewith, is a certified copy of the Commission order of in the above case, appropriating certain lands in the County of Delaware, said lands being described by metes and bounds.

The provisions of Section 2702(d) of the Public Utility Code require that:

"The Commission shall file with the recorder of deeds of the proper county, a copy of that portion of the order of the property and such plans and other detailed information as the Commission may deem necessary. Such portion of the Commission's order dealing with the specific property appropriated shall be recorded and indexed under the name or names of the record owners of such specific property at the expenses of the utility or utilities, political subdivisions, municipality or municipalities, governmental agency, including the Department of Transportation and Public Utility Commission, corporation or persons under whose instigation, petition or complaint the said crossing was constructed, reconstructed, relocated, altered or abolished, as may be ordered to bear such expense of recording by the Commission; provided that when such appropriation of real property has been recorded under the provisions of any other statute, such recording shall not be duplicated under the terms of this section."

Kindly advise at your earliest convenience the date of recording and the volume and page at which this order is recorded in your records and return to the Commission.

Very truly yours,

  
John G. Alford  
Secretary

law  
Enclosure  
Certified Mail  
Receipt Requested