

C-800 11839
Johnson

LAW OFFICES
HARPER, GEORGE, BUCHANAN & DRIVER

1200 WESTERN SAVINGS BANK BUILDING

BROAD AND CHESTNUT STREETS

PHILADELPHIA, PA. 19107

PENNYPACKER 5-3090

W. GLENN GEORGE
1934-1972

JOHN HARPER
THEODORE K. WARNER, JR.
RALPH P. HIGGINS
OF COUNSEL

WILLIAM M. BUCHANAN
PHILIP B. DRIVER, JR.
WESTON C. OVERHOLT, JR.
RONALD C. UNTERBERGER
ROBERT C. STEIGER
JAMES W. PATTERSON
RICHARD R. HIGH
RENÉE SARAJIAN
LARRY R. McDOWELL
JEFFREY R. ABBOTT

January 30, 1980

RECEIVED

JAN 31 1980

Mr. William P. Thierfelder, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

SECRETARY'S OFFICE
Public Utility Commission

Re: Villanova University, et. al. v.
National Railroad Passenger Corporation
(AMTRAK), et. al. -- Crossing Complaint

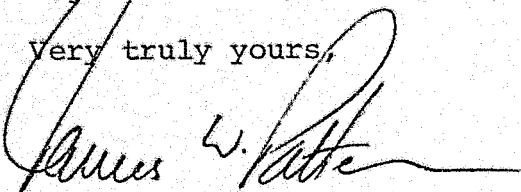
Dear Secretary Thierfelder:

Enclosed herewith please the original and seven (7) copies of the Complaint of Villanova University, its Students, Faculty, Employees and Staff, against six-named Respondents, seeking the construction, improvement or alteration of facilities for crossing the lines of railroad proximate to the lands of Villanova University.

Sufficient copies of the Complaint have been provided for service upon the named Respondents.

Kindly enter the appearance of the undersigned on behalf of Complainants. Service of all Orders and other notices issued by the Commission in the matter should be made upon the undersigned.

Very truly yours,



JAMES W. PATTERSON

JWP:ej

Encs.

cc: The Rev. John E. Deegan, O.S.A.

DOCUMENT
FOLDER

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

JAN 31 1980

SECRETARY'S OFFICE
Public Utility Commission
COMPLAINT DOCKET

VILLANOVA UNIVERSITY in the
STATE OF PENNSYLVANIA, On
Behalf of Itself, Its Students
Faculty, Employees and Staff

v.

NATIONAL RAILROAD PASSENGER
CORPORATION (AMTRAK),
CONSOLIDATED RAIL CORPORATION
(CONRAIL),
SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY
(SEPTA),
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
COUNTY OF DELAWARE,
and
RADNOR TOWNSHIP, DELAWARE
COUNTY

No. C-80011839

Johnson

DOCKETED
JAN 31 1980
Rm

COMPLAINT

1. Complainant, Villanova University in the State of Pennsylvania (hereinafter referred to as "Villanova University") is a Pennsylvania corporation, conducting a university at Villanova, County of Delaware, Commonwealth of Pennsylvania. It brings this action on behalf of itself, its students, its faculty, its employees and its staff.

[Faint rectangular stamp]

HARPER, GEORGE, BUCHANAN & DRIVER
1200 WESTERN SAVINGS BANK BUILDING
PHILADELPHIA, PA. 19107
(215) PE 5-3090

ORIGINAL

2. Attorney for Complainant is James W. Patterson, Harper, George, Buchanan & Driver, 1200 Western Savings Bank Building, Philadelphia, Pennsylvania 19107, (215) 735-3090.

3. Respondents:

a. National Railroad Passenger Corporation ("Amtrak") is a corporation organized and existing under the laws of the United States and participates in the ownership and/or operation of a line of railroad passing through or adjacent to the land of Villanova University and lands within the County of Delaware and Radnor Township.

b. Consolidated Rail Corporation ("CONRAIL") is a corporation organized and existing under the laws of the United States and participates in the ownership and/or operation of a line of railroad passing through or adjacent to the land of Villanova University and lands within the County of Delaware and Radnor Township.

c. Southeastern Pennsylvania Transportation Authority ("SEPTA") is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and participates in the ownership and/or operation of a line of railroad passing through or adjacent to the land of Villanova University and lands within the County of Delaware and Radnor Township.

d. The Department of Transportation of the Commonwealth of Pennsylvania maintains a public highway, State Route 320 (also known as Spring Mill Road) passing through or adjacent to the land of Villanova University and lands within the County of Delaware and Radnor Township and, by means of an overpass, over the lines of railroad referred to in subparagraphs a., b. and c. above.

e. The County of Delaware and Radnor Township are political subdivisions of the Commonwealth of Pennsylvania within which Villanova University is located and through which State Route 320 and the subject lines of railroad pass.

4. Subject Matter of Complaint:

a. Substantial pedestrian traffic is required to cross the said lines of railroad in the vicinity of Villanova University within Radnor Township, Delaware County, nearby the point at which State Highway 320 crosses over the said lines of railroad.

b. The facilities for pedestrian movement under, above and across the lines of railroad referred to in 3. a., b. and c. above are inadequate and dangerous and a serious threat to the safety of the public.

c. Complainant, on behalf of itself, its students, faculty, employees and staff seek to invoke the jurisdiction of the Pennsylvania Public Utility Commission to cause the construction of a safe and adequate means for crossing the said lines of railroad.

5. Legal Basis of Complaint:

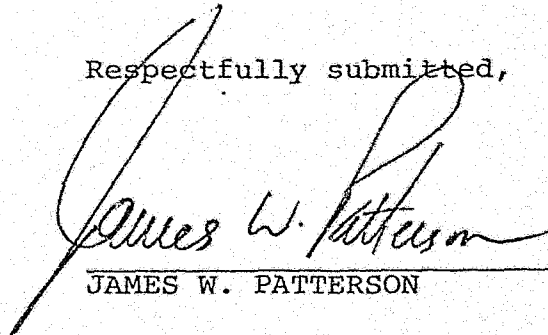
a. Pursuant to the Public Utility Code, 1978, P.L. 598, No. 116, (66 C. Pa.S.A. §101 et seq) the Pennsylvania Public Utility Commission has jurisdiction to require the construction of a safe and appropriate crossing for the protection of the public.

b. In particular, without limitation by reason of their enumeration, Sections 1505 and 2702 of the Public Utility Code, empower the Commission to require the improvement, relocation or alteration of existing facilities or crossings, or the construction of new facilities and crossings.

WHEREFORE, Villanova University in the State of Pennsylvania, on behalf of itself, its students, faculty, employees and staff prays the Commission to inter an Order requiring

the construction of facilities, or the alteration of existing facilities, so as to foster and protect the safety of the public, in connection with movement across the lines of railroad aforesaid.

Respectfully submitted,

A handwritten signature in cursive script that reads "James W. Patterson". The signature is written in dark ink and is positioned above a horizontal line.

JAMES W. PATTERSON

Attorney for
VILLANOVA UNIVERSITY

DOCUMENTED
FEB 04 1980
JC

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG

In re Complaint of
Villanova University
vs.

National Railroad Passenger Corporation (AMTRAK),
Consolidated Rail Corporation, Southeastern
PA Transportation Authority (SEPTA), Common-
wealth of PA-PennDOT, County of Delaware and
Radnor Township

Complaint Docket
No. C-80011839
1980...

TO

W. Scott Armentrout, Esquire
AMTRAK
522 Suburban Station Building
1617 J. F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission.

You are hereby required to satisfy the said complaint or to answer the same in writing, duly verified by affidavit, within TWENTY days from the date hereof.

In Witness Whereof, PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused its seal to be hereunto attached, duly attested by its Secretary, this FOURTH day of FEBRUARY, 19 80.

Enclosure
Certified Mail
Receipt Requested

ATTEST:

Kiel P. Thunfelder
Secretary

DOCKETED
FEB 04 1980
ZL

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG

In re Complaint of
Villanova University
vs.

National Railroad Passenger Corporation (AMTRAK),
Consolidated Rail Corporation, Southeastern
PA Transportation Authority (SEPTA), Common-
wealth of PA-PennDOT, County of Delaware and
Radnor Township

Complaint Docket

No. C-80011839.

1980...

TO

James C. McConnon, Chairman
Southeastern Pennsylvania Transportation Authority
2028 PSFS Building
Philadelphia, Pennsylvania 19107

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission.

You are hereby required to satisfy the said complaint or to answer the same in writing, duly verified by affidavit, within.....TWENTY.....days from the date hereof.

In Witness Whereof, PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused its seal to be hereunto attached, duly attested by its Secretary, this.....FOURTH.....day of
.....FEBRUARY....., 19..80.

Enclosure
Certified Mail
Receipt Requested

ATTEST:

Richard J. Thompson

Secretary

DOCKETED
FEB 04 1980
JC

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG

In re Complaint of
Villanova University
vs.

National Railroad Passenger Corporation (AMTRAK),
Consolidated Rail Corporation, Southeastern
PA Transportation Authority (SEPTA), Common-
wealth of PA-PennDOT, County of Delaware and
Radnor Township

Complaint Docket

No. C-80011839

1980...

TO

A. J. DiGregorio, Docket Clerk
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19104

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission.

You are hereby required to satisfy the said complaint or to answer the same in writing, duly verified by affidavit, within.....TWENTY.....days from the date hereof.

In Witness Whereof, PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused its seal to be hereunto attached, duly attested by its Secretary, this.....FOURTH.....day of
.....FEBRUARY....., 19.80.

Enclosure
Certified Mail
Receipt Requested

ATTEST:

Richard J. Thunfelder

Secretary

DOCUMENT
FEB 04 1980
JC

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG**

In re Complaint of
Villanova University
vs.

Complaint Docket

No. C-8001839

1980

National Railroad Passenger Corporation (AMTRAK),
Consolidated Rail Corporation, Southeastern
PA Transportation Authority (SEPTA), Common-
wealth of PA-PennDOT, County of Delaware and
Radnor Township

TO

Robert W. Cunliffe, Deputy Attorney General
Pennsylvania Department of Transportation
Transportation and Safety Building
Room 521
Harrisburg, Pennsylvania 17120

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission.

You are hereby required to satisfy the said complaint or to answer the same in writing, duly verified by affidavit, within.....TWENTY.....days from the date hereof.

In Witness Whereof, PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused its seal to be hereunto attached, duly attested by its Secretary, this.....FOURTH.....day of
.....FEBRUARY....., 19.80.

Enclosure
Certified Mail
Receipt Requested

ATTEST:

Richard P. Thayer, Jr.

Secretary

FEB 04 1980
JC

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG**

In re Complaint of
Villanova University
vs.

Complaint Docket

No. C-80011839

1980...

National Railroad Passenger Corporation (AMTRAK),
Consolidated Rail Corporation, Southeastern
PA Transportation Authority (SEPTA), Common-
wealth of PA-PennDOT, County of Delaware and
Radnor Township

TO

Francis P. Connors
107 W. 3rd Street
Media, PA 19063

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission.

You are hereby required to satisfy the said complaint or to answer the same in writing, duly verified by affidavit, within.....TWENTY.....days from the date hereof.

In Witness Whereof, PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused its seal to be hereunto attached, duly attested by its Secretary, this.....FOURTH.....day of
.....FEBRUARY....., 19..80..

Enclosure
Certified Mail
Receipt Requested

ATTEST:

Francis P. Thompson
.....
Secretary

DO NOT WRITE IN THESE SPACES
FEB 04 1980
JC

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG

In re Complaint of
Villanova University
vs.

Complaint Docket

No. C-80011839

1980...

National Railroad Passenger Corporation (AMTRAK),
Consolidated Rail Corporation, Southeastern
PA Transportation Authority (SEPTA), Common-
wealth of PA-PennDOT, County of Delaware and
Radnor Township

TO

Eugene H. Evans
131 W. Market Street
West Chester, PA 19380

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission.

You are hereby required to satisfy the said complaint or to answer the same in writing, duly verified by affidavit, within.....TWENTY.....days from the date hereof.

In Witness Whereof, PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused its seal to be hereunto attached, duly attested by its Secretary, this.....FOURTH.....day of.....FEBRUARY....., 19.80.

Enclosure
Certified Mail
Receipt Requested

ATTEST:

Kice J. Threlkeld

Secretary



COUNTY SOLICITOR
 COUNTY OF DELAWARE
 COURT HOUSE
 FRONT STREET AND SOUTH AVENUE
 MEDIA, PENNSYLVANIA 19063
 215-891-2688

RECEIVED

FEB 21 1980

SECRETARY'S OFFICE
 Public Utility Commission

FRANCIS P. CONNORS
 COUNTY SOLICITOR

February 20, 1980

COUNCIL

CHARLES C. KEELER
 CHAIRMAN

FAITH RYAN WHITTLESEY
 VICE CHAIRMAN

HAROLD F. HAABESTAD, JR.

DENNIS J. ROCHFORD

WILLIAM A. SPINGLER

William P. Thierfelder, Secretary
 Penna. Public Utility Commission
 P. O. Box 3265
 Room 111, North Office Building
 Harrisburg, Pa. 17120

RE: Villanova University vs. National Railroad
 Passenger Corporation, et al.
Complaint Docket No. C-80011839, 1980

Dear Mr. Thierfelder:

Enclosed please find for filing with your Commission the original and three copies of the Answer of the County of Delaware to the Complaint filed in the above captioned matter.

By copy of this letter, I am serving a copy of this Answer on James W. Patterson, Esquire, attorney for the Complainant, Villanova University. As soon as I am advised of the mailing addresses of the remaining parties, I will also serve upon each of them a copy of this Answer.

Thank you for your cooperation.

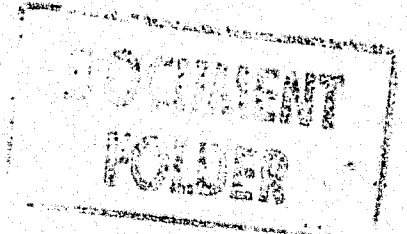
Very truly yours,

FRANCIS P. CONNORS
 Solicitor
 County of Delaware

FPC:md

Enc.

CC: James W. Patterson, Esquire



RECEIVED

PENNSYLVANIA PUBLIC UTILITY COMMISSION FEB 21 1980

SECRETARY'S OFFICE
Public Utility Commission

VILLANOVA UNIVERSITY in the
STATE OF PENNSYLVANIA, On
Behalf of Itself, Its Students,
Faculty, Employees and Staff

: COMPLAINT DOCKET

vs.

NATIONAL RAILROAD PASSENGER
CORPORATION (AMTRAK),
CONSOLIDATED RAIL CORPORATION
(CONRAIL),
SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY
(SEPTA),
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
COUNTY OF DELAWARE,
and
RADNOR TOWNSHIP, DELAWARE COUNTY

: No. C-80011839

ANSWER OF COUNTY OF DELAWARE
TO COMPLAINT

AND NOW, comes the County of Delaware, by its Solicitor, Francis P. Connors, Esquire, and files the within Answer to the Formal Complaint filed in the within case:

1. Admitted.
2. Admitted.
3. (a) through (e). Admitted.
4. (a) Admitted.

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FEB 22 1979

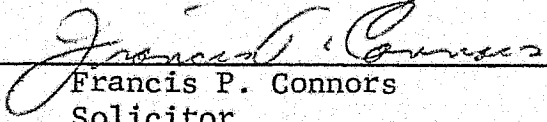
SECRETARY'S OFFICE
PUBLIC UTILITY COMMISSION

(b) Respondent County of Delaware is without sufficient information to form a belief as to the truth of the averments of paragraph 4(b) of the Complaint, and the same are therefore denied.

(c) Admitted.

5. The averments of paragraph 5(a) and (b) averring jurisdiction of the Penna. Public Utility Commission are admitted; however, by way of further answer it is averred that the County of Delaware is not a proper party to the within proceedings because it has no responsibility in connection with the State Route 320 or the pedestrian crossing over or under the railroad lines in question.

WHEREFORE, Respondent County of Delaware prays that the Complaint be dismissed as to the County of Delaware.

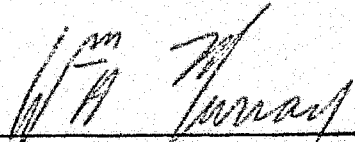

Francis P. Connors
Solicitor
County of Delaware

COMMONWEALTH OF PENNSYLVANIA

: ss

COUNTY OF DELAWARE

WILLIAM A. MURRAY, being duly sworn according to law, deposes and says that he is the County Clerk of the County of Delaware, that he is authorized to take this affidavit on behalf of said County, and that the facts contained in the within Answer are true and correct to the best of his knowledge, information and belief.



WILLIAM A. MURRAY
County Clerk

Sworn to and subscribed

before me this *20th* day

of *February*, A.D., 1980.



KATHLEEN E. McCULL, Notary Public
Media Borough, Delaware County
My Commission Expires March 29, 1982

PENNSYLVANIA PUBLIC UTILITY
COMMISSION
COMPLAINT DOCKET
No. C-80011839

VILLANOVA UNIVERSITY in the
STATE OF PENNSYLVANIA, On
Behalf of Itself, Its Stud-
ents, Faculty, Employees and
Staff

vs.

NATIONAL RAILROAD PASSENGER
CORPORATION (AMTRAK),
CONSOLIDATED RAIL CORPORATION
(CONRAIL),
SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY
(SEPTA),

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
COUNTY OF DELAWARE,
and
RADNOR TOWNSHIP, DELAWARE
COUNTY

ANSWER OF COUNTY OF DELAWARE
TO COMPLAINT

Francis P. Connors, Solicitor
County of Delaware

LAW OFFICES
LEVIS-CONNORS-SWANICK
107 WEST THIRD STREET
MEDIA, PA 19063

file

ORIG

FEB 23 8 07 AM '80



February 20, 1980
SECURITY SERVICE
COMMISSION

Mr. William P. Thierfelder,
Secretary
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17120

FILE
G. K. G.

Subject: Villanova University v. National Railroad Passenger Corporation (Amtrak), Consolidated Rail Corporation, Southeastern Pennsylvania Transportation Authority (SEPTA), Commonwealth of Pennsylvania--PennDot, County of Delaware and Radnor Township C-80011839

Dear Mr. Thierfelder:

Enclosed are an original and three copies of National Railroad Passenger Corporation's Answer to the above Complaint.

Very truly yours,

W. Scott Armentrout
Assistant General Counsel
Northeast Corridor

cc: James W. Patterson, Esq.
Harper, George, Buchanan & Driver
1200 Western Savings Bank Building
Philadelphia, Pennsylvania 19107
(w/encl)

5716

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION
FEB 25 8 07 AM '80

Villanova University

v.

National Railroad Passenger Corporation
(Amtrak), Consolidated Rail Corporation,
Southeastern Pennsylvania Transportation
Authority (SEPTA), Commonwealth of
Pennsylvania--PennDot, County of Delaware
and Radnor Township

SECRET)
PUBLIC)
UTILITY)
Complaint)
Docket)
No. C-80011839)
1980)

NOW COMES National Railroad Passenger Corporation (Amtrak)
and for Answer to this Complaint says:

1. Defendant is unable to admit or deny.
2. No answer required.
3. a. Admitted.
b. Defendant Conrail does participate through contract
in the operation of trains in the area of the
complaint.
c. Defendant SEPTA does participate through contract in
the operation of trains in the area of the
complaint.
d. Defendant is unable to admit or deny.
e. Defendant is unable to admit or deny.
4. a. Defendant admits that pedestrian traffic does cross
the railroad in the vicinity of Villanova
University. Whether it is required to do so and is
"substantial" are matters for Plaintiff to establish
and are denied.

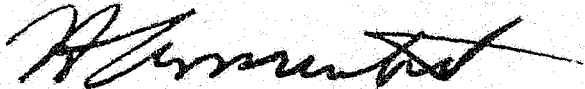
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FEB 25 1980
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FEB 25 1980

- b. Denied.
 - c. Defendant is unable to admit or deny.
5. Defendant admits that this Commission has general jurisdiction over crossings in the State of Pennsylvania but denies that such jurisdiction applies to it in this instant case.

WHEREFORE, National Railroad Passenger Corporation (Amtrak) asks that this Complaint be dismissed.

Respectfully submitted,

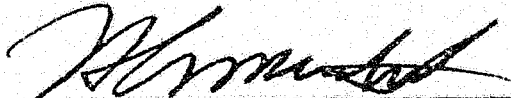


W. Scott Armentrout
Assistant General Counsel
Northeast Corridor

Dated: February 20, 1980

CERTIFICATE OF SERVICE

I hereby certify that the enclosed Answer was mailed via first class mail to William P. Thierfelder, Secretary, Commonwealth of Pennsylvania, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, Pennsylvania 17120 on February 20, 1980.



W. Scott Armentrout



Southeastern Pennsylvania Transportation Authority

Board

Chairman

David F. Girard-diCarlo, Esq.

Vice Chairman

James C. McHugh

G. Roger Bowers, Esq.

Lewis F. Gould, Jr., Esq.

Frank W. Jenkins, Esq.

Hillel S. Levinson, Esq.

John W. MacMurray

Joseph L. Pyle, Jr.

Dennis J. Rochford

Lawrence R. Stoltz

Robert J. Thompson

Acting Chief Counsel

Robert C. Wert, Esq.

General Manager

David L. Gunn

Executive Office
2028 PSFS Building • 12 South 12th Street
Philadelphia, Pa. 19107
(215) 574-7300

February 27, 1980

Mr. William Thierfelder
Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17120

RECEIVED

MAR 3 1980

SECRETARY'S OFFICE
Public Utility Commission

Re: Complaint Docket C-80011839
Villanova University
vs.
Amtrak, et al

FILE
C. K. G.

Dear Mr. Thierfelder:

Enclosed is an original and two (2) copies of SEPTA's Answer on the above.

I hereby certify that I have served a copy of the Answer upon all parties of record.

Yours very truly,

E.H. Huss
Edward H. Huss
Staff Counsel

EHH/sg
Encs.

cc: James W. Patterson, Esq.
Attorney for Villanova
National Railroad Passenger Corp. (Amtrak)
Consolidated Rail Corp. (Conrail)
County of Delaware
Radnor Township

FOLDER

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

MAR 3 1980

SECRETARIAT'S OFFICE
Public Utility Commission

Villanova University :
COMPLAINT DOCKET
vs. :
No. C-80011839
National Railroad Passenger Corporation :
(AMTRAK), Consolidated Rail Corporation, 1980
Southeastern Pennsylvania Transportation :
Authority (SEPTA), Commonwealth of PA- :
PennDOT, County of Delaware and Radnor :
Township :

ANSWER OF SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

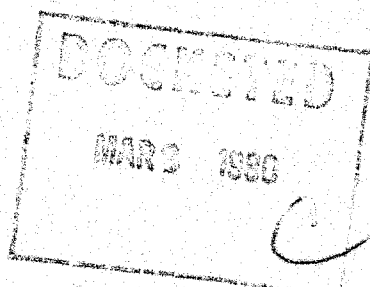
AND NOW COMES, Southeastern Pennsylvania Transportation Authority (SEPTA), by its attorney, and files the following answers to the above captioned complaint:

1. Admitted.

2. Admitted.

3. c. Admitted in part and denied in part. SEPTA participates in funding a portion of the passenger rail service operated in this area through a purchase of service contract with Conrail.

4. a. Admitted.



4. b. Denied. SEPTA does not own, operate or maintain the facilities for pedestrian movement, under, above and across the line of railroad referred to in 3a, b and c and thus is without specific knowledge or information sufficient to answer the averment.

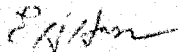
4. c. Inasmuch as Petitioner's Paragraph 6 contains a prayer for relief no responsive pleading of SEPTA is required.

5. a. Inasmuch as Petitioner's Paragraph 6 contains a prayer for relief no responsive pleading of SEPTA is required.

5. b. Inasmuch as Petitioner's Paragraph 6 contains a prayer for relief no responsive pleading of SEPTA is required.

WHEREFORE, SEPTA respectfully requests the Pennsylvania Public Utility Commission to conduct such hearings that it may deem desirable or necessary to determine the proper parties to remedy unfavorable conditions if such exists.

Respectfully submitted,


Edward H. Huss
Staff Counsel

COMMONWEALTH OF PENNSYLVANIA :

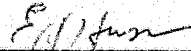
:

SS

COUNTY OF PHILADELPHIA :

:

EDWARD H. HUSS, being duly sworn according to law, deposes and says that he is counsel for SEPTA; that he is authorized to and does make this affidavit for it; and that the facts set forth in the foregoing Answer are true and correct.



EDWARD H. HUSS
Staff Counsel

Sworn and subscribed

before me this *28TH*

day of *February*

1980.



Notary Public

ROBERT B. DONNELLY

Notary Public, Philadelphia, Philadelphia Co.
My Commission Expires July 26, 1982

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Harrisburg, Pennsylvania 17120
Office of Chief Counsel

file



March 7, 1980

MAR 11 10 53 AM '80

IN REPLY REFER TO

SECURITY OFFICE
PUBLIC UTILITY
COMMISSION

FILE
C. K. G.

ORIGINAL

William P. Thierfelder, Secretary
Pennsylvania Public Utility Commission
North Office Building
Harrisburg, Pennsylvania 17120

Re: Complaint Docket No. C-80011839
Delaware County

Dear Mr. Thierfelder:

Enclosed for filing with the Commission are the original and two (2) copies of Answer to Complaint on behalf of the Pennsylvania Department of Transportation in the above-captioned matter.

I hereby certify that a copy of said Answer has been sent to all parties of record.

Very truly yours,

George D. Wenick
Assistant Attorney General
(717) 787-6559

220/GDW:rmm
Enclosures

cc: K. W. Walker, P.E., Chief Utility Engineer
District #6-0
Parties of Record - Page 2

DO NOT WRITE IN THESE SPACES

PARTIES OF RECORD

James W. Patterson, Esquire
Harper, George, Buchanan & Driver
1200 Western Savings Bank Building
Philadelphia, Pennsylvania 19107

Joel E. Mazor, Esquire
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19104

Eugene H. Evans, Esquire
Solicitor for Radnor Township
131 West Market Street
West Chester, Pennsylvania 19380

Francis P. Connors, Esquire
Solicitor for Delaware County
107 West 3rd Street
Media, Pennsylvania 19063

Edward H. Huss, Staff Counsel
Southeastern Pennsylvania Transportation Authority
2028 PSFS Building
12 South 12th Street
Philadelphia, Pennsylvania 19107

W. Scott Armentrout, Esquire
National Railroad Passenger Corporation
Northeast Corridor Operations
1617 J. F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103

Before the

PENNSYLVANIA PUBLIC UTILITY COMMISSION

MAR 11 10 53 AM '89

SECRETARIES OFFICE
PUBLIC UTILITY
COMMISSION

Villanova University

vs.

National Railroad Passenger
Corporation (AMTRAK), Con-
solidated Rail Corporation,
Southeastern Pennsylvania
Transportation Authority (SEPTA)
Commonwealth of Pennsylvania,
Department of Transportation,
County of Delaware and Radnor
Township

COMPLAINT

DOCKET

NO. C-80011839

ANSWER TO COMPLAINT

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes the Department of Transportation of the Commonwealth of Pennsylvania, by its undersigned attorney, and makes answer to the Complaint of Villanova University as follows:

1. The allegations contained in Petitioner's Paragraph 1 are admitted as stated.

2. The allegations contained in Petitioner's Paragraph 2 are admitted as stated.

DOCKETED
MAR 11 1989
TC


3. The allegations contained in Petitioner's Paragraph 3 are admitted as stated.

4. The allegations contained in Petitioner's Paragraph 4 are admitted in part and denied in part. The Department admits the allegation contained in Petitioner's Paragraph 4a. The Department denies the allegations contained in Petitioner's Paragraph 4b, inasmuch as there is a tunnel in the vicinity of the subject crossing which provides pedestrians with a safe and convenient method of crossing the lines of the railroad involved. Petitioner's Paragraph 4c contains a prayer for relief to which a responsive pleading is not required.

5. Petitioner's Paragraph 5 contains a statement of jurisdiction and a prayer for relief to which a responsive pleading is not required.

WHEREFORE, the Department of Transportation respectfully requests your Honorable Commission to schedule such hearings and field conferences as it may deem necessary.

Respectfully submitted,


George D. Wenick
Assistant Attorney General

CONRAIL

ORIGINAL

MAR 17 8 21 AM '80

SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

March 14, 1980

William P. Thierfelder, Esq.
Secretary
Pennsylvania Public Utility Commission
Box 3265
Harrisburg, Pa. 17120

Re: PaPUC C-80011839, Delaware County

Dear Sir:

I am enclosing herein for filing on behalf of Consolidated Rail Corporation an original and two copies of its Answer in the captioned matter.

I hereby certify I have served copies of the Answer on all parties of record.

Very truly yours,

Joel E. Mazor
Joel E. Mazor
Commerce Counsel

JEM:CV
Encl.

CC: James W. Patterson, Esq., 1200 Western Savings Bank Bldg.,
Philadelphia, Pa. 19107
Edward H. Huss, Esq., SEPTA, 2028 PSFS Bldg., Phila. 19107
Herbert G. Zahn, Esq., PennDOT, Harrisburg, Pa. 17120
Commissioners of Delaware County, Court House, Media, Pa. 19063
Secretary of Radnor Twp., 301 Iven Ave., Wayne, Pa. 19087
Natl. RR Passenger Corp., Att: Scott Armentrout, Esq.,
400 N. Capitol St. NW, Washington, DC 20001

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Villanova University in the state:
of Pennsylvania, on behalf of :
itself, its students, faculty, :
employees and staff :

Complaint Docket

v. :

National Railroad Passenger :
Corporation (Amtrak), Consolida- :
ated Rail Corporation (Conrail), :
Southeastern Pennsylvania Trans- :
portation Authority (Septa), :
Commonwealth of Pennsylvania, :
Department of Transportation, :
County of Delaware and Radnor :
Township, Delaware County. :

No. 80011839

ANSWER OF CONSOLIDATED RAIL CORPORATION

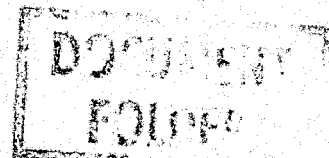
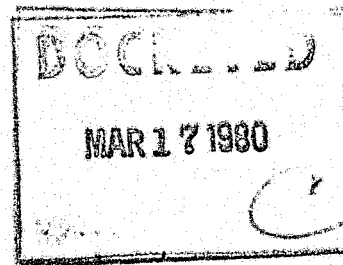
COMES NOW, Consolidated Rail Corporation, by its attorney,
Joel E. Mazor, and makes answer to the above captioned complaint
as follows:

1. Admitted.

2. Admitted.

3b. Consolidated Rail Corporation (Conrail) is a corporation
organized and existing under laws of the Commonwealth of Pennsylvania.
It has no ownership in the line of railroad passing through or
adjacent to the land of Villanova University. It does operate
commuter trains on behalf of Septa and freight trains on its own
account through trackage right agreements with Amtrak. All trains
so operated are dispatched by Amtrak.

4a. Respondent Conrail is without knowledge or information
as to whether there is substantial pedestrian traffic required



to cross the lines of railroad involved and demands proof thereof if relevant to the proceeding.

4b. It is denied that facilities for pedestrian movement under, above and across the lines of railroad referred to in the complaint are inadequate and dangerous and a serious threat to the safety of the public.

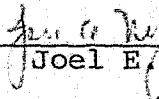
4c. It is admitted that the Pennsylvania Public Utility Commission has jurisdiction over the subject matter of the complaint. It is denied that the means for crossing the lines of railroad are at present unsafe or inadequate.

5a. It is admitted the Pennsylvania Public Utility Commission has jurisdiction in the matter but it is denied that there is not a safe and appropriate crossing for the protection of the public already in existence.

5b. Paragraph 5b of the complaint is a conclusion of law which requires no answer.

WHEREFORE, Consolidated Rail Corporation requests the Commission to hold such on site conferences and hearings as it may deem appropriate in the matter to determine the issues raised by the complaint.

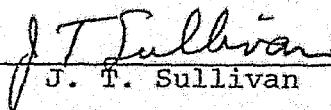
CONSOLIDATED RAIL CORPORATION



Joel E. Mazor


COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF PHILADELPHIA :

J. T. Sullivan, being duly sworn according to the law, deposes and says that he is Chief Engineer, Design and Construction for Consolidated Rail Corporation; that he is authorized to and does make this affidavit for it; that the facts contained in the foregoing answer are true and correct to the best of his knowledge, information and belief.



J. T. Sullivan

Sworn to and subscribed
before me this 21 day
of February, 1980.



Notary Public

WILLIAM R. GOODMAN
Notary Public, Philadelphia, Pa.
My Comm. Expires 12/31/81

March 27, 1980

C-80011839

Kenneth W. Walker, Chief Utility Engineer
Grade Crossing Unit - 11th Floor
Transportation and Safety Building
Harrisburg, PA 17120

Villanova University

v.

National Railroad Passenger Corporation (Amtrak),
Consolidated Rail Corporation, Southeastern Penn-
sylvania Transportation Authority (SEPTA), Penn-
sylvania Department of Transportation, County of
Delaware and Radnor Township.

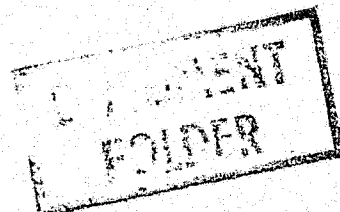
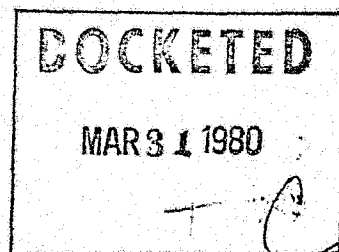
Dear Mr. Walker:

This is to advise that a field investigation and conference will be held at the site of the crossing involved in the above-entitled proceeding on Tuesday, April 29, 1980 at 10:00 a.m. to discuss the matters involved.

Kindly arrange to have a representative present if you are interested in this proceeding.

Very truly yours,

David C. Hart, P.E.
Bureau of Rail Transportation



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
AUGUST 20, 1980

MONITOR: COMMISSIONER JOHNSON

In re: C-80011839

(See attached list)

Villanova University
versus
National Railroad Passenger Corporation (Amtrak),
Consolidated Rail Corporation, Southeastern Pennsylvania
Transportation Authority (SEPTA), Pennsylvania Department
of Transportation, County of Delaware and Radnor Township

Dear Sir:

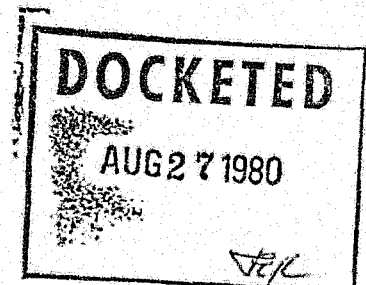
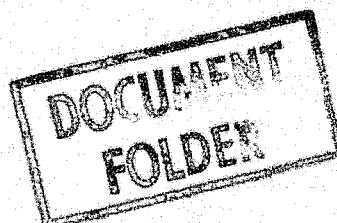
This letter is to inform you that hearing on the above captioned case will be held Tuesday, October 7, 1980 at 10:00 a.m. in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania.

The purpose of this hearing is, among other things, to receive testimony into the record regarding the conditions existing at the bridge and approaches thereto, where State Highway Route 320 (Springmill Road) crosses over and above railway tracks in Radnor Township, Delaware County.

It is requested that each party in interest submit testimony and exhibits concerning the alleged hazardous conditions of the subject crossing, with the understanding that the Commission may, in adjudicating this matter, take jurisdiction over any desired portion of the improvement.

We are enclosing herewith, a list of questions, prepared by our Bureau of Transportation, indicating information to be developed at the hearing, along with other relevant testimony.

Administrative Law Judge Martin R. Fountain will be the presiding officer in this case. Judge Fountain's telephone number is (215) 238-3735. His address is Room 1302, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania 19130.



As a reminder, please be advised that three copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

Sincerely,

William Shane, Chief
Administrative Law Judge

cc: Judge Fountain
Law Bureau
Bureau of Rail Transportation
Mr. Bramson
Ms. Long
Ms. Lawrence
File Room

Enclosure

James W. Patterson, Esquire
Harper, George, Buchanan & Driver
1200 Western Savings Bank Building
Philadelphia, PA 19107

Eugene H. Evans, Solicitor
Township of Radnor
131 West Market Street
West Chester, PA 19380

Joel E. Mazor, Commerce Counsel
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, PA 19104

Robert W. Cunliffe, Deputy
Attorney General
Pa. Dept. of Transportation
520 Transportation & Safety Bldg.
Harrisburg, PA 17120

Edward H. Huss, Staff Counsel
Southeastern Pa. Transp. Authority
2028 PSFS Building
12 South 12th Street
Philadelphia, PA 19107

W. Scott Armentrout, Assistant
General Counsel
National Railroad Passenger Corp.
400 North Capitol Street, N.W.
Washington, D.C. 20001

Francis P. Connors, Solicitor
County of Delaware
Courthouse
Front Street and Media Avenue
Media, PA 19063

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
AUGUST 20, 1980

In re: C-80011839

James W. Patterson, Esquire
Harper, George, Buchanan & Driver
1200 Western Savings Bank Building
Philadelphia, PA 19107

Villanova University
versus
National Railroad Passenger Corporation (Amtrak),
Consolidated Rail Corporation, Southeastern Pennsylvania
Transportation Authority (SEPTA), Pennsylvania Department
of Transportation, County of Delaware and Radnor Township

Dear Sir:

This letter is to inform you that hearing on the above captioned case will be held Tuesday, October 7, 1980 at 10:00 a.m. in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania.

It will be necessary for you to publish the enclosed notice once during each of the weeks of September 22 and 29, 1980, in a newspaper having a general circulation in the area involved. Proof of publication must be received in the office of the Secretary of the Commission, on or before the date of hearing.

The purpose of this hearing is, among other things, to receive testimony into the record regarding the conditions existing at the bridge and approaches thereto, where State Highway Route 320 (Springmill Road) crosses over and above railway tracks in Radnor Township, Delaware County.

It is requested that each party in interest submit testimony and exhibits concerning the alleged hazardous conditions of the subject crossing, with the understanding that the Commission may, in adjudicating this matter, take jurisdiction over any desired portion of the improvement.

We are enclosing herewith, a list of questions, prepared by our Bureau of Transportation, indicating information to be developed at the hearing, along with other relevant testimony.

Administrative Law Judge Martin R. Fountain will be the presiding officer in this case. Judge Fountain's telephone number is (215) 238-3735. His address is Room 1302, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania 19130.

As a reminder, please be advised that three copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

Sincerely,

William Shane, Chief
Administrative Law Judge

Enclosure

NOTICE TO BE PUBLISHED

NOTICE is hereby given that a complaint having been filed with the Pennsylvania Public Utility Commission alleging, inter alia, that respondents have failed to construct a safe and appropriate crossing where State Highway Route 320 (Springmill Road) crosses over and above railway tracks in Radnor Township, Delaware County, and requesting, inter alia, that the Commission enter an order requiring the improvement, relocation or alteration of existing facilities or crossing, which proceeding is entitled "Villanova University versus National Railroad Passenger Corporation (Amtrak), Consolidated Rail Corporation, Southeastern Pennsylvania Transportation Authority (SEPTA), Pennsylvania Department of Transportation, County of Delaware and Radnor Township" (C-80011839), the Commission has fixed Tuesday, October 7, 1980, at 10:00 a.m., in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Street, Philadelphia, Pennsylvania, as the time and place for hearing.

All parties interested may appear and be heard in person or by counsel.

S/

James W. Patterson, Attorney
for Villanova University

1. Villanova University (complainant) shall submit testimony describing in detail the conditions presently existing at the railroad-highway crossing, where State Highway Route 320 (Springmill Road) cross above the grade of the tracks of Amtrak, and in the vicinity thereof, which, in its opinion, render the crossing dangerous or inadequate for the safety of the travelling public.
2. Complainant shall submit testimony indicating whether, in its opinion, the crossing is adequate, and if not, submit testimony whether the crossing should be altered or reconstructed and to what extent this crossing should be altered or reconstructed in the interest of safety and/or accommodation and convenience of the travelling public.
3. Complainant shall submit testimony as what part of the work, if any, it will agree to perform, what portion of the cost it will agree to assume, in the event the instant complaint is sustained, and an improvement of the crossing as ordered by the Commission.
4. Pennsylvania Department of Transportation (PennDOT) shall submit testimony describing accurately the location of the existing rail-highway crossing, above grade, involved in this proceeding, including the location and termini of the state highway traversing said crossing.
5. PennDOT shall submit testimony describing the general type of the existing bridge, number of spans, principal dimensions, roadway width, alignment and gradient of the approaches and state the general physical condition thereof.
6. PennDOT shall submit testimony as to the approximate class and volume of vehicular and pedestrian traffic normally using the highway at this location including pedestrian traffic traversing said bridge and the north approach thereto and the projected future volume thereof.
7. PennDOT shall submit testimony as to the accident record, for the past five years, with time and details of such accidents that have occurred on the bridge or the approaches thereto involved in this proceeding.
8. PennDOT state its present obligation with respect to maintenance of the subject bridge and the approaches thereto.
9. PennDOT state the nature and type, extent, date, cost and other pertinent specific details as to any recorded substantial items of maintenance and/or repairs performed on the existing structure by the department.

10. PennDOT shall submit testimony as to whether, in its opinion, the subject bridge is adequate to accommodate both vehicular traffic and pedestrian traffic, and if not, submit testimony whether the crossing should be altered or reconstructed, in the interest of safety and/or accommodation and convenience of the travelling public.
11. PennDOT shall submit testimony indicating whether it would be feasible to attach a pedestrian walkway on the existing structure.
12. PennDOT state whether the existing structure is listed on the department's 12-year improvement program or it is anticipated that said crossing would be listed thereon in the near future.
13. National Railroad Passenger Corporation (Amtrak) shall submit testimony as to the exact corporate name of the owner and operator of the line of railroad involved in this proceeding.
14. Amtrak shall submit testimony as to the number of tracks presently located at the site of the crossing, and the volume, class and approximate speed of all trains operating daily over the tracks in the vicinity of the crossing.
15. Amtrak shall submit testimony as to its present obligation with respect to the maintenance of the existing bridge and the pedestrian tunnel located southeast of said bridge.
16. Amtrak shall submit testimony as to whether, in its opinion, the subject bridge is adequate to accommodate both vehicular traffic and pedestrian traffic and whether the pedestrian tunnel is adequate to accommodate pedestrian traffic in this location.
17. Amtrak shall submit testimony describing the drainage system including the type of drains and conduits that exist in the pedestrian tunnel and whether in its opinion the capacities of these appurtenances can be increased to improve the drainage system.
18. Amtrak shall submit testimony as to the accident record, for the past five years, with time and details of such accidents that have occurred on the tracks in the vicinity of the crossing.
19. Amtrak shall submit testimony as to what part of the work, if any, it will agree to perform, what portion of the costs it will agree to assume, in the event the instant complaint is sustained and an improvement is ordered by the Commission at either the bridge and/or pedestrian tunnel.

20. Consolidated Rail Corporation (Conrail) shall submit testimony as to the exact corporate name of the owner and operator of the line of railroad involved in this proceeding.
21. Conrail shall submit testimony as to the volume, class and approximate speed of its trains operating daily over the tracks in the vicinity of the crossing.
22. Conrail shall submit testimony as to its present obligation with respect to maintenance of the existing bridge.
23. Conrail shall submit testimony as to what part of the work, if any, it will agree to perform, what portion of the cost it will agree to assume, in the event the instant complaint is sustained, and an improvement is ordered by the Commission at either the bridge and/or pedestrian tunnel.
24. Southeastern Pennsylvania Transportation Authority shall submit answers to Question Nos. 20, 21, 22 and 23 as if same were posed to it.
25. Delaware County shall submit testimony indicating whether, in its opinion the crossing is adequate, and if not submit testimony whether the crossing should be altered or reconstructed and to what extent the crossing be ordered or reconstructed in the interest of safety and/or accommodation and convenience of the travelling public.
26. Delaware County shall submit testimony as to what part of the work, if any, it will agree to perform, what portion of the cost it will agree to assume, in the event the instant complaint is sustained, and an improvement of the crossing is ordered by the Commission.
27. Query whether any of the interested parties or any other party desires to admit additional relevant testimony.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

ORIGINAL

September 29, 1980

IN REPLY PLEASE
REFER TO OUR FILE

C-80011839

To All Parties of Interest

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

Dear Sirs:

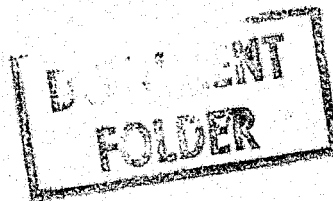
The attached document has been filed by Commission Staff pursuant to Section 308 of the Public Utility Code, 66 Pa. C.S. §308. Personnel listed in the Notice of Intention to Participate should be included as parties to the above captioned proceeding and should receive copies of any subsequent filings.

Sincerely yours,

Richard S. Herskovitz
Richard S. Herskovitz
Assistant Counsel

RSH:sls

Attachment



ORIGINAL

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION
SEP 2 2 1980

C-80011839 - Villanova University
v.

National Railroad Passenger Corporation
(Amtrak), Consolidated Rail Corporation,
Southeastern Pennsylvania Transportation
Authority (SEPTA), Pennsylvania Department
of Transportation, County of Delaware and
Radnor Township

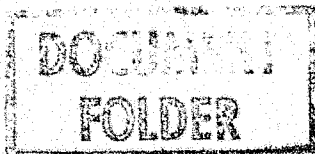
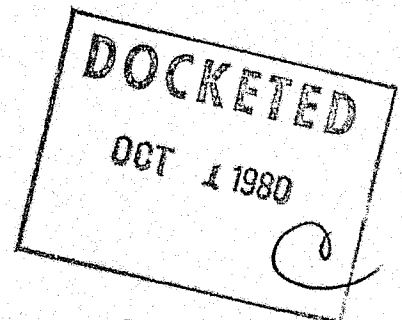
COMMISSION STAFF
NOTICE OF INTENTION TO PARTICIPATE

Staff of the Pennsylvania Public Utility Commission hereby provides notice of its intent to participate in the above captioned matter. Such participation is pursuant to authority contained in Section 308 of the Public Utility Code, 66 Pa. C.S. §308.

All communications concerning this Notice should be addressed as follows and the following individuals should be included in the Commission's official service list.

Richard S. Herskovitz, Assistant Counsel
Pa. P.U.C. - Law Bureau
P.O. Box 3265
Harrisburg, Pennsylvania 17120

Dave Hart, P.E.
Pa. P.U.C. - Bureau of Transportation
Railroad Division
P.O. Box 3265
Harrisburg, Pennsylvania 17120



Richard S. Herskovitz
Richard S. Herskovitz
Assistant Counsel

CERTIFICATE OF SERVICE

I hereby certify that I am this 29th day of
September, 1980, serving by first class mail the foregoing
document upon the persons listed below:

James W. Patterson, Esquire
Harper, George, Buchanan & Driver
1200 Western Savings Bank Building
Philadelphia, Pennsylvania 19107

Eugene H. Evans, Solicitor
Township of Radnor
131 West Market Street
West Chester, Pennsylvania 19380

Joel E. Mazor, Commerce Counsel
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19104

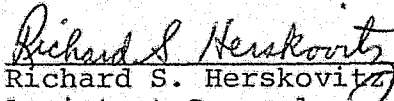
Ward T. Williams, Deputy Attorney General
Pennsylvania Department of Transportation
520 Transportation & Safety Building
Harrisburg, Pennsylvania 17120

Edward H. Huss, Staff Counsel
Southeastern Pennsylvania Transportation
Authority
2028 PSFS Building
12 South 12th Street
Philadelphia, Pennsylvania 19107

W. Scott Armentrout, Assistant General Counsel
National Railroad Passenger Corporation
400 North Capitol Street, N.W.
Washington, D.C. 20001

Francis P. Connors, Solicitor
County of Delaware
Courthouse
Front Street & South Avenue
Media, Pennsylvania 19063

Administrative Law Judge Martin R. Fountain
Pennsylvania Public Utility Commission
Philadelphia State Office Building
Room 1302, Broad and Spring Streets
Philadelphia, Pennsylvania 19130


Richard S. Herskovitz
Assistant Counsel

ORIGINAL

LAW OFFICES

HARPER, GEORGE, BUCHANAN & DRIVER

WILLIAM M. BUCHANAN
PHILIP B. DRIVER, JR.
WESTON C. OVERHOLT, JR.
RONALD C. UNTERBERGER
ROBERT C. STEIGER
JAMES W. PATTERSON
RICHARD R. HIGH
LARRY R. McDOWELL
JEFFREY R. ABBOTT
LOUISE HERZL-BETZ
EDWARD L. CIEMNIECKI

1200 WESTERN SAVINGS BANK BUILDING
BROAD AND CHESTNUT STREETS
PHILADELPHIA, PA. 19107
PENNYPACKER 5-3090

W. GLENN GEORGE
1934-1972

JOHN HARPER
THEODORE K. WARNER, JR.
RALPH P. HIGGINS
OF COUNSEL

October 3, 1980

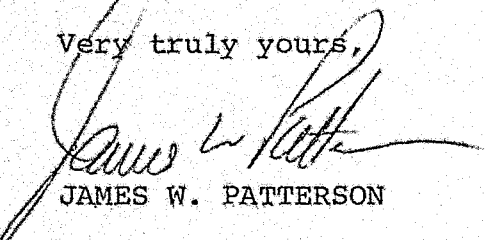
William P. Thierfelder, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Re: Villinova University v.
National Railroad Passenger Corporation
(Amtrak(et al. Docket No. C.80011839

Dear Secretary Thierfelder:

Enclosed, pursuant to Chief Administrative Law Judge Shane's directive of August 20, 1980, please find Proof of Publication of notice of the initial hearing in the above-entitled proceeding.

Very truly yours,


JAMES W. PATTERSON

JWP:ej

Enc.

cc: William Shane, Chief-ALJ
Rev. John E. Deegan, O.S.A.
Hon. Martin R. Fountain, ALJ

Proof of Publication in The Philadelphia Daily News

Under Act No. 587, Approved May 16, 1929

STATE OF PENNSYLVANIA }
COUNTY OF PHILADELPHIA } ss.:

.....E. Smith..... being duly sworn, deposes and says that The Philadelphia Daily News is a newspaper published daily, except Sunday, at Philadelphia, Pennsylvania, and was established in said city in 1925, since which date said newspaper has been regularly issued in said County, and that a copy of the printed notice or publication is attached hereto exactly as the same was printed or published in the regular editions and issues of the said newspaper on the following dates, viz.:
.....September 26, and October 1, 1980.....
and the.....day of A.D. 19.....

Affiant further deposes and says that he is an employee of the publisher of said newspaper and has been authorized to verify the foregoing statement and that he is not interested in the subject matter of the aforesaid notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

E. Smith

Sworn to and subscribed before me this 1st day of
October, 1980

Esther Fisher

Notary Public

My Commission Expires:

ESTHER FISHER
Notary Public, Phila., Phila. Co.
My Commission Expires Mar. 25, 1982

Copy of notice or publication

NOTICE is hereby given that a complaint having been filed with the Pennsylvania Public Utility Commission alleging, inter alia, that respondents have failed to construct a safe and appropriate crossing where State Highway Route 320 (Springmill Road) crosses over and above railway tracks in Radnor Township, Delaware County, and requesting, inter alia, that the Commission enter an order requiring the improvement, relocation or alteration of existing facilities or crossing, which proceeding is entitled "Villanova University versus National Railroad Passenger Corporation (Amtrak), Consolidated Rail Corporation, Southeastern Pennsylvania Transportation Authority (SEPTA), Pennsylvania Department of Transportation, County of Delaware and Radnor Township" (C-80911639), the Commission has fixed Tuesday, October 2, 1980, at 10:00 a.m., in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Street, Philadelphia, Pennsylvania, as the time and place for hearing. All parties interested may appear and be heard in person or by counsel.

JAMES W. PATTERSON
Attorney for Villanova University

DOCKETED
OCT 2 1980
J.

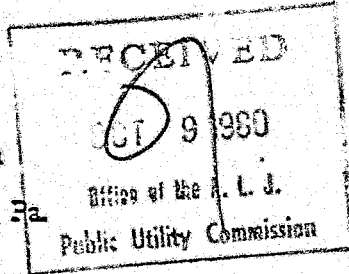
DOCUMENT
FOLDER

APPEARANCE SHEET

Docket No. C-80011839

In re: Villanova University versus National Railroad Passenger Corporation (Amtrak), Consolidated Rail Corporation, Southeastern Pennsylvania Transportation Authority (SEPTA), Pennsylvania Department of Transportation, County of Delaware and Radnor Township

Pennsylvania
Public Utility Commission
Harrisburg, Pa.



Following are the names of parties or counsel of record, with their post-office address, appearing at the hearing in the above entitled proceeding, held in Philadelphia, PA

on Tuesday, October 7, 1980

Please Print Clearly
Incomplete Information May Result in Delay of Process

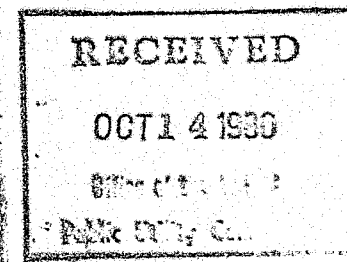
NAME	ADDRESS	APPEARING FOR	
HERBERT G. ZAHN	522 TRANS & SAFETY BLDG	PENN DOT	
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City PHILA</td> <td style="width: 33%;">State PA</td> <td style="width: 33%;">Zip 17120</td> </tr> </table>		City PHILA
City PHILA	State PA	Zip 17120	
James W. Patterson	1200 Western Springs Bldg	Villanova University	
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City Phila</td> <td style="width: 33%;">State Pa</td> <td style="width: 33%;">Zip 19101</td> </tr> </table>		City Phila
City Phila	State Pa	Zip 19101	
BOB E. MATZ	1200 Western Springs Bldg	Consolidated Rail Corp.	
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City Phila</td> <td style="width: 33%;">State Pa</td> <td style="width: 33%;">Zip 19104</td> </tr> </table>		City Phila
City Phila	State Pa	Zip 19104	
RICHARD S. HERSKOVITZ	P.O. Box 3265	PUC	
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City HAG</td> <td style="width: 33%;">State Pa</td> <td style="width: 33%;">Zip 17120</td> </tr> </table>		City HAG
City HAG	State Pa	Zip 17120	

Check this box if additional parties or counsel of record appear on back.

Linda Flynn
Reporter



October 9, 1980



The Honorable William Shane,
Chief Administrative Law Judge
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17120

Subject: Villanova University v. National Railroad Passenger Corporation (Amtrak), Consolidated Rail Corporation, Southeastern Pennsylvania Transportation Authority (SEPTA), Pennsylvania Department of Transportation, County of Delaware and Radnor Township
Docket No. C-80011839

Dear Judge Shane:

Hearings in the above-captioned matter are to be continued at Villanova University per agreement of counsel with the Administrative Law Judge Martin R. Fountain reached at the October 7, 1980 hearing.

I will not be able to participate in any such hearings the week of October 20 - 24, November 5, 6, and 10, and would appreciate that the continued hearings be scheduled for some date other than these.

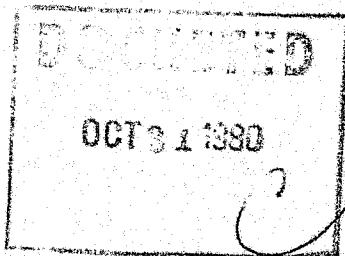
Very truly yours,

W. Scott Armentrout

W. Scott Armentrout
Assistant General Counsel
Northeast Corridor

WSA:mm

cc: Parties of Record



Faint handwritten notes

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
OCTOBER 29, 1980

MONITOR: COMMISSIONER JOHNSON

In re: C-80011839

(See attached list)

Villanova University
versus
National Railroad Passenger Corporation (Amtrak),
Consolidated Rail Corporation, Southeastern Pennsylvania
Transportation Authority (SEPTA), Pennsylvania Department
of Transportation, County of Delaware and Radnor Township

Dear Sir:

This letter is to inform you that a further hearing on the above captioned case will be held Thursday, December 4, 1980 at 10:00 a.m. in the Radnor/St. David's Room, Connelly Center, Lower Level, Villanova University, Villanova, Pennsylvania. (Parking in main lot at intersection of Route 30 and North Ithan Avenue).

The purpose of this hearing is, among other things, to take testimony from persons using the alleged dangerous crossing where State Highway Route 320 (Springmill Road) crosses over and above the railway tracks in Radnor Township, Delaware County.

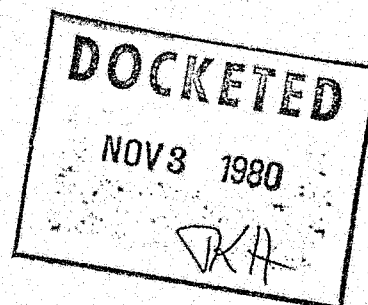
Administrative Law Judge Martin R. Fountain will be the presiding officer in this case. Judge Fountain's telephone number is (215) 238-3735. His address is Room 1302, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania 19130.

As a reminder, please be advised that three copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

Sincerely,

William Shane, Chief
Administrative Law Judge

cc: Judge Fountain
Law Bureau
Bureau of Rail Transportation
Mr. Bramson
Ms. Long
Ms. Lawrence
File Room



C-80011839 - Parties of Record:

James W. Patterson, Esquire
Harper, George, Buchanan & Driver
1200 Western Savings Bank Building
Philadelphia, Pennsylvania 19107
(for Villanova University)

Ward T. Williams, Chief Counsel
Pennsylvania Department of Transportation
521 Transportation & Safety Building
Harrisburg, Pennsylvania 17120

Edward H. Huss, Staff Counsel
Southeastern Pennsylvania Transportation Authority
2028 PSFS Building
12 South 12th Street
Philadelphia, Pennsylvania 19107

W. Scott Armentrout, Assistant
General Counsel
National Railroad Passenger Corporation
400 North Capitol Street, N.W.
Washington, D.C. 20001

Francis P. Connors, Solicitor
County of Delaware
Courthouse
Front Street and Media Avenue
Media, Pennsylvania 19063

Eugene H. Evans, Solicitor
Township of Radnor
131 West Market Street
West Chester, Pennsylvania 19380

Joel E. Mazor, Commerce Counsel
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19104

Richard S. Herskovitz, Assistant Counsel
Pa. P.U.C., Law Bureau
P. O. Box 3265
Harrisburg, Pennsylvania 17120

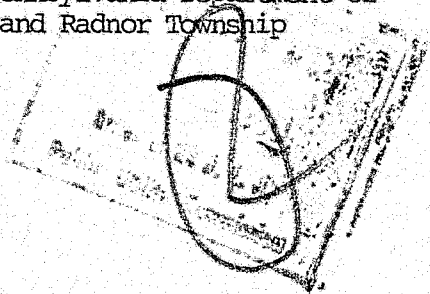
Charles Guerney, Esquire
301 Iven Avenue
Wayne, Pennsylvania 19087
(for Township of Radnor)

APPEARANCE SHEET

Docket No. C-80011839

In re: Villanova University versus National Railroad Passenger Corporation (Amtrak), Consolidated Rail Corporation, Southeastern Pennsylvania Transportation Authority (SEPTA), Pennsylvania Department of Transportation, County of Delaware and Radnor Township

Pennsylvania
Public Utility Commission
Harrisburg, Pa.



Following are the names of parties or counsel of record, with their post-office address, appearing at the hearing in the above entitled proceeding, held in Villanova, PA

on Thursday, December 4, 1980

Please Print Clearly
Incomplete Information May Result in Delay of Process

NAME	ADDRESS	APPEARING FOR
James W. P. Hester Larry R. Mc Dowell	1200 Weston Savings Bldg City: Phila State: Pa Zip: 19107	VILLANOVA UNIVERSITY
CEL E MARON	1130 E Penn Center City: Philadelphia State: Pa Zip: 19102	CONSOLIDATED RAIL CORP
RICHARD HERSKOVITZ	Box 3265 City: HBG State: PA Zip: 17120	PUC
EDWARD H HUSS	130 SOUTH 9TH ST. City: PHILA State: PA Zip: 19107	SEPTA

Check this box if additional parties or counsel of record appear on back.



Deborah A. Byrd
Reporter