

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DEC 21

C-80011839 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 Alleging that Respondents have failed to construct a safe and appropriate crossing where Route 320 (Springmill Road) crosses over above railway tracks in Radnor Township, Delaware County.

FURTHER HEARING, held at Villanova University Connelly Center, lower level, Route 30 and North Ithan Avenue, Villanova, Pennsylvania on Thursday, December 4, 1980.

BEFORE: MARTIN R. FOUNTAIN, ESQUIRE  
Administrative Law Judge

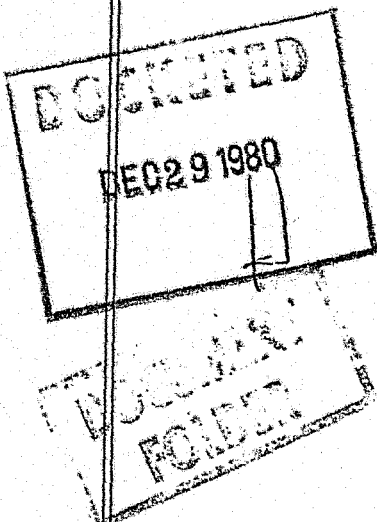
APPEARANCE:

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(For Villanova University)

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Not present.



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JUDGE FOUNTAIN: Are you ready,  
Mr. McDowell?

MR. MC DOWELL: Yes, Your Honor.

JUDGE FOUNTAIN: Call your first  
witness.

MR. PATTERSON: Before he does that,  
may we go off the record for a moment?

(Discussion off the record)

(The record notes at this time  
the departure of James W. Patterson, Esquire  
from the hearing room.)

JUDGE FOUNTAIN: Let the record  
reflect that the Administrative Law Judge together  
with counsel for the various parties, Father Degen,  
Villanova University, made a full inspection,  
beginning at 10:00, of the site involved. And we  
are now reconvening at 10:55.

Have you been sworn yet?

THE WITNESS: No, I have not.

JUDGE FOUNTAIN: Would you raise  
your right hand, please?

EVELYN BEHANNA, having been duly

sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MC DOWELL:

Q Are you associated or employed by Villanova University?

A Yes, I am.

Q And in what capacity?

A I am the Assistant Dean for Nursing.

Q And how long have you been with the University?

A Seventeen years.

Q Now, the School of Nursing, is that facility located on the campus of Villanova University?

A In St. Mary's Hall.

Q And for the record, would you indicate where St. Mary's Hall is?

A In relationship to Connelly?

Q Yes.

JUDGE FOUNTAIN: Do you mean is it located in the north quadrant?

MR. MC DOWELL: Yes, it would be --

JUDGE FOUNTAIN: Do you have a map

quadrant

there or picture?

MR. ZAHN: Off the record.

(Discussion off the record.)

BY MR. MC DOWELL:

Q Now, ma'am, would you indicate what all there is in St. Mary's, such as activities, what classes go on there, et cetera?

A Okay. St. Mary's Hall, one, houses the College of Nursing faculty which is a faculty of 43 full-time persons. It houses speech and communication faculty; it houses fine arts and a few other smaller individual offices. We have classrooms situated in St. Mary's Hall for both nursing, youths and speech and communication.

There is a residence for male students of approximately 275 students. The band office is located in St. Mary's Hall and the band practices take place there, also.

Q Now, of your own knowledge, do the students that become involved in the facility of St. Mary's pass between St. Mary's and the main campus of Villanova?

A Well, student population is either resident or commuter. The resident students must pass from the main campus -- except for St. Mary's residents -- but all our students are all but one -- ten -- are female students, so they must pass from the main campus over to St. Mary's. The commuters must park on the southwest parking lot of Lancaster Avenue and walk through campus to St. Mary's.

*the*  
Q Now, is this passing across <sup>the</sup> railroad tracks in the vicinity of the Villanova Station, in some fashion?

A Yes.

Q And are you aware of the available means of crossing said tracks?

A Yes, I am aware of the available means, because they're available to us, also.

Q Now, do you yourself have occasion to cross these tracks, in some fashion?

*here*  
A Yes. I come <sup>here</sup> for various meetings, administrative-type meetings, and other occasions, to be here.

Q And that's crossing from St. Mary's --

320  
A St. Mary's to the main campus.

Q Do you use the bridge which is Highway 320 going over the tracks?

A No.

Q And why will you not use the bridge?

A Because I'm not going to take my life in my hands, to come over that bridge. I come over it in my car in the morning when I come to work. And if a truck is coming, I can't come over it in my vehicle. If a student is going over at the same time as the truck is, I'm going to hit one or the other.

Q Do you know if there is a pedestrian walkway on the bridge?

A No, there is not.

Q Do you use the tunnel?

A I have used the tunnel once in my seventeen years. That experience I found was not a good one. It's desolate, unless you're getting off when people in the train are getting off. If it is dark and there is no passenger traffic getting off from the train, I feel, especially as a female, that it is dangerous. The lighting, and that was five years ago when I last

used it, was so poor that I wouldn't even attempt it.

Q Are you aware that the lighting has been fixed in a certain fashion?

A Yes, I have heard of it. But I still would not go under that tunnel, as a female alone at anytime.

Q Well, you indicated that you do cross the tracks, in some fashion. How do you get across --

A I walk past the double gateway -- There's a partition on the tracks. I walk beyond that and I'll cross the tracks. It's the only way I will go.

Q And is that adequate for your means?

A Well, so far I haven't been hit by a train, so I guess it's adequate.

Generally, if it's bad weather or cold weather, such as today, I may bring my car, which a student may not.

Q And why is that?

A Because there's no parking facility on the campus.

Q Now, in your opinion, are the present means of crossing that bridge and the tunnel -- are they

adequate means of getting from one side of the tracks to the other?

A I have felt they have not been adequate for a number of years.

MR. MC DOWELL: That's all I have.

JUDGE FOUNTAIN: Before you start your cross-examination, I want to go off the record.

(Discussion off the record.)

JUDGE FOUNTAIN: All right. The Witness is available for cross-examination. Mr. Olin, do you have any questions?

CROSS-EXAMINATION

BY.MR. OLIN:

Q You indicated that you have not used the tunnel under the tracks for five years.

A That's right.

Q If you felt that the tunnel was safe, would you then use it?

JUDGE FOUNTAIN: Well, why don't you state what you mean to say?

A I might.

BY MR. OLIN:

Q Assuming that the tunnel was patrolled by university students, was well lit, which it is now, --

A And dry.

Q -- and dry, would you then use the tunnel?

A I might.

Q And based on your recollection, how long did it take you to cross underneath the tracks when you did use the tunnel the one time?

A It takes me approximately 15 minutes to leave St. Mary's, get across the highway, under the tunnel, up and to the other side of campus here.

Q But the crossing of the tunnel itself is a matter of three or four seconds?

A If I run, it would be three or four seconds. It is not wide enough for the students. We have 575 students in the College of Nursing. That's just one group.

JUDGE FOUNTAIN: I think what Mr. Olin meant was if there was no one impeding passage, how long would it take for

you to cross there?

THE WITNESS: Well, it would be fine for me walking, but for handicapped students there's no way except by a vehicle to get them over there. There's no rampway or walkway.

BY MR. OLIN:

*Mill*  
✓  
Q Would you use the bridge over the Spring Mill Road Bridge, say, if it had a light at each end of it that would allow the traffic to come across each end of it?

A No.

Q Why is that?

A Because what I think is needed is a passenger bridge.

Q Would you use a passenger bridge if it were there?

A Yes.

Q Based on your experience and your observations, do you think that the students would use the passenger bridge?

A I think the students would be more apt to use

bridge

*bridge*  
a passenger, than what they are doing now. They have to get to the main campus. The girls have a tendency to use the track way more than the highway. If I come in in the morning, when I do very early, I find our male residents are coming across the bridge more often. But at night, at 5:15 at night, when a number of our classes are over at St. Mary's, and now in the wintertime it is dark, I don't think it's safe whether it's under the bridge or over the bridge.

Q Do you feel that if the bridge had more illumination --

A No, the vehicle bridge is unsafe, be it vehicular, and over that -- having people going over that, it is not an adequate bridge. It should have been a walk over years ago.

Q Even if traffic came in only one direction?

A No, I think the passenger walkway is what is needed, is the thing that is needed for safety of students and the faculty population here at Villanova.

MR. OLIN: No more questions.

MR. MC DOWELL: Wait a minute. Are there other counsel?

JUDGE FOUNTAIN: Have you completed your cross?

MR. OLIN: Yes, I've finished.

JUDGE FOUNTAIN: Mr. Mazor?

MR. MAZOR: Just one or two questions.

CROSS-EXAMINATION

BY MR. MAZOR:

Q Do you<sup>know</sup> when the St. Mary's Hall facility was erected?

A I'm trying to remember whether it was '57 or '64. I think the block in the side of the building says "'64."

Q Right. And at the time of its erection, of course, the set up, the bridge and the station, were pretty much the same then as they are now, were they not?

A Yes.

MR. MAZOR: Thank you, ma'am.

CROSS-EXAMINATION

BY MR. HERSKOVITZ:

Q When you say "passenger walkway," you're referring to a pedestrian walkway?

A Pedestrian walkway.

Q Where do you believe would be the most advantageous place to put a pedestrian walkway?

Would it be attached to the bridge? Should a separate structure be erected over the tracks in a certain location?

A Well, if you attached it to the bridge with the tinfoil that they use as siding which is replaced at least once or twice a week because somebody hits it, I think that would be dangerous. I would suspect that a pedestrian bridge should be separate, at this point, unless they do something to really reconstruct that bridge.

Q A pedestrian bridge in the location of the tunnel --

A No.

Q -- would that be the easiest access from one

side of the tracks to the other?

A Well, now, I'm not an engineer. You've got electrical wires and a train system and a bridge --

Q I'm just trying to find the easiest location.

A I think if it would come from that location, there probably would be an easier location, because right now there is a parking lot for Conrail on the Mendell Hall side.

MR. KERSKOVITZ: Thank you.

JUDGE FOUNTAIN: Is that it?

MR. HERSKOVITZ: Yes. That's all.

JUDGE FOUNTAIN: I want to ask you something.

THE WITNESS: Surely.

JUDGE FOUNTAIN: Now, when talking about handicapped students, --

THE WITNESS: Yes.

JUDGE FOUNTAIN: -- How many are we talking about?

THE WITNESS: It's hard to say now because some of the gentlemen don't reside on our campus, or some of the athletes are

occasionally on crutches or casts, and some of our girls are athletic. I may find them in crutches or casts. So they have to utilize a van system that may or may not be available to them to get to and from the classes at St. Mary's on time.

JUDGE FOUNTAIN: Supposing there was a pedestrian bridge across the railway --

THE WITNESS: Yes.

JUDGE FOUNTAIN: -- how would the handicapped students avail themselves of that?

THE WITNESS: If it's a rampway, as Penn has -- not to bring in another University --

JUDGE FOUNTAIN: You're talking quite a distance upward. You're talking at least 30 foot to get over the catenary.

THE WITNESS: Well, somebody might be able to push them over there. If you were on a wheelchair you -- you could get over it on crutches. To go down the steps, I don't know. We have a gentleman with a

foot cast on now. If you did that once or twice a day, it would be very tiring.

JUDGE FOUNTAIN: Do you think the University would provide some sort of transportation?

THE WITNESS: They do right now. That's what I'm saying. We have a van, if it's available. But the vans are utilized very heavily for a number of things.

JUDGE FOUNTAIN: All right. Thank you very much.

(The Witness was excused.)

JUDGE FOUNTAIN: Do you have any redirect?

MR. MC DOWELL: I have nothing further.

I'll call my next Witness, Your Honor. Sister?

JUDGE FOUNTAIN: Sister, I'm going to waive the oath in your case.

SISTER MARY CRIBBEN, the oath having been waived, was examined and testified as

THE OATH  
having been  
waived,

follows:

DIRECT EXAMINATION

BY MR. MC DOWELL:

Q Would you state your name for the record,  
please?

A Sister Mary Margaret Cribben.

Q Are you associated with Villanova University?

A Yes, I'm Associate Professor in the Graduate  
Library Science Department.

Q And in what building are you situated?

A We teach in Falvey Hall, which is just the  
other side of Mendell.

Q Is that on the main campus of Villanova?

A Yes, the main campus.

Q Do you live on campus?

A No, I don't.

Q Where do you live?

A Normally, I live at Our Lady of Mercy Convent  
in Springfield.

My real concern with this is that when we  
have heavy rains or snow and ice, I'm a little afraid

o.k. →  
(o.k.)

to drive in snow and ice, so I moved to our convent at Rosemont and use the train, because Rosemont's station is right behind our convent at Rosemont and Villanova station is right behind the building. So I ride from Rosemont to Villanova.

Q On the train?

A Right, on the train.

Q And do you pay for that service?

A That's right.

Q And as part of that service, do you also feel that you should be able to get from one side of the tracks to the other?

A Yes, I do. Because when I land on that side, I have to get to this side.

Q When you say "that side," is that the St. Mary's side?

A Yes, the St. Mary's side.

Q When you land on that side, how do you get from the St. Mary's side to the main campus side?

A Well, the facility that they have given us is the tunnel. The other means is the bridge, which, when I drive, it's sort of dangerous for two cars

to get over; and if there's a truck, I always wait down here to give the truck the right of way because it's not that wide. So the facility is the tunnel.

JUDGE FOUNTAIN: You're talking about the bridge on 320. Is that what you're talking about?

THE WITNESS: The bridge on 320, which is the traffic area. The tunnel is the means that I would normally use, but when I use it, which is snow and ice and rain, I have come there when it's been knee deep in water.

Now, my boots come to here, and the water is higher than that. So when I went to go down, I couldn't go down. And that happens whenever I go to use it.

BY MR. MC DOWELL:

Q So, have you seen flooding in the tunnel?

A Oh, yes, I've seen flooding every year in the tunnel.

Q When it was flooded, did you go over the bridge?

A. Yes.

Q. When using the bridge, was that an adequate means of getting from one side to the other?

A. That was sort of dangerous, too, because when I went to use the bridge, I went on the far side of the dirt part because the traffic is running on the road; and when I would get to the top where -- Now, I have to go under the bridge unless I would stand there until I could see traffic not going, you know, one way or the other. Then when I did that and I thought, Oh, no car is coming this way, I used to run. Well, running isn't safe on ice and snow. So I was always afraid of slipping and falling and having a car catch up with me. And the fact that we dress in sort of dark clothes, they can't see us.

Q. Now, if the flooding problem were corrected in the tunnel, would you still feel comfortable using the tunnel?

A. Well, I'm feeling less comfortable these days with all the kinds of attacks on people. I've gone to meetings at night in town and I usually never drive in town. I use the train going into JFK, and

coming back at 10:00, you know, I'm a little nervous going down that way. I don't know just what might be down there.

Q Is that when you take the train from Villanova into Philadelphia and back?

A Yes.

Q And those instances you do use the tunnel?

A Yes.

Q And feel uncomfortable; is that correct?

A Yes. You see, in that way you're on this side, and coming back you're on this side.

Q And "this side" is the main campus side?

A Right.

Q And the other side is the St. Mary's side?

A Yes.

JUDGE FOUNTAIN: Do you want to examine, Mr. Olin?

CROSS-EXAMINATION

BY MR. OLIN:

Q When you take the train into town, you indicated that you feel uncomfortable using the

tunnel.

A Yes.

Q Part of that could be alleviated if you parked on the other side, could it not?

A That's true, but we have parking permits for certain parking lots, and my permit is for Mendell lot, which is on this side.

Q Have you used the tunnel since the flooding or since the ground has been regraded to increase the water runoff to the side and facilitate draining?

A I had used it at times -- You mean since last year when we had the accident of the young lady?

Q Yes.

A Yes, I have used it, but I also met people -- We had a very bad rainstorm that weekend and I know people that have used it just this year, and it was flooded. And that was since last year when they were supposed to have repaired it so it wouldn't happen anymore.

MR. OLIN: No more questions.

MR. MAZOR: No questions.

MR. HERSKOVITZ: No questions.

Direct-Cribben

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(Discussion off the record.)

JUDGE FOUNTAIN: Okay. Sister,  
thank you.

(The Witness is excused.)

MR. MC DOWELL: Could I have about  
two minutes. That's all I require.

(A short recess was taken.)

RUSSELL HOBLITZELL, having been  
duly sworn, was examined and testified as  
follows:

DIRECT EXAMINATION

BY MR. MC DOWELL:

Q Would you state your name for the record,  
please.

A Russel Hoblitzell.

Q Are you a student at Villanova?

A Yes, I am.

Q And what year are you?

A I'm a sophomore.

Q And did you attend Villanova during the year

'79 - '80?

A Yes, I did.

Q Do you commute to school?

A No, I do not. I'm an on campus resident.

Q In the Fall of '79, were you taking the train to Villanova the day a girl was killed?

A Yes, I was. I was coming from my home.

Q And where is that?

A New Jersey.

Q Can you explained what happened? Do you know what day that was?

A Yes, I do.

Q What day was that?

A October 1st, 1979.

Q Can you explain what happened on that day?

A I think so. I was coming back from a weekend at home, and it was raining a great deal. And I got off the train with a girl, and we went down the steps.

Q What time of the day was that?

A It was just after 12:00. Around quarter after twelve.

JUDGE FOUNTAIN: The afternoon?

THE WITNESS: Yes.

A (Continued) Anyway, I went down the stairs with a girl and at the time it was flooded. And the girl, I'm pretty sure from descriptions that I heard, it was Dorothy Zimmerman.

BY MR. MC DOWELL:

Q Who was Dorothy Zimmerman?

A The girl I walked down the steps with.

Q Besides that, is she the girl that was killed?

A Yes.

Q Continue.

A I walked down the steps with the girl and the girl said, I'm not going through there, no way.

Q Why is that?

A The tunnel was flooded.

Q Where did the girl go from there?

A I guess she crossed the tracks and was fatally wounded, I guess.

JUDGE FOUNTAIN: Fatally injured.

THE WITNESS: Excuse me.

BY MR. MC DOWELL:

Q Do you ever have occasion to cross from the St. Mary's side of campus to the main campus yourself?

A Yes, I do.

Q And do you ever use the bridge which is Highway 320 over the tracks?

A Not if I can help it.

Q And why is that?

A Because there is no walkway or anything for a pedestrian, and once where I've had close calls was when cars were coming up and I would have been trapped, but I ran and got back over.

MR. MC DOWELL: That's all.

JUDGE FOUNTAIN: Cross-examine,

Mr. Olin.

MR. OLIN: No cross.

JUDGE FOUNTAIN: Mr. Mazor?

CROSS-EXAMINATION

BY MR. MAZOR:

Q You say the young lady crossed the tracks. How did you get across?

A I walked through the tunnel because I had two suitcases and I couldn't cross the tracks with them.

A Did you mention to the young lady the hazards of crossing the tracks or anything of that nature?

A No, I did not.

MR. MAZOR: Thank you.

JUDGE FOUNTAIN: Mr. Huss?

MR. HUSS: No questions.

JUDGE FOUNTAIN: Mr. Herskovitz?

CROSS-EXAMINATION

BY MR. HERSKOVITZ:

Q How deep was the water?

A It was over my ankles. I was wearing a pair of Nike sneakers and they were ruined.

Q Was the water about 4 or 5 inches?

A About 4 or 5 inches.

Q The entire length of the tunnel?

A I do not recall.

MR. HERSKOVITZ: Thank you.

Direct-Hoblitzell

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JUDGE FOUNTAIN: Do you have any  
redirect?

MR. MC DOWELL: That's all.

JUDGE FOUNTAIN: Thank you.

(The Witness was excused.)

MR. MC DOWELL: At this time, I  
would like to call Mr. Pippett.

CHRIS PIPPETT, having been duly  
sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MC DOWELL:

Q Would you state your name, please.

A Christopher Pippett.

Q Are you a student at Villanova?

A Yes, I am.

Q What year are you?

A I'm a senior.

Q And you've been attending Villanova for  
the last four years?

A Yes, I have.

Q Have you had an occasion to cross from one

side of the tracks to the other --

A I cross it everyday.

Q And is this in the vicinity of the Villanova train station and the Highway 320 bridge?

A (Indicating yes)

JUDGE FOUNTAIN: Young man, don't nod your head.

THE WITNESS: Okay.

A (Continued) Yes, it is.

BY MR. MC DOWELL:

Q In so crossing the tracks, do you use the bridge that goes over the tracks? This is the Highway 320 bridge.

A Never.

Q Why is that?

A There were four students hit by cars there last year, and I'm not about to be the fifth.

Q You presently have classes in St. Mary's?

A Yes, I do.

Q And do you live on campus?

A No, I do not. I'm a commuter.

Q Do you drive your own car?

A I come in with friends.

Q And do they drive?

A Yes.

Q Where do they have to park their cars?

A Students are required to park in the parking lot across the street from the campus -- across Lancaster Pike.

Q And in so doing, do you then have to walk across the main campus and --

A Yes, sir.

Q How do you get to St. Mary's to your classes?

A ... You have to cut through the campus, go across the railroad tracks at sometime, and then cross 320 to St. Mary's.

Q But you do not use the bridge. How do you get across?

A I've taken the tunnel.

Q Have you ever seen the tunnel flooded?

A Yes.

Q And when was that?

A I don't recall the exact date. I was during October. There was an inch or two of water on the

floor.

Q Of this year?

A Yes.

Q Do you recall it being flooded in October of '79?

A Yes, I do.

Q And do you know the date of that flooding?

A It was my birthday, October 1st.

Q Is there any other reason that you recall that date?

A It was the day my girlfriend was killed there.

Q What was her name?

A Dorothy Zimmerman.

MR. MC DOWELL: That's all I have.

JUDGE FOUNTAIN: Cross, Mr. Olin?

CROSS EXAMINATION

BY MR. OLIN:

Q How many times a year is the tunnel flooded, based on your four years here?

A A guess?

Q Yes.

JUDGE FOUNTAIN: I don't like guesses on the record, Mr. Olin.

BY MR. OLIN:

Q Well, to the best of your knowledge.

A To the best of my knowledge, it would be every time it rains heavily.

Q Has that situation been improving?

A The only improvement was when they put a sump pump in for the month of October after it flooded the 25th.

MR. MC DOWELL: Is that of this year?

THE WITNESS: Yes, of this year.

BY MR. OLIN:

Q And has there been improvement after that?

A It hasn't rained very heavily. No. No, it has not.

Q So you don't know whether it has solved the problem?

A It hasn't. Every time it rains, I can see the water coming through the walls.

MR. OLIN: I have no questions.

Cross-Pippett

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MR. MAZOR: No questions.

MR. HUSS: No questions.

MR. HERSKOVITZ: Just one question.

CROSS-EXAMINATION

BY MR. HERSKOVITZ:

Q Have you always used the tunnel or have you crossed the tracks on occasion?

A No. I have never crossed the tracks.

Q Even when the tunnel is flooded, you have not used it?

A I never had to use it when it's flooded.

MR. HERSKOVITZ: Okay. Thank you.

MR. MC DOWELL: I have just one question.

REDIRECT EXAMINATION

BY MR. MC DOWELL:

Q You indicated that you saw or have seen water coming through the walls of the tunnel, is that correct?

A Yes, I have.

Q Where on the walls?

A. On the side - - On the sides through the mortar and on the one end coming through the wall.

Q. What end are you talking about?

A. I guess it would be the Villanova side, coming through the wall.

Q. How high up from the floor of the tunnel have you seen the water coming through the walls, if you --

A. A foot.

MR. MC DOWELL: Okay. That's all I have. Thank you.

JUDGE FOUNTAIN: All right.

(The Witness was excused!)

MR. MC DOWELL: Your Honor, could I check to see if someone has a class, and in what order? I only have three more.

JUDGE FOUNTAIN: Okay.

(A short recess was taken.)

MAUREEN DOUGHERTY, having been duly sworn, was examined and testified as follows:

JUDGE FOUNTAIN: All right,

Mr. Mc Dowell.

DIRECT EXAMINATION

BY MR. MC DOWELL:

Q Would you state your name for the record, please.

A Maureen Dougherty.

Q Are you a student at Villanova University?

A Yes, I am.

Q What year are you?

A I'm a junior.

Q Have you been at Villanova all three years?

A All three years.

Q Do you live on campus?

A No, I commute.

Q Do you drive yourself?

A This year I drive myself.

Q And when you drive, where do you park your car?

A Over in the Lancaster lot.

Q And is that on Highway Route 30?

A Yes, it is.

Q Is that where you as a student have to park your car?

A Yes.

Q Now, do you have occasions to have to cross from one side of the tracks, main campus side, to the other side of the tracks, St. Mary's side?

A Yes, I do. I have classes on main campus, but I work at St. Mary's in our History office.

Q Do you work during the day as well as at night in St. Mary's?

A Occasionally I work at night, but usually it's in the afternoon. And last year it was in the mornings.

Q And how do you get from the main campus side to the St. Mary's side?

A Through the tunnel.

Q Now, this is the tunnel at or near the Villanova train station?

A Yes, it is.

Q Have you ever used the bridge, that's the Highway 320 bridge, that goes over the tracks?

A Once in freshman year, and I'm not going to

do it again.

Q Why is that?

A Because I almost got hit.

Q Do you know whether there's a space there for pedestrians to walk across the bridge?

A Not at all. I just took a running start and just hoped a bus or a truck wasn't coming from the other side.

Q Can you see --

A You can see from a long distance off, but there is just about room to cross the bridge and you can't see the cars.

Q When can you start to see them?

A Approximately six feet from the crest.

Q You indicated that you use the tunnel; is that correct?

A Yes, I do.

Q Have you ever seen the tunnel flooded?

A Yes, I have.

Q Did you use it when it was flooded?

A No, I didn't.

Q When it was flooded, how did you get from

one side to the other?

A I went over the tracks.

Q Is that a safe and adequate means of crossing?

A No, absolutely not. October 1st of last year I went down the stairs behind a boy who was in front of me, and he stepped in over his boots. He had on high boots and the water level was over his boots. And he said, I'm going over the tracks. And I said, Okay. I'll go with you. So I followed him. I had a bag and an umbrella. He went over the tracks, held my bag and my umbrella for me. So we were there for about a minute on the tracks. And he helped me over. And I got over the tracks and walked to my class.

Q Have you used the tunnel recently at night and when it was not flooded?

A Yes, I did, on Tuesday night. As a matter of fact, it was raining, but it wasn't flooded. It wasn't raining very hard and it had only been raining for half an hour.

Q Was that Tuesday of this week?

A I work at the Library in Falvey Hall. But

I was sick. I got the flu on Sunday. Instead of parking where I should have parked, I parked illegally in the Law School parking lot to get to my class in Falvey. So I walked through the tunnel at 8:30 at night to get to my car in the Law School lot.

Q It wasn't flooded?

A No, it wasn't. It wasn't flooded.

Q Did you see water on either or both sides of the tunnel when you went through?

A It's on both sides. It was on both sides of the stairs.

Q Did you feel comfortable going through the tunnel?

A Absolutely not. I had very heavy books and an umbrella. I felt if I had to take a swing at anybody, my umbrella would be the thing.

Q Do you fear for your safety in going through the tunnel?

A Absolutely.

Q Is that in the day as well as at night?

A Oh, yes.

Q Do you feel that the present means of crossing

from one side of the tracks to the other at or near the Villanova train station are adequate?

A Totally inadequate, as far as I'm concerned.

MR. MC DOWELL: That's all I have.

Thank you.

JUDGE FOUNTAIN: Mr. Olin?

CROSS-EXAMINATION

BY MR. OLIN:

Q Would you feel more comfortable using the tunnel if it was, let's say, patrolled by some Villanova students at night?

A I'm not sure how that could be accomplished if there was a person standing in the tunnel at all times. I suppose so, but --

Q Suppose there was a student at one end and a student at the other end and a student walking down the steps and under the tunnel at all times. Would that make you feel more comfortable?

A Possibly, if he was armed. I'm not sure. I'm not sure. It wouldn't make me feel safe to have somebody walking through like that, anyway. If

he was identified as a security policeman.

Q           Supposing he had a security uniform on and it said "Villanova." Wouldn't that solve your problem, at least at night?

A           It would make me feel safer, but I don't think it would be as adequate as a pedestrian walkway.

JUDGE FOUNTAIN: Pedestrian walkway where, Miss Dougherty?

THE WITNESS: I have been thinking about this for three years, and where it would be -- it would either require an entirely new bridge to be built that would include -- Well, actually, the problem with the bridge is not just that it's too narrow; it's also too high and angled. I presume that's because of the wires that it has to cross.

It would have to be angled differently from either side, so you could see the cars coming from either end. I'm not sure how that could be done unless a completely separate pedestrian walkway, completely over

the tracks, over the tunnel, just above it.

MR. OLIN: I have no questions.

MR. MAZOR: I have no questions.

MR. HUSS: No questions.

CROSS-EXAMINATION

BY MR. HERSKOVITZ;

Q The fact that the lighting has improved in the tunnel, do you feel any safer now that it is better lit?

A Not particularly.

Q So then the flooding is not the only reason that makes the tunnel inadequate --

A It's not the only reason.

MR. HERSKOVITZ: Okay. Thank you.

REDIRECT EXAMINATION

BY MR. MC DOWELL:

Q Why don't you feel that simply because there's been increased lighting -- why do you still feel uncomfortable?

A It would be too easy to be trapped in there.

At night, there is no one around and no one -- the train runs approximately an hour - hour and-a-half between. There's nobody down at the tracks. If someone were to come at you from either end, there's no way you could get out. Lighting wouldn't help that.

JUDGE FOUNTAIN: Ms. Dougherty, how late at night do people use that tunnel?

THE WITNESS: As late as they need to.

JUDGE FOUNTAIN: I understand, but that doesn't tell me very much.

THE WITNESS: Well, I have known people who have used it -- girls who have used it after midnight.

JUDGE FOUNTAIN: Well, how about the volume of pedestrians?

THE WITNESS: Well, at night it drops off.

JUDGE FOUNTAIN: To what, do you know?

THE WITNESS: Just a trickle. A

few people every hour.

JUDGE FOUNTAIN: All right.

BY MR. MC DOWELL:

Q Do you know any reasons why it trickles off at night other than there aren't as many classes at night?

A Other than -- Occasionally -- okay. Last year my sister was a student at the Law School. So I had -- I had occasion to be in the Law School parking lot. And occasionally during finals I had to be in the Library till midnight. And I decided, yes, I was going to go over to the Law School lot and meet her at the Library after midnight when the Library closed. But it was decided between us that it wasn't safe for us. So I decided to wait at the Library until she picked me up.

Q Now, you were talking about a separate pedestrian walkway, whether it's a new bridge or attachment to the bridge, or a whole separate pedestrian walkway.

If such a structure were constructed, would you use it?

A Oh, yes, I would. Definitely.

Q Would you feel safer using it --

A Much safer.

Q -- than your present means of crossing the tracks?

A Certainly.

MR. MC DOWELL: That's all I have.

Thank you.

JUDGE FOUNTAIN: Do you know when the latest class is held at the school here?

THE WITNESS: No, I don't know about the University College holding classes at night.

JUDGE FOUNTAIN: Maybe I can best obtain that from Father Degen.

FATHER DEGEN: What was the question?

JUDGE FOUNTAIN: What time is the latest class here in the evening, Father?

FATHER DEGEN: The latest class would get over around 10:30.

JUDGE FOUNTAIN: At night.

FATHER DEGEN: At night. They have

labs that go that late.

(Discussion off the record.)

RECROSS-EXAMINATION

BY MR. HERSKOVITZ:

Q You have stated that you feel unsafe and other witnesses have stated that, also.

Are you aware of any incident where people have been attacked in that tunnel?

A I've heard of several, but I don't know anyone who was attacked. In fact, I was at a party about a month ago with a law student who happened to know just about everything that was going on on campus, and little things that no one ever hears about. And one was about a girl being attacked at 4:00 in the evening coming over from the Villanova side.

Q But you don't have any incident of your own personal knowledge?

A No.

MR. MC DOWELL: I have one more.

BY MR. MC DOWELL:

Q Do you know of your own personal knowledge whether other females fear using the tunnel?

A Yes, I do.

MR. MC DOWELL: That's all I have.

MR. MAZOR: May I ask one question, please.

JUDGE FOUNTAIN: Yes.

CROSS-EXAMINATION

BY MR. MAZOR:

Q Assuming you're given the same time frame, after midnight, and there aren't many people around and everything else is the same, what makes the use of a bridge above ground any that much safer than the tunnel itself, if there's nobody around, anyway?

A If it's an open walkway, you can at least yell for help and someone might hear you.

Q And you feel that yelling for help underneath would be that much different?

A Yes.

MR. MAZOR: Thank you.

REDIRECT EXAMINATION

BY MR. MC DOWELL:

Q And if it were an open walkway, could you also see what was at the other end?

A Absolutely.

Q If there was something at the other end that you wanted to avoid, could you avoid it?

A Yes, I could go back on campus and call the security or something.

MR. MC DOWELL: That's all I have.

MR. OLIN: I just have one question.

RE-CROSS-EXAMINATION

BY MR. OLIN:

Q Assuming it was a ramp over the tracks and it would have to go a long way, it would have to be curved like an arch. You really couldn't see, at some point, what was on the other side if you were on the other side of the ramp way, could you?

A It would depend on the angle. I don't know.

Q It would be like crossing the Spring Mill bridge, would it not? There is some point where

you could not see what was on the other side.

A. No. If it was angled sharply, no.

Q. So wouldn't that increase your fear?

A. It would depend on the tunnel, because you can't see what is on the other side. There could be people up on the other side.

Q. Couldn't you see that if you went down the steps?

A. No, you wouldn't be able to see until you rounded the corner, until you got to the other end of the tunnel, because there are stairs at right-angles. Somebody could be standing at the end of these stairs and you wouldn't know it.

MR. OLIN: I have no further questions.

(The Witness was excused.)

HENRY AMOROSO, having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MC DOWELL:

Q Would you state your name for the record?

A Henry Amoroso.

Q And do you attend Villanova University?

A Yes, I do.

Q And what year are you?

A Senior.

Q And have you been attending Villanova all four years?

A Yes, I have.

Q And in those four years, have you become involved in student politics in any way?

A Yes, I have. For the past three years.

Q And in what manner? What were your duties?

A I was Vice-President for the Resident Student Association, Senator for the College of Commerce and Finance and I am currently the Student Body President.

Q Now, in student government, have you become involved regarding the adequacy of the present means of crossing the tracks at or near Villanova Station and Highway 320 bridge?

A Yes, I have.

Q Can you explain what those activities have involved? Yes, I have.

A In October of last year, while I was senator, we had the accident on October the first. And we felt that the student government committee would be necessary to bring attention to the safety problems of crossing the railroad tracks and bridge, and that the best means for this would be a typical demonstration?

Q Did you have a demonstration? And it was a high Yes, we did traffic, trucks and busses. And,

Q to cross? And what happened there close to the side as possible? Approximately two weeks later on Friday afternoon we had a demonstration on Lancaster Avenue, feeling this would be the best place to bring some attention to the matter, and in which approximately 400 people came and walked up and down Lancaster Avenue holding signs, calling attention to the media and other available people. me until I get over.

Q Okay. Now you yourself, have you had any personal experiences using the bridge, the Highway 320 bridge? Yes.

A Yes, I have had experiences as another vehicle

Q Have you crossed the bridge?

A Yes, I have.

Q Is this an adequate means, in your opinion, of getting from one side of the tracks to the other?

A In my opinion, I don't feel it is an adequate means of crossing from one side of the tracks to the other. I think it's a very dangerous situation.

Q And why, in your opinion, is it dangerous?

A Well, the bridge is very narrow and it has a high volume of traffic, trucks and busses. And, to cross, you have to stay as close to the side as possible. Over there, you have the curb that is crumbling; cars are slowing down on both sides trying to avoid you; the aluminum fenders are sometimes bent out, if they are existing.

So I found that the best way for me to cross is just to walk in the middle of the street and let the car beep the horn behind me until I get over.

Q Have you seen very much truck traffic going over that bridge?

A Oh, yes.

Q What happens if a truck meets another vehicle

on the bridge?

A Well, usually the vechile, if he backs up, the truck is a little bigger, and he's going to go first; and if the truck can back up, he does. If the truck is not that large, both will attempt to pass. But there's never any room for pedestrians, if that's the case.

Q Is there any pedestrian walkway on the bridge?

A Absolutely not.

Q How about approaching the bridge?

A Well, it narrows down considerably as you walk up the hill from either side, and there's no type of sidewalk or anything to that effect.

Q Have you used the tunnel that's at or near the Villanova train station to get from one side to the other?

A I've used it a lot in the three past years, and this year I used it three times a week.

Q Where do you have a class?

A At St. Mary's Hall.

Q Do you live on campus?

A Yes, I do.

Q And where do you live?

A I live on the main campus, Sullivan Hall.

Q Is that the reason you have to get from the main campus then to St. Mary's to attend class?

A Right. In addition, there's also some athletic facilities there, like a swimming pool and gymnasium, and some friends that I have live over in that area.

Q Have you ever seen the tunnel flooded?

A Yes, I have.

Q When is the last time you saw it flooded?

A The last time I saw significant floods was when the entire sides, from both sides -- was last year. However, in the Fall of this year I saw the tunnel somewhat flooded. I found it to be passable. However, I did get, up to my ankles wet from parts of it.

Q Did you notice water coming into the tunnel?

A Oh, yes. Through the bridge walls on midway through the tunnel, on the right-hand side, I have noticed water coming through --

Q Just a minute. When you say "right-hand side," --

A Moving west, from the campus to St. Mary's, halfway through about chest high, there's a hole about two inches in the tunnel. I've seen water coming through there, in addition to water coming through the bridges.

Q Now, again, in your activities with the student government, have you heard any complaints, of your own personal knowledge, now, from female students of any concern in using the tunnel?

A Yes, I have. We have the University College which involves a lot of night students, and I have gotten two calls from females saying that they think that the lighting over there is poor in and around the whole area, and that it's very unsafe and they don't like to cross there, and we should do something about it, in which case I try to make mention of the van service, if it's available.

Q This van service that was mentioned earlier, can you explain what the van service is?

A Security. Members of the security force operate a regular club-type bus, vans, in which they transport certain students, usually ones who have

some kind of handicap, a broken leg or arm, and have trouble walking, and sometimes will pick up a girl if she asks them to on campus and move them from one area to another; provide service to and from the infirmary and provide services to and from Villanova to Rosemont.

Q Now the bridge and the tunnel that you've so far talked about, are they accessible for handicapped people?

A No, I couldn't -- The tunnel certainly isn't, and if someone was to wheel themselves up the bridge and down the other side, they're taking a chance because if there's not room for a person, there's certainly not going to be that much room for a wheelchair.

Q Now, other than the bridge and the tunnel, is there some other alternate means of getting from one side of the tracks to the other?

A Yes, there is. You can go down Ithan Avenue, this over here, to County Line Avenue; from County Line Avenue up to Springmill Road, 320; and then over into St. Mary's.

JUDGE FOUNTAIN: How long does it take them if they use that?

THE WITNESS: I would say that's every bit of a mile, maybe a mile and-a-half. Certainly not practical if you're going to classes.

BY MR. MC DOWELL:

Q What is your opinion regarding the present means of getting from one side of the tracks to the other? Are they adequate?

A In my opinion, no, they're not adequate. There's a need for a pedestrian crossing. I would like to see something done with the bridge where  
be  
the bridge can be expanded and an area designated for pedestrian cross-way could be attached to that.

JUDGE FOUNTAIN: You mean have the bridge on 320 expanded?

THE WITNESS: Yes, I that's necessary.

BY MR. MC DOWELL:

Q What is the position of the student body on some alternate means of crossing?

A. As a representative of the student body, we would like to see a pedestrian cross-way, in addition to other traffic safety-type of measures taken to go to St. Mary's.

Q From the main campus?

A Right.

Q Or vice versa?

A Right.

MR. MC DOWELL: No more questions.

MR. OLIN: No questions.

CROSS-EXAMINATION

BY MR. MAZOR:

Q Have the conditions that you have described existed all during your attendance at Villanova?

A Which conditions?

Q The conditions of the tunnel and the bridge. They have been in existence during your term?

A Yes.

Q During the unfortunate incident of October last, was any formal action taken by the student body or anybody in the University with respect to those

conditions?

A Yes, sir, they were. I myself met with Township Commissioners, went to a Township meeting, and brought the problem to them that there was a strong need to have the matter addressed with respect to commuting from the main campus to the St. Mary's area.

Q You yourself have not used the facilities, not as a commuter, but as a non-campus resident; is that correct?

A Excuse me. I am a campus resident.

Q Right. Okay. Tell me this. Has any effort been made through the student body, and you would be knowledgeable of this, to have the tunnel or the area around the tunnel regularly patrolled by campus security forces at night or times when there isn't a great deal of activity?

A In my experience with student government, we have not done that. We have found that to be an impractical approach.

Q It hasn't been done, however?

A Correct.

MR. MAZOR: That's all.

JUDGE FOUNTAIN: Why would it be an impractical approach?

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THE WITNESS: Sir, we have a lot of requests from areas around the University to have students patrol certain areas. It would be near impossible to set up that type of system with so many students that they're going to patrol the train area, residents, home area around dormitories and other areas on campus.

JUDGE FOUNTAIN: I was thinking particularly of the tunnel.

THE WITNESS: Then for security purposes only?

JUDGE FOUNTAIN: Yes.

THE WITNESS: Well, there are other security areas that have concern and I don't think that it's --

JUDGE FOUNTAIN: Well, would the student body accept having a security guard from the University post that tunnel?

THE WITNESS: For security purposes. But security is not the sole problem in commuting from one side to the other. That would alleviate part of the tunnel problem.

MR. HUSS: No questions.

MR. HERSKOVITZ: Yes, I have several questions.

CROSS-EXAMINATION

BY MR. HERSKOVITZ:

Q As a representative of the student government, do you have any personal knowledge as to any incidents --

JUDGE FOUNTAIN: I think Father Degen would be the proper witness to address that question to.

MR. MC DOWELL: Your Honor, he might have some personal knowledge.

JUDGE FOUNTAIN: Do you have any knowledge?

BY MR. HERSKOVITZ:

Q Do you have any knowledge of someone being

attacked in the tunnel that may have been reported to the student government?

A. I have had no incidents reported to the student government, no.

Q. Just the fear and not an actual incident; is that correct? You've had a couple complaints --

A. People were harassed walking through the tunnel, but no attacks.

Q. I see. There was testimony at the last hearing from the Department of Transportation that it may not be feasible to attach a pedestrian walkway to the bridge. In light of that testimony, what recommendations would you or the student government propose?

A. That an additional cross-walk to be erected in the most practical sense going from the Mendell area to the other side of the train tracks.

JUDGE FOUNTAIN: You mean above the tunnel?

THE WITNESS: In that general area over there, yes, between the bridge and tunnel, possibly. Maybe down -- What would be

most practical would be something approachable in that area.

BY MR. HERSKOVITZ:

Q You also mentioned that there are security guards that are employed by the University and they do not patrol the tunnel. They patrol in other areas.

A I did not say that. I said there are security guards --

JUDGE FOUNTAIN: No, I think he referred to students in that capacity.

MR. HERSKOVITZ: Okay.

BY MR. HERSKOVITZ:

Q Has student government requested the University to hire full-time guards for the evening to patrol that area?

A No, we haven't.

Q Do you see that as one alternative?

A No, I don't.

Q And why is that?

A I don't see that the security force should be expanded to cover areas that are non-University,

at this point.

MR. HERSKOVITZ: Okay. Thank you.

JUDGE FOUNTAIN: Do you have anything?

MR. MC DOWELL: Nothing further.

(The Witness was excused.)

JUDGE FOUNTAIN: Father Degen, has there been any reported attacks to any women students using that tunnel?

FATHER DEGEN: Not to my knowledge.

JUDGE FOUNTAIN: Do you have anybody else?

MR. MC DOWELL: I have one more, Your Honor. Mr. Burns.

FRANK BURNS, having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MC DOWELL:

Q Would you state your name, sir, for the record?

A My name is Frank Burns.

Q: And do you attend Villanova University?

A: Yes, I do. I do, but I prefer not to.

Q: And what year are you?

A: I'm a senior. It's safe. There is definitely

Q: And have you attended this school for the last four years?

A: Yes, I have. I've accelerated to get over the

Q: And do you presently live on campus?

A: Yes, I do.

Q: Where do you live?

A: I live in St. Mary's Hall.

Q: And do you have occasion to cross the tracks at or near the Villanova train station or the bridge which carries Highway 320 over the railroad tracks?

A: Yes, I do. I cross it at least, back and forth, everyday to attend classes during the week. I frequently cross over to check mail on Saturday mornings, and I'm dependent upon taking the railroad to do my shopping into Bryn Mawr or into Philadelphia. And on all of those occasions I cross from one side of the tracks to the other.

Q: Do you use the bridge that carries Highway

320 over the tracks?

A I have upon occasion, but I prefer not to.

Q And why is that?

A I feel that it is unsafe. There is definitely not enough room there. Due to the grading going up, oftentimes trucks accelerate to get over the top without shifting gears; and in general, I do not feel that bridge is safe, even to drive across, much else walk across.

Q Is it your opinion that the bridge is inadequate for crossing?

A Yes, it is.

Q Is it dangerous for crossing?

A I feel it is dangerous.

Q Now, you indicated that you do use the tunnel, then, to get from one side to the other.

A Whenever possible.

Q Have you ever seen the tunnel flooded?

A Yes, I have.

Q Have you seen it flooded at various times in the four years that you've been at Villanova?

A Yes, I have, quite a few times.

Q When is the last time you saw it flooded?

A The last time I saw it flooded was on Saturday, October 25th.

JUDGE FOUNTAIN: What year?

THE WITNESS: 1980.

BY MR. MC DOWELL:

Q And on that day, did you cause photographs to be taken of the tunnel and surrounding area?

A Yes, I did. If I can go into an explanation of what happened, I went down to lunch and several students had come back from intramural football games on campus and informed me that the tunnel had been flooded.

At that time, I went and found another resident of St. Mary's who lives on the third floor with me. He got his camera and we went down and took pictures of the tunnel and -- if I can go through the pictures, which I assume everyone--

MR. MC DOWELL: Hold on.

JUDGE FOUNTAIN: First he has got to get them marked.

BY MR. MC DOWELL:

Q The pictures that were taken, were they taken by you?

A No, they were not.

Q They were taken by another individual?

A Yes, they were.

Q Is that individual here in the hearing room today?

A Yes, he is.

JUDGE FOUNTAIN: Are you the subject in these pictures?

THE WITNESS: Yes, I am.

MR. MC DOWELL: I have distributed to the parties the pictures or photographs that this gentleman has referred to.. I would request that they be marked as Exhibit C-8.

JUDGE FOUNTAIN: Mark it as Exhibit 8.

MR. MC DOWELL: Which is the Exhibit for Complainant.

BY MR. MC DOWELL:

Q Would you explain, going through the four pages of photographs, what is depicted in the various

photographs?

A. Certainly. The first photograph is a picture taken from the St. Mary's side, looking towards the main campus side of the tunnel. The large white streak on the left-hand side of the photograph is a hose coming from -- that had just been put in by the AMTRAK workers as they started to drain the tunnel. Okay. It just shows that the entire length of the tunnel is flooded. Okay.

On the second page are various pictures of myself standing in the water in the tunnel. In the first picture on the upper left-hand side, you can see that it's obviously knee deep on myself; and a few pictures of me walking up and down the steps. The one picture where I'm looking over, which not exactly -- I used a ruler, which is not exactly the most accurate means, to measure the depth of the water. I found it to be 22 inches deep.

On the following page --

Q. The third page?

A. The third page is a picture after it had been -- after the water had been pumped out, and

although it might not be evident in the reprints, I was pointing to the water mark. And, it was measured again at that point and it was also 22 inches.

Q. Was it raining on this day?

A. Yes, it was, quite heavily during the morning and by the time these pictures were taken it had slowed down to a drizzle.

Q. How about the fourth page? What does that depict?

A. The fourth page depicts various people using alternate means to cross the tracks. They could not use the tunnel. It was knee deep in water.

First of all, a picture of the sign forbidding crossing the tracks and saying to use the pedestrian tunnel. I thought it was a rather ironic thing to see when there's almost two feet of water in the tunnel.

Okay. Three pictures of students who were crossing from the main campus, or to the main campus. And the last picture on the bottom of the page is one of a young lady who was trying to cross

on the bridge standing there waiting for the traffic to clear so that she could walk across.

Q Now, are the originals of these photographs in the hearing room for inspection by anyone who cannot decipher what is on the reproduced copies?

A Yes, they are.

Q When you were in the tunnel, did you see where the water was coming from?

A I saw water -- I stayed there for the entire time, from about 1:00 till about 3:00, actually, when the tunnel had been cleared by the AMTRAK workers. And I saw water coming from two sources. One was coming in through the walls on both sides. Okay. And secondly was that after all the water in the tunnel had been pumped out, they turned the pump off, and water rapidly came up through the drains into the tunnel. In fact, from the time they turned it off till they realized it was flooding again the entire floor of the tunnel was flooded again over two inches deep. And, in other words, the water was coming back up through the drains at a very high rate.

They then ended up installing a sump pump

underneath the tunnel which was operative from October 25th to October 30th and was pumping water constantly for that period of time. Well, at least every time I walked by I checked -- they had the hose running into the PennDOT parking lot on the St. Mary's side. And that pump was pumping water for five days.

Q Was it running --

A No, it wasn't --

JUDGE FOUNTAIN: You say the PennDOT side?

THE WITNESS: I believe it was the PennDOT parking lot.

BY MR. MC DOWELL:

Q What side of the tracks?

A On the St. Mary's side. They were pumping the hose that was going from the pump. It was going out into the station lot on the St. Mary's side.

Q And the dates that you have given, that's of this year, 1980?

A That is correct.

MR. MC DOWELL: That's all I have. I would move for the admission of C-8, subject to cross-examination.

JUDGE FOUNTAIN: Are you going to put the man on who took those pictures?

MR. ZAHN: We'll admit them.

MR. MAZOR: I think we'll waive them.

JUDGE FOUNTAIN: We will admit them.

MR. OLIN: I have no questions.

MR. MAZOR: I have none, Your Honor.

MR. HUSS: No questions.

MR. HERSKOVITZ: No questions.

MR. MC DOWELL: Thank you, sir.

(The Witness was excused.)

MR. MC DOWELL: Is the Exhibit admitted?

JUDGE FOUNTAIN: Yes, it is.

MR. MC DOWELL: Okay. That concludes our testimony.

JUDGE FOUNTAIN: Any rebuttal testimony from any of the parties?

MR. OLIN: None from the Commonwealth.

MR. MAZOR: None, Your Honor.

MR. HUSS: We have none, Your Honor.

MR. HERSKOVITZ: No testimony,  
Your Honor.

JUDGE FOUNTAIN: All right. I  
take it the hearing is concluded.

MR. ZAHN: Yes, sir.

JUDGE FOUNTAIN: Wait a minute,  
please. I'll close the record. Any of  
you gentlemen want to file a brief?

MR. MC DOWELL: We would request  
to file a brief, yes, Your Honor.

MR. MAZOR: That does it, then.  
It's open to everybody.

JUDGE FOUNTAIN: We will send the  
briefing letter out when I receive the  
transcript.

MR. MC DOWELL: All right.

JUDGE FOUNTAIN: Anybody else have  
anything to offer?

MR. HERSKOVITZ: May I just ask  
if a representative of the Township or

County is present?

JUDGE FOUNTAIN: Are there any representatives of the Township or County?

MR. PEGUES: My name is Clarence Pegues. I am the Special Assistant to the Township Manager. I'm not here in an official capacity. I'm just here to observe.

MR. HERSKOVITZ: I just wanted to know whether they have any testimony, if they were present.

JUDGE FOUNTAIN: Does the Township have any testimony they wish to present?

MR. PEGUES: No, we do not wish to provide any testimony.

JUDGE FOUNTAIN: Maybe you weren't asked, but you have now the opportunity, if you want to present it.

MR. PEGUES: No, we do not wish to.

MR. HERSKOVITZ: I have nothing further.

JUDGE FOUNTAIN: All right. The

hearing stands adjourned.

(The hearing was adjourned at  
12 noon.)

REPORTED BY

DEBORAH A. BYRD  
REGISTERED PROFESSIONAL REPORTER

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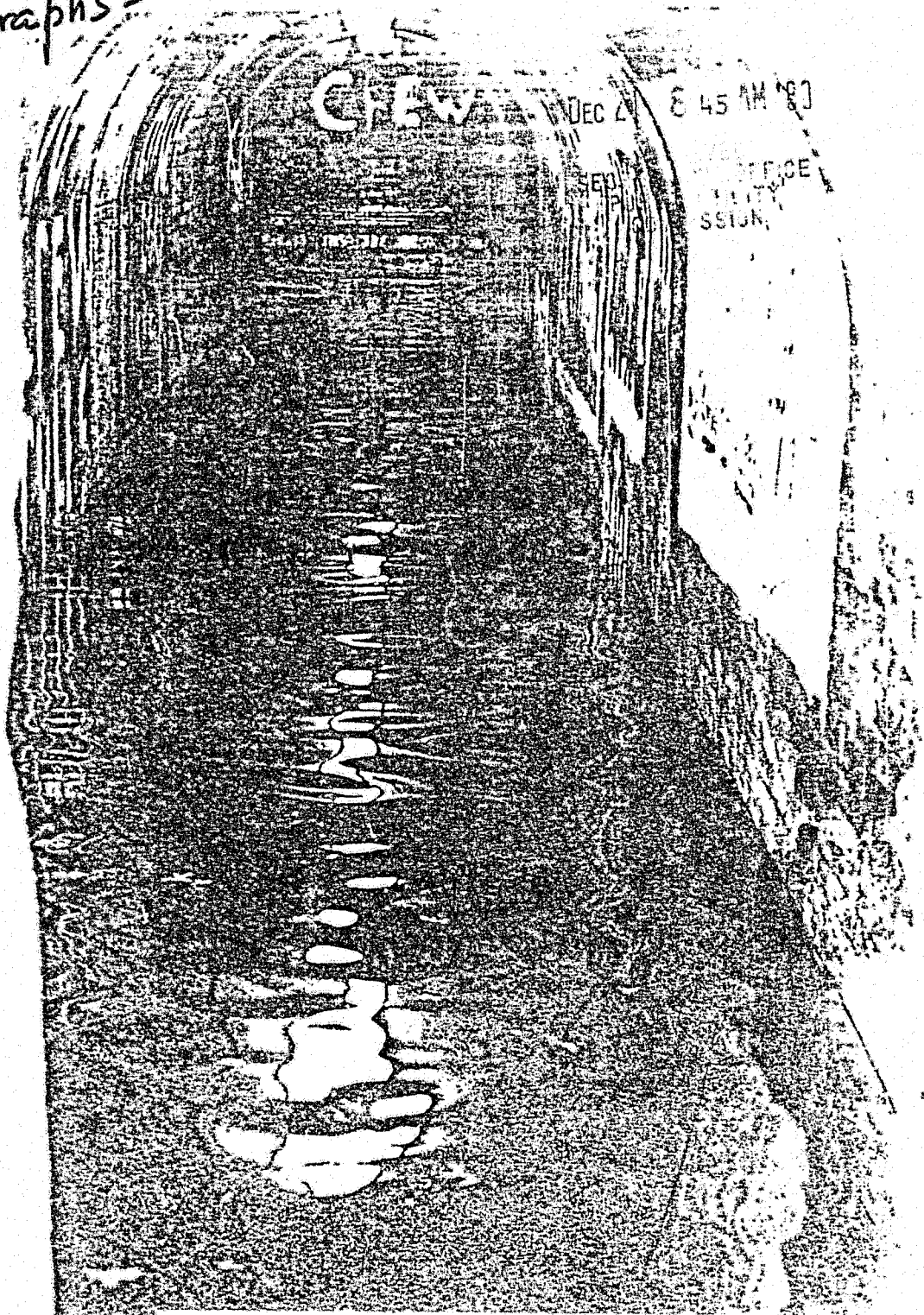
I HEREBY CERTIFY that the proceedings and evidence herein are contained fully and accurately in the notes taken by me at the hearing in the above cause before the Public Utility Commission of the Commonwealth of Pennsylvania, and that this copy is a true and correct transcript of the same.

Deborah A. Byrd

Deborah A. Byrd  
Shorthand Reporter

D

C. 8 Photographs



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