

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u> April 6, 1984	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u> ALJ	:	APR-84-ALJ-85
4. <u>SECTION(S):</u>	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u> Chief ALJ: William H. Smith Director: Ext. 7-6108 Supervisor:	:	April 26, 1984
7. <u>MONITOR:</u> Chairman Taliaferro	:	
8. <u>PERSON IN CHARGE:</u> ALJ Klovekorn 8-325-2105	:	
9. <u>DOCKET NO:</u> I-830373	:	

DOCKETED
MAY 2 - 1984

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

(a) Commission investigation re: the current condition and future disposition of the rail-highway crossing carrying 59th Street over and above the grade of the tracks of Amtrak in the City of Philadelphia.

(b) On April 29, 1983, the Commission instituted this investigation. Hearing was held August 18, 1983. Briefs and reply briefs were filed.

(c) Judge Klovekorn issued a decision ordering Amtrak to perform an in-depth inspection of the bridge and assigning maintenance responsibility on an interim basis to Amtrak and the City of Philadelphia.

Initial Decision served: March 8, 1984.
Exceptions filed by: The City of Philadelphia, March 22, 1984.

THIS CASE IS TO BE ASSIGNED TO THE BUREAU OF RAIL TRANSPORTATION TO MONITOR THIS PROCEEDING DURING THE CONSTRUCTION PHASE.

11. MOTION BY: Commissioner Chm. Taliaferro Commissioner Cawley - Yes
Commissioner
SECONDED: Commissioner Johnson Commissioner

CONTENT OF MOTION: That the Decision of ALJ Klovekorn be adopted as the action of the Commission.

EXHIBIT
FILED



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, Pa. 17120
May 1, 1984

IN REPLY PLEASE
REFER TO OUR FILE
I-830373

Harold K. Cohen, Esquire
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103

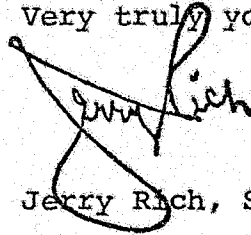
Investigation upon the Commission's own motion into matters pertaining to the proper service, accommodation, convenience and safety of the traveling public using the rail-highway crossing carrying 59th Street over and above the grade of the tracks of National Railroad Passenger Corporation in the City of Philadelphia, to determine the condition, disposition and responsibility for maintenance of the existing crossing structure.

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in public meeting held April 26, 1984 in the above entitled proceeding.

A copy of this Order has been enclosed for your records.

Very truly yours,



Jerry Rich, Secretary

fao
Encls.
Cert. Mail
Refer to letter dated March 8, 1984

DOCUMENT
FOLDER

DOCKETED
MAY 2 1984

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 26, 1984

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley

Investigation upon the Commission's own motion into matters pertaining to the proper service, accommodation, convenience and safety of the traveling public using the rail-highway crossing carrying 59th Street over and above the grade of the tracks of National Railroad Passenger Corporation in the City of Philadelphia, to determine the condition, disposition and responsibility for maintenance of the existing crossing structure.

I-830373

O R D E R

BY THE COMMISSION:

We adopt as our action the Initial Decision of Administrative Law Judge Joseph J. Klovekorn dated March 1, 1984, and that Exceptions be denied; THEREFORE,

IT IS ORDERED:

1. That National Railroad Passenger Corporation, at its initial cost and expense, within six (6) months from service of the Commission's order, perform an in-depth inspection of the bridge carrying 59th Street over and above the tracks of National Railroad Passenger Corporation in the City of Philadelphia.

2. That National Railroad Passenger Corporation, at its initial cost and expense, within six (6) months from service of the Commission's order, prepare and submit to this Commission and all parties of record for review, a detailed report of the in-depth inspection performed in accordance with this order. Said report to include but not be limited to the following:

1. The extent and effect of any deterioration, if any, and the necessary work, estimated cost, and construction time to make repairs, if required

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MAY 2 - 1984

DOCUMENT
FOLDER

2. An engineering analysis of the existing structural members of the bridge to determine the load carrying capacity of the members and a recommendation as to the overall load carrying capacity of the bridge.
3. Specific recommendations as to work required, estimate of costs and construction time to rehabilitate the bridge to enable it to safely carry HS-20 loads and/or appropriate loads based on the engineering analysis of the overall load carrying capacity.

3. That City of Philadelphia, at its initial cost and expense, within six (6) months from service of the Commission's order, furnish all material and do all work necessary to replace the expansion dams of the subject bridge.

4. That City of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to establish, mark and maintain a suitable detour, if necessary, for the vehicular and pedestrian traffic desiring to use the subject structure during the time the reconstruction is being performed in accordance with Paragraph No. 3 of this order.

5. That National Railroad Passenger Corporation, at its initial cost and expense, furnish flagmen, watchmen and inspectors, as necessary, to observe the progress of work being performed over and adjacent to its tracks in accordance with this order.

6. That any relocation of, change in, or removal of any existing structure, equipment or facilities of any public utility other than National Railroad Passenger Corporation, which may be required as incidental to the execution of this order, be made by the said public utility at its initial cost and expense and in such a manner so as not to interfere with the construction of the improvement.

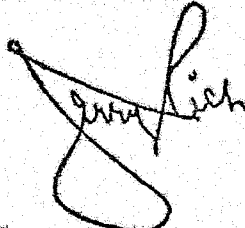
7. That upon completion of the improvement, each involved party report to this Commission the actual date of completion of the work ordered herein, and at the earliest practicable time subsequent to the said date of completion, submit to this Commission a detailed statement of the actual costs incurred in furnishing material and performing work in accordance with this order.

8. That upon completion of the improvement and its opening to public use, City of Philadelphia, at its initial cost and expense, furnish all material and do all work necessary to provide interim maintenance for the bituminous wearing course on the bridge, bridge sidewalks and highway approaches, all in a safe, smooth and satisfactory manner.

9. That upon completion of the improvement and its opening to public use, National Railroad Passenger Corporation, at its initial cost and expense, furnish all material and do all work necessary to provide interim maintenance for the substructure and superstructure of the bridge exclusive of the items assigned to City of Philadelphia, all in a safe and satisfactory manner.

10. That upon completion of the in-depth inspection and report and replacement of the expansion dams, a further hearing be held to receive comments on the report, assignment of maintenance and costs associated with all work performed on the subject bridge.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is stylized with a large, sweeping loop at the end.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: April 26, 1984

ORDER ENTERED: May 1, 1984



CITY OF PHILADELPHIA

ORIGINAL

LAW DEPARTMENT
15th Floor, Municipal Services Building
Philadelphia, Pa. 19102

BARBARA W. MATHER,
City Solicitor

HERBERT SMOLEN,
Deputy City Solicitor
(215) 686-5251

September 21, 1984

RECEIVED

Pennsylvania Public Utility Commission
North Office Building
Harrisburg, Pennsylvania 17120

SEP 25 1984

SECRETARY'S OFFICE
Public Utility Commission

ATTENTION: Jerry Rich, Secretary

Dear Sir:

I-83 0373

I enclose herewith various Withdrawal of Appearance forms as shown on each such Withdrawal.

All future notices, communications and correspondence in connection with these matters should be addressed to the City of Philadelphia Law Department, Attention: Public Utility Section.

I am informed that Entries of Appearance will shortly be filed in these matters.

Very truly yours,

HERBERT SMOLEN
Deputy City Solicitor

DOCUMENT
FOILER

HS:ddb

Enclosures

cc: Counsel for:

PennDot, Bell, PECO, PGW, SEPTA, Amtrak, Conrail

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

SEP 26 1984

SECRETARY'S OFFICE
Public Utility Commission

IN RE:

Investigation upon
Commission's own Motion - -

(59th Street over Amtrak)

Docket No.

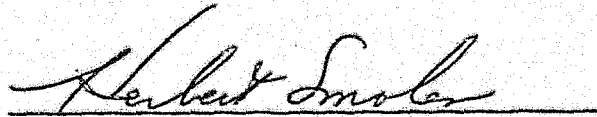
~~I-830873~~

I-830373

WITHDRAWAL OF APPEARANCE

TO THE SECRETARY OF THE COMMISSION:

Kindly withdraw my Appearance on behalf of
the City of Philadelphia in the above-captioned matter.



HERBERT SMOLEN
I.D. No. 13601

Dated: September 17, 1984

DOCUMENT
FILE

DOCKETED
OCT 3 - 1984

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

OCT 5 1984

SECRETARY'S OFFICE
Public Utility Commission

IN RE:

Investigation upon
Commission's own Motion

(59th Street over
Amtrak)

:
:
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Docket No. I-830 373

DOCKETED
OCT 10 1984

ENTRY OF APPEARANCE

DOCUMENT
FOLDER

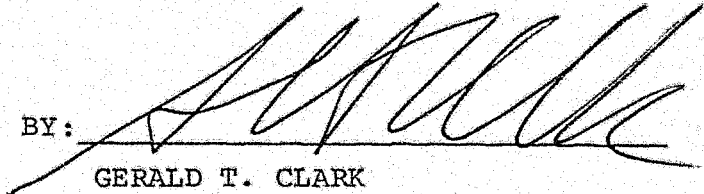
TO THE SECRETARY OF THE COMMISSION:

Kindly enter my Appearance on behalf of the City
of Philadelphia in the above-captioned matter.

BARBARA W. MATHER,
City Solicitor

KATHRYN S. LEWIS,
Chief Deputy City Solicitor

BY:



GERALD T. CLARK
Assistant City Solicitor
I.D. No. 17455

DATED: 10-2-84



CITY OF PHILADELPHIA

LAW DEPARTMENT
15th Floor, Municipal Services Building
Philadelphia, Pa. 19102

BARBARA W. MATHER
City Solicitor

October 24, 1984

RECEIVED

OCT 25 1984

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility/
Commission
North Office Building
Harrisburg, PA 17120

SECRETARY'S OFFICE
Public Utility Commission

RE: Investigation upon the Commission's Own Motion
Into Matters Pertaining to the Proper Service,
Accommodation, Convenience and Safety of the
Traveling Public Using the Rail-Highway Crossing
Carrying 59th Street Over and Above the Grade of
the Tracks of National Railroad Passenger Corpor-
ation in the City of Philadelphia, to Determine
the Condition, Disposition and Responsibility for
Maintenance of the Existing Crossing Structure
Docket No. ~~I-8303073~~

Dear Mr. Rich:

I-830373

Enclosed please find an original and nine (9) copies
of the City of Philadelphia's Petition for Extension of Time
for Completion of Work.

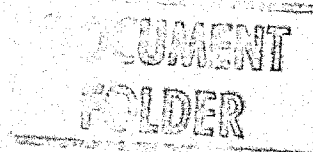
Please note that a Certificate of Service is attached.

Kindly acknowledge receipt hereof.

Very truly yours,

MICHAEL S. CHUHINKA
Assistant City Solicitor
(215) 686-7671

MSC:rdt
Encls. (10)



RECEIVED

OCT 26 1984

SECRETARY'S OFFICE
Public Utility Commission

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Investigation upon the Commission's :
own motion into matters pertaining :
to the proper service, accomodation, :
convenience and safety of the travel- :
ing public using the rail-highway :
crossing carrying 59th Street over :
and above the grade of the tracks of :
National Railroad Passenger Corpora- :
tion in the City of Philadelphia, to :
determine the condition, disposition :
and responsibility for maintenance :
of the existing crossing structure. :

Docket No. 4-8303073

I-830373

PETITION FOR EXTENSION OF TIME
FOR COMPLETION OF WORK

DOCKETED
NOV 1 - 1984

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. Petitioner herein is the City of Philadelphia.
2. By Order adopted April 26, 1984, and entered May 1, 1984, the Pennsylvania Public Utility Commission required, in Paragraph 3 of said Order, the City of Philadelphia to furnish all material and do all work necessary to replace the expansion dams of the subject bridge. Said work was to be completed within six (6) months of service of the Commission's Order.
3. In accordance with legislation enacted by the Council of the City of Philadelphia, a specified percentage of the total dollar amount of contracts entered into by the City of Philadelphia must be awarded to minority and female business enterprises.

1.

ORDER

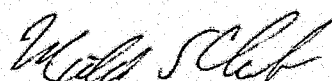
The regulations promulgated under this legislation require that the Minority Business Enterprise Council review and certify that entities with which the City contracts, or sub-contractors of those entities, are minority and/or female business enterprises and that the required percentage dollar amount is satisfied. Since this is a relatively new program within the City of Philadelphia, compliance with the requirements imposed by the said legislation sometimes necessitates the use of additional time to properly process contracts. In the instant matter, processing of the contract through the Minority Business Enterprise Council required such additional time, resulting in a delay in the issuance of a notice to proceed to the City's contractor. Accordingly, the City of Philadelphia respectfully requests an extension of time to February 1, 1985, to complete the work specified in Paragraph 3 of the Commission's Order.

WHEREFORE, Petitioner respectfully requests your Honorable Commission to extend the time for completion of work by the City of Philadelphia to February 1, 1985.

Respectfully submitted,

BARBARA W. MATHER
City Solicitor

KATHRYN S. LEWIS
Chief Deputy City Solicitor

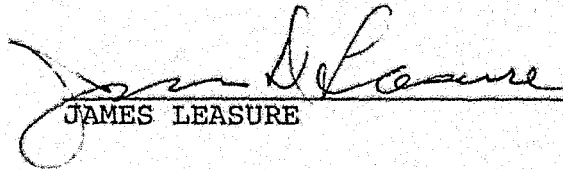
By: 
MICHAEL S. CHUHINKA
Assistant City Solicitor

A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA :

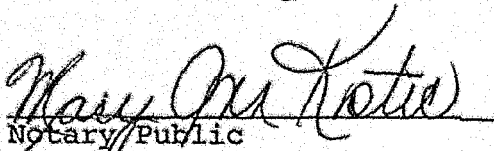
COUNTY OF PHILADELPHIA :

JAMES LEASURE, being duly sworn according to law, deposes and says that he is the Chief Bridge Engineer of the Streets Department of the City of Philadelphia; that he is authorized to, and does make this affidavit on its behalf; and that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.



JAMES LEASURE

Sworn to and subscribed
Before me this 30th day
of October, 1984



Notary Public

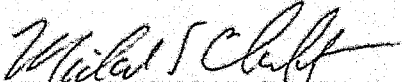
MARY ANN KESTIC
Notary Public, Phila., Phila. Co.
My Commission Expires Oct. 23, 1985

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation upon the Commission's :
own motion into matters pertaining :
to the proper service, accomodation, :
convenience and safety of the travel- :
ing public using the rail-highway :
crossing carrying 59th Street over :
and above the grade of the tracks of : Docket No. I-8303073
National Railroad Passenger Corpora- :
tion in the City of Philadelphia, to :
determine the condition, disposition :
and responsibility for maintenance of :
the existing crossing structure. :

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the City of Philadelphia's Petition for Extension of Time for Completion of Work in the above matter upon those parties listed in the attached Service List by first class mail, postage prepaid.



MICHAEL S. CHUHINKA
Assistant City Solicitor
CITY OF PHILADELPHIA

DATED: October 24, 1984

ORIGINAL

Amtrak



NOV 2 1984

Mr. Jerry Rich
Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

RECEIVED

NOV 8 1984

Subject: Overhead Bridge No. 4.77, 59th Street
Philadelphia, PA
1-830373

SECRETARY'S OFFICE
Public Utility Commission

Dear Mr. Rich:

Reference is made to the Commission's order, dated May 1, 1984, ordering Amtrak, within six (6) months from service of said order, to perform an in-depth inspection of the 59th Street Bridge in the City of Philadelphia.

We wish to advise the Commission that we have completed the field investigation and are in the process of preparing the report of our findings. We expect the report will be ready to be formally submitted to all parties in this matter no later than November 30, 1984.

Very truly yours,

K. P. Felsburg, Jr.
K. P. Felsburg, Jr.
Acting Senior Director
Engineering Design

RHC/ki

cc: Parties of Record

DOCUMENT
FOLDER

DOCKETED
NOV 8 - 1984