

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
October 27, 1987

In Re: M-870123

(See attached list)

Assignment of responsibility for maintenance of rail-highway crossings carrying public off-state system highways (local highways) over and above the grade of the tracks of CSX Transportation, Inc., in sixteen municipalities, in ten counties of the Commonwealth of Pennsylvania.

NOTICE

This is to inform you that a hearing on the above captioned case will be held Tuesday, December 1, 1987, at 10:00 a.m., in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania.

This hearing is being held in accordance with the Commission's direction in its order of July 16, 1987, to consider the exceptions filed by the Borough of Darby (copy enclosed), to determine the proper assignment of responsibility for maintenance of Pine Street (AAR No.643F) crossing only.

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

If any party intends to offer prepared written testimony, such testimony must be served upon each participant of record no less than twenty (20) days prior to this hearing.

You are advised that if you fail to appear at the hearing, the hearing will proceed without you. In that event, it is possible that you or your client will have issues determined against you and that you might be assigned positive duties or be required to pay money and will have waived any objection thereto.

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OCT 29 1987

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The presiding officer in this proceeding will be Administrative Law Judge Joseph Klovekorn. Judge Klovekorn can be contacted at 1302 Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania 19130; telephone (215) 560-2105.

If you intend to file exhibits, please be advised that two 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.

Enclosures - 2

cc: Judge Klovekorn
Law Bureau
Bureau of Safety/Compliance - 2
Mr. Bramson
Mrs. Pappas
Mrs. Howell
File Room

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MAY 3 1987

SECRETARYS OFFICE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ASSIGNMENT OF RESPONSIBILITY FOR MAINTENANCE OF RAIL HIGHWAY CROSSINGS CARRYING PUBLIC OFFSTAGE SYSTEM HIGHWAYS (LOCAL HIGHWAYS) OVER AND ABOVE THE GRADE OF THE TRACKS OF CSX TRANSPORTATION, INC., IN SIXTEEN MUNICIPALITIES, IN TEN COUNTIES OF THE COMMONWEALTH OF PENNSYLVANIA

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M-870123

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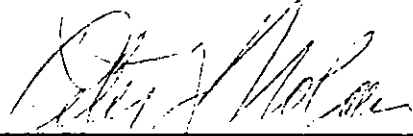
EXCEPTIONS

The Borough of Darby hereby files Exceptions to the Order entered on April 8, 1987 in regard to Bridge No. 86-A on Pine Street in the Borough of Darby, as follows:

1. The Borough of Darby excepts to that portion of the tentative decision entered in the above matter which provides that the Borough of Darby is responsible for the maintenance of the highway approaches to the said Pine Street Bridge and which requires it to furnish all material and perform all work required to maintain the surface thereof, and the Borough further asserts that the railroad has indicated to the Borough that it would maintain and repair the surface of the bridge and all approaches thereto until a major reconstruction or resurfacing of the bridge occurred. Such major repaving or reconstruction of the bridge has not occurred and the said railroad has assumed the responsibility for maintenance and repair in accordance with its assertion and guarantee.

WHEREFORE, the Borough of Darby requests that said tentative decision in regard to the Pine Street Bridge be amended to read that the applicable railroad authority will continue with its guarantee

and promise that said maintenance of the bridge and approaches shall be done by said railroad until such time as there is a major repair or renovation of said bridge.



PETER J. NOLAN, Esquire
Solicitor for the Borough of Darby

QUESTIONS AND PROCEDURE

1. Darby Borough submit a plan or map of the general area of the involved crossing showing, among other things, the location of the existing rail-highway crossing, the highway (street) involved, adjacent highways (streets), other public rail-highway crossings along the involved rail line and improvements such as residential or commercial development affected by the involved rail-highway crossing and submit testimony describing the highway (street) involved at the involved crossing, indicating the name, route number (if applicable) and termini thereof, and explain the relationship between the involved highway (street) and other existing highways (streets) in the area of the involved crossing.
2. Borough submit testimony as to the daily volume of pedestrian and vehicular traffic using the existing crossing structure, including a breakdown by type of vehicle; and also estimate the volume of pedestrian and vehicular traffic that will use the crossing in the future, including a breakdown by type of vehicle. Also state whether the traffic using this crossing now and in the future would be local or through traffic, originating or terminating outside of the borough.
3. Borough state whether it has ever been assigned or has assumed responsibility for maintenance of any portion of the subject crossing structure and, if so, by what authority; state whether it will agree to maintain any portion of the structure at the crossing in the future; and state which party or parties, in its opinion, should be required to maintain the remaining portion of the crossing structure, if any.
4. CSX Transportation, Inc. (hereinafter CSX) submit testimony as to the exact corporate name of the owner and operator of the line of railroad involved at the subject rail-highway crossing.
5. CSX submit testimony as to the number of tracks presently located at the involved crossing site and state whether any track is electrified; state the volume, class and approximate speed of all trains operated daily over the tracks involved; and state whether any changes in such operations are contemplated in the foreseeable future.
6. CSX state what its past or present obligations are with respect to maintenance of the existing crossing structure and the highway (street) approaches to the involved crossing; state whether it will agree to maintain any portion of the crossing structure in the future; and state which party or parties, in its opinion, should be required to maintain the remaining portions of the crossing structure, if any.

7. Delaware County state whether it has ever been assigned or has assumed responsibility for maintenance of the subject crossing structure and, if so, by what authority; state whether it will agree to maintain any portions of the crossing structure in the future; and state which party or parties, in its opinion, should be required to maintain the remaining portions of the crossing structure, if any.
8. Pennsylvania Department of Transportation state whether it has ever been assigned or has assumed responsibility for maintenance of the subject crossing structure and, if so, by what authority; state whether it will agree to maintain any portions of the crossing structure in the future; and state which party or parties, in its opinion, should be required to maintain the remaining portions of the crossing structure, if any.
9. Query whether any party in interest, or any other party, has any additional relevant testimony to offer.



COUNTY OF DELAWARE

GOVERNMENT CENTER BUILDING
MEDIA, PENNSYLVANIA 19063

AREA CODE (215) 891-4668, 4669

COUNCIL
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CHAIRMAN

NICHOLAS F. CATANIA
VICE CHAIRMAN

JOSEPH F. KELLY
JOHN W. TAYLOR
EDMUND JONES

DEPARTMENT OF PUBLIC WORKS-COUNTY ENGINEER
ROBERT K. SHIMER, P.E.
DIRECTOR

November 20, 1987

James E. DelBello, Esquire
Assistant County Solicitor
Government Center Building
Media, Pennsylvania 19063

Re: PA PUC NO. M870123

Assignment of responsibility for maintenance of rail-highway crossings carrying public off-state system highways (local highways) over and above the grade of the tracks of CSX Transportation, Inc., in sixteen municipalities, in ten counties of the Commonwealth of Pennsylvania [Pine Street Bridge - Borough of Darby]

Dear Mr. DelBello:

In regard to No. 7 of Questions and Procedure concerning the above, Delaware County has never been assigned or has assumed responsibility for maintenance of the subject crossing structure. Delaware County does not agree to maintain any portions of the crossing structure in the future. Delaware County does not possess sufficient information to render an opinion as to which party or parties should be required to maintain the remaining portions of the crossing structure.

Very truly yours,

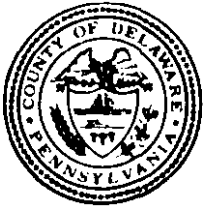
Robert K. Shimer, P.E.
Director, Department of Public
Works - County Engineer

RKS/rdg

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NOV 25 1987

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Public Utility Commission



COUNTY OF DELAWARE

GOVERNMENT CENTER BUILDING
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AREA CODE (215) 891-4668, 4669

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DEPARTMENT OF PUBLIC WORKS-COUNTY ENGINEER
ROBERT K. SHIMER, P.E.
DIRECTOR

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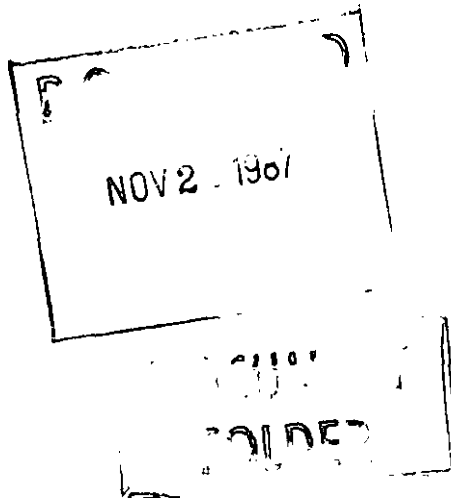
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Very truly yours,

Robert K. Shimer, P.E.
Director, Department of Public Works - County Engineer

RKS/rdg



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NOV 25 1987

SECRETARY'S OFFICE
Public Utility Commission



COUNTY OF DELAWARE

GOVERNMENT CENTER BUILDING
MEDIA, PENNSYLVANIA 19063

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DEPARTMENT OF PUBLIC WORKS-COUNTY ENGINEER
ROBERT K. SHIMER, P.E.
DIRECTOR

November 20, 1987

James E. DelBello, Esquire
Assistant County Solicitor
Government Center Building
Media, Pennsylvania 19063

Re: PA PUC NO. M870123

Assignment of responsibility for maintenance of rail-highway crossings carrying public off-state system highways (local highways) over and above the grade of the tracks of CSX Transportation, Inc., in sixteen municipalities, in ten counties of the Commonwealth of Pennsylvania [Pine Street Bridge - Borough of Darby]

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Very truly yours,

Robert K. Shimer, P.E.
Director, Department of Public
Works - County Engineer

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NOV 25 1987

SECRET
Public Utility Commission



CSX RAIL TRANSPORT

Law Department
100 North Charles Street
Baltimore, MD 21201

(301) 237-2220\

November 24, 1987

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

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NOV 27 1987

SECRETARYS OFFICE
Public Utility Commission

Re: Assignment of responsibility for maintenance
of rail-highway crossings carrying public
off-state system highways (local highways)
over and above the grade of the tracks
of CSX Transportation, Inc., in sixteen
municipalities, in ten counties of the
Commonwealth of Pennsylvania
PUC Case No. M-870123

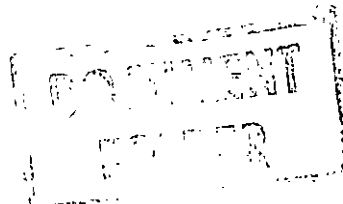
Dear Secretary Rich:

Enclosed please find the original and two (2) copies of my
Entry of Appearance on behalf of CSX Transportation, Inc., and
its various departments in the above-captioned case.

A copy of this Entry of Appearance has been mailed to Peter
J. Nolan, Solicitor for the Borough of Darby, as evidenced by
the attached Certificate of Service.

Very truly yours,

John P. Higinbothom
John P. Higinbothom
Senior Counsel



JPH/lws

Enclosures

cc: All Parties on Service List

NOV 27 1987

PENNSYLVANIA PUBLIC UTILITY COMMISSION

SECRETARYS OFFICE
Public Utility Commission

ASSIGNMENT OF RESPONSIBILITY FOR MAINTENANCE OF RAIL HIGHWAY
CROSSINGS CARRYING PUBLIC OFFSTAGE SYSTEM HIGHWAYS (LOCAL
HIGHWAYS) OVER AND ABOVE THE GRADE OF THE TRACKS OF CSX
TRANSPORTATION, INC., IN SIXTEEN MUNICIPALITIES, IN TEN
COUNTIES OF THE COMMONWEALTH OF PENNSYLVANIA

M-870123

ENTRY OF APPEARANCE

TO THE COMMISSION

Kindly enter my appearance in the above-captioned case on
behalf of CSX Transportation, Inc. and all of its various
departments.

John P. Higinbotham
John P. Higinbotham
Senior Counsel
CSX Transportation, Inc.
100 North Charles Street
Baltimore, MD 21201
Telephone: (301) 237-2220

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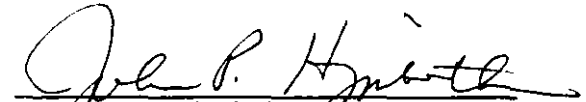
EXHIBIT
FOLDER

CERTIFICATE OF SERVICE

I, John P. Higinbothom, Senior Counsel for CSX Transportation, Inc., hereby certify that on November 24, 1987, I did mail, by regular U.S. mail, postage prepaid, a copy of the Entry of Appearance to:

Peter J. Nolan
Solicitor for the Borough of Darby
221 North Olive Street
P.O. Box 902
Media, PA 19063-0902.

Service was made in accordance with the requirements of 52 Pa. Code Section 1.54.



John P. Higinbothom
Senior Counsel
CSX Transportation, Inc.
100 North Charles Street
Baltimore, MD 21201
(301) 237-2220

APPEARANCE SHEET

ALJ HEARING REPORT

DOCKET NO. M-870123
CASE NAME Assignment of responsibility
for maintenance of rail-highway
crossings
HEARING LOCATION Philadelphia, PA.
HEARING DATE December 1, 1987
ALJ Klovekorn

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES NO
Testimony taken YES NO
Hearing concluded YES NO
Further hearing needed YES NO
Estimated add'l days _____
RECORD CLOSED YES NO
Date _____
Briefs to be filed YES _____ NO
Date _____
BENCH DECISION YES _____ NO _____

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DEC 03 1987

Office of A. L. J.
Public Utility Commission

REMARKS:

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JAN 6 1988

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
PLEASE PRINT CLEARLY
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

NAME and TELEPHONE NUMBER	ADDRESS	APPEARING FOR
<i>John P. Higginbotham</i> Telephone No. (301) 237-2220	100 N. CHARLES STREET City: BALTO State: MD Zip: 21201	C S X T Inc. <div style="border: 1px solid black; padding: 5px; display: inline-block;"> DOCUMENT FOLDER </div>
*HERBERT G. ZAHN Telephone No. (717) 787-9981	5VI TRANSP SAFETY BLDG City: HSBC State: PA Zip: 17120	
*Linda Smith John J. Callagher Telephone No. (717) 783-2846	PUC - 6-31 North Office Bldg City: Harrisburg State: PA Zip:	

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

Robert A. Stover (CRC Inc.)
 Reporter

B

