

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application Docket No. 89603

In re: Application of CITY OF PHILADELPHIA - For approval of (1) the alteration and reconstruction of the crossing where a bridge carrying Spring Garden Street (State Highway Route 67002) crosses above the grade of the tracks of The Pennsylvania Railroad Company and below the grade of the tracks of The Pennsylvania Railroad Company High Line, west of the Schuylkill Expressway, in the City of Philadelphia; (2) the allocation of the costs and expenses incident thereto; and (3) an exemption from the requirements of Part 3 of the Commission's Railroad Regulations.

O R D E R

BY THE COMMISSION, MAY 6, 1963:

This matter is before us upon application of the City of Philadelphia (City) for approval of the alteration and reconstruction of the rail-highway crossing where a bridge carries Spring Garden Street (State Highway Route 67002) over the tracks of The Pennsylvania Railroad Company, and under tracks of The Pennsylvania Railroad Company High Line, west of the Schuylkill Expressway in the City of Philadelphia; for the allocation of the costs and expenses incident thereto; and for an exemption from the minimum clearance requirements of Part III of the Commission's Railroad Regulations.

By petition dated March 11, 1963, City requests the Commission to enter an interim order authorizing it to proceed with the construction of the proposed improvement pending filing of briefs and final decision of issues raised by Philadelphia Transportation Company at the hearing held February 13, 1963.

Petitioner alleges substantially that, at the close of the hearing, all parties agreed that the record remain open for the filing of an additional exhibit relating to possible changes in the City's plans to increase certain objectionable substandard horizontal clearances; that Philadelphia Transportation Company requested the right to file a brief; that as the result of the deteriorated condition

ORDER

DOCKETED
APPLICATION DOCKET
MAY 6 1963

of the existing bridge, the safety of the public requires its replacement at the earliest possible moment; that bids would be received on March 21, 1963 and that, in event an interim order is entered by the Commission, construction could start shortly thereafter. None of the parties object to the issuance of an interim order.

According to the evidence, applicant and the Department of Highways of the Commonwealth of Pennsylvania have entered into an agreement wherein the applicant (City) agrees, inter alia, to improve Spring Garden Street (State Highway Route 67002) from a point about 110 feet east of 31st Street to a connection with the Benjamin Franklin Parkway including the reconstruction of the aged and deteriorated bridge carrying Spring Garden Street over the Schuylkill River, over the Schuylkill Expressway, and over numerous tracks of The Pennsylvania Railroad Company and including the construction of necessary ramp approaches, certain revisions to the Parkway, and other appurtenant work.

The portion of the existing Spring Garden Street Bridge between its westerly abutment and the Schuylkill Expressway which crosses over numerous yard tracks of The Pennsylvania Railroad Company and under the carrier's "High Line" tracks is in a very poor and deteriorated condition and it is the desire of the City and the Department of Highways to construct this portion of the general improvement at the earliest possible date. Construction contracts have been awarded and the beginning of the work awaits only our approval. It is obvious that the issuance of an interim order, would be in the general interest of the public.

The City proposes to construct the new bridge in accordance with the general construction plans prepared by it and admitted of record at the hearing of February 13, 1963 as Applicant's Exhibit A-2 and in accordance with the revisions thereof as shown on Applicant's Exhibit A-9, which was filed subsequent to the original hearing by agreement of the parties.

According to these plans the entire superstructure of that portion of the existing bridge, about 635 feet in length, between the westerly abutment and Ramp No. 5 leading to the Schuylkill Expressway will be removed, the existing piers modified, and a new modern superstructure, generally of precast, prestressed, reinforced concrete design constructed upon the rehabilitated substructure.

The new bridge will be of four-lane construction, providing a 40-foot roadway and two 5-foot sidewalks. Vertical clearance over the tracks of the railroad company will vary from a minimum of about 18.6 feet to a maximum of about 31.9 feet with most of the clearances being around 19.5 feet. Except in nine cases, all of these vertical clearances are substantially less than the minimum standards of the Commission's Railroad Regulations. However, in each case, the vertical clearance provided by the new bridge will exceed slightly existing clearances. Due to the grades and elevations on the adjacent streets, the Schuylkill Expressway Ramps, West River Drive, and the necessity of providing adequate clearance under The Pennsylvania Railroad High Line tracks, it is extremely impracticable to raise the proposed bridge to provide greater vertical clearances over the tracks. Under these circumstances no objections were entered to the proposed clearances.

Except in 10 instances, the horizontal clearances between the face of the supporting piers and the center line of the adjacent track is less than the minimum standard of our Railroad Regulations. However, since the existing piers, with some modifications (except piers 6A, 7A and 8A), will be used in the new construction no changes are contemplated in these existing clearances.

The railroad company has no objection to the proposed clearances since they are no less than existing clearances. However, the Brotherhood of Railroad Trainmen did object to the substandard clearance at Pier 7A. At this location, a slender steel column or bent resting upon a low stone masonry pier or foundation supports the existing superstructure. Under the City's plans, the slender steel

column would be removed from the present low pier and replaced by a heavy reinforced concrete bent. The existing low pier or foundation, from which the critical clearance is measured, would be recapped and used to support the new concrete bent. Therefore, the clearance between this low masonry pier and the adjacent track would remain almost exactly the same. However, above this low pier the existing horizontal clearance would be decreased slightly because of the wider concrete bent. It is to this change that the Brotherhood objects.

Upon agreement of all parties, the City, subsequent to the hearing, investigated the possibility of redesigning the reinforced concrete pier to provide slightly more clearance. As a result of the investigation, the pier was redesigned as shown on Applicant's Exhibit 9A, submitted to all parties of record and to the Commission as a late filed exhibit. The Commission has been advised by the Brotherhood that, although it cannot approve the substandard clearances, it has no objection to the Commission disposing of the matter upon the record.

The City proposes to construct the entire improvement, exclusive of the alteration of the facilities of The Pennsylvania Railroad Company and other public utilities, which work is estimated by the City to cost \$650,000. The Pennsylvania Railroad Company will perform all work required to alter temporarily and permanently its affected facilities. The cost of these alterations, including changes in the electrification facilities, is estimated by the carrier at \$174,734. It will also be necessary for the railroad company to relocate four signals, estimated to cost an additional \$18,904, and to provide complete protective services, including watchmen, flagmen, bridge inspectors, and Class A electrical personnel.

Philadelphia Electric Company presently maintains street lighting facilities on the existing bridge. These facilities will be removed or abandoned at a cost of approximately \$2000 and new street lighting facilities will be provided upon the new bridge upon receipt of orders from the City for these new facilities.

According to the evidence, it will be necessary for us to appropriate certain property for the construction of the improvement. Applicant's Exhibit A-5 is a detailed description of this property and Applicant's Exhibit A-6 is a single blue print plan showing the location and bounds of this property.

The City of Philadelphia, Department of Highways of the Commonwealth of Pennsylvania and The Pennsylvania Railroad Company are mutually agreed as to the allocation of the construction costs between them. However, the City and Philadelphia Transportation Company are not in agreement upon the issue of payment by the former to the latter of certain alleged costs which will be incurred by the transportation company as the result of the detours over which it must operate its bus line during the construction of the improvement.

Due to the urgency of getting the project under construction and the request of certain of the parties to file briefs upon the sole question of allocation of costs, we will enter an interim order approving the work, but leaving the matters pertaining to the allocation of costs to be disposed of by final order after completion of the record and the filing of briefs.

Upon full consideration of the matters and things involved, we find and determine that the alteration and reconstruction of the existing rail-highway crossings, as above described, and an exemption from Part III of the Commission's Railroad Regulations, is necessary or proper for the service, accommodation, convenience, or safety of the public; THEREFORE,

IT IS ORDERED:

1. That the instant application be and is hereby approved.
2. That the existing crossings in the 24th Ward of the City of Philadelphia where Spring Garden Street (State Highway Route 67002) crosses over the tracks of The Pennsylvania Railroad Company and below the tracks of said company's High Line be altered and reconstructed in accordance with the general construction plan prepared by the City of

Philadelphia and admitted of record at the hearing held February 13, 1963, as Applicant's Exhibit No. 2A, revised in accordance with Applicant's Exhibit A-9 admitted of record subsequent to said hearing by agreement of the parties, which plans are attached hereto, made part hereof and are hereby approved, except insofar as they may relate to the division of work, the deletion of work or to the allocation of the costs and expenses incident to the construction or maintenance of the improvement.

3. That, in accord with the provisions of Section 409 of the Public Utility Law, 1937, P.L. 1053 as amended by Act No. 388, approved the 25th day of May, 1945, P.L. 1012, the following described properties be and are hereby severally taken and appropriated for the purpose of the improvement in accordance with the approved plan filed at Application Docket No. 89603 with the Pennsylvania Public Utility Commission at Harrisburg, Pennsylvania, and that numbered paragraph 3 of this order shall be recorded in its entirety by the Recorder of Deeds of Philadelphia County and shall be indexed under the name or names of the record owners of such properties, grantor(s), and to the Commonwealth of Pennsylvania, grantee, at the sole cost and expense of the City of Philadelphia, applicant herein.

1. The Pennsylvania Railroad Company, owner
1640 Transportation Center
Six Penn Center Plaza
Philadelphia 4, Pennsylvania

ALL THAT CERTAIN tract of land situated in the 24th Ward of the City of Philadelphia, Philadelphia County, bounded and described as follows, to wit:

Situated in the 24th Ward, City of Philadelphia, beginning at a point on the southeasterly curb line of Spring Garden Street at the distance of 73 feet 1-5/8 inches northeastwardly from the northeasterly curb line of 31st Street; thence extending north 6 degrees 18 minutes 44 seconds west a distance of 46 feet 4 inches to a point and along a line indicated on City Exhibit A-2 as the "Limit of Work"; thence extending north 83 degrees 41 minutes 16 seconds east along the northwesterly face of a proposed parapet wall a distance of 135 feet 6-3/8 inches to a point of curve; thence extending northeastwardly still along the northwesterly face of the said parapet wall and along a series of arcs curving to the left the following arc distances: 72 feet 9-1/8 inches, radius 1773 feet 8 inches; 70 feet 6 inches, radius 1453 feet 8 inches; 52 feet 0-5/8 of an inch, radius 1383 feet 8 inches; 48 feet 8-3/8 inches, radius 1613 feet 8 inches; 51 feet 11-7/8 inches, radius 1293 feet 8 inches; 48 feet 11-5/8 inches, radius 1408 feet 8 inches; 56 feet 11-5/8 inches, radius 1408 feet 8 inches and 38 feet 5 inches, radius 1743 feet 8 inches to a point of tangency; thence extending north 67 degrees 47 minutes 57 seconds east a distance of 87 feet 7-1/4 inches to a point; thence extending south 22 degrees 12 minutes 03 seconds east along a line shown on City Exhibit A-2 as the "Limit of Work" and the center line of pier No. 11 a distance of 52 feet 8 inches to a point; thence extending south 67 degrees 47 minutes

57 seconds west along the southeasterly face of a proposed parapet wall as shown on the above mentioned plans a distance of 87 feet 7-1/4 inches to a point of curve; thence extending southwestwardly still along the southeasterly face of a proposed parapet wall and along a series of arcs curving to the right the following arc distances: 39 feet 6-7/8 inches, radius 1796 feet 4 inches; 59 feet 1-1/4 inches, radius 1461 feet 4 inches; 50 feet 9-5/8 inches, radius 1461 feet 4 inches; 54 feet 1/4 of an inch, radius 1346 feet 4 inches; 50 feet 3-3/8 inches, radius 1666 feet 4 inches; 54 feet 1/2 of an inch, radius 1436 feet 4 inches; 73 feet 3/4 of an inch, radius 1506 feet 4 inches and 74 feet 11-1/8 inches, radius 1826 feet 4 inches to a point of tangency; thence extending south 83 degrees 41 minutes 16 seconds west a distance of 135 feet 6-3/8 inches to a point and thence extending north 6 degrees 18 minutes 44 seconds west a distance of 6 feet 4 inches along a line shown on City Exhibit A-2 as the "Limit of Work" to the first mentioned point and place of beginning.

Reference to the recording of title of the above tract of land is not of record in the instant proceeding.

4. That The Pennsylvania Railroad Company furnish all material and do all work necessary to make all temporary and permanent alterations and relocations of its tracks, signals, wire lines, electrification, and other facilities that may be required by reason of the construction of the improvement and, in addition, maintain watchmen, flagmen, class A electrical workers, bridge inspectors and other protective services or personnel, including engineering services, required to insure the safety of its patrons, employees, and facilities which may be affected by the design and construction of the improvement.

5. That any relocation of, changes in, or removal of any adjacent structures, equipment, or other facilities of any public utility, other than The Pennsylvania Railroad Company, which may be required as incidental to the execution of the improvement be made by said public utility in such a manner as will not interfere with the construction of the improvement and said relocated or changed facilities thereafter to be maintained by the respective utility.

6. That the City of Philadelphia, furnish all material and do all work necessary to construct the entire substructure and superstructure of the new bridge required to carry Spring Garden Street across and above the grade of the tracks of The Pennsylvania Railroad Company and below the grade of its High Line in accordance with the approved plans.

7. That the City of Philadelphia furnish all material and do all work necessary to effect the vacation, relocation, removal, or demolition of any nonutility structures, including occupied dwellings located upon property required for the purpose of the improvement.

8. That the City of Philadelphia, furnish all material and do all work necessary to establish and maintain any detours that may be required to accommodate properly highway traffic during the time the improvement is being constructed.

9. That the City of Philadelphia, furnish all material and do all work necessary to complete the remainder of the rail-highway crossing project in accordance with the approved plans.

10. That the rail-highway crossing project be fully completed in a manner satisfactory to this Commission on or before December 31, 1964, and that on or before said date the City of Philadelphia and The Pennsylvania Railroad Company each report to this Commission the date of actual completion of its respective portion and, at the earliest practicable time subsequent to said date of completion, submit to this Commission a detailed statement of the actual cost incurred by it in furnishing material and in performing work in compliance with this order.

11. That the City of Philadelphia cooperate with The Pennsylvania Railroad Company so that in the construction of the rail-highway crossing project, the operation, and facilities of the railroad company will not be endangered or unnecessarily impeded.

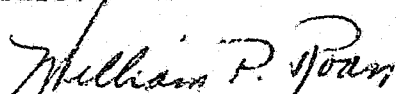
12. That during the time the rail-highway crossing project is being constructed, The Pennsylvania Railroad Company cooperate with the City of Philadelphia and conduct its operations in the vicinity of the crossing in a safe manner and under control.

13. That, upon the filing of briefs and the completion of the record, a final order issue in this proceeding allocating the cost and expenses incident to the construction and maintenance of the improvement.

PENNSYLVANIA PUBLIC UTILITY COMMISSION


Chairman

ATTEST:


Secretary