

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u>	October 17, 1985	:	2. <u>BUREAU AGENDA NO.:</u>
3. <u>BUREAU:</u>	ALJ	:	OCT-85-ALJ-210
4. <u>SECTION(S):</u>		:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	October 31, 1985
Chief ALJ:	William H. Smith	:	
Director:	Ext. 7-6108	:	
Supervisor:		:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>		:	
	ALJ Klovekorn 8-325-2105	:	
9. <u>DOCKET NO:</u>	I-830373	:	

DOCKETED
NOV 07 1985

10. (a) CAPTION (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation
- (a) Commission investigation concerning the safety of the rail-highway crossing carrying 59th Street over and above the grade of Amtrak's tracks in the City of Philadelphia
- (b) By order entered May 1, 1984 in this proceeding, the Commission directed Amtrak to perform an inspection of the 59th Street bridge and to report on the extent of its deterioration. The City of Philadelphia was directed to replace the expansion dams of the bridge. A hearing was held on June 18, 1985 to receive comments on the report and assign costs.
- (c) Judge Klovekorn issued a decision ordering Amtrak to complete an in-depth inspection of the bridge within two months and assigning costs thus far incurred by the City in replacing certain expansion dams.

Recommended Decision served: September 26, 1985.

Exceptions filed by: City of Philadelphia, October 16, 1985--LATE FILED
NOT ATTACHED.

THIS CASE IS TO BE ASSIGNED TO THE BUREAU OF SAFETY & COMPLIANCE, RAIL SAFETY DIVISION TO MONITOR THIS PROCEEDING DURING THE CONSTRUCTION PHASE AND TO SUMMARIZE FINAL CONSTRUCTION COSTS.

11. MOTION BY: Commissioner Chm. Taliaferro Commissioner Fischl - Yes
 Commissioner
SECONDED: Commissioner Shane Commissioner

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

103



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120
November 7, 1985

IN REPLY PLEASE
REFER TO OUR FILE

I-830373

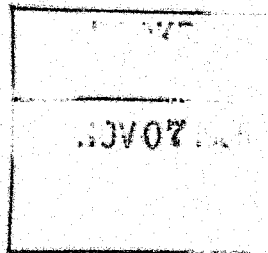
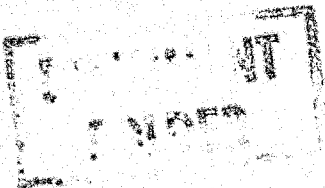
To All Parties

Investigation upon the Commission's own motion into the 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 had been adopted by the Commission in public meeting held October 31, 1985.

A Copy of an Order has been enclosed for your records.



Very truly yours,

Jerry Rich, Secretary

lg
Encls.
Cert. Mail
Law Bureau
Bureau of S & C
Similar letter to: See attached list.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held October 31, 1985

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Investigation upon the Commission's own motion into the 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 Recommended Decision of Administrative Law Judge Joseph J. Klovekorn dated September 5, 1985; THEREFORE,

IT IS ORDERED:

1. That National Railroad Passenger Corporation, at its initial cost and expense, within one month from the date of service of the Commission's order, perform a detailed inspection utilizing the methodology and extent of investigation as described in the discussion portion of the Recommended Decision, 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 2 months from the date of service of the Commission's Order, prepare and submit to this Commission and to all parties of record for review, a detailed report of its inspection performed in accordance with this order. Said report to include but not be limited to the following:

- A. The extent and effect of any deterioration, if noted, and the extent of corrective work, if needed, estimated cost, and construction time to complete the said work.

- B. 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.
- C. Specific recommendation as to work required, estimated cost, and construction time to rehabilitate the bridge to enable it to safely carry maximum legal loads and/or appropriate loads based on the engineering analysis of the overall load carrying capacity.

3. That National Railroad Passenger Corporation, pay to City of Philadelphia a sum or sums of money equal to \$70,821.03 as its share of the cost of the work performed by the City in accordance with the orders of this Commission issued in this proceeding.

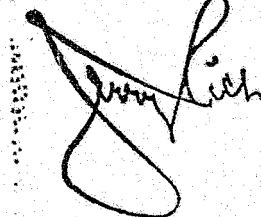
4. That City of Philadelphia bear the remaining 50% of the costs incurred by it in furnishing material and performing work in accordance with the orders of this Commission issued in this proceeding.

5. That National Railroad Passenger Corporation, until further order of this Commission, perform an annual inspection of the bridge carrying 59th Street over and above its tracks in the City of Philadelphia, and provide this Commission with the results of its inspection.

6. That the previous orders of the Commission in this proceeding that are not inconsistent with this order remain in full force and effect.

7. That upon completion of the inspection and engineering report, a further hearing be held to receive comments on said report, and resolve any other matter relevant to this proceeding.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", is written over a vertical dotted line.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: October 31, 1985

ORDER ENTERED: NOV 7 1985

Amtrak



JAN 06 1986

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

RECEIVED

Re: OH 4.77 59th Street
Philadelphia, PA
Pa. P.U.C. I-830373

SECRETARY'S OFFICE
Public Utility Commission

Dear Mr. Rich:

I am attaching National Railroad Passenger Corporation's Petition for Modification with regard to the above matter with a Certificate of Service as required.

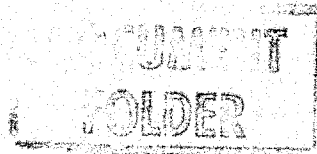
Very truly yours,

A handwritten signature in cursive script, appearing to read "Harold K. Cohen".

Harold K. Cohen
Assistant General Counsel

cc: All Parties of Record

Glenn Lehman, Chief of Rail Safety
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120



Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
SECRETARY'S OFFICE
Public Utility Commission

Investigation upon the :
Commission's own motion :
into the 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 .

Docket No. I-830373

DOCKETED

JAN 9 - 1985

PETITION OF NATIONAL RAILROAD
PASSENGER CORPORATION FOR MODIFICATION
OF THE ORDER OF NOVEMBER 7, 1985

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

This Petition of National Railroad Passenger Corporation for
modification of the order of November 7, 1985 respectfully
represents:

1. That the name and address of Petitioner is National
Railroad Passenger Corporation ("Amtrak") 400 North Capitol
Street, Washington, D.C. 20010 with its principal office in
this Commonwealth located at 1617 John F. Kennedy Boulevard,
Philadelphia, PA 19103.

2. That the name and address of Counsel for Petitioner
is Harold K. Cohen, Assistant General Counsel, 524 Suburban
Station Building, Philadelphia, PA 19103.

3. That your Honorable Commission at Investigation Docket No. 830373 issued its order dated November 7, 1985 which ordered Petitioner to inspect the 59th Street Bridge within one month from the date of service of the Commission's Order utilizing a designated and described procedure and to submit within two months from the date of service of said Order a detailed report of its findings, engineering analysis and recommendations.

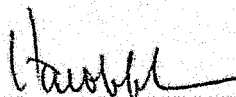
4. Upon receiving the said Order on or about November 14, 1985, Petitioner began the inspection so ordered.

5. Petitioner has encountered unexpected difficulties in removing the gunite encasement at certain locations to facilitate the proper inspection of the steel members.

6. Because of this difficulty, Petitioner's inspection will take longer than originally anticipated and ordered.

7. Petitioner therefore requests that the Order of November 7, 1985 be modified to provide that the said detailed report be submitted within four months from the date of service of said Order.

Respectfully submitted



HAROLD K. COHEN
Assistant General Counsel
National Railroad Passenger
Corporation

CERTIFICATION OF SERVICE

I hereby certify that I have this day served a true copy of the National Railroad Passenger Corporation's Petition for Modification of Order of November 7, 1985 upon all parties of record in this proceeding in accordance with the requirements of 1 Pa. Code 33.36.

G. Roger Bowers, Esquire
240 South 9th Street
5th Floor Edison Building
Philadelphia, PA 19107

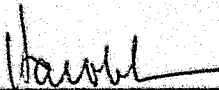
Gerald T. Clark
Deputy City Solicitor
15th Floor
Municipal Services Building
Philadelphia, PA 19102-1692

Daniel F. Donovan, Esquire
Six Penn Center Plaza
Suite 1138
Philadelphia, PA 19103

Herbert G. Zahn, Esquire
Transportation and Safety
Bldg. - Room 522
Harrisburg, PA 17120
Attorney for PennDOT

Richard S. Herskovitz, Esquire
Post Office Box 3265
Harrisburg PA 17120
Attorney for PUC Trial Staff

Honorable Joseph Klovekorn
Administrative Law Judge
State Office Building
Room 1302
Philadelphia, PA 19130



HAROLD K. COHEN
Assistant General Counsel
National Railroad Passenger
Corporation

Dated: _____

JAN 06 1986