



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

March 29, 1993

IN REPLY PLEASE
REFER TO OUR FILE

I-00830373

RLS

TO ALL PARTIES

**DOCUMENT
FOLDER**

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:

Enclosed is an Emergency Order signed by Chairman David W. Rolka this day, March 26, 1993.

Very truly yours,

John G. Alford, Secretary

DOCKETED

APR 27 1993

JZ
Encls.
Certified Mail
Receipt Requested
Copy of Emergency Order: See list attached to Emergency Order

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

In re:

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.

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APR 27 1993

EMERGENCY ORDER

On March 16, 1993, the City of Philadelphia (City) telephoned the Commission's Rail Safety Division to report that three of the five existing deck expansion joints on the involved above-grade bridge had deteriorated to varying degrees, creating open holes in the deck and resulting in a potential safety hazard for vehicular and pedestrian traffic using the bridge.

At the City's request, an informal field conference was arranged and held at the site of the crossing on March 23, 1993 with representatives of the City, National Railroad Passenger Corporation (AMTRAK), and Pennsylvania Department of Transportation in attendance.

All parties present at the meeting agreed that immediate repairs were necessary to the damaged expansion joints. However, none of the parties would voluntarily agree to make such repairs.

AMTRAK stated that, although it was assigned maintenance responsibility for the entire structure, except the bituminous wearing surface and sidewalks, by Commission order adopted April 26, 1984 under the instant proceeding, it has since been legally absolved of all such existing and future responsibilities and therefore refuses to make any repairs, even if so ordered. Furthermore, if any repairs are made, AMTRAK insists that another party bear the costs of any protective services which AMTRAK deems necessary during construction.

The City acknowledges the existing safety hazard but contends that the needed repairs are AMTRAK's responsibility and refuses to perform any work unless ordered to do so.

Upon full consideration of the matters involved and in the interest of public safety, we find it necessary to order the City of Philadelphia to make immediate repairs to the damaged expansion joints and, furthermore, we direct that a hearing be scheduled to receive evidence relative to the responsibility for future maintenance of the subject crossing structure; THEREFORE,

IT IS ORDERED:

1. That the City of Philadelphia, at its initial cost and expense, immediately furnish all material and perform all work necessary to complete emergency repairs to the damaged deck expansion joints on the subject bridge and to thereafter maintain all of the existing expansion joints in a safe condition.

2. That the City of Philadelphia notify the Pennsylvania Public Utility Commission within five (5) days after it has completed the emergency repairs as directed in Paragraph 1 above.

3. That the City of Philadelphia, at its initial cost and expense, furnish all material and perform all work necessary to establish, mark and maintain any detours or traffic controls that may be required to properly accommodate highway and pedestrian traffic during the time the structure is being repaired.

4. That National Railroad Passenger Corporation, at the initial cost and expense of the City of Philadelphia, furnish flagmen and watchmen, if necessary, to protect its operations during the time the structure is being repaired.

5. That any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company which may be required as incidental to the execution of the crossing repair project, be made by said public utility company at its initial cost and expense, and in such manner as will not interfere with the repair of the crossing.

6. That all parties involved herein cooperate fully with each other so that during the time the repair work is being performed, vehicular and pedestrian traffic will not be endangered or unnecessarily inconvenienced and so that the requirements of each of the parties will be provided for and accommodated insofar as possible.

7. That in all respects not inconsistent herewith, all previous orders of this Commission pertaining to the subject crossing shall remain in full force and effect.

8. That this proceeding be scheduled for hearing at a time and place to be set by this Commission, upon due notice to all parties hereto, to receive testimony and evidence relative to allocation of initial costs incurred by the City of Philadelphia, the responsibility for future maintenance of the subject crossing structure, and any other matters relevant to this proceeding.

9. That pursuant to 52 Pa. Code §3.3, a copy of this order be served upon all Commissioners, the Director of Operations, and the Secretary in addition to all parties of record and the Commissioner of the Pennsylvania State Police.

BY: *D. J. W. Roldan*

DATE: *March 26, 1003*

TIME: *2:10 pm*