

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

1. <u>REPORT DATE:</u>	April 18, 1983	2. <u>BUREAU AGENDA NO.</u>	
3. <u>BUREAU:</u>	Rail Transportation		APR-83-TR-136*
4. <u>SECTION(S):</u>		5. <u>PUBLIC MEETING DATE:</u>	April 29, 1983
6. <u>APPROVED BY:</u>			
Director:	Peteritas 3-5941		
Supervisor:			
7. <u>MONITOR:</u>	Com. Johnson Chm. Taliaferro		
8. <u>PERSON IN CHARGE:</u>	Fleisher 7-5936		
9. <u>DOCKET NO:</u>	M-830338 NOW I-830373		
10. (a) <u>CAPTION</u> (abbreviate if more than 4 lines)	(a) BRIDGE CARRYING 59TH STREET ABOVE TRACKS OF AMTRAK IN CITY OF PHILADELPHIA.		
(b) Short summary of history & facts, documents & briefs	(b) City of Philadelphia informed Commission by mailgram on February 22, 1983, that expansion dams on subject bridge are in state of disrepair. Emergency field conference held on February 24, 1983, to investigate severity of problem. Emergency order issued February 25, 1983, directed City to perform temporary emergency repairs at its initial cost. Neither City or Amtrak agree to being responsible for maintenance of crossing structure.		
(c) Recommendation	(c) The Bureau of Rail Transportation recommends that the Commission adopt an order instituting an investigation into matters relating to the condition and disposition of the subject crossing structure and the assignment of future maintenance responsibility thereof.		

DRF:11r

11. MOTION BY: Commissioner Johnson      CommissionerChm. Taliaferro - Yes  
Commissioner

SECONDED: Commissioner Cawley      Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

May 12, 1983

I-820373

Herbert Smolen, Deputy City Solicitor  
City of Philadelphia, Law Dept.  
15th Floor, Municipal Services Bldg.  
Philadelphia, PA 19107

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.

Dear Sir:

This is to advise you that an Order has been adopted by the Commission in Public Meeting on April 29, 1983, in the above entitled proceeding.

An Executed Order has been enclosed for your records.

Very truly yours,

Jerry Rich, Secretary

jr  
Encls.  
Cert. Mail  
Bureau of Rail Trans.  
Law Bureau

Joel E. Mazor, General Atty.  
Consolidated Rail Corporation  
1138 Six Penn Center Plaza  
Philadelphia, PA 19104

Ward T. Williams, Chief Counsel  
PennDOT  
Room 521, Trans. & Safety Bldg.  
Harrisburg, PA 17120

Similar letters to:  
A. B. Smythe, P.E.  
National Railroad Passenger Corporation  
1617 J. F. Kennedy Blvd.  
Philadelphia, PA 19103  
Edward H. Huss, Staff Counsel  
SEPTA  
130 S. Ninth Street  
Philadelphia, PA 19107

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held April 29, 1983

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:

The City of Philadelphia informed this Commission by mailgram received February 22, 1983, that the expansion dams on the subject bridge deck are in a state of disrepair and that National Railroad Passenger Corporation (hereinafter Amtrak) has refused to do anything to correct the situation. The City requested that the Commission investigate the situation by conducting a field conference without delay and order Amtrak to perform the required repairs in the interest of safety to the traveling public.

An emergency field conference was arranged and conducted by Commission staff engineer on February 24, 1983. Amtrak and the City were requested to be present, but due to a misunderstanding, Amtrak did not meet at the site with the other parties, although its engineer did visit the site to inspect the condition of the expansion dams.

All agreed that the existing condition of the expansion dams created a safety hazard. Amtrak stated that due to internal budget problems, it would require at least six (6) months to accomplish any type of repairs. The City stated that it would perform temporary emergency repairs, if ordered to do so, in the interest of safety to the public; however, it would expect to be reimbursed for the cost of such repairs.

It was also agreed that permanent repairs would require the replacement of the expansion dams. Neither Amtrak nor the City agreed to being responsible for permanent repairs and neither would agree to perform such repairs prior to hearing on this matter.

An emergency order, signed by Commissioner Johnson on February 25, 1983, was issued directing the City, at its initial cost, to complete emergency repairs to the expansion dams and to report to the Commission when the work has been completed.

City of Philadelphia reported to this Commission on April 11, 1983, that temporary emergency repairs had been completed.

A search of the records has not revealed any previous order by this Commission, or its predecessor, the Public Service Commission, assigning the responsibility for maintenance of this structure.

Since neither Amtrak nor the City agrees to being responsible for maintenance of this structure, we find that a hearing should be held to receive testimony relative to all matters pertaining to the subject crossing, such as the condition of the total structure and the responsibility for future maintenance thereof.

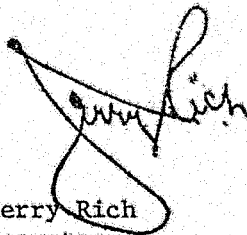
Upon full consideration of all matters before us at this time, we determine that an investigation should be instituted on the motion of this Commission to determine the condition of the subject crossing structure, the future disposition of it and to determine the party or parties that should be assigned the responsibility for maintenance of it; THEREFORE,

IT IS ORDERED:

1. That an investigation be and is hereby instituted for the purpose of determining all matters relating to the condition and disposition of the rail-highway crossing structure carrying 59th Street over and above the grade of the tracks of National Railroad Passenger Corporation in City of Philadelphia, as well as the assignment of the responsibility for maintenance of the crossing structure.
2. That the City of Philadelphia, National Railroad Passenger Corporation, Southeastern Pennsylvania Transportation Authority, Consolidated Rail Corporation and Pennsylvania Department of Transportation are made parties hereto.
3. That the matters at Docket No. M-830338 be and are hereby incorporated into this proceeding and the record at M-830338 be and is hereby marked closed.

4. That a copy of this order be served on each party named in Paragraph No. 2 and that this proceeding be set for hearing at a time and place assigned by this Commission, on due notice to the parties hereto, to receive testimony and evidence relative to the matters involved.

BY THE COMMISSION,

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

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: April 29, 1983

ORDER ENTERED: MAY 12 1983