

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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A. 89603 - Application of the CITY OF PHILADELPHIA

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STENOGRAPHIC TRANSCRIPT

Philadelphia, Pennsylvania
February 13, 1963

RECORDED

VINCENT VARALLO
Official Reporter

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LOCUST 3-3450

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APPLICATION DOCKET
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**RECORD
FOLDER**

I N D E X

<u>APPLICANT'S EVIDENCE</u>	<u>DIRECT</u>	<u>CROSS</u>
Leopold Weiman -----	6	28
<u>P.T.C.'s EVIDENCE</u>		
Harold C. Joram -----	36	58
<u>DEPARTMENT OF HIGHWAYS' EVIDENCE</u>		
James A. Byron -----	61	
<u>PHILADELPHIA ELECTRIC COMPANY'S EVIDENCE</u>		
Henry J. Rydzewski -----	65	
<u>P.R.R.'s EVIDENCE</u>		
John William Wallenius -----	69	74

APPLICANT'S EXHIBITS

For
Ident. Rec'd.

✓ 1	Plan showing existing and proposed conditions, drawing No. B6022-PUC 1 and 2, signed by Commissioner Smallwood 12-21-62	22	36
✓ 2	Series of blueprints being general construction drawings for proposed improvement, RB6022-1 through 21, signed by Commissioner Smallwood 12-14-62 -----	23	36
✓ 3	Series of ordinances dated 3-31-02, 12-24-02, and 7-13-05 -----	23	36
✓ 4	Agreement dated 12-26-62 between Commonwealth of Pennsylvania and City of Philadelphia concerning construction of Spring Garden Street improvement -----	24	36

<u>APPLICANT'S EXHIBITS (Continued)</u>		<u>For Ident. Rec'd.</u>	
5 ✓	Document containing description of property asked to be appropriated in connection with construction of Spring Garden Street improvement -----	25	36
6 ✓	Blueprint representing plan delineating property described in A-5 -----	26	36
7 ✓	Estimate of costs for reconstruction of west approach viaduct -----	26	36
8 ✓	Series of photographs of superstructure and substructure of existing bridge in connection with proposed improvement -----	27	36

P.T.C.'s EXHIBITS

1 ✓	Map illustrating detour route necessitated by construction of proposed improvement -----	44	76
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P.R.R.'s EXHIBITS

1 ✓	One-page document entitled, "Statement Showing Number of Tracks with Volume, Class and Speed of Traffic for 24-Hour Week Day Period" -----	75	75
2 ✓	Two-page table entitled, "Estimate of Cost - Electrification Changes" -----	75	75
3 ✓	One-page summary entitled, "Estimate of Cost for Signal and Communication Work" -----	75	75

(Report on study to be submitted at a later date to be marked Applicant's Exhibit No. 9)

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

A. 89603 - Application of the 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.

BEFORE: EXAMINER CLAUDE O. LANCIANO, Presiding

APPEARANCES:

DAVID GERMAN, Esquire
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Philadelphia 7, Pennsylvania

Appearing for City of Philadelphia,
Applicant

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Appearing for Pennsylvania Department
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Pittsburgh 19, Pennsylvania

Appearing for Pennsylvania Coopera-
tive Legislative Committee, Railroad
Brotherhood

DANIEL R. MINNICK, Esquire
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Philadelphia, Pennsylvania

Appearing for Philadelphia Electric
Company

INITIAL HEARING, held in Room 1306, State
Office Building, Philadelphia, Pa., on Wednesday,
February 13, 1963, beginning at 10:00 A.M.

THE EXAMINER: This is a hearing at Docket No. A. 89603, being an application of the City of Philadelphia for approval of the alteration and reconstruction of the crossing where a bridge carrying Spring Garden Street (State Highway Route No. 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, and the allocation of the costs and expenses incident thereto, and an exemption from the requirements of Part 3 of the Commission's Railroad Regulations.

Are there any applications in connection with this matter? Mr. German?

MR. GERMAN: Mr. Examiner, I would like to hand to you at the present time proof of publication of the hearing today.

THE EXAMINER: I will accept that and place it in the record.

Any statements for the record?

MR. GERMAN: Mr. Examiner, I have here -- this will be off the record.

(Discussion off the record)

APPLICANT'S EVIDENCE

...LEOPOLD NEIMAN, Room 932 City Hall Annex, Philadelphia, Pennsylvania, having been duly sworn by the Examiner, was examined and testified as follows...

DIRECT EXAMINATION

BY MR. GERMAN:

Q. Mr. Neiman, you are employed by the City of Philadelphia, are you not?

A. Yes, sir.

Q. In what capacity?

A. Chief Bridge Engineer.

Q. Are you familiar with this application before the Examiner now?

A. Yes, I am.

Q. And are you authorized to appear here today and testify on behalf of the applicant?

A. Yes.

Q. Mr. Neiman, I show you in typewritten form testimony of yours which has been written out and distributed among other parties in interest here today, and ask you if you would testify, if all these various questions were asked you, exactly the same as is included in this typewritten

memorandum?

A. Yes, I would.

MR. GERMAN: I therefore ask, Mr. Examiner, that this, in order to speed up this proceeding, that this document which I am handing to the official stenographer be incorporated into the record as this witness's testimony.

THE EXAMINER: Any objection?

MR. COUGHLIN: No objection.

THE EXAMINER: All right; there being no objection, it will be accepted into the record as though it were testified to orally.

(The prepared testimony of Leopold Neiman is as follows.)

"BY MR. GERMAN:

Q. Describe the scope of work.

A. The proposed improvement consists of the reconstruction of the superstructure and adjustments to the sub-structure of the bridge on line of Spring Garden Street over the Pennsylvania Railroad tracks west of the Schuylkill Expressway. The improvement in general will be restricted to the limits of the existing bridge with the exception of an adjustment area on the westerly end between the railroad

"right-of-way and 31st Street. This adjustment will be minor in nature as the existing grades will be held. The span lengths will remain as now existing except that the intermediate steel supports in Span 6 and Span 7A will be removed to provide a more economical span length in these two spans.

The roadway of the proposed crossing will be 40'-0" curb to curb, and will consist of precast prestressed concrete beams with a concrete slab and an asphalt roadway surface. The most easterly span will be reconstructed by use of structural steel girders and steel floor beams with prestressed concrete box beams and concrete slab with asphalt for the roadway surface. The footways will be 5-feet wide reinforced concrete slabs approximately one foot thick, supported on the prestressed concrete curb beam and fascia beam. The footway on the most easterly span will be supported on a steel girder with sidewalk cantilever brackets. The approaches on both sides of the limits of bridge reconstruction are presently paved for a full width of 40 feet.

The approach and bridge grades are as follows:
The west approach descends from 31st Street at

"Station 0-plus-00 at a grade of 2.02 percent to Station 4-plus-07.33 (centerline of Pier 4) where the grade changes to a descent of 2.46 percent to Station 6-plus-17.72 (centerline of Pier 9), at which point the grade descends at 1.27 percent eastward to the limit of work at Station 7-plus-39.77. The approach grades to the east continue descending at a grade of 1.71 percent on the spans over the Schuylkill Expressway. The present physical street lines and grades will be adhered to as much as practicable since only minor changes in lines and grades or elevation are contemplated.

The structure proposed for reconstruction is on a large horizontal curve of varying radii with the western end tangent to Spring Garden Street, and the eastern end tangent to the spans over the Schuylkill Expressway. The Pennsylvania Railroad High Line overpasses the existing structure with a 13'-8" vertical clearance over the upper roadway in the vicinity of Station 6-plus-17.72 (Pier 9). The clearance proposed under the Pennsylvania High Line between the structure and the reconstructed bridge is 14'-6". The existing vertical underclearance between the structure and the Pennsylvania Railroad

"tracks varies from 16.9' to 24.4', and the existing horizontal track clearance varies from 5.7' to 24.6' from center of track. The proposed vertical under-clearance will vary from 18.58' to 32.15', and the horizontal clearances will be unchanged, as no work is contemplated on the substructure, which is in fair-to-good condition. Tracks under the proposed bridges are electrified and an electrification safety barrier will be provided on the reconstructed bridge.

Spring Garden Street is a major traffic artery in the West Philadelphia Section of the City. There are two ramps leading from the Schuylkill Expressway to Spring Garden Street, tending to increase the traffic flow of this artery. The existing bridge is in poor condition. Prior to electrification of the Pennsylvania Railroad lines operating beneath this structure, the engine blast from the steam locomotives so corroded the steel, causing it to deteriorate so badly that there is no possible way of making additional repairs which would permit the continued use of this structure by H-20 legal loading. The existing bridge is now posted at 13 tons. The easternmost span of the proposed

"reconstructed bridge has an existing roadway width of 34'-5" causing a bottleneck as the spans on either side have a 40' roadway. This bottleneck will be corrected as the span, when reconstructed, will also be 40'. It is therefore in the public interest to replace this crossing with a modern and adequate structure to expedite the free flow of traffic and promote the safety and convenience of the public.

Q. Submit a Pennsylvania Public Utility Commission plan showing existing and proposed conditions.

A. City of Philadelphia Exhibit A-1 is the Pennsylvania Public Utility Commission plan describing the proposed improvement. These plans are numbered B-6022-PUC-1 and 2 and were signed by Streets Commissioner Smallwood on September 21, 1962.

Q. Describe the existing crossing and location.

A. As far as can be ascertained, the original Spring Garden Street Bridge extended from the East bank of the Schuylkill River to the West side of 30th Street. This bridge was a double deck truss with the upper deck extending from 30th Street. This construction was completed about 1876. Subsequent to the original construction, the Pennsylvania Railroad Company acquired the occupancy of 30th Street and

"constructed what is known as the High Line as well as a number of additional low level tracks presently occupying former 30th Street. In later years, the railroad expanded its yards westward with the result that additional spans were needed to carry Spring Garden Street over these tracks. In 1905 the west approach construction or reconstruction was complete as it now exists today, except for miscellaneous repair work performed over the years.

City of Philadelphia Exhibit A-3 consists of Ordinances of City Council dated December 24, 1902, March 31, 1902, and July 13, 1905, which describe the authorization and background for construction of portions of the west approach viaduct.

Starting at the west end, the existing structure consists of a series of three girder spans built at the sole cost of and maintained by the Pennsylvania Railroad. These spans are designated A, B, and C, and are supported on two intermediate bents. Continuing eastward from Pier 1 to Pier 10, there is a series of girder spans, some supported on one bent between masonry piers and some on two. This portion of the structure in addition to carrying two trolley tracks which are no longer in use, (PUC Order A.83207

"provides for discontinuance of service for this trolley route), is paved with asphalt reinforced concrete slabs of one type or another, and has two 10-foot sidewalks cantilevered from the main girders. From Pier 10 to Pier 11 there is an existing antiquated Phoenix-type wrought iron truss deck span with the roadway and sidewalks being supported by transverse floor beams and longitudinal stringers decked on the trusses.

Starting at the west abutment, the stone masonry piers are in generally good condition, requiring only minor pointing and repairs. There is no evidence of settlement on the existing substructure, either on the masonry piers or the intermediate bents. It is proposed to utilize the existing substructure in the proposed reconstructed bridge by removing the steel bents and replacing them with concrete piers and performing minor adjustments to the top of the existing stone masonry piers that will remain.

The existing superstructure is generally in poor condition, with the substructure being in fair-to-good condition. City Exhibit A-8 consists of photographs depicting the condition of the existing

"bridge substructure and superstructure. As the photos indicate, it is not feasible to change the existing horizontal clearances between the remaining stone piers and the railroad tracks.

Q. Submit construction plans.

A. City Exhibit A-2 are the general construction plans for the proposed improvement. These plans, No. B-6022-1 through 21, have been signed by the Streets Commissioner under date of December 14, 1962.

Q. Submit a detailed estimate of construction costs.

A. City of Philadelphia Exhibit A-7 is a detailed cost estimate of the proposed improvement, excluding alterations to the Pennsylvania Railroad or other public utility facilities. A detailed cost estimate of the Pennsylvania Railroad portion of the work will be submitted by a witness for the railroad.

Q. Are any highways to be vacated?

A. No highways are to be vacated.

Q. Are any new highways to be laid out?

A. No new highways are to be laid out.

Q. Will it be necessary for the Pennsylvania Public Utility Commission to appropriate any property?

A. City Exhibits A-5 and A-6 provide a description

"of property and a plan of the property that the Commission is requested to appropriate in this proceeding. The Pennsylvania Railroad has agreed to waive all claims against the City for damages to its operating right-of-way compensatory or otherwise incurred by reason of the work herein provided for, and it is understood that this relates only to compensation for property taken.

Spring Garden Street from 31st Street to the Schuylkill Expressway right-of-way was opened by jury on December 29, 1834, to a width of 40 feet. A search of existing records has disclosed that the exact location of this 40-foot width is not clearly delineated, and it is therefore requested that the Commission appropriate a width of 52'-8", as shown on Exhibit A-6, although this may overlap portions of the existing 40-foot jury road.

Q. Have the parties agreed upon an allocation of costs?

A. City of Philadelphia, Pennsylvania Department of Highways, and the Pennsylvania Railroad have agreed upon an allocation of costs. City Exhibit A-4 is a copy of an agreement executed between the City and the Commonwealth of Pennsylvania with respect

"to the reconstruction of the Spring Garden Street complex, including roadway work on the Benjamin Franklin Parkway, two new bridges crossing the Schuylkill River, and the reconstruction of the west approach from the Schuylkill Expressway westward to a point east of 31st Street. Terms of this agreement provide for the Commonwealth to contribute a lump sum of \$1,500,000 as their share of the proposed total improvement, with the City of Philadelphia being responsible for the remainder of the costs except for certain contributions by the Pennsylvania Railroad. Total cost of the whole Spring Garden Street Improvement, including all the work noted above, will be approximately \$3,200,000.

The City has agreed with the Pennsylvania Railroad to be responsible for the costs and expenses of railroad flagmen and watchmen and for Class 'A' (electrical men) required to accommodate the activities of the City's contractor and also will be responsible for effecting the reconstruction of the bridge including supervision of construction and necessary engineering provided that the Pennsylvania Railroad will be responsible for the costs and expenses of all engineering, inspectional and

"other personnel deemed necessary by the railroad for the construction of the bridge except the flagmen, watchmen and Class 'A' (electrical men) required to accommodate the activities of the City's contractor as described above; and the railroad should also perform all the engineering work of preparing the design, plans and specifications for removal, relocation and/or replacement of the railroad's electrical and other facilities and assume all costs in connection therewith. Further the railroad will be responsible for supervision, inspection, supplying all necessary watchmen, flagmen and Class 'A' (electrical men) or other personnel and assume all costs in connection therewith to effect the total removal, relocation and/or replacement of the railroad's facilities and in addition, the railroad shall pay the City the sum of ten thousand (\$10,000) as partial reimbursement for the actual cost expended by the City for the construction work to be done on said bridge, such sum to be paid upon notification by the City to the Pennsylvania Railroad that a construction contract has been awarded by the City for the work in connection with this proceeding.

The City will therefore bear all costs of

"bridge reconstruction except for those costs, contributions and obligations that are the responsibility of the Pennsylvania Railroad as described above.

Any items of work required under this improvement by any utility other than the Pennsylvania Railroad Company should be done at the sole cost and expense of the respective utility.

Q. What items of work does the City propose to do and what items does it suggest to be done by others?

A. The City will perform all the engineering work of preparing the designs, plans, specifications, proposals and contract drawings for the bridge and will advertise and award the construction contract and supervise and inspect the construction work. The railroad will review and approve the bridge design, plans, specifications, proposals and contract drawings. They will also perform all the engineering work of preparing the design, plans and specifications for removal, relocation and/or replacement of the railroad's electrical and other facilities; will supervise and inspect the work of their electrical and other facilities and further, the railroad will prepare plans and specifications for such work

"as tracks, drains, telegraph and telephone lines, signals and electrical conduits and transmission lines as may be required by the work to be done on the bridge at their sole cost and expense.

Q. What portion of the improvement does the City agree to maintain and what does it suggest that other parties maintain?

A. The City agrees to maintain the reconstructed bridge except that any damage caused to the bridge structure by the railroad in its operation or otherwise shall be repaired at the sole cost and expense of the railroad. The City also agrees to maintain the remainder of the improvement with the exception that any utility having facilities in this area should be required to maintain same.

Q. What portion of property damage and utility relocation costs will the City agree to assume?

A. No property damage is contemplated under this proceeding. The City does not agree to assume any costs of relocation for non-City owned utilities.

Q. Will it be necessary to establish highway and/or railroad traffic detours? Who will furnish and maintain such detours?

A. Pedestrian and highway traffic will not be

"maintained during the construction of this improvement. Detours will be necessary and the City will establish such detours and agrees to bear the costs of the establishment and maintenance of same. No railroad detours will be required. Philadelphia Transportation Company bus traffic will be detoured in accordance with the highway detour noted above. Due to the impact on the flow of traffic occasioned by the reconstruction of this bridge, the City's contractor will be required to accelerate his actions in any way possible coincident with the safe and proper operations of the Pennsylvania Railroad and the City will further take any other measures which will expedite the work and thus minimize the period of traffic detour. Such measures will be at the sole cost and expense of the City.

Q. What is the anticipated date of completion?

A. The anticipated date of completion is June 1, 1964.

Q. Furnish the vehicular and pedestrian traffic count for the existing crossing.

A. The daily average vehicular traffic count for the existing crossing is 18,500 vehicles per day. After completion of the reconstructed crossing, it is

"anticipated that the daily traffic count will become 20,000 vehicles per day by 1975. The pedestrian traffic count at this crossing is 100 per day.

Q. Will Federal funds be used in the financing of this project?

A. No federal funds will be used in the financing of this project.

Q. Will railroad flagmen, watchmen and inspectors be required?

A. Railroad flagmen, watchmen, inspectors, and Class 'A' (electrical men) will be required at the discretion of the Pennsylvania Railroad for use in the operations of the City's contractor and also in the performance of the proposed railroad relocation of its facilities.

Q. Will the highway at the reconstructed crossing be a limited access highway?

A. The highway at the reconstructed crossing will not be a limited access highway."

BY MR. GERMAN:

Q. Now, Mr. Neiman, I show you a blueprint marked City Exhibit A-1 and ask you what that represents.

A. The City of Philadelphia Exhibit A-1 is the Public Utility Commission plan showing the existing conditions

and proposed conditions, the drawing being No. B6022-PUC 1 and 2, and the drawings were signed by Streets Commissioner Smallwood on December 21, 1962.

MR. GERMAN: I ask, Mr. Examiner, that this be marked for purposes of identification as the Applicant's Exhibit A-1.

THE EXAMINER: It will be so marked.

(Plan showing existing and proposed conditions, drawing No. B6022-PUC 1 and 2, signed by Commissioner Smallwood December 21, 1962, marked for identification as Applicant's Exhibit No. 1)

BY MR. GERMAN:

Q. Now, Mr. Neiman, I show you a series of blueprints marked City's Exhibit A-2 and ask you what that represents.

A. City Exhibit A-2 represents the general construction drawings for the proposed improvement; drawing numbers are B6022-1 through 21. These drawings were signed by Streets Commissioner Smallwood December 14, 1962.

MR. GERMAN: I ask, Mr. Examiner, that this be marked for purposes of identification as the Applicant's Exhibit A-2.

THE EXAMINER: It will be so marked.

(Series of blueprints being general construction drawings for the proposed improvement, numbered

RB6022-1 through 21, signed by Commissioner Smallwood December 14, 1962, marked for identification as Applicant's Exhibit No. 2)

MR. GERMAN: I might add, gentlemen, that, as soon as I have identified all these exhibits, I will distribute copies among all the parties in interest here instead of doing it one at a time.

BY MR. GERMAN:

Q. Now, Mr. Neiman, I show you a document here marked City Exhibit A-3 and ask you what that represents.

A. City Exhibit A-3 consists of a series of ordinances, which index a history of the construction of the west approach viaduct. One is dated the 31st of March, 1902. One is dated on the 24th of December, 1902; and the last one is dated on the 13th of July, 1905.

MR. GERMAN: I ask, Mr. Examiner, that this document be marked for purposes of identification as the Applicant's Exhibit A-3.

THE EXAMINER: It will be so marked.

(Series of ordinances dated March 31, 1902, December 24, 1902, and July 13, 1905, marked for identification as Applicant's Exhibit No. 3)

BY MR. GERMAN:

Q. I show you, Mr. Witness, a document marked City

Exhibit A-4 and ask you to tell the Examiner what that represents.

A. City Exhibit A-4 is an agreement entered into between the Commonwealth of Pennsylvania and the City of Philadelphia dated December 26, 1962, in connection with the construction of the Spring Garden Street improvement, which includes two bridges over the Schuylkill River, work on the Parkway, work on the east approaches to the bridges over the river and the west approach viaduct under this proceeding.

MR. GERMAN: I ask, Mr. Examiner, that that be marked for purposes of identification as the Applicant's Exhibit A-4.

THE EXAMINER: Mark it A-4.

(Agreement dated December 26, 1962, between the Commonwealth of Pennsylvania and the City of Philadelphia concerning construction of the Spring Garden Street improvement marked for identification as Applicant's Exhibit No. 4)

BY MR. GERMAN:

Q. Mr. Witness, I show you another document marked for purposes of identification as City Exhibit A-5 and ask you what that represents.

A. City Exhibit A-5 represents a description of a property

that we are asking the Public Utility Commission to appropriate over the tracks of the Pennsylvania Railroad, which is made necessary by the construction of this improvement.

MR. GERMAN: I ask, Mr. Examiner, that this document be marked for purposes of identification as Applicant's Exhibit A-5.

THE EXAMINER: Mark it A-5.

(Document containing description of property asked to be appropriated in connection with construction of the Spring Garden Street improvement marked for identification as Applicant's Exhibit No. 5)

BY MR. GERMAN:

Q. I show you, Mr. Witness, a blueprint marked City Exhibit A-6 and ask you to tell the Examiner what that represents.

A. City Exhibit A-6 represents a plan which delineates the property described in City Exhibit A-5, and this plan is signed by the Engineer of Surveys of Plans on February 5, 1963.

MR. GERMAN: I ask that that blueprint be marked for purposes of identification as Applicant's Exhibit A-6, Mr. Examiner.

THE EXAMINER: Mark it A-6.

(Blueprint representing plan delineating property described in A-5 marked for identification as Applicant's Exhibit No. 6)

BY MR. GERMAN:

Q. I show you, Mr. Witness, a typewritten sheet marked City Exhibit A-7 and ask you to tell the Examiner what that represents.

A. City Exhibit A-7 is an estimate of costs for the reconstruction of the west approach viaduct under this proceeding.

MR. GERMAN: I ask, Mr. Examiner, that that be marked for purposes of identification as Applicant's Exhibit A-7.

THE EXAMINER: Mark it A-7.

(Estimate of costs for reconstruction of west approach viaduct marked for identification as Applicant's Exhibit No. 7)

BY MR. GERMAN:

Q. I show you, Mr. Witness, a series of photographs marked City's Exhibit A-8 and ask you to tell the Examiner what those photographs represent.

A. This Exhibit A-8 represents photographs of both the superstructure and substructure of the existing bridge, depicting its present condition.

MR. GERMAN: I ask that that be marked for purposes of identification as Applicant's Exhibit A-8.

THE EXAMINER: Mark it A-8.

(Series of photographs of superstructure and substructure of existing bridge in connection with proposed improvement marked for identification as Applicant's Exhibit No. 8)

MR. GERMAN: Now, I might at this time, Mr. Examiner, like to distribute the copies of these various documents among all the parties in interest here and they might want a couple of minutes before they cross-examine this witness in order to examine these things.

THE EXAMINER: All right. Off the record.

(Discussion off the record)

THE EXAMINER: Is there any reason why we should not proceed? You gentlemen have all had an opportunity to look at these exhibits; do you want more time?

Apparently no one wants more time. Let's go ahead.

MR. GERMAN: Cross-examine, gentlemen.

MR. ROSE: No cross-examination from the Highway Department.

THE EXAMINER: Does anyone desire to

cross-examine?

MR. COUGHLIN: Yes, cross-examination for the P.T.C.

THE EXAMINER: All right; will you please state your name?

MR. COUGHLIN: Tyson W. Coughlin, for the Philadelphia Transportation Company.

CROSS-EXAMINATION

BY MR. COUGHLIN:

Q. Mr. Neiman, how long will Spring Garden Street be impassable to traffic because of the proposed construction?

A. It should vary, oh, I guess around six months, six to eight months, I should say offhand.

Q. Would it be closer to six or closer to eight?

A. We have a total construction period of nine months proposed for this contract and we would hope that part of this nine-month period of time the deck would be available for traffic. So I would say it would run between six and eight months.

Q. Do I correctly understand your testimony that you plan to use the existing piers in the construction of this bridge?

A. That's correct; for the great majority of these

piers, we propose to use the existing piers. We do not propose to put any new piers in the ground; everything we do will be above ground.

Q. Am I correct in assuming that, should the piers be discovered to be in a faulty condition after you have started your construction, that the period of time that traffic would be impassable would be greater than the six to eight months that you testified?

A. We have had a very comprehensive study made, not only by the Streets Department, but also a private engineer, and we have both come to the conclusion that the existing substructure is in fair-to-good condition and it needs only some minor patching. It is our opinion at this date that the work on the existing substructure would be nominal.

Q. But, should it appear that the piers are not satisfactory for construction sometime during the work on this proposed project, it would take a longer time to complete the project, would it not?

A. In my opinion, these piers will be satisfactory for the reconstruction of this bridge.

However, in the event, if what you say should occur, which I doubt, then of course it would take longer.

There is no question about it. If the superstructure

collapsed, we would certainly have to replace it, and the same with the substructure.

Q. And, in that event, the bridge would be closed for longer than the time you stated?

A. In the event this hypothetical case you bring up here should be true, then the bridge would be closed for a longer period of time, correct.

Q. Are there any Federal funds being used directly or indirectly for this project?

A. No Federal funds are being used directly or indirectly in connection with this project.

MR. COUGHLIN: No further questions.

THE EXAMINER: Does anyone else desire to cross-examine?

MR. SHEARER: Yes. I am T. P. Shearer, representing the Railroad Brotherhood.

BY MR. SHEARER:

Q. Mr. Neiman, I might state in the first instance that we have no objection to any vertical clearances and we have now examined the plans and confined our problems to one pier.

I should like to ask in connection with the pier which has been marked on your drawing A-1 as 7-A, if that pier shows in the pictures which are in evidence as Exhibit A-8.

A. The pier that you refer to as Pier 7-A does show in Exhibit A-8 under photograph No. 8, and it is the center-most steel bent.

Q. The pier furthest to the right in the picture designated as picture No. 8 in Exhibit 8?

A. Yes.

Q. What do you propose to do insofar as that particular pier is concerned?

A. On sheet No. 10 of City Exhibit A-2, entitled, "New Piers," we show an elevation and a cross section of the proposed reconstruction of Pier 7-A. This is what the pier will look like in elevation and a section of it; it will look like this. This is the top of existing Pier 7-A.

We propose putting a concrete cap on it, roughly 8 foot high, the same width -- no, slightly narrower than the existing pier. The existing pier apparently is approximately 3 foot six wide and the new cap will be 3 foot wide.

And, on top of this cap, we propose to put this concrete pier, 3 foot wide.

Q. How wide is the base of the pier? At the present time, as I understand it, it is masonry construction; is that correct?

A. That's right.

The coping on the pier where the clearance was taken from is approximately 3 foot 9, between 3 foot 9 and 4 feet, I would say offhand.

Q. Then, above that, there is a steel superstructure, or, you call it a bent, do you not?

A. That's right, sir, yes.

Q. What is the horizontal width of it?

A. I can't say for sure at this time. I would only be guessing and I would rather not say.

Q. Does it show on your drawing A-2?

A. No, on City Exhibit A-8, photograph No. 8.

Q. Is it considerably less than the 3 feet that would be occupied by the concrete?

A. By the photographs, it looks less, yes, sir.

Q. How high above the level of the rail is the present coping, which you described as being 3 feet 9 inches wide?

A. I would say around 4 to 5 feet.

Q. Can you give us any information, Mr. Neiman, as to the clearance between Pier 7-A, as it now exists, and the center line of the tracks on either side of it?

A. Yes, the clearances, as they now exist, which were taken from the coping on the existing masonry pier, the clearance between track No. 6, center line of Track 6, to Pier 7-A is 6.7 feet.

The clearance between the center line of track No. 7 and Pier 7-A is 6.9 feet.

I might say that it is our proposal that these clearances will not be encroached upon; our concrete pier will be within these lines by a few inches on each side.

Q. Yes, sir.

Now, the only encroachment will be above the level of the coping; is that correct?

A. That's right, sir.

Q. And, in the area above the level of the coping, the clearances will be reduced by the amount that your concrete pier exceeds the steel bent in horizontal width?

A. That's correct.

Q. And, in any event, can you tell us what the new clearance would be above the coping between the center line of the rail on either side and the concrete pier which you propose to construct?

A. No, I can't say that at this time. All we did was to take the existing clearance as measured between the center line of the rail and the edge of the coping, and this is the clearance that will remain because we are not going to encroach on it. In other words, everything will be within that clearance line.

That's all we did; that's all we showed on the

drawing.

There was no need to do anything else.

Q. The figure I sought, though, could be calculated from the figures you have already given, I assume? Well, strike that.

How far inside the coping, which is 3 feet 9 inches wide, will your concrete pier be, which is above the coping, 4-1/2 inches?

A. Our concrete pier will be 3 feet wide, yes.

Q. It is 4-1/2 inches above?

A. Roughly, yes.

Q. Is there some reason for your using the wider concrete pier above this coping, rather than continue the existing steel superstructure, using superstructure as being the top of the pier or whatever you want to call it?

A. The reason a wider pier than is now existing was needed at this location was because we propose to use prestressed concrete box beams for the reconstruction of the whole viaduct, and the reason for such a selection was that it was imperative to get a tight deck as soon as possible above the electrified lines so the operation of the railroad would not be hampered in any great fashion.

Q. Is it possible to erect a structure above the present

masonry base of Pier 7-A, which will not exceed the present steel bent in horizontal width and carry your anticipated load?

A. I would say at this time that it would not be possible using prestressed construction to use a steel bent.

Now, we have not investigated it but, offhand, I would say it would not be possible. I think a different type of superstructure would be required if we used a steel bent as is now existing.

Q. Could you use a different type of steel bent with a different quality of steel or a different type of construction?

A. If this were investigated: it is feasible to do it that way but it would have to be looked into and, frankly, I would say we haven't looked into it.

MR. SHARER: That is all.

THE EXAMINER: Anyone else desire to cross-examine?

All right. Anything else. Mr. German, of this witness?

MR. GERMAN: I would like to ask that the exhibits heretofore marked for purposes of identification be offered in evidence, Mr. Examiner.

THE EXAMINER: Any objections to their being

received in evidence?

They are received in evidence.

MR. GERMAN: That is the City's case, Mr.
Examiner.

(witness excused)

THE EXAMINER: Protestants? P.T.C.?

MR. COUGHLIN: Mr. Joram.

PHILADELPHIA TRANSPORTATION COMPANY EVIDENCE

...HAROLD C. JURAM, 200 West Wyoming Avenue,
Philadelphia 40, Pennsylvania, having been duly
sworn by the Examiner, was examined and testified
as follows...

MR. GERMAN: Is this gentleman appearing on
behalf of the Philadelphia Transportation Company?

MR. COUGHLIN: Yes.

MR. GERMAN: I would like to ask at this time
for an offer of proof.

MR. COUGHLIN: Mr. Joram will testify to the
detour route required because of the impassability
of the bridge during construction and the costs
involved to the Philadelphia Transportation Company.

MR. GERMAN: I object to any testimony regarding costs to the transportation company. I will ask, in view of the injection of this question, Mr. Examiner, that the proceedings before the Public Utility Commission at Application Docket 59145, Folder 104, and Application Docket A. 3207, being the proceedings before the Commission by which rail trolley service was discontinued at this location and bus service authorized, be incorporated into the record of this case by reference thereto.

THE EXAMINER: Well, we are doing this a little bit backwards but, since you have made the statement, I will incorporate by reference to this record the testimony in the folders or dockets to which you have referred.

I will overrule your objection and permit you to proceed with your questioning.

MR. COUGHLIN: Mr. Examiner, before I proceed, in view of Mr. German's request, I would also request that the testimony in Commission case No. 81204 also be incorporated in the record.

MR. LATTA: May I know what that is, sir, before you rule?

THE EXAMINER: I was about to ask the same

question.

MR. COUGHLIN: That was the Girard Avenue Bridge case, involving the construction of the Schuylkill Expressway, when the Commission allowed allocation of costs of relocation of the P.T.C.'s lines, allocating them against the Department of Highways.

MR. GERMAN: Mr. Examiner, I think that we might be unduly cluttering the record by granting counsel's application with regard to the Girard Avenue case because it is my understanding that Federal funds were involved there.

THE EXAMINER: Is that understanding correct, to your knowledge?

MR. COUGHLIN: I believe that is correct but there were other considerations taken into account by the Commission and I believe that, if Mr. German is going to clutter the record, that I have the same right.

MR. LATTA: I object to either one of them cluttering the record.

THE EXAMINER: I don't concede that either one of you have that right and, if I thought for one minute that that is what you were doing, I would stop it promptly.

MR. LATTA: Mr. Examiner, on the Girard Avenue case, I assume that the order of the Commission is always before them. In other words, the Commission doesn't need any incorporation in order to refer to the order.

On behalf of the Pennsylvania Railroad, I object to having the record in the Girard Avenue case incorporated here on the question of allocation of costs, which is what it appears to be offered for.

Now, as far as the order itself, that is a public record as is the Court opinion or any other matter and, of course, the Commission is entitled to refer to it and, if there were considerations involved there, the Commission has them before them and that would be a matter for brief rather than incorporation but, the record itself, I strenuously object to.

THE EXAMINER: I think you are right. I will sustain your objection and I will grant you an exception.

In effect, I am reversing my ruling made shortly before we heard from Mr. Latta.

MR. ROSE: Mr. Examiner, before leaving the subject, I think the record should show that the Department of Highways joins in the objection of both

Mr. German and Mr. Latta.

THE EXAMINER: I think we have disposed of it by the ruling.

MR. COUGHLIN: Do I understand your ruling to apply to Mr. German's offer, too, Mr. Examiner?

THE EXAMINER: No, I am limiting it to your offer, or, your request.

MR. COUGHLIN: Your Honor, I would object to Mr. German's introduction of his cases on the same ground.

THE EXAMINER: I will repeat my ruling insofar as Mr. German's offer is concerned and grant you an exception, putting you in the proper position.

MR. COUGHLIN: Thank you.

DIRECT EXAMINATION

BY MR. COUGHLIN:

Q. Mr. Juram, by whom are you employed and in what capacity?

A. Philadelphia Transportation Company; Assistant Vice President.

Q. Are you familiar with the subject matter of this proceeding?

A. Yes, I am.

Q. Are you authorized by the Philadelphia Transportation Company to testify in this proceeding?

A. Yes.

Q. Would you tell me what bus route presently crosses the Spring Garden Street Bridge?

A. Bus Route 43, operating between 48th and Parkside Avenue and Front Street and Spring Garden, crosses the Spring Garden Street Bridge.

Q. Are there any other bus routes of the Philadelphia Transportation Company crossing the Spring Garden Street Bridge?

A. No.

Q. Mr. Juram, could you tell us the number of people Route 43 presently carries on a normal weekday, Saturday, and Sunday?

A. Normally, 43 carries about 17,000 passengers on a weekday, approximately 10,000 on Saturday, and 7,000 on Sunday.

Q. Could you tell us the number of people Route 43 presently carries across Spring Garden Street on a normal weekday, Saturday, and Sunday?

A. Approximately 8,000 on a weekday, 4,500 on a Saturday, and about 3,000 on Sunday.

Q. Could you tell us the number of buses presently

operating on Route 43 on a normal weekday, Saturday, and Sunday?

A. On a weekday, the maximum buses used in peak periods is sixteen; there are seven buses used on Saturdays and Sundays.

Q. Would you tell us the number of trips presently on Route 43 on a normal weekday, Saturday, and Sunday?

A. Yes; there are 134 trips on weekdays, 112 on Saturday, and 107 on Sunday.

Q. Are these round trips?

A. Round trips, yes.

You multiply those figures by two to get the number of passes over to Spring Garden Street Bridge.

Q. I see.

Would you tell me the present headway on the Route 43 on a normal weekday, Saturday, and Sunday?

A. Of course, the headways are variable in accordance with the loads at various times of day. In the morning peak period on weekdays, the headway is approximately 4-1/2 minutes, and it is about 5-1/2 minutes in the afternoon peak; in the middle of the day, approximately 11 minutes; and, in the evening, about 10 minutes.

Q. Could you tell me the present trip time on Route 43?

A. The running time of the buses?

Q. Yes.

A. The running time is variable, too, in accordance with the different times of day but it is approximately -- the midday figure is 60 minutes round-trip time; it would be a little more than that in peak periods and slightly less in the evening.

Q. What detour route will be required because of the contemplated construction on Spring Garden Street Bridge?

A. The buses would be required to take a rather long detour, departing from the existing route at 34th Street and Spring Garden and operating south on 34th Street to Lancaster Avenue, to Market Street, to 22nd Street, re-joining the authorized route at 22nd and Spring Garden.

In the westbound direction, it would be required to leave our regular route at 21st and Spring Garden and operate via 21st, Market, Lancaster, 33rd, to 33rd and Haverford Avenue, a point on the regular route.

Q. Now, sir, I hand you a map and ask you whether that depicts correctly the detour route that would be necessitated by the construction of the Spring Garden Street Bridge during the period it is impassable to vehicular traffic.

A. That's correct.

MR. COUGHLIN: Could I ask that be marked for

identification and I would hand out the copies afterwards?

(Map illustrating detour route necessitated by construction of proposed improvement marked for identification as Protestants' Exhibit No. 1 for P.T.C.)

BY MR. COUGHLIN:

Q. Are the detour routes shown on P-1 the shortest detour routes possible?

A. They are the shortest practical routes that are possible, yes.

Q. What will the increased mileage be because of the detour, increased mileage on Route 43?

A. The eastbound mileage on Route 43 would increase by 1.04 miles, and westbound by 1.07 miles, for a total of 2.11 miles per trip.

Q. How many additional buses will be needed to maintain your headway on Route 43 because of the detour?

A. It would require the operation of two additional buses.

Q. What will be the increased time of the trip on Route 43 from terminal to terminal caused by the detour?

A. The increased time varies from approximately ten minutes to fifteen minutes per round trip, depending on the time of day.

Q. What will be the increased cost to P.T.C. as a result

of the detour?

MR. GERMAN: Objected to.

THE EXAMINER: Sustained.

MR. COUGHLIN: Your Honor, I think this is certainly relevant. I think the Commission has the discretion to allocate costs in this case under the statute where a facility of the transportation company is interrupted. They definitely have that discretion and I think certainly we have the right to show what our increased cost will be here so that the Commission may make an orderly decision as to whether the costs should be allocated and what those costs are.

THE EXAMINER: You have not established that to that question a definite and certain answer can be given. At best, this would have to be an educated guess.

MR. COUGHLIN: I don't believe so, Your Honor. If you will let me proceed to what the costs will be, I think Mr. Juram will be able to point out the basis for his opinion.

MR. GERMAN: Mr. Examiner, I don't think the basis has been laid for this question. I don't think that this is within the jurisdiction of the Commission

and I would like to point out at this time to you, sir, a provision in the order issued by the Commission under Application Docket 59145, Folder 104, which provides in the second paragraph on the third page of that order, that the rights, powers, and privileges herein granted shall include the right to digress from the aforesaid route when temporarily closed by municipal or state officials and official detours established by them.

In other words, when the Commission made this order, it was envisioned that times would arise when this bridge would have to be replaced and this service interrupted. I don't think it is a proper topic to be brought up in connection with this application; I think it is entirely irrelevant, and I would strenuously oppose it.

I think that it is a dangerous precedent if the Commission did take up and consider matters of this kind, and I object to it with all the force that I can command.

And, if any testimony along this line were accepted and considered by the Commission, of course, it would be a very grave matter. I am sure it would be an equally grave matter -- in fact, even more so --

and considered as such by the Pennsylvania Department of Highways.

MR. COUGHLIN: Mr. Examiner, I believe this opinion Mr. German noted is limited as far as the digression of the detour. I might be wrong on that but Mr. German perhaps can enlighten me on it.

MR. GERMAN: I have a copy of the order here. Anybody can look at it if they care to (indicating).

MR. COUGHLIN: It says in Paragraph B that the rights, powers, and privileges herein granted shall include the right to digress within one-half mile from the aforesaid route.

This is a much different case than our case here, Your Honor. This is a rather monstrous detour that we are being forced to go through here. I think the Commission has every right under the statute to consider in their discretion whether to allocate the costs on the City of Philadelphia.

I cannot express my feelings strongly enough on that point. I believe Mr. Juram here, if I may continue to question him, would be able to satisfy you that his testimony is sound with regard to increased costs.

MR. GERMAN: Mr. Examiner, if testimony of this

type were allowed and the Commission were to consider the element of loss of revenue by a passenger-carrying public utility, it would greatly impede, if not prevent, in a great many cases, public improvements not only in the City of Philadelphia but throughout the Commonwealth of Pennsylvania.

And it is an entirely new conception in public utility law, if passenger-carrying public utility companies, who know when their facilities are placed on public highways that from time to time repairs have to be made and replacements made to those highways, should be allowed to claim against the Commonwealth or against any municipality or subdivision of the Commonwealth, damages as a result of some interference in their routes and passenger-carrying activities.

This is a very serious matter and, if the Philadelphia Transportation Company desires to make a test out of this thing, it will be most strenuously opposed by the City of Philadelphia and I am sure by the Commonwealth of Pennsylvania as well.

MR. COUGHLIN: Mr. Examiner, I will save my legal arguments for my briefs. However, I would dispute Mr. German on the question of Public Utility

Law. The statute says transportation company and P.T.C. is a transportation company, and I don't think Mr. German can get around that.

THE EXAMINER: Well, I have given you gentlemen adequate opportunity to put your various positions on the record.

I am going to abide by my ruling, sustain Mr. German's objection, and grant you an exception, and the thing can be argued out before the Commission, which will, in the last analysis, decide questions of law rather than the Examiner.

MR. COUGHLIN: May I continue with my questioning?

THE EXAMINER: Yes, indeed.

BY MR. COUGHLIN:

Q. Mr. Juram, what will be the increased number of labor hours which will be incurred as a result of the detour?

A. 21.1 hours on weekends.

MR. GERMAN: Objected to and ask the answer be stricken, Mr. Examiner.

MR. COUGHLIN: On what grounds?

THE EXAMINER: You are doing with your left hand what I just declined to let you do with your right hand.

I will sustain the objection and grant you a motion to strike.

BY MR. COUGHLIN:

Q. How much increased fuel will be used, Mr. Juram, because of the detour?

MR. GERMAN: Objected to.

THE EXAMINER: Sustained; exception.

BY MR. COUGHLIN:

Q. How much increased maintenance will be required because of the detour?

MR. GERMAN: Objected to.

THE EXAMINER: Sustained; exception.

BY MR. COUGHLIN:

Q. How much increased oil consumption will P.T.C. incur because of the detour?

MR. GERMAN: Objected to.

THE EXAMINER: Sustained; exception.

The reason for all these rulings, of course, is identical.

MR. COUGHLIN: I understand that, Mr. Examiner.

BY MR. COUGHLIN:

Q. Mr. Juram, what is P.T.C.'s position with regard to this application?

A. Well, the company has no objection to the Commission's

granting its approval of this application. However, provided that the company is reimbursed for the additional expense it will incur during the period that the detour route is being operated.

BY THE EXAMINER:

Q. And, Mr. Juram, when you answer that way, what are you referring to in the term "increased expenses"?

A. We have prepared a detour schedule and we know this is going to cost us \$700 a week.

MR. GERMAN: Objected to and ask it be stricken.

THE EXAMINER: I will grant your motion to strike.

BY THE EXAMINER:

Q. Let me ask you a question this way: are you contemplating an element of damage which might be described as loss of revenue, as distinguished from cost of operation?

A. We would anticipate that, with a detour of this duration and of this length, that there is sufficient inconvenience to passengers that there will be some permanent loss of business. However --

Q. Which you would claim to be compensated for?

A. However, we would not claim to be compensated for that. We are merely claiming for the increased out-of-pocket expense to pay the operators and pay the expenses.

THE EXAMINER: You have clarified for the record

what I wanted.

Let's recess for five minutes.

(brief recess taken at 11:20 a. m.)

MR. GERMAN: Mr. Examiner, at this time I would like to state for the record that, during the recess, there have been some discussions between the representatives of the Pennsylvania Railroad Company, the Commonwealth, the City of Philadelphia, and the Brotherhood of Railroad Trainmen with regard to the objection heretofore expressed by counsel for the Brotherhood with regard to the clearance on one of these piers.

It has been suggested that a further study be made by representatives of the Pennsylvania Railroad and the City of Philadelphia with regard to this situation with a good likelihood that there may be an amicable agreement between the parties with regard to this question of clearance.

THE EXAMINER: By the parties, you mean, the Brotherhood?

MR. GERMAN: I mean the Brotherhood and the City and any other interested party.

The thought being that, if we can arrive at an

amicable solution here, that copies of such late-filed exhibit be given to all of the parties in interest and three copies sent to the Commission, with the request that then the record be marked "Closed" in connection with this matter.

THE EXAMINER: Any objections?

MR. LATTA: For clarification, sir, the pier that is in question is known as 7-A and the proposal of the City calls for removing two existing adjacent piers, and it may be possible to shift some of the tracks, after those adjacent piers are removed, to get a better clearance of Pier 7-A. That will be studied.

MR. GERMAN: Have you anything further to add, Mr. Shearer?

MR. SHEARER: No, that is generally the understanding, that that problem has not been studied. If it were possible to move the tracks, then the City could go ahead with the necessary concrete pier to support whatever superstructure they had originally intended.

THE EXAMINER: Then I understand it is the opinion of all parties in interest here now at this hearing that this further study should be made and

that the record should be kept open until such time as it can be reported on to all parties in interest?

MR. LATTA: Yes, sir.

MR. GERMAN: That's right.

MR. SHEARER: Yes, sir.

THE EXAMINER: And notification given to the Commission without the necessity of having another hearing, at which time the record can be closed?

MR. LATTA: That's right, sir. We know now that we will be able to gain something. Until we investigate it, we won't know how much and whether that will be considered satisfactory.

THE EXAMINER: Then the Examiner will make an order that this record will remain open for that purpose.

MR. GERMAN: Mr. Latta, at this time I would like to urge that the railroad company arrive at its conclusions in the earliest possible time. The City is desirous of expediting this improvement and anything you fellows can do to expedite it would be appreciated.

MR. LATTA: I think it will be a matter of a few days, sir, possibly five or ten working days, and quite possibly we will have the thing worked

out before the transcript gets to Harrisburg.

THE EXAMINER: I think that is reasonable under the circumstances; all right.

MR. ROSE: Mr. Examiner, at this time I would like the record to show that the Department of Highways joins with the City of Philadelphia in the objections made to the testimony sought to be offered through this witness, and add to the reasons that the costs, according to the witness in reply to a question of the Examiner, that these were out-of-pocket expenses, the Department would like the record to show that these are not construction costs but are rather in the nature of consequential damages which, if allowed to be considered, would be a stranglehold upon the expansion of the highway system.

THE EXAMINER: Well, this is in the nature of an argument and the Examiner here can't settle argument.

MR. COUGHLIN: If Your Honor please, the P.T.C.'s request is not meant to create an impasse in further highway construction. The cost involved here is \$750 a week; it amounts, over a nine-month period, to \$21,000. This is not the case of a short detour for a short duration; the P.T.C. would not ask for

compensation in that type of case.

But this is a monstrous detour; this is going to really cost them money. The Public Utility Commission requires the P.T.C. to operate; they must take this detour. They are forced to. If the P.U.C. would allow them to stop at one end of the bridge and start at the other end of the bridge, or some such thing as that, we wouldn't be involved in this cost, but we are forced to pay this cost because of this improvement.

They are drastic costs and I feel that, therefore, the Commission should allocate them.

THE EXAMINER: Gentlemen, what you are doing here is really arguing points. Now, under the present system of procedure, the Examiner is without power to decide argument or law. The most that can be done is to put the record in such shape as to permit you both to make your arguments at the proper time and proper place, which would be either in your briefs or before the Commission if you have oral argument.

MR. ROSE: Mr. Examiner, I sought not to argue the point but to add to the reasons for the objection that this is not a construction cost; that's all.

THE EXAMINER: All right; the record will show that you are to have the benefit of objections made by Mr. German as though you had joined with him at the time in his objections. That is what you wanted.

MR. ROSE: Thank you, Mr. Examiner, yes.

MR. COUGHLIN: Mr. Examiner, before I proceed, for my own information, do I understand that your ruling on Mr. German's objections to Mr. Juram's testimony regarding costs is based upon any lack of qualification of the witness?

THE EXAMINER: I don't think so. I don't think Mr. German or anybody else that I know, including the Examiner, who has presided in many, many cases in which Mr. Juram appeared as a witness, has ever known of his qualifications being questioned. I certainly don't think anybody here does.

Does anybody here question Mr. Juram's qualifications?

(no response)

THE EXAMINER: That is the answer to that.

MR. COUGHLIN: Thank you.

Cross-examine.

MR. GERMAN: No questions.

MR. ROSE: No questions.

MR. SHEARER: No questions.

MR. MINNICK: No questions.

MR. LATTA: I have one or two.

CROSS-EXAMINATION

BY MR. LATTA:

Q. Have you considered the feasibility of making your detour via Pennsylvania Boulevard, the Expressway, and thence to the Girard Avenue Bridge?

A. Yes, we have, Mr. Latta, but there simply isn't any practical way of doing it.

The connections from Spring Garden Street to the Expressway are both to the north so we can't use the Expressway to reach Pennsylvania Boulevard and Market Street. On the other hand, the use of Pennsylvania Boulevard would take our detour all the way into 19th and 20th Street, which would further inconvenience the passengers using the route and, in fact, if we used Pennsylvania Boulevard, we would still have to take our buses down to Market Street to get them back to Spring Garden because there is no way to get to Spring Garden Street from Pennsylvania Boulevard without going to Market Street.

You see, there is no connection from the Expressway to Spring Garden Street northbound.

Q. Now, you are talking in terms of current highway patterns at 34th and Girard Avenue Bridge, aren't you?

A. I am not talking about that; you may be.

Q. Well, I asked you specifically if you couldn't use the Expressway on a westbound move, for instance, the Expressway, thence to Girard Avenue, and you come up there at 34th and Girard on the west side of Girard Avenue Bridge.

A. Yes.

Q. You don't have to go to Market Street if you go on that route to get back to Spring Garden.

A. You can use Girard Avenue, truly, but that is longer. That is a longer detour.

I think my first answer was primarily on the impracticability of using Pennsylvania Boulevard; now, I will say about Girard Avenue that that route is actually longer.

Q. You go to 44th and Parkside?

A. We would have to get back to Spring Garden Street or there wouldn't be much point in running the bus. If we went straight out Girard Avenue, true, we could do that but that would be way out of line and a severe inconvenience to all passengers. We are making an effort here to keep the route operating as closely as possible.

Q. How many of the passengers originate at 44th and Parkside?

A. I don't have any specific figure but I could tell you at that point it is quite a small number; that is adjacent to a park and it is not a heavy point.

Q. Does it make a connection with your 70 route?

A. There is no connection with the 70 route at 44th and Parkside.

MR. LATTA: That is all I have, sir.

THE EXAMINER: Does anyone else desire to cross-examine? If not, thank you, Mr. Juram.

(witness excused)

THE EXAMINER: Any other witnesses?

MR. COUGHLIN: None for the P.T.C.

THE EXAMINER: If anyone else desires to put a witness on the stand, call him.

MR. ROSE: The Department of Highways would like to call James Byron.

DEPARTMENT OF HIGHWAYS' EVIDENCE

...JAMES A. BYRON, 3719 Montour Street, Harrisburg, Pennsylvania, having been duly sworn by the Examiner, was examined and testified as follows...

DIRECT EXAMINATION

BY MR. ROSE:

Q. By whom are you employed?

A. Pennsylvania Department of Highways.

Q. How long have you been employed by the Department?

A. Approximately six years.

Q. Will you state for the record your present capacity with the Highway Department?

A. I am Assistant Principal Engineer, Division of Grade Crossings.

Q. Are you a registered engineer in Pennsylvania?

A. Yes, I am.

Q. Are you authorized by the Department to testify in these proceedings?

A. I am.

Q. Will you name and describe the highways involved in these proceedings?

A. Legislative Route 67002 extends in a general

easterly direction a distance of approximately 2.2 miles from its connection with Legislative Route 67010, Lancaster Avenue, to its terminus at West Penn Square.

Legislative Route 67002 traverses Spring Garden Street from the westerly terminus, thence across the Schuylkill Expressway and the Schuylkill River to the Benjamin Franklin Parkway. From this point, Legislative Route 67002 traverses the Benjamin Franklin Parkway to Logan Circle; thence to Filbert Street.

Legislative Route 67002 then traverses Filbert Street a short distance to its easterly terminus at West Penn Square.

Q. Will you state to what extent the Department of Highways will participate in this project?

A. The project included within the Commission's jurisdiction and subject of this hearing is part of the overall project to replace the existing aged and deteriorated double-deck bridge carrying Spring Garden Street, Legislative Route 67002, and the West River Drive across the Schuylkill River with modern structures and to provide an efficient scheme for the distribution of traffic from the river crossing with the Benjamin Franklin Parkway.

The Department of Highways is cooperating with the City of Philadelphia and is willing to contribute

\$1,500,000 for the overall project. The Department is further willing to maintain certain portions of the overall project, as shown on a plan entitled, "Plan of Future Maintenance Areas," which is part of an existing agreement between the Department of Highways and the City of Philadelphia dated December 26, 1962. The portions of future maintenance responsibility of the Department of Highways, as shown on this plan, does not come within the area covered by this proceeding.

The Department of Highways also has the right to review all plans and specifications for those portions of the improvements which are the assumed maintenance responsibility of the Commonwealth.

Q. Does the Department agree to construct any portion of the proposed improvement covered by this proceeding?

A. No, it does not.

Q. Does the Department agree to maintain any portion of the proposed improvement covered by this proceeding?

A. No, it does not.

MR. ROSE: Cross-examine.

MR. GERMAN: I have one question.

BY MR. GERMAN:

Q. Mr. Byron, has the Department approved the construction

drawings marked for purposes of identification as Applicant's Exhibit A-2?

A. Yes, they have been approved by the Bridge Engineer, Department of Highways.

MR. GERMAN: Off the record.

(Discussion off the record)

A. (continued) If you are asking about the plan submitted here, I will have to say no. I will revise my statement and say that the Bridge Engineer has not signed the plans offered in the exhibit as Exhibit A-2.

However, the plans have been signed and are approved by the Bridge Engineer since that time.

BY THE EXAMINER:

Q. Let's see if this is what you mean.

We have here a blueprint which is a duplicate of an original, which has been signed in Harrisburg; is that right?

A. Thank you very much, sir.

THE EXAMINER: Any cross-examination?

If there is no cross-examination, we will excuse the witness.

Thank you very much.

(witness excused)

PHILADELPHIA ELECTRIC COMPANY'S EVIDENCE

...HENRY J. RYDZEWSKI, 900 Sansom Street, Philadelphia, Pennsylvania, having been duly sworn by the Examiner, was examined and testified as follows...

MR. MINNICK: Mr. Rydzewski's testimony is for the Philadelphia Electric Company and I think I have submitted the testimony he plans to give to all the parties.

MR. LATTA: It is satisfactory to me and I don't desire to have it read, sir.

MR. GERMAN: The City has no objection.

THE EXAMINER: It is agreeable to all parties to stipulate that the typewritten statement would be identical with all testimony given by this witness if he were to give it orally?

MR. ROSE: Yes.

MR. GERMAN: Yes.

MR. COUGHLIN: Yes.

THE EXAMINER: All right; we will receive it in evidence as though given under oath and delivered orally.

(The prepared testimony of Mr. Rydzewski is as follows.)

DIRECT EXAMINATION

BY MR. MINNICK:

Q. State your full name and address.

A. Henry J. Rydzewski, 920 Sansom Street, Philadelphia, Pa.

Q. Are you a graduate of an institute of higher learning?

A. Yes.

Q. What institution, class, degree and major field?

A. Bucknell University, Class of 1949, Bachelor of Science in Electrical Engineering.

Q. Are you a registered professional engineer?

A. Yes.

Q. By whom are you employed?

A. Philadelphia Electric Company.

Q. In what capacity?

A. Engineer, Electrical Engineering Division, Engineering and Research Department.

Q. In the course of your duties in that capacity, have you had occasion to familiarize yourself with the City of Philadelphia, Department of Streets

"drawings for the Reconstruction of Spring Garden Street West Approach Bridge over the Pennsylvania (LR67002) as it affects Philadelphia Electric Company's facilities?

A. Yes.

Q. Are you authorized to testify on behalf of Philadelphia Electric Company?

A. Yes.

Q. Does Philadelphia Electric Company have any objection to this improvement?

A. No.

Q. Will any facilities of Philadelphia Electric Company be affected by the proposed improvement?

A. Yes.

Q. What type of Philadelphia Electric Company facilities are involved?

A. Electrical facilities.

Q. Has it been definitely determined what changes, if any, in Philadelphia Electric Company facilities will be required because of this improvement?

A. Yes.

Q. Will you describe the type and location of the facilities affected by this improvement.

A. Philadelphia Electric Company has street

"lighting facilities in the existing bridge. These facilities will be removed or abandoned at a cost to Philadelphia Electric Company of approximately \$2,000.00. New street lighting facilities will be placed upon the proposed bridge by Philadelphia Electric Company upon receipt of orders for street lighting from the City of Philadelphia.

Q. Who will perform the work of removing the existing facilities?

A. Philadelphia Electric Company.

Q. Will Philadelphia Electric Company be responsible for the maintenance or cost of maintenance of any other portion of the completed improvement?

A. No.

Q. Does Philadelphia Electric Company agree to bear the cost of removing its existing facilities?

A. Yes.

Q. Does Philadelphia Electric Company agree to pay for or bear the cost of any other portion of this improvement as set forth in the application

A-39603?

A. No."

THE EXAMINER: Does anyone desire to cross-examine?

MR. GERMAN: No cross-examination on behalf of the Applicant.

MR. ROSE: No cross-examination.

THE EXAMINER: Do you have any additional questions of this witness?

MR. MINNICK: No, I have no additional questions.

THE EXAMINER: Thank you very much, sir.

(witness excused)

PENNSYLVANIA RAILROAD'S EVIDENCE

...JOHN WILLIAM WALLENIOUS, 1640 No. Six Penn Center Plaza, Philadelphia 3, Pennsylvania, having been duly sworn by the Examiner, was examined and testified as follows...

DIRECT EXAMINATION

BY MR. LATTA:

Q. Mr. Wallenius, by whom are you employed?

A. Pennsylvania Railroad Company.

Q. In what capacity?

A. Area Engineer.

Q. Are you a registered engineer in Pennsylvania?

A. I am.

Q. Are you familiar with this application?

A. I am.

Q. Are you authorized to testify on behalf of the railroad in connection with this proceeding?

A. Yes.

MR. LATTA: We have prepared testimony, sir, attached to which are the exhibits referred to in it. Do you want me to have the questions read?

MR. ROSE: It is agreeable to me to submit it in the record.

THE EXAMINER: Do I understand that all stipulate that this witness, if he testified orally, would testify to the same effect as is on this printed statement? Are there any objections to its being included in the record as his testimony?

If not, it will be received as his testimony.

(The prepared testimony of John William Wallenius is as follows.)

"1. The line of the railroad involved in this proceeding are owned and operated by The Pennsylvania Railroad Company.

2. There are 22 electrified tracks under the

"bridge, consisting of 9 main tracks and 13 yard tracks. There are 2 electrified freight tracks of the High Line over the bridge. These tracks are shown on sheets 20 and 21 of the City Plans and of those shown on sheet 21, tracks 1, 2, 3, 5 and 6 are main tracks, primarily used by through passenger trains, and main tracks 14, 15, 21 and 22 by suburban commuter trains.

3. Train movements are submitted as Exhibit 1.

4. The Pennsylvania Railroad Company has no objection to the construction of the improvement in accordance with the plans submitted by the City of Philadelphia.

5. The Pennsylvania Railroad Company does not agree to perform any of the proposed construction, but will perform all of the actual work required to alter temporarily and permanently its affected facilities.

6. It will be necessary for the Railroad Company to alter its electrification facilities both temporarily and permanently under the bridge with permanent attachments thereto. The estimated cost of this work is \$174,734. and the detailed estimate is submitted as Exhibit 2. It will be necessary

"to relocate four signals for outbound tracks 3 and 4, numbered 14 and 15 on sheet 21. A detailed estimate is submitted as Exhibit 3.

7. The Pennsylvania Railroad Company agrees to maintain its altered catenary and signal facilities.

8. The Pennsylvania Railroad Company agrees to bear a portion of the cost as stipulated in a satisfactory Agreement now being prepared between the 'City' and the 'Railroad'. The Railroad Company will agree to release damages for its property taken, injured or destroyed on the normal width of its right of way by reason of the alteration and reconstruction of the existing bridge, excepting damages resulting from negligence of the Department, its contractors or sub-contractors.

9. The Railroad Company will require watchmen, flagmen and Class 'A' (Electrical Men), bridge and building inspectors or other personnel at the site of the improvement during construction when it is deemed necessary in the opinion of the Railroad Company to provide protection for railroad operations, the number and type of such employees to be determined by the character and extent of the work performed.

"The railroad will furnish such employees, the City being responsible for the costs of watchmen, flagmen and Class 'A' (Electrical Men) as stipulated in the Agreement being prepared between the 'City' and the 'Railroad', and the railroad for the B.&B. inspectors and other personnel.

The estimated cost per 8-hour day for protective services required is:-

Flagmen & Watchmen	\$ 23.28
Class 'A' (Electrical Men)	28.65
B.&B. Inspectors	25.06

to which rates must be added 28.6% for Railroad Retirement, Vacation Allowance, etc. Travel time to and from the site will be charged at the straight time plus 8¢ a mile for transportation. Overtime rate is based on time and half. Work performed on Saturdays and Sunday is paid for at time and one-half. Double time applies after 16 consecutive hours."

MR. LATTA: I have one or two other questions, sir.

THE EXAMINER: Go ahead.

BY MR. LATTA:

Q. Mr. Wallenius, you heard Mr. Neiman's testimony as to

the cause of the deterioration of steel in the existing structure?

A. Yes, I read it.

Q. Do you agree that blast damage is the sole cause of deterioration?

A. No.

Q. Will you explain?

A. These bridges are many years old and we have not run steam engines under them for, I guess, since the war, and I can't agree that blast damage would be the sole cause of the deterioration of the steel.

Q. Was it a contributing factor?

A. It was.

MR. LATTA: That is all I have.

THE EXAMINER: Any other questions?

MR. ROSE: No questions.

MR. GERMAN: Yes, I have.

CROSS-EXAMINATION

BY MR. GERMAN:

Q. Mr. Wallenius, referring to the testimony of Mr. Weiman, and particularly with reference to that which I am about to point out to you under the heading of No. 9, would you be good enough to read that if you have not

already read it, and tell us whether or not the Pennsylvania Railroad is in agreement with it.

A. I have read this and we are in agreement to the general terms of this thing. I don't think we have had a final agreement on it yet but generally we are in agreement with what is spelled out here.

MR. GERMAN: That is all I have.

THE EXAMINER: Any other questions?

MR. LATTA: May I offer my exhibits, sir?

These are Pennsylvania Railroad Exhibits 1, 2 and 3.

THE EXAMINER: They will be received in evidence.

(One-page document entitled, "Statement Showing Number of Tracks with Volume, Class and Speed of Traffic for 24-Hour Week Day Period" marked for identification as PRR-1)

(Two-page table entitled, "Estimate of Cost - Electrification Changes" marked for identification as PRR-2)

(One-page summary entitled, "Estimate of Cost for Signal and Communication Work" marked for identification as PRR-3)

MR. LATTA: That concludes our case, sir.

THE EXAMINER: Thank you very much, sir.

(witness excused)

THE EXAMINER: Any other witness desired to be called by anyone?

MR. COUGHLIN: Your Honor, I discovered, to my horror that I did not introduce Exhibit P-1 for the Philadelphia Transportation Company.

THE EXAMINER: It will be received in evidence now.

MR. SHEARER: If the Examiner please, I believe the record should show that the Railroad Brotherhood has appeared at the proceeding today but, in view of the agreement reached that the matter will be re-studied, we do not wish to offer testimony at this time, it being our hope that we will never have to offer it.

THE EXAMINER: Your statement is on the record. Is there anything else?

If there is, I will hear it. If there isn't, we will conclude the hearing for today, keeping the record open pending the late filing of an additional exhibit and a report, or, not necessarily a report but information as to what is determined.

MR. LATTA: I think perhaps, sir, whether we reach accord or not, we will file a study and also file a report accompanying it to show whether the

three parties involved have been able to reach a solution.

MR. GERMAN: And we might mark that for purposes of identification, shall we say, as Applicant's Exhibit No. 9, or, do we need any particular number to it?

MR. LATTA: That doesn't bother me any, either way.

THE EXAMINER: Well, mark it Applicant's Exhibit No. 9. We will give it some identification.

(Report on study to be submitted at a later date to be marked Applicant's Exhibit No. 9)

MR. LATTA: But we will file with the Commission in any event so the Commission knows whether the record is complete.

THE EXAMINER: All right; thank you very much.

MR. COUGHLIN: Mr. Examiner, we would like briefs. Do you want to wait until this hearing is completely closed?

MR. LATTA: May I ask if the brief in this case is to be limited to the question of the P.T.C.'s right to be considered for reimbursement for the expenses which were discussed this morning?

MR. COUGHLIN: As far as I am concerned, that

is the question, yes.

THE EXAMINER: Well, the record shows that and I will mark down here on my report as to whether briefs will be filed, yes.

MR. COUGHLIN: Thank you.

THE EXAMINER: That covers it.

MR. COUGHLIN: Very good, sir.

THE EXAMINER: That concludes this hearing.

(Adjournment at 11:55 a. m.)

REPORTER'S CERTIFICATE

I hereby certify that the proceedings and evidence herein are contained fully and accurately in the notes taken by me at the hearing in the above cause before the Pennsylvania Public Utility Commission, and that this copy is a true and correct transcript of the same.

Vincent Varallo
Vincent Varallo
Official Reporter

Reported by:

Phyllis C. Wolffe

OVERSIZE
DOCUMENTS

OVERSIZE
DOCUMENTS

CITY OF PHILADELPHIA

A 89603

Plans for Exhibit #2 can be found
in Record Pocket Folder

RB6022-1 through 21

Authorizing the extension westward of the present bridge on the line of Spring Garden street, which, in ordinance approved June 19, 1875, is called "Fairmount Bridge."

Section 1. The Select and Common Councils of the City of Philadelphia do ordain, That in order to accommodate the plans of the Pennsylvania Railroad Company for six (6) additional tracks to be located on its property west of the bridge on the line and forming part of Spring Garden street (which bridge is called "Fairmount Bridge" in ordinance approved June 19, 1875), the extension of the said bridge for about one hundred and ten (110) feet in a westerly direction is hereby authorized to be made by the said Pennsylvania Railroad Company, and permission is hereby granted to said Company for constructing such extension, upon the following terms and conditions, viz:

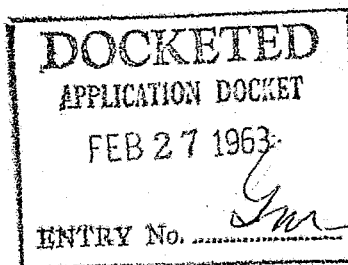
(a) Said extension shall be of the width of sixty feet, and of deck girder construction, and the westerly abutment of the present bridge shall be rebuilt and utilized as a pier, and said extension shall be constructed by said Railroad Company under the supervision of the Department of Public Works in accordance with plans approved by, and filed with said Department of Public Works; and for the purpose of, and in connection with, such construction, said Railroad Company is hereby authorized to enter upon and tear up the surface of said Spring Garden Street to such extent as may be necessary, and, after completion of said extension, to use and occupy the lands beneath the same for its railroad tracks as aforesaid.

(b) The cost of constructing said extension and the readjustment of underground structures, and subsequent maintenance thereof, in a safe and proper condition, shall be wholly borne and defrayed by said Railroad Company, which Company shall also enter into an agreement, in form satisfactory to the City Solicitor, indemnifying the City against all damages which may result from such construction.

Section 2. That before this ordinance shall take effect, there shall be paid into the City Treasury by said Pennsylvania Railroad Company the sum of fifty (50) dollars for printing the same.

Approved the thirty-first day of March A.D. 1902.

SAMUEL H. ASHBRIDGE,
Mayor of Philadelphia



PA. P. U. C.
A 89603
Phila. - 2/13/63
APPLICANT'S FILE NO. 3
REPORTED BY: PHILLIS WOLFFE

RECORD
FOLDER

SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

FEB 26 9 32 AM '63

RECEIVED

Spring Garden Street West Approach Spans A, B and C over the P.R.R.

AN ORDINANCE

To enable the Pennsylvania Railroad Company to construct a branch from a point on its main line at or near Thirty-sixth street, to a point at or near South street by authorizing it to rebuild the north span of Thirty-fourth street bridge, and to bridge Spring Garden street, Market street, Ludlow street, Chestnut street, Walnut street and South street, in order to carry said branch under said Thirty-fourth street, and over said streets so to be bridged.

Whereas, The Pennsylvania Railroad Company has, under authority granted by law, projected and is about to construct a branch line of railroad to extend from a point on its main line at or near Thirty-sixth street, in West Philadelphia, through its own property and along a portion of the right of way of the Philadelphia and Baltimore Central Railroad Company and a portion of the right of way of the Junction Railroad Company, to a point of connection with the Delaware Extension of the said The Pennsylvania Railroad Company and with the Philadelphia, Baltimore and Washington Railroad at or near South street, intermediately passing under Thirty-fourth street bridge, and passing overhead Spring Garden Street, Market street, Ludlow street, Chestnut street, Walnut street and South street; therefore,

Section 1. The Select and Common Councils of the City of Philadelphia do ordain, That the Pennsylvania Railroad Company be, and it is hereby authorized to rebuild the north span of Thirty-fourth street bridge by using new girders of less depth so as to make the under side of girders of said bridge at an elevation of plus 87.8 City Datum, instead of plus 83.2 as now constructed, in order to give the necessary clearance for said branch under that bridge; to build a bridge over Spring Garden street bridge at a point about forty (40) feet west of the west house line of Thirtieth street, making the underside of its said bridge at such an elevation as to give a clear headroom of fourteen (14) feet above the grade of said Spring Garden street, at the point of crossing; to build a bridge over Market street immediately east of Thirty-first street at such an elevation as to give a clear headroom of thirty-two (32) feet above the curbs of Market street at a point of crossing; to build bridges over Ludlow street and over Chestnut street at such an elevation as to give a clear headroom of not less than thirty (30) feet above the curbs of said streets at points of crossing; to build a bridge over Walnut street bridge at such an elevation as to give a clear headroom of not less than fourteen (14) feet above the curbs of said street at the point of crossing; that said bridges over Spring Garden street, Market street, Ludlow street, Chestnut street, Walnut street and South street shall be constructed of iron or steel and supported upon abutments constructed within the house lines, shall have tight floors, the girders of said bridges shall be so constructed as to form a close parapet and screens shall be constructed on each side of the said branch

approaching said bridges; all in such manner as shall be approved by the Mayor of the City.

Sec. 2. That the Pennsylvania Railroad Company shall agree to keep the said railroad structure in good order and condition, and save the City of Philadelphia harmless, so far as the said City may be liable therefor, from any responsibility or liability whatever that may grow out of the establishment and use of its said branch, and that the said Railroad Company shall, before any work shall be done under the provisions of this ordinance, pay into the City Treasury the sum of fifty (50) dollars for the printing of this ordinance.

Approved the twenty-fourth day of December A. D. 1902

SAMUEL H. ASHBRIDGE
Mayor of Philadelphia.

CITY OF PHILADELPHIA
EXHIBIT A-3

AN ORDINANCE

To authorize the construction of certain bridges and the work appurtenant thereto; to revise the grades of Twenty-fifth street, from Diamond street to Sedgley avenue, and providing for carrying into effect such authority.

SECTION 1. THE SELECT AND COMMON COUNCILS OF THE CITY OF PHILADELPHIA DO ORDAIN, That the Director of the Department of Public Works be, and is hereby authorized and directed to enter into contracts for the construction of new bridges, including the work appurtenant thereto, as follows: On the line of Allen's lane over the Wissahickon creek, in accordance with plans to be approved by the Commissioners of Fairmount Park; on the line of Twenty-fifth street under the Connecting Railway: PROVIDED, That the Pennsylvania Railroad Company shall pay the cost of constructing the approach spans over the remaining tracks; on the lines of Mt. Pleasant avenue, Gorgas street and Philellena street under the Chestnut Hill Branch of the Philadelphia and Reading Railway; on the line of Walnut lane over the Wissahickon creek; on the line of Sedgley avenue over the Richmond Branch of the Philadelphia and Reading Railway; and on the line of Spring Garden street a new west approach to the bridge over the Schuylkill river.

SECTION 2. That of the amount available of the appropriation to Item 18 of the Bureau of Surveys for the year 1905, for new bridges, the following sums be, and are hereby apportioned for the construction of the said bridges: Allen's lane, thirty thousand (30,000) dollars; Twenty-fifth street, sixty-five thousand (65,000) dollars; Front street, forty-five thousand (45,000) dollars; Mt. Pleasant avenue, Gorgas street and Philellena street, seventy thousand (70,000) dollars; Walnut lane, one hundred and ninety thousand (190,000) dollars; Sedgley avenue, forty thousand (40,000) dollars; Spring Garden street bridge, one hundred thousand (100,000) dollars: ~~PROVIDED~~, That in the event of any of the aforesaid bridges costing less than the sum herein set aside

for their construction, the Director of the Department of Public Works is hereby authorized at his discretion to use the balances or any part thereof for the completion of any of the bridges named herein for which the sum set aside is insufficient.

SECTION 3. That the Director of the Department of Public Works be, and is hereby authorized and directed to advertise for proposals, and to award contracts, as provided in existing ordinances and laws, for the construction of the said bridges and work appurtenant thereto, in accordance with the plans and specifications to be prepared by the Department of Public Works (Bureau of Surveys), and is also authorized to appoint assistants and inspectors as may be requisite, and to pay all expenses for salaries, soundings, inspection, tests, transportation, and incidental expenses not otherwise provided for, out of the appropriation for the cost of said bridges, and is also authorized to join in contract with any railroad or railway company in the construction of any of the said bridges, for which said railroad or railway company shall contribute a portion of the cost.

SECTION 4. That the Department of Public Works, Board of Surveyors, be, and is hereby authorized to revise the grades of Twenty-fifth street, from Diamond street to Sedgley avenue.

Approved the thirteenth day of July, A. D. 1905.

JOHN WEAVER,
Mayor of Philadelphia

● A. 89603 ●

CITY EXHIBIT A-4

RECEIVED.

FEB 26 8 32 AM '63

THIS AGREEMENT Made and Entered into this 26th day of November, A.D. 1962, by and between the SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION
OF PENNSYLVANIA, acting through the Secretary of Highways, hereinafter called the "Commonwealth," and the CITY OF PHILADELPHIA, a municipal corporation of the first class of the Commonwealth of Pennsylvania, acting through its Street Commissioner, hereinafter called the "City,"

W_I_T_N_E_S_S_E_T_H :

WHEREAS, Certain State highways have been established in the City to be improved, constructed, reconstructed and maintained by the Commonwealth, upon the terms, conditions and subject to the limitations contained in the Act of May 7, 1937, P.L. 589, as amended by the Act of July 10, 1941, P.L. 345, Act of June 1, 1945, P.L. 1242, Act of May 29, 1945, P.L. 1108, Act of May 11, 1949, P.L. 1096, Act of September 18, 1961, P.L. 615 as amended; and the Federal Aid Act of 1956, as supplemented and amended; and

WHEREAS, The City and the Commonwealth desire the replacement of the existing aged and deteriorated double-deck bridge carrying Spring Garden street, L. R. 67002 and the West River Drive across the Schuylkill River with modern structures and also to provide an efficient scheme for the distribution of traffic from the river crossings with the Benjamin Franklin Parkway; and

WHEREAS, The location of the improvement is adjacent to the Philadelphia Museum of Art and the Benjamin Franklin Parkway, one of the most beautiful and impressive areas in the City of Philadelphia; and

WHEREAS, The City is willing to effect the improvement of Spring Garden street, L. R. 67002, from a point approximately one hundred and ten (110) feet east of Thirty-first street to a connection

-1-

A. P. U. C.
A 89603
Philadelphia - 2/13/63
APPLICANTS ELIZABETH S. GILFE
REPORTED BY: PHYLLIS GILFE

with the Benjamin Franklin Parkway, together with the necessary ramp approaches, revisions to the Parkway reconstruction of the existing Spring Garden Street Bridge over the Schuylkill River and appurtenant work; and

WHEREAS, The Commonwealth desires to cooperate to the fullest extent with the City and to participate in the financing of the project and is willing to contribute the amount of one million five hundred thousand (1,500,000) dollars; and

WHEREAS, The Commonwealth is willing to assume the total responsibility for future maintenance of all areas delineated on a plan titled Plan of Future Maintenance Areas, approved by the Secretary of Highways on subject to the orders of the Pennsylvania Public Utility Commission for areas under the jurisdiction of the said Commission; which plan is incorporated into this agreement as if physically attached hereto; and

WHEREAS, The City is willing to assume the responsibility for effecting the total improvement, including the development of design, the general coordination of all necessary design approvals, supervision of construction, adjustments to City-owned utilities and acquisition of all necessary rights-of-way;

NOW, THEREFORE, It is agreed by and between the parties hereto:

1. The City pursuant to the provisions of Sections 542 and 543, of Article V of the Act of June 1, 1945, P.L. 1242 as amended, shall advertise for bids for the improvement of Spring Garden street, Legislative Route 67002 from a point approximately 110' east of Thirty-first street to a connection with the Benjamin

Franklin Parkway, such improvement to include the reconstruction of the Spring Garden Street Bridge over the Schuylkill River and its West Approach, construction of a new bridge over the River linking the West River Drive with the Benjamin Franklin Parkway, construction of necessary ramp approaches, certain revisions to the Parkway and other appurtenant work; and the City will let such contract or contracts for the improvement as necessary to complete the said work, and will notify the Commonwealth of the successful bidder.

2. The Commonwealth pursuant to the provisions of the Act of June 1, 1945, P.L. 1242, shall contribute toward the total cost of the improvement the sum of one million five hundred thousand (1,500,000) dollars. Payment will be made by the Commonwealth to the City in the following manner: The Commonwealth shall pay the City twenty-five (25) percent of the total contribution, namely three hundred seventy-five thousand (375,000) dollars, upon notice of award of the initial contract for the improvement. Twenty-five (25) percent additional will be paid to the City upon notice to the Commonwealth that twenty-five (25) percent of the total improvement has been completed and certified by the City. Another twenty-five (25) percent of the Commonwealth contribution will be paid to the City upon notice to the Commonwealth that fifty (50) percent of the total improvement has been completed and certified by the City. A final twenty-five (25) percent of the total Commonwealth contribution will be paid to the City upon notice to the Commonwealth that seventy-five (75) percent of the total improvement has been completed and certified by the City.

3. The City will defray the total costs for the construction of the improvement of Route 67002 and related work, subject,

however, to the contribution to be made by the Commonwealth and any contribution that may be made by the Pennsylvania Railroad Co. for work done in reconstruction of the West Approach viaduct. The improvement shall include the construction of a new bridge over the Schuylkill River on the line of Spring Garden street, L. R. 67002; the reconstruction of the viaduct carrying Spring Garden street, L. R. 67002 over the tracks of the Pennsylvania Railroad from a point approximately 110' east of the east curb line of 31st street to the westerly edge of recently constructed structure carrying Spring Garden street over the Schuylkill Expressway, L. R. 67057; the approach ramp connections to the proposed oval at the Benjamin Franklin Parkway; certain reconstruction of the Parkway including connections to East River Drive, L. R. 67292; construction of a new bridge over the Schuylkill River connecting West River Drive with the proposed oval at the Benjamin Franklin Parkway, including adjustments to the West River Drive and ramp connections to the Parkway oval. Work shall include construction of all necessary structures, grading, paving, curbing and sidewalks where required, drainage facilities, lighting, traffic signalization, landscaping and altering, relocating and replacing existing City-owned utilities to effect a complete and operable facility.

4. The City will defray the costs for design of the total improvement and will be responsible for the coordination and securing of all necessary approvals of the various City, State and Federal agencies. This shall include the application for necessary permits and licenses for the construction of the river bridges.

The City will be responsible for the costs of all engineering services involving performance of preliminary surveys, test borings, preparation of drawings, designs and plans, and the requisite inspection and supervision, surveying and engineering during construction.

The Commonwealth shall have the right to approve or disapprove all designs, plans and specifications for those portions of the improvement which are the assumed maintenance responsibility of the Commonwealth as described in paragraph 10.

5. Whenever any section of the right-of-way of the aforementioned improvement shall be located within any lands in the ownership of the City and under the jurisdiction of the Fairmount Park Commission, the City will negotiate with the aforesaid Commission for the release of said areas without cost to the Commonwealth. The City will assume responsibility for securing the necessary approvals of the Fairmount Park Commission for all elements of the improvement coming within areas under the jurisdiction of the Commission.

6. The City will issue notices to the private utilities whose structures and facilities are affected by the construction of the improvement, to relocate, reconstruct or alter their structures and facilities at their own cost and expense in accord with the approved plans of the City and the Commonwealth.

7. The City shall make such applications to the Pennsylvania Public Utility Commission as are required for the completion of the total improvement.

8. Pursuant to Section 548, Article V, of the Act of June 1, 1945, P. L. 1242, the City will enact such ordinances as may be required providing for the detour of traffic necessitated within the City before or during the construction of the improvement. The Commonwealth will cooperate fully with the City in the establishment of the necessary detours.

9. It is distinctly understood and agreed between the parties hereto that the construction of the improvement places no

responsibility on the Commonwealth for the construction, maintenance or energizing of a lighting system.

10. After completion of such improvement, the Commonwealth shall assume total responsibility for future maintenance of all areas so indicated on a plan titled Plan of Future Maintenance Areas approved by the Secretary of Highways on subject to the orders of the Pennsylvania Public Utility Commission for areas under the jurisdiction of the said Commission; which plan is incorporated into this agreement as if physically attached hereto.

The City agrees to assume responsibility for future maintenance of those areas of the improvement which are not delineated as a Commonwealth responsibility, on the plan described above. In addition, the City will be responsible for the future maintenance of all City-owned utility structures and facilities.

IN WITNESS WHEREOF, The Secretary of Highways, for and on behalf of the Commonwealth of Pennsylvania, has hereunto affixed his hand and seal of the Department of Highways, and the Street Commissioner of the City of Philadelphia has hereunto set his hand and the official City seal pursuant to due and legal action authorizing the same by said City.

ATTEST:

.....*[Signature]*.....

(SEAL)

ATTEST:

.....*[Signature]*.....
City of Philadelphia

COMMONWEALTH OF PENNSYLVANIA

By *[Signature]*
Deputy Secretary of Highways

CITY OF PHILADELPHIA

By *[Signature]*
Street Commissioner

APPROVED AS TO FORM AND LEGALITY

By *[Signature]*
Deputy Attorney General

APPROVED AS TO FORM

By *[Signature]*
City Solicitor

[Signature]
ATTORNEY

RECORDED No. 38816

CERTIFIED - FUNDS AVAILABLE
UNDER ACTIVITY CODE 213

[Signature]
ASSISTANT COMPTROLLER

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:

RECEIVED

FEB 26 9 32 AM '63

SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

CITY OF PHILADELPHIA EXHIBIT A-5

APPLICATION NO. A.89603

89603

Phila - 2/13/63

SPRING GARDEN STREET WEST APPROACH OVER PENNSYLVANIA RAILROAD

BRIDGE ALTERATION AND RECONSTRUCTION

DESCRIPTION

The following is a description of the crossing where a bridge carrying Spring Garden Street (State Highway Route 67002) crosses above the grade of 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.

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 N 6°18'14" W 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 N 83°41'16" E 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", radius 1408 feet 8 inches and 38 feet 5 inches, radius 1743 feet 8 inches to a point of tangency; thence extending N 67°47'57" E a distance of 87 feet 7-1/4 inches to a point; thence extending S 22°12'03" E 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 S 67°47'57" W 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} ~~1-1/2~~
 inches, radius 1461 feet 4 inches; 50 feet 9-5/8 inches, radius 1461 feet
 4 inches; 54 feet ^{1/4} ~~1/2~~ of an inch, radius 1346 feet 4 inches; 50 feet 3-3/8
 inches, radius 1666 feet 4 inches; 54 feet ^{1/2} ~~1/4~~ of an inch, radius 1436 feet
 4 inches; 73 feet ^{3/4} ~~1/2~~ 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
 S 83° 41' 16" W a distance of 135 feet 6-3/8 inches to a point and thence ex-
 tending N 6° 18' 44" W 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.

(CITY OF PHILADELPHIA EXHIBIT A-5)
 A.89603

OVERSIZE
DOCUMENTS

(A 89603)
City Exhibit - A-7

Spring Garden Street - West Approach
over the Penna. Railroad Bridge

Reconstruction
Estimate of Costs.

RECEIVED

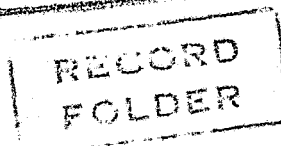
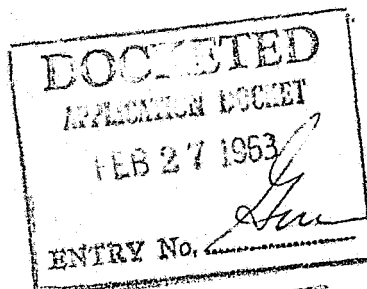
FEB 26 9 32 AM '63

SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

Items

Cost

Demolition of Superstructure	\$ 80,000
Concrete & Prestressed Beams	350,000
Reinforcing Steel	30,000
Structural Steel	60,000
Aluminum Electrification Barrier	65,000
Lighting	12,000
Drainage	6,000
Asphalt Surface	4,000
Point Existing Masonry	4,000
	<u>\$ 611,000</u>
Contingencies 6.5% $\pm$	39,000
Total Estimate	<u>\$ 650,000</u>



FEB 27 1963

P. U. C.

A 89603

Pella, - 2/13/63

APPROVED BY

REPORTED BY PHILIP WOLFE

PA. F. U. C.

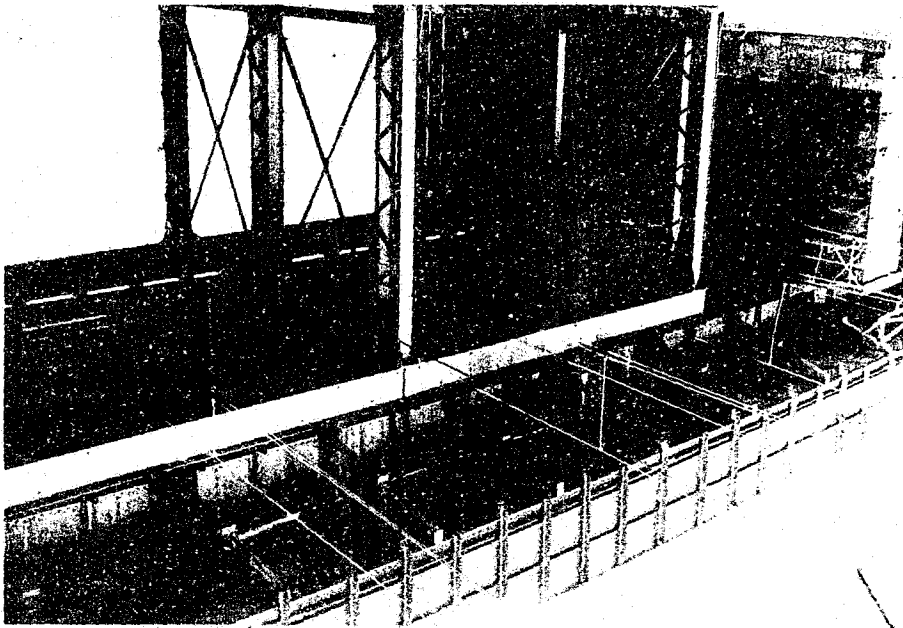
A-84602

2010-213/63

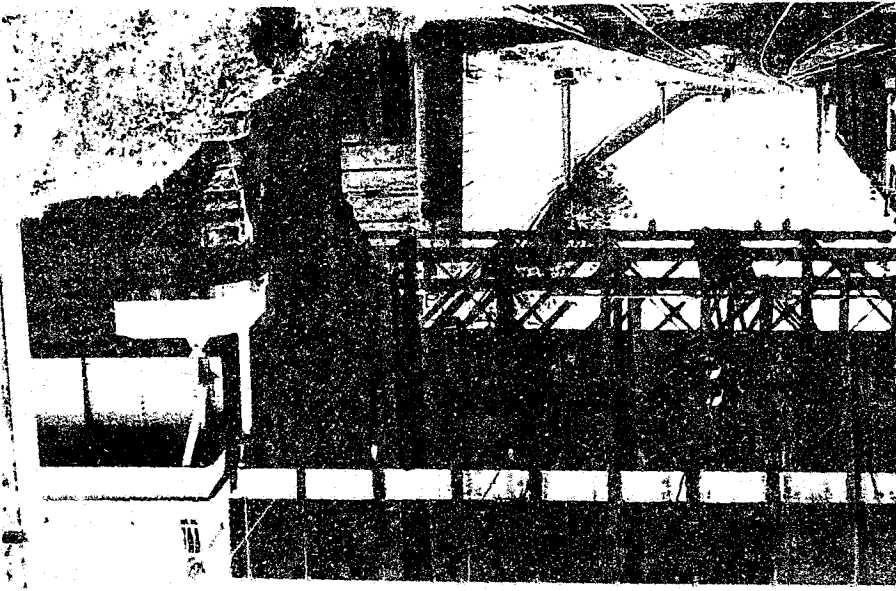
APPROVED FOR THE CITY OF PHILADELPHIA

By BR. FRANKLIN M. M. M.

8. Reconstruction required to relocate piers between Pier #6 and Pier #9.



7. Span #10 with original trusses built in 1885 and Pier #11 altered for Schuylkill Expressway construction.



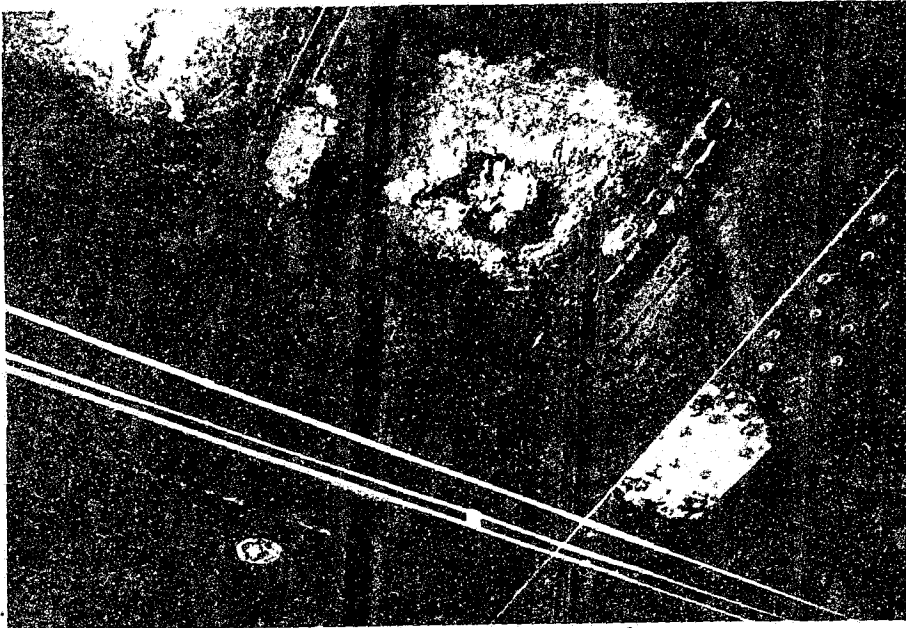
CITY EXHIBIT A-8



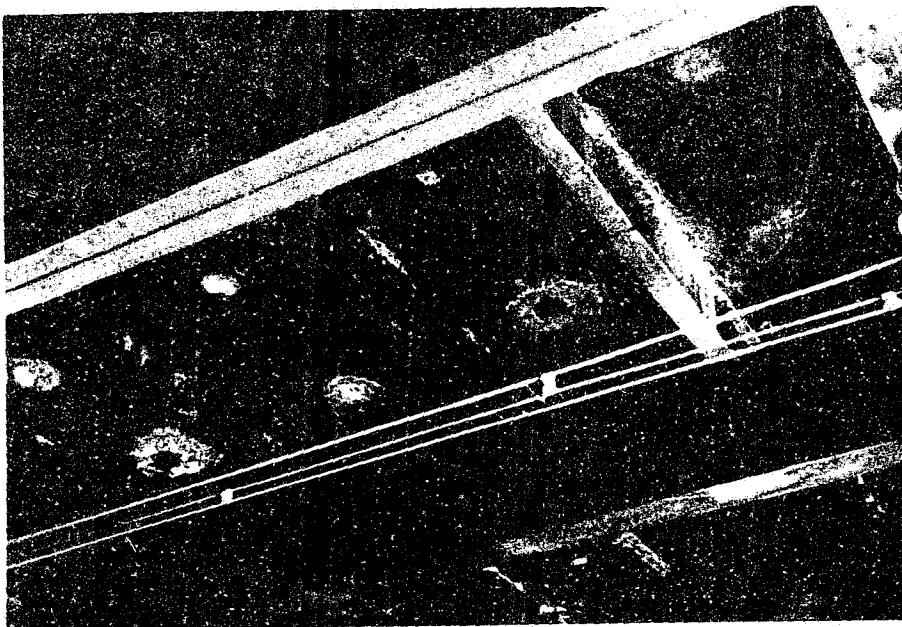
9. Portion of Pier #1, showing rebuilt girder pedestal and cracks in stone masonry.



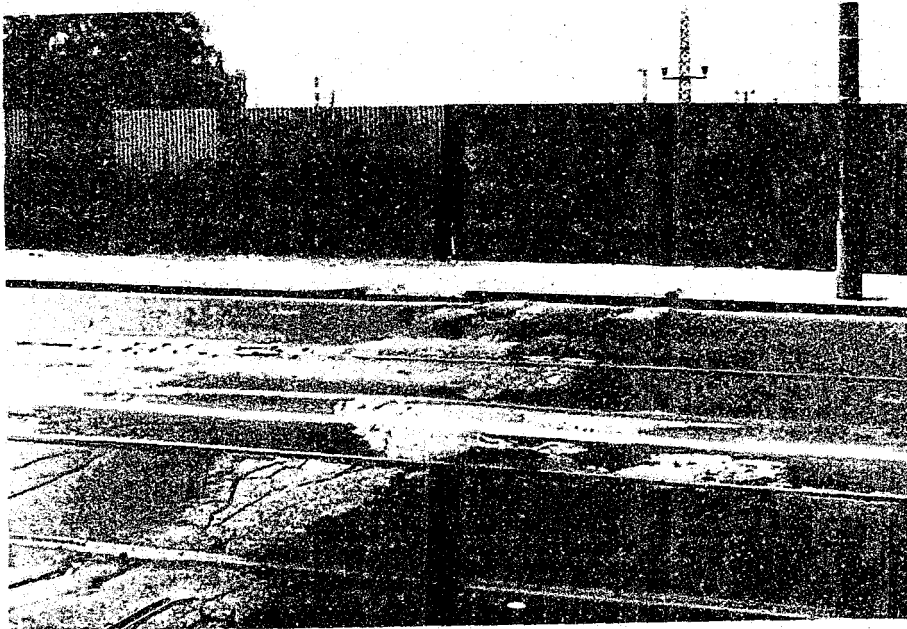
10. Under side of deck at east side of Pier #1, showing deterioration of slab and cracks in stone masonry.



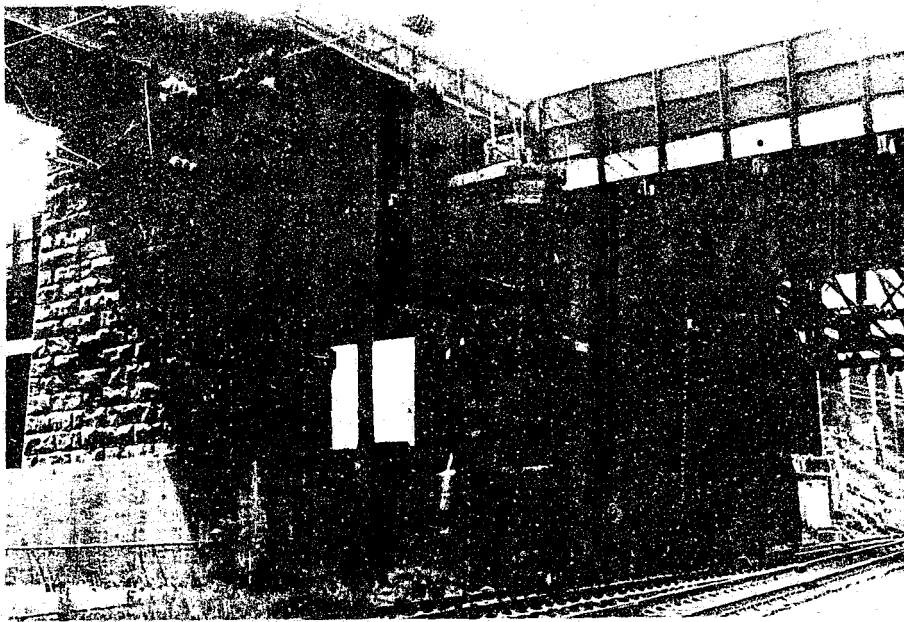
11. Underside of deck - Penna. R. R. span showing deterioration of concrete slab, buckle plates and top flange of steel framing.



12. Another view of deterioration of underside of deck - Penna. R. R. span.



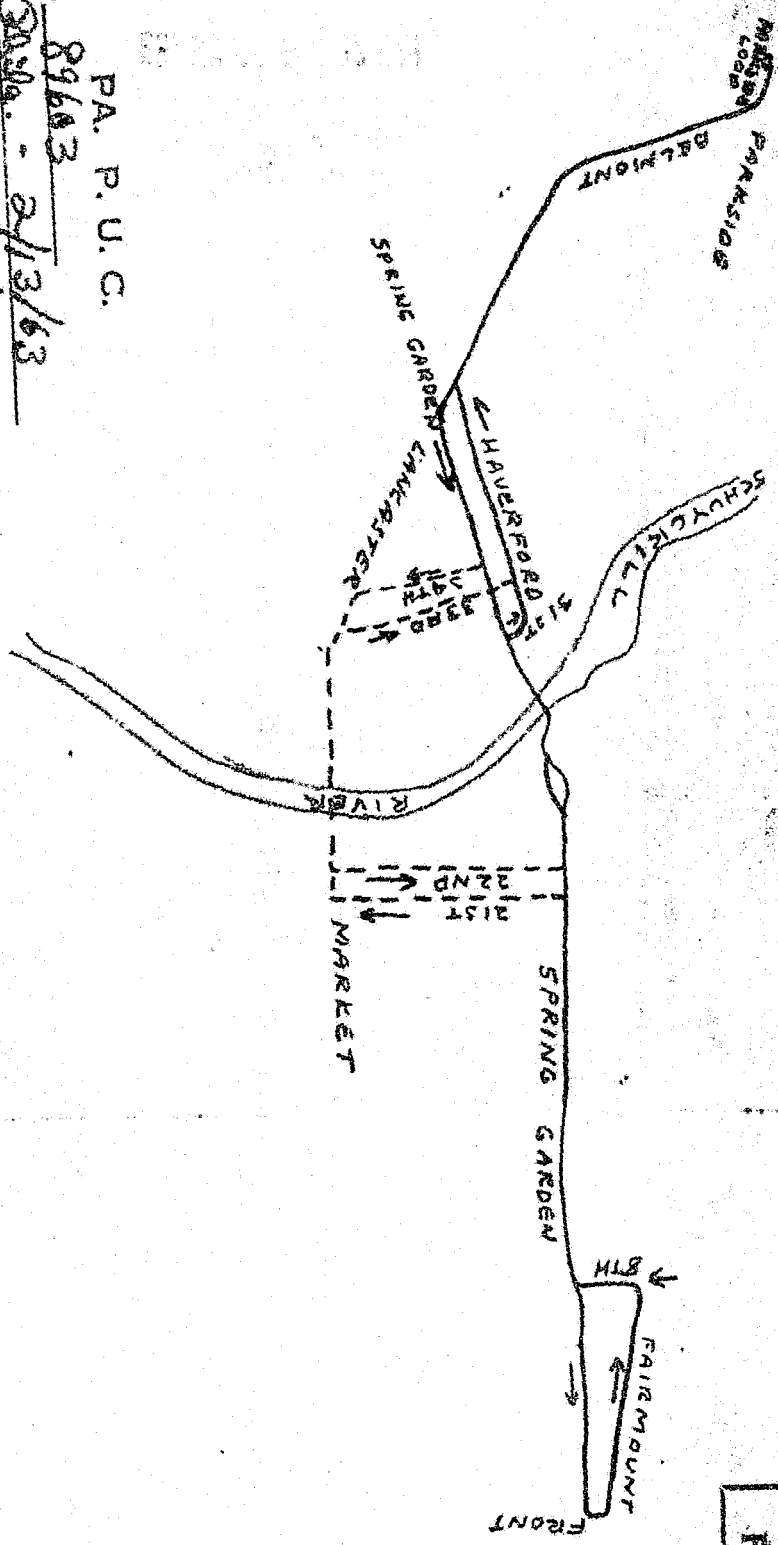
13. Roadway surface in vicinity of Pier #1.



14. Arrangement of piers at Penna. R.R. high line crossing.

BUS ROUTE 43

————— REGULAR ROUTE
 - - - - - DETOUR ROUTE



DOCKETED
 APPLICATION DOCKET
 FEB 27 1963
 ENTRY No. 2

RECORD
 FOLDER

PA. P. U. C.

A 89603

30th. - 2/13/63

PTC RECORDED BY PHILIP WATKINS

0 SCALE 1 MILE

2-12-63

(Pmc)

EX-1

STATEMENT SHOWING NUMBER OF TRACKS WITH VOLUME, CLASS
AND SPEED OF TRAFFIC FOR 24-HOUR WEEK DAY PERIOD

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Tracks listed below are described from West (32nd Street) to East (Schuylkill River.)

SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

Track	Volume and Class	Speed
No. 1 Main Suburban Line	64 passenger trains	30 MPH
No. 2 Main " "	60 passenger trains	30 MPH
Grays Ferry Bch. 1 track	9 shifting movements	30 MPH
No. 1 Pow. Ave. Yard	6 shifting movements & Storage	restricted
No. 2 Pow. Ave. Yard	6 shifting movements & Storage	"
No. 3 Pow. Ave. Yard	31 shifting movements & Storage	"
No. 17 Pow. Ave. Yard	23 shifting movements & Storage	"
No. 3 Main Suburban Line	63 passenger trains	30 MPH
No. 4 Main " "	61 passenger trains	30 MPH
No. 5 Yard	3 shifting moves and storage	restricted
Lead to Shop track, No. 1 and No. 2 Spring Garden St. Yd.		
2 tracks under bridge	21 shifting movements	restricted
Lead to No. 3 & 4 Spring Garden St. yard, 2 tracks under bridge	11 shifting movements	restricted
Lead to Nos. 5, 6, 7, 8 Spring Garden St. Yard,		
2 tracks under bridge	19 shifting movements	restricted
Run down and Wash track	18 shifting movements	"
Derrick or wharf track	3 shifting movements & Storage	"
No. 2 Penn Coach Yard lead	56 shifting movements	"
No. 1 Penn Coach Yard lead	144 shifting movements	"
No. 1, 36th St. Conn.	6 passenger trains 32 shifting moves	30 MPH
No. 4, 36th St. Conn.	8 passenger trains 91 " "	30 MPH
N-5 route, Penn Int.	6 psgr. trains 4 shifting moves	60 MPH
N-3 route, Penn Int.	18 psgr. trains	60 MPH
No. 4 River Line	27 psgr. trains 4 shifting moves	60 MPH
No. 1 River Line	29 psgr. trains 4 shifting moves	60 MPH

DOCKETED

APPLICATION DOCKET

FEB 27 1963

ENTRY No. *Lin*

RECORD
FOLDER

P.A. P.U.E.

89603

2/13/63

P.R.R.

RECEIVED BY WILLIS WOLFE

PHILADELPHIA, PA. - RECONSTRUCTION OF SPRING GARDEN STREET OVERHEAD BRIDGE NO. 1.68
L.R. 67002 - P.U.C.A. 89603

P.R.R. EXHIBIT 2

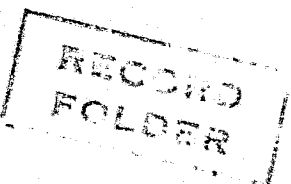
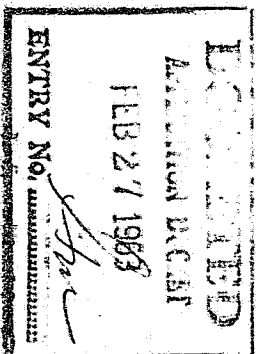
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ESTIMATE OF COST - ELECTRIFICATION CHANGES

FEB 26 9 32 AM '63

	Quantity	Material Cost	Labor Cost	Equipment SECURITY PUBLICATION COMMISSION	Total Cost
Permanent Work:					
Install Catenary Section Breaks	2 ea.	\$ 270	\$ 580	\$ 150	\$ 1,000
Install Bonding and Grounding for O. H. Bridge	-	760	1,100	140	2,000
Install Danger Signs	10 ea.	75	160	15	250
Install O.H. Bridge Catenary Attachments	50 ea.	6,500	5,475	525	12,500
Install O.H. Bridge 11-KV Feeder Attachments	8 ea.	1,040	515	45	1,600
Install O.H. Bridge Ground Wire Attachments	4 ea.	60	225	15	300
Install Catenary Dead End Plates on O.H. Bridge Piers	7 ea.	210	445	45	700
Remove Catenary Section Breaks	2 ea.	-	325	75	400
Remove O.H. Bridge Catenary, Feeder & Ground Wire Attachments	-	-	910	90	1,000
Raise Catenary Wiring to Permanent Attachments	-	1,500	740	60	10,000
Raise 11-KV Feeders to Permanent Attachments	-	-	150	15	800
Raise Ground Wire to Permanent Attachments	-	-	150	15	165
Stores Expense - 7% on Material		\$10,415	\$17,225	\$3,075	\$30,715
Insurance - 4% on Labor		729	689	-	729
Contingencies - 5%		\$11,144	\$17,914	\$3,075	\$32,133
Engineering					1,607
					\$33,740
					12,000
					\$45,740

Salvage:
2 - Tons Scrap Steel @ \$23 \$46



A. 89603
Filed - 2/13/63
P.R.R. a

Temporary Work:

Install and Remove Steel Pole Foundations
Install and Remove Steel Poles
Install and Remove Cross Beams
Install and Remove Steel Attachments on Cross Beams
Install and Remove Wood Pole
Install and Remove Wood Pole Guys and Anchors
Install and Remove Steel Pole Guys and Anchors
Install and Remove Catenary Assemblies and Steadies
Install and Remove Ground Wire Assemblies
Install and Remove 11-KV Feeder Assemblies
Install and Remove Catenary Dead End Tails
Install and Remove Plastic Beam Section Break
Install and Remove Grounding for Temporary Structures
Install and Remove Isolating Insulators
Lower Catenary to Temporary Attachments
Lower 11-KV Feeders to Temporary Attachments
Lower Ground Wires to Temporary Attachments
Shift Catenary Wires to Dead End Plates on Piers
Disconnect Catenary Wiring from Bridge-Yard Tracks
Shift Catenary Wiring

Stores Expense - 7% on Material
Insurance - 4% on Labor

Contingencies - 5%

Engineering

Salvage:
31 Tons - Scrap Steel @ \$23.00
6,000 lbs. - Scrap Bronze and Copper @ 0.15

\$ 713
900
\$1,613

	Quantity	Material Cost	Labor Cost	Equipment Cost	Total Cost
	16 ea.	\$ 3,200	\$ 7,550	\$ 450	\$ 11,200
	16 ea.	5,600	4,685	915	11,200
	9 ea.	4,500	3,780	720	9,000
	63 ea.	1,890	2,750	85	4,725
	1 ea.	180	180	40	400
	2 ea.	80	105	15	200
	7 ea.	1,650	2,650	250	4,550
	41 ea.	5,150	6,650	500	12,300
	5 ea.	75	155	20	250
	8 ea.	1,040	620	60	1,720
	7 ea.	4,500	3,400	500	8,400
	1 ea.	175	185	40	400
	2 ea.	480	510	60	1,050
		200	225	75	500
		1,600	7,100	1,975	10,675
		-	740	60	800
		-	150	15	165
		410	900	90	1,400
		-	505	45	550
		600	3,725	375	4,700
		\$31,330	\$46,565	\$6,290	\$84,185
		2,193	-	-	2,193
		\$33,523	\$48,428	\$6,290	\$88,241
			1,863		1,863
			\$48,428		\$88,241
					4,412
					\$ 92,653
					38,000
					\$130,653

Summary

	<u>Gross Total</u>	<u>Salvage</u>	<u>Total</u>
Permanent Work	\$ 45,740	\$ 46	\$ 45,694
Temporary Work	<u>130,653</u>	<u>1,613</u>	<u>129,040</u>
	\$176,393	\$1,659	\$174,734

Office of Engineer
Signals and Catenary
Philadelphia, Penna.
February 8, 1963

JHD/rjs

ESTIMATE OF COST FOR SIGNAL AND COMMUNICATION WORK

RECEIVED

Removing signals 22L, 24L, 30R and 32R, Zoo Interlocking, from Spring Garden Street Overhead Bridge and installing signals 30R and 32R on a new cantilever signal bridge over Nos. 3 and 4 tracks east of 25th cross street over, Zoo. Also removing air line from Spring Garden Street Overhead Bridge and installing on the ground.

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PUBLIC UTILITY
COMMISSION

New Work Acct. 27

1000' - Cable, 9 cdr. #9 U.G. @ \$807	\$ 807
2 ea. - Signals, P.L. aspects @ \$860	1,720
1 ea. - Bridge, cantilever signal	3,200
2 ea. - Supports, signal @ \$525	1,050
500' - Air line, 2" and fittings @ \$2 per ft.	1,000
	<u>7,777</u>
Stores - 7%	544
Labor	4,200
Ins. - 4%	168
	<u>12,689</u>
E. & C. - 15%	1,903
	<u>\$ 14,592</u>

Retired Property (Current Prices)

4 ea. - Signal aspects and supports @ \$900	\$ 3,600
500' - Air line, 2" and fittings	900
	<u>\$ 4,500</u>

Removing and Shifting

Circuit changes	\$ 1,000
Locking change	500
Trenching	750
Removing abandoned property	<u>1,500</u>
	3,750
E. & C. - 15%	562
	<u>\$ 4,312</u>

Salvage

2 ton - Scrap Iron	\$ 50
--------------------	-------

Total Out-Of-Pocket Expenditure

R. & E.	\$14,592
R. & S.	<u>4,312</u>
	<u>\$18,904</u>

MICROFILMED

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FEB 27 1963
ENTRY No. <i>[Signature]</i>

P. U. C.

A. 89603

Reila. - 2/13/63

P.R.R.

3

WHITE

OVERSIZE
DOCUMENTS