

CITY OF BETHLEHEM

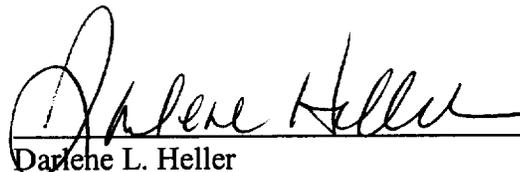
Department of Community and Economic Development

Interoffice Memo

TO: Robert J. Donchez, President of Council
FROM: Darlene L. Heller, Director of Planning and Zoning
RE: St. Luke's Riverside Drive Project
DATE: December 11, 2009

At its December 10, 2009 meeting, the Planning Commission voted unanimously to recommend that City Council accept the eventual dedication of Riverside Drive, as depicted on the St. Luke's Riverside Drive Roadway Plan, subject to final review by the City.

Please place this on a future Council agenda for further consideration.



Darlene L. Heller
Director of Planning and Zoning

cc: Members of Council
Mayor Callahan
T. Hanna
M. Alkhal
C. Spadoni
J. Spirk
J. Bubba, Fitzpatrick, Lentz & Bubba
Anita Kingsbauer, St. Luke's Hospital

CITY OF BETHLEHEM

Department of Community and Economic Development

Interoffice Memo

TO: Planning Commission members

FROM: Darlene L. Heller, Director of Planning and Zoning

RE: St. Luke's Riverside Drive Project

St. Luke's Hospital proposes to relocate a portion of Riverside Drive and extend Brighton Street to create an additional public and employee access to the Fountain Hill Campus. The attached maps and correspondence thoroughly describe the proposal.

The PA Municipalities Planning Code (MPC) states that the location, opening, extension, etc. of any street shall be submitted to the planning agency for its recommendations. The recommendation of the planning agency shall include a specific statement as to whether or not the proposed action is in accordance with the objectives of the formally adopted comprehensive plan and shall be forwarded to the governing body. Therefore, the proposal is placed on your December 10 agenda for consideration.

Findings of Fact

1. The current road system leading to the Fountain Hill Campus provides insufficient road capacity to accommodate peak traffic in routine conditions. Main corridors include Route 378 and West Third Street. Any complicating situation on these roadways (i.e., traffic accident or water main break) can quickly cause gridlock with few options to reroute traffic.
2. This proposal creates a second access to the Fountain Hill Campus which will assist in everyday access to and from the site, but can also act as a more primary accessway in emergency situations.
3. The proposal will extend Brighton Street (in Fountain Hill) to connect with Riverside Drive.
4. Riverside Drive is currently a private road and is requested to become a public road in this area.
5. The Norfolk Southern rail line currently runs on the south side of Riverside Drive and is proposed to be relocated to the north side of Riverside Drive to eliminate two existing rail crossings, providing greater safety for automobile and pedestrian traffic.
6. The City's Traffic Coordinator notes that an additional road to Riverside Drive (the Brighton Street extension) would allow Hospital employees and visitors to by-pass current traffic congestion and utilize the Fahy Bridge to go north. The revisions will also benefit in-bound use during PM hours coming from north to south via the Fahy Bridge using the Second Street ramp to

Riverside Drive to the Hospital. It is suggested that St. Luke's also sign this route to encourage its use.

7. The proposed project layout has been approved by the Fountain Hill Borough Council.
8. Although a final agreement is still necessary with Norfolk Southern, the attached correspondence from NS notes that substantial progress has been made to advance the project and that a Definitive Agreement can be finalized when all details of the project are completed.
9. The Public Works Bureau is open to accepting dedication of the portion of Riverside Drive within the City providing the design and construction meet City standards or are otherwise acceptable. Since the project has not yet been finally designed, Public Works reserves the right to review and comment on future design revisions before they are finally adopted.
10. Ultimately the South Bethlehem Greenway is proposed to be expanded to the west to connect with Walking Purchase Park, a regional park located in Salisbury Township. The improvements proposed here will make that connection much safer and more accessible in the future.
11. The proposed project is in keeping with the goals and objectives of the recently adopted Comprehensive Plan since it increases the efficiency and safety of the roadway system and reduces some of the demands on the capacity of the existing road corridors in the project area.

Conclusion

The proposed project provides significant public benefit for both emergency services and also routine traffic flow. It is obviously a very complicated project requiring approvals from several parties, including private land owners, Norfolk Southern and a few municipalities. Therefore, the Hospital requests the City of Bethlehem's support (along with each of the other partners) prior to completing final design on the project. This is understandable since the project has many moving parts.

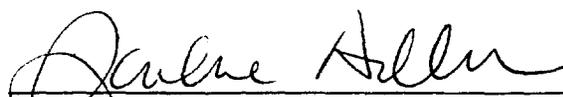
Since the project is in keeping with the Comprehensive Plan, the Department of Public Works and the Department of Community and Economic Development recommend that the project be moved forward favorably to City Council with a recommendation that the project be supported and ultimately adopted following review and approval of final design.

Dheller/planning commission/st lukes/memo 12-4-09

CC: Matt Dornier
Frank Barron
Atty. Joseph Bubba
Anita Kingsbauer, St. Luke's Hospital
Joe Kelly
Tony Hanna

DATE:

Dec 4 2009



Darlene L. Heller, AICP
Director of Planning and Zoning


FITZPATRICK LENTZ & BUBBA
ATTORNEYS AT LAW

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*Also admitted in New Jersey
†Also admitted in New York

jbubba@flblaw.com

November 13, 2009

SENT VIA FIRST CLASS MAIL

Darlene Heller, AICP
10 E. Church Street
Bethlehem, PA 18018

**RE: St. Luke's Submission to the Planning Commission:
Riverside Drive**

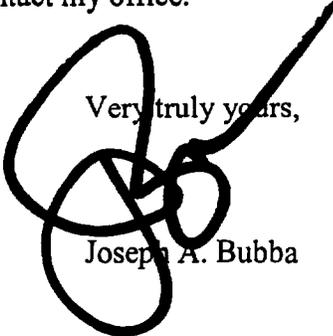
Dear Ms. Heller:

In accordance with our discussions, enclosed for submission to the City of Bethlehem Planning Commission are the following:

1. Project Memorandum and attached Exhibits;
2. Three (3) copies of the Plan; and
3. A proposed Resolution Approving the Conceptual Acceptance of the Dedication of that Portion of Riverside Drive Located Within the City of Bethlehem.

I understand that this will place us on the December 10, 2009 Planning Commission agenda. Thank you for your assistance in this regard. If you have any questions, please do not hesitate to contact my office.

Very truly yours,


Joseph A. Bubba

Enclosures

cc: Robert J. Donchez, President, City Council
Tony Hanna, Director of Community and Economic Development
Anita Kingsbauer
Seymour Traub, Senior Vice President and General Counsel
(all w/out attachments)

James G. Kellar
1927 - 2002

John R. Mondschein
Special Counsel
Family and
Matrimonial Law

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Special Counsel
Family and
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MEMORANDUM

TO: Tony Hanna
Michael Alkhal

CC: Robert Donchitz

FROM: Joseph A. Bubba, Esq.

DATE: October 13, 2009

RE: Riverside Drive Project and Dedication

I BACKGROUND

Riverside Drive is a 2.8 mile private road which runs along the southern edge of the Lehigh River. The road begins in the City of Bethlehem (at its eastern terminus), passes through Fountain Hill and eventually ends in Salisbury Township (at its western terminus). See Exhibit "A", the "Aerial Overview Plan." Accordingly, Riverside Drive traverses three (3) municipalities and both Northampton and Lehigh Counties. Riverside Drive is mainly located on land owned by Norfolk Southern Railroad. Maintenance of Riverside Drive is the subject of a complicated and inconsistent set of agreements and arrangements which impact a handful of private users of the private road, (including, for example, Reeb Millwork, Lehigh County, Norfolk Southern, Harris Rebar, etc.).

From a practical perspective, there appears to be very little distinction between Riverside Drive and a public thoroughfare. It is paved along its length and connects directly to Brodhead Avenue in the City of Bethlehem. The road is accessed regularly by two (2) major businesses (Harris Rebar and Reeb Millwork), their employees, suppliers, and other invitees. The road is also accessed regularly by the employees of the Lehigh County Men's Community Correction Center, its work-release participants, and visitors. A LANTA bus route travels Riverside Drive six (6) (days) per week. Finally, Lehigh County, the City of Allentown and Salisbury Township own land along Riverside Drive that will eventually be used as public parks. There is limited signage prohibiting the road's use by third parties and it is clearly used by members of the general public. In fact, without further knowledge or research, Riverside Drive appears to be a public thoroughfare.



FITZPATRICK LENTZ & BUBBA

ATTORNEYS AT LAW

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October 13, 2009
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With that background in mind, St. Luke's Hospital is in dire need of alternate access to the Fountain Hill campus. St. Luke's is a 24-hour Level One Regional Trauma Center and has been designated as essential by the Pennsylvania Office of Homeland Security's Critical Infrastructure Protection Program. Access to St. Luke's Hospital is extremely limited and restricted. The narrow adjoining streets in Fountain Hill are over taxed and not physically capable of handling Hospital traffic in an efficient manner. In addition to the normal traffic patterns associated with the Hospital's use, alternate access is critical to the Hospital's ability to provide emergency care in the event of a catastrophic incident. In the Hospital's business, minutes mean lives and creating more efficient access for the community is a St. Luke's priority. In that regard, St. Luke's has spent a significant amount of time and resources evaluating all means of alternative access. The solution developed by St. Luke's and embraced by Fountain Hill is the project described below.

II. PROJECT

St. Luke's has developed a proposal which would, when completed, provide access to and from the Fountain Hill campus along an extended portion of Brighton Street (the "Brighton Street Extension") and onto Riverside Drive.

A critical part of the project will be the dedication of Riverside Drive as a public thoroughfare. Through discussions with Norfolk Southern, Norfolk Southern has demonstrated a commitment to either dedicate the land under Riverside Drive to the City of Bethlehem, Fountain Hill and Salisbury Township or allow that dedication by St. Luke's (after transferring the property to St. Luke's Hospital). See Exhibit "B", the "Norfolk Southern Commitment Letter." This is a complicated project which requires, among many other matters, the "swapping" of the location of the Norfolk Southern railroad line and the existing road bed of Riverside Drive. The railroad line, which is currently located on the "inside" portion of Riverside Drive, will be swapped to the "outer" portion of Riverside Drive so that the lines are immediately adjacent to the Lehigh River. This will eliminate railroad crossings, including a crossing within the City of Bethlehem, which is a goal of Norfolk Southern and an additional, tangential benefit to the community. See Exhibit "C", the "Railroad Crossing Elimination Plan."

St. Luke's has entered into discussions and negotiations with private land owners and all of the impacted municipalities, beginning with the joint municipality meeting which took place at the offices of Fitzpatrick Lentz & Bubba, P.C. in March of this year. At that meeting, St. Luke's made a



FITZPATRICK LENTZ & BUBBA

ATTORNEYS AT LAW

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presentation explaining preliminary details of the project to members of each of the impacted municipalities, and invited comment and discussion. Following the meeting, a letter similar to this current communication was sent to Jack Spirk, Esq., in order to continue the discussion of the project and to better explain the proposal in writing. In September of this year, St. Luke's entered into an agreement with Reeb Millwork which allows for the dedication of a portion of the Reeb Millwork land to Fountain Hill to be used for the Brighton Street Extension in exchange for certain improvements to be made by St. Luke's to the Reeb Millwork Property. See Exhibit "D", the "Brighton Street Extension and Reeb Improvements Plan." St. Luke's also attended multiple Fountain Hill Borough Council meetings in the spring and summer of this year in order to present the project to Borough Council and to suggest other roadway improvements within Fountain Hill which could help facilitate the project. See Exhibit "E", the "Phase II Offsite Improvements Plan." On September 23, 2009 Borough Council unanimously approved the conceptual dedication of the Brighton Street Extension and the portion of Riverside Drive within its borders.

III. DEDICATION

At this juncture, St. Luke's is not asking the City of Bethlehem to formally approve the full project. Rather, in order to proceed, St. Luke's simply seeks assurance that the City of Bethlehem will accept dedication of the portion of Riverside Drive within its borders if all of the component parts of the project are satisfied. See Exhibit "F", the "Bethlehem Section of Riverside Drive." St. Luke's seeks this commitment because it would be illogical and impractical to pursue the project in its current form if the City of Bethlehem took a position that Riverside Drive cannot or should not be a public thoroughfare. We have had preliminary meetings with representatives of the City of Bethlehem, but we realize a more formal commitment should come from the City's key officials and governing body.

Accordingly, we would respectfully request an opportunity to meet with you and any other appropriate persons from the City of Bethlehem so that we may further discuss this matter. We look forward to your response and input. Thank you.

A



SALISBURY BOROUGH

MOUNTAIN HILL
CITY OF BETHLEHEM

INTERSTATE 76

INTERSTATE 76

INTERSTATE 76



EXHIBIT B

Norfolk Southern Corporation
1717 Arch Street, 49th Floor
Philadelphia, PA 19103
Tel: 215-448-4228, Fax: 215-448-4232
Email: craig.lewis@nscorp.com

H. Craig Lewis
Vice President
Corporate Affairs

May 5, 2009

Seymour Traub, Esquire
Senior Vice President and General Counsel
St. Luke's Hospital and Health Network
801 Ostrum Street
Bethlehem, PA 18015

Dear Mr. Traub:

St. Luke's Hospital & Health Network has requested that Norfolk Southern cooperate with the effort of St. Luke's to secure an adequate access road by relocating and rebuilding the existing Riverside Drive and the NS line in the City of Bethlehem, the Borough of Fountain Hill and Salisbury Township. The hospital would construct the relocated rail line and Riverside Drive at its own expense.

The goal is to provide St. Luke's with an alternate vehicular access road for times when the front entrance to the hospital is blocked. Riverside Drive, a private road, runs parallel to the Norfolk Southern owned main line. There are currently three at-grade road crossings. The conceptual plan involves swapping the position of the track and current Riverside Drive. The proposal would result in the reduction of the number of rail crossings in the area from three to two. The volume and frequency of the use of one of the two remaining crossings would be substantially reduced, significantly benefiting the public.

Under the proposal, St. Luke's intends to:

1. Reconstruct and relocate Riverside Drive and the NS rail line in the City of Bethlehem, Borough of Fountain Hill and Salisbury Township; and
2. Extend Brighton Street from its current terminus and across real estate owned by Reeb Millwork and the County of Lehigh to connect Brighton Street with Riverside Drive (the Brighton Street Extension");
3. Gain access to Riverside Drive from its point of intersection with the Brighton Street Extension to a point within the City of Bethlehem;
4. Dedicate all or part of Riverside Drive and the Brighton Extension for public use.

To accomplish its objective, St. Luke's wishes to enter into an agreement with NS to acquire the section of the right-of-way for the proposed Riverside Drive, while NS would retain ownership of the portion occupied by the relocated rail line to be constructed. The hospital will also reach agreement with the applicable municipal entities on the manner in which Riverside Drive will be made available for the hospital's use and potentially dedicated for public use.

As you know, our concerns are that the NS single main line be protected for expansion for double track in the future, and that the project not interfere or disrupt operations on this very heavily used main line. Moreover, the alignment for the relocated line needs to avoid curves that would restrict maximum track speed. It is my understanding that significant progress has been made on addressing these issues with NS Engineering.

Industry track into the Reeb facility would require a crossing of the proposed access road. That industry track is inactive as Reeb does not currently use rail transportation at this facility. The solution would be to relocate the main line switch to a location west of Reeb.

Mr. Seymour Traub
May 5, 2009
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While the proposal is subject to final engineering review and approval by NS Senior Management, it appears that we have made substantial progress in advancing this project. Once all the outstanding issues have been resolved, NS will then work with the hospital on reaching a Definitive Agreement that covers all aspects of the proposal. We think the transaction could then result in a win-win for the public, St. Luke's and Norfolk Southern.

We look forward to working with you on the proposed Access Road project.

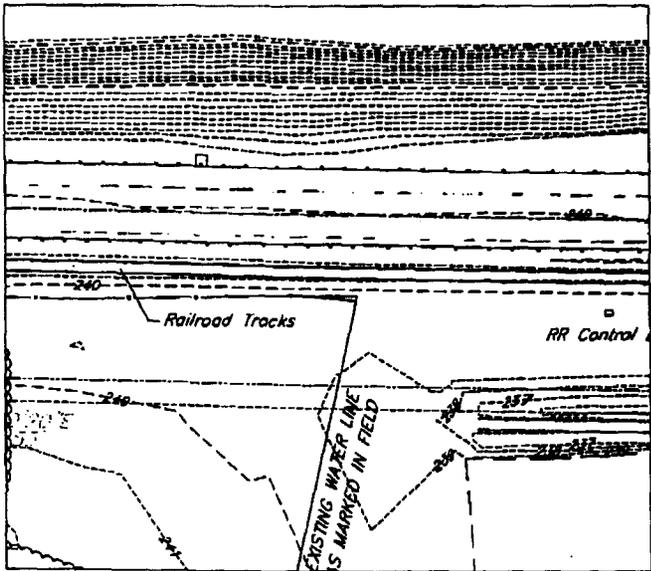
Sincerely,



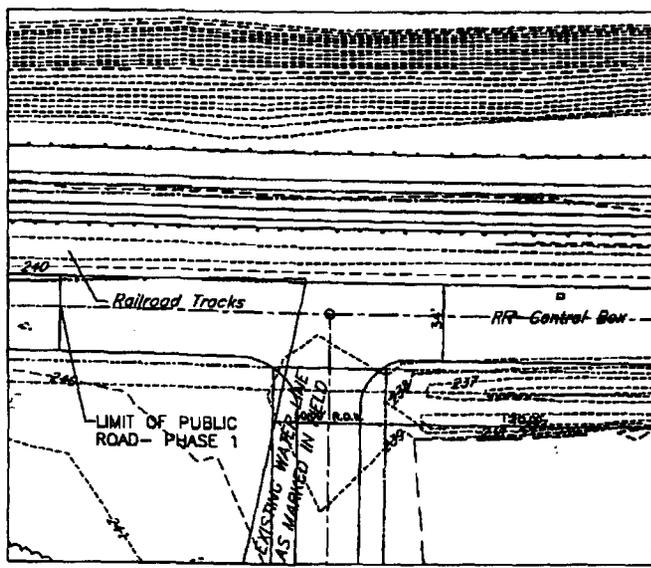
H. Craig Lewis
Vice President
Corporate Affairs

1717 Arch Street, 49th Floor
Philadelphia, PA 19103

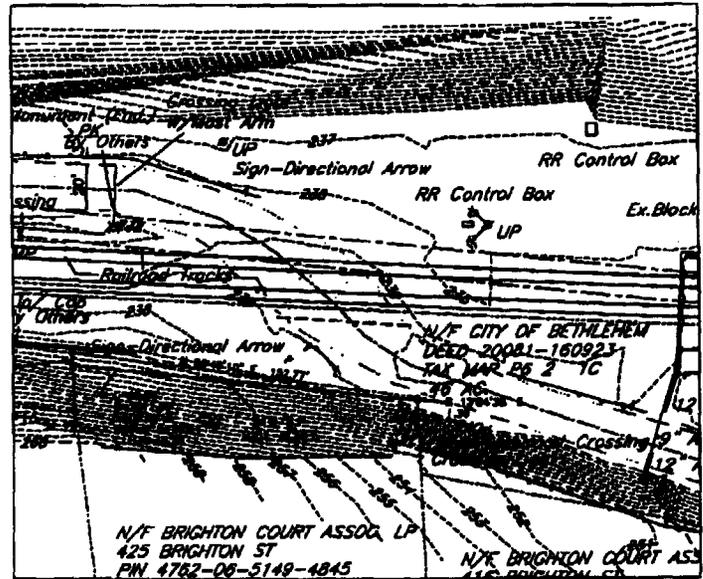
EXHIBIT C



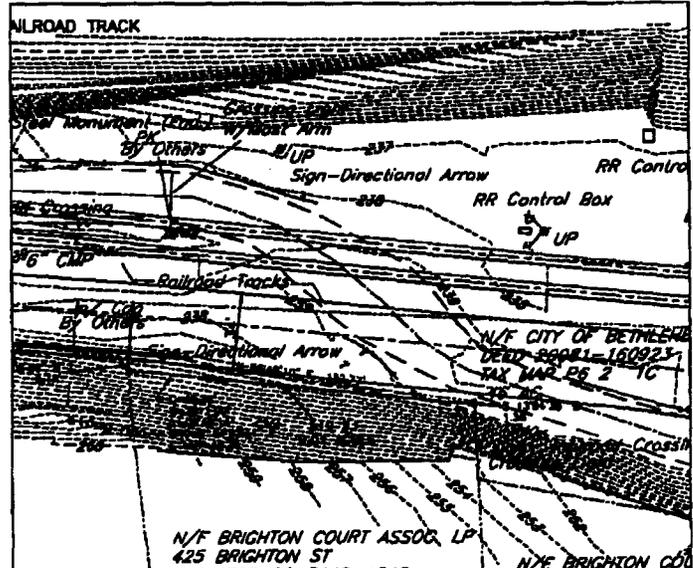
EXISTING @ BRIGHTON ST.



PROPOSED @ BRIGHTON ST.



EXISTING CROSSING @ RTE. 378



PROPOSED ALIGNMENT @ RTE. 378



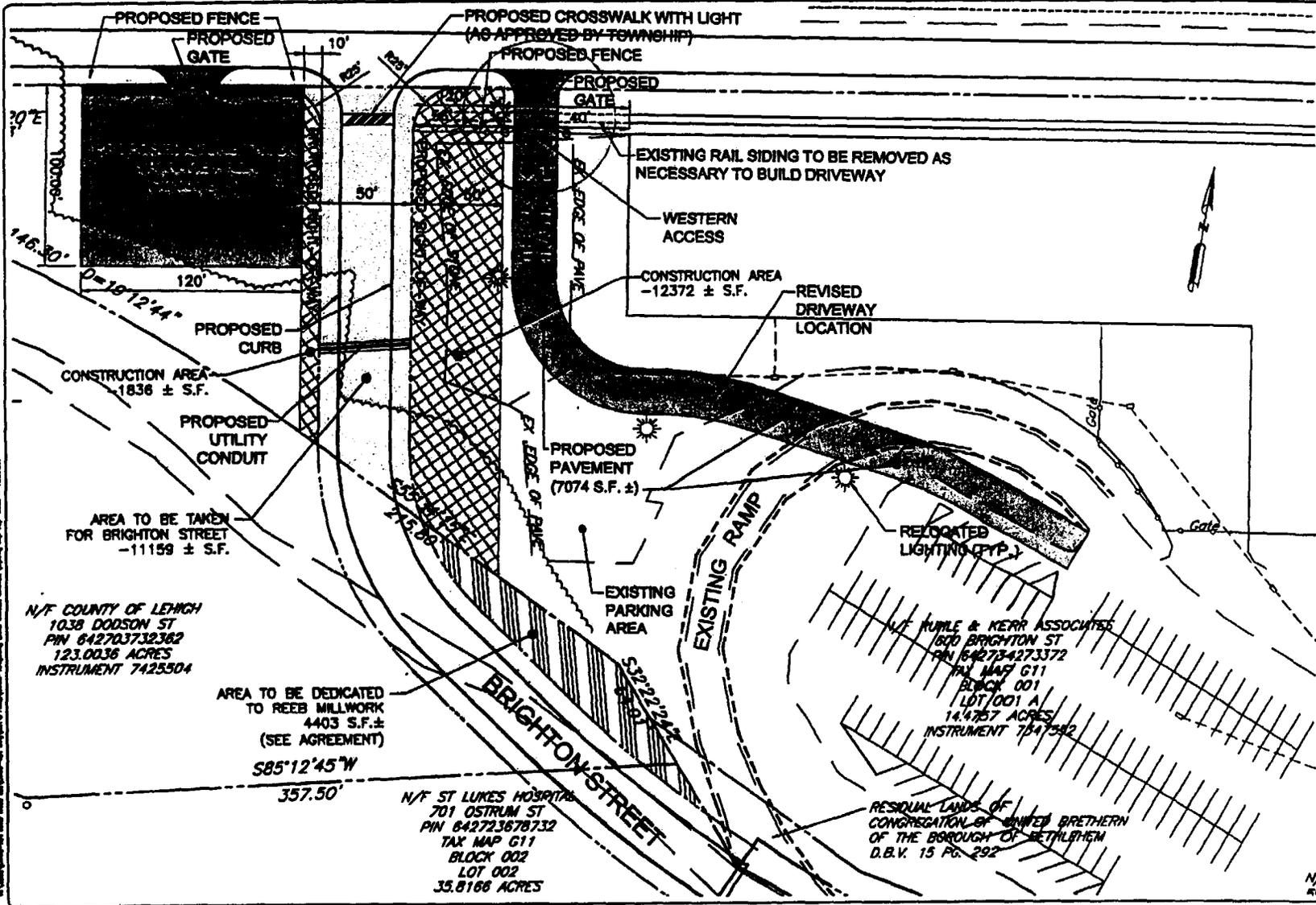
KEYSTONE CONSULTING ENGINEERS, Inc.
 635 HANLON BOULEVARD, WYOMINGVILLE, PA 18886
 401 EAST BRAND STREET, BETHLEHEM, PA 18015



ST. LUKE'S HOSPITAL
 PROVISION TREATMENT BUILDING
 MOUNTAIN DELL CITY OF BETHLEHEM AND HALLMARK PROPERTY

SCALE: 1" = 20'
 DATE: 11/14/14
 LAYOUT: 10/1/14
 DRAWN: 10/1/14

EXHIBIT D



ST. LUKES RIVERSIDE DRIVE RELOCATION
LANDS TO BE ACQUIRED /GAINED
BOROUGH OF FOUNTAIN HILL
CITY OF BETHLEHEM
NORTHAMPTON/
LEHIGH COUNTY, PENNSYLVANIA

FOR BANK FINANCING
BETHLEHEM, PA 18001
FOR MORTGAGE BANK
BETHLEHEM, PA 18001
FOR TITLE INSURANCE
BETHLEHEM, PA 18001

KCE
KEYSTONE
CONSULTING
ENGINEERS INC.

REVISIONS	NO	DATE
	1	07-18-08
	2	07-24-08
	3	07-30-08
	4	08-27-08
	5	08-18-08

DESIGNED: KCE
DRAWN: KCE
CHECKED: KCE
DATE: 07-08-08
SCALE: 1"=50'
JOB NO: CW06-184
SHEET: 1 OF 1

LAYOUT: EXHIBIT 'C'

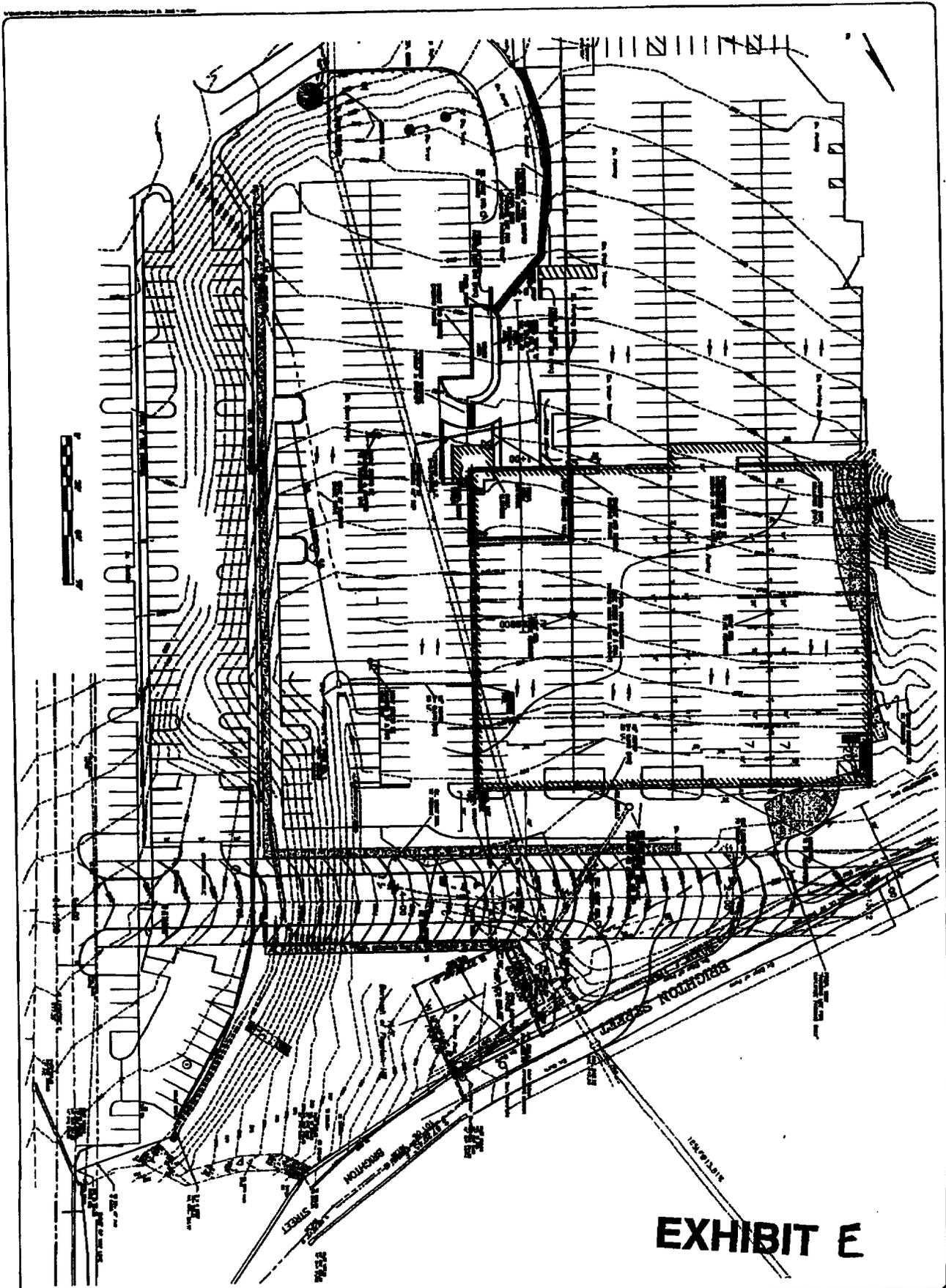


EXHIBIT E

PHASE II IMPROVEMENTS BOXTON STREET REALIGNMENT	
<small>DATE</small> _____	<small>PROJECT NO.</small> _____

<small>SCALE</small> _____



KEYSTONE CONSULTING ENGINEERS, Inc.
 CIVIL ENGINEERS & LAND SURVEYORS
 435 EAST BRAD STREET • HARRISBURG, PA. 17101
 1000 MARKET STREET • YORK, PA. 17403
 1000 MARKET STREET • HANOVER, PA. 17331

