

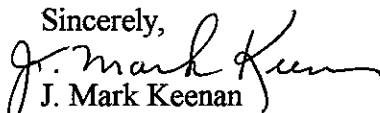
October 17, 1995

Representative Robert Flick  
Pa. House of Representatives  
Harrisburg, Pa.

Dear Representative Flick,

I am writing this letter to let you know that although we feel betrayed and deceived by PENNDOT regarding this entire construction project, we were able to regain some measure of confidence in PENNDOT after we began dealing with District Administrator Andrew Warren and Engineer Steve Ryan. Both of these men were obviously concerned with the impact that this project was having on our business. They were always responsive to our questions and complaints even if they were unable to alter the outcome. Both these men should be prime examples of how employees of a State agency should interact with people who have suffered adverse effects from a roadway construction project. I truly believe that if these two people had not stepped in and reevaluated this entire project, the roadwork would be nowhere near complete and at least our store would be close to insolvency.

I would appreciate it if you would pass on our thanks to both Andy and Steve for their concern and help through the end of this project.

Sincerely,  
  
J. Mark Keenan  
Villanova Hardware

October 17, 1995

Representative Robert Flick  
Pa. House of Representatives  
Harrisburg, Pa.

Dear Representative Flick,

I hope that this will be the last letter I write about the four year saga of the Villanova Route 30 storm sewer project. In this span of time, I along with many of the other business owners have learned first hand the difficulties in dealing with bureaucracy within the Pa. Department of Transportation. We have had the bittersweet opportunity of dealing with some PENNDOT representatives who had no compassion for our plight and others who have gone out of their way to accommodate us to the best of their abilities. I am writing this letter as a sort of an unofficial spokesman for the Business owners of Villanova affected by this construction.

Our frustrations and anger began to build in 1994 when what we thought was the final portion of the project, the storm sewer replacement was started. Initially, we were unsure of who the contractor was that had won the bid for this portion of the project since none of his equipment had any identification on it. We later learned from PENNDOT officials that the low bid contract had been awarded to a company called Primo Construction. In the months prior to this phase of the project, we requested that PENNDOT make it a condition that the majority of the construction be completed in the evening hours so that it would have the least possible effect on our daytime business since we had already suffered through three years road construction for the same project. We learned that PENNDOT cannot order the contractor to work nighttime hours, the contractor tells PENNDOT when he wants to work. It seems somewhat bizarre that a company being paid by the State can dictate the terms of when they will work. Very little of the roadwork was done at nighttime and when it was done, there was usually work also being done during the daytime making traffic impassable both day and night.

We were also informed by PENNDOT that any contractor working on the highway on weekdays was only allowed to work between the hours of 9:00 A.M. and 3:00 P.M. It became routine to find the contractor working on the road sometimes two days in a row or sometimes not at all for several days. They almost never finished before 5:00 P.M. The answer when we complained to PENNDOT representatives was either, " that's not true, they always finish by 3:00 P.M." or " Once in a while the contractor has to stay a little while longer to finish a certain part of the job." Finally we gave up complaining about this aspect of the construction.

As the weeks wore on we noticed that not only was Lancaster Ave. effectively shut down during the daytime, Route 320 the alternate route to our businesses was also shut down by the

same construction crew doing work. Again we were told by PENNDOT officials that The contractor was effectively in charge of the project and could alter traffic as he saw fit. We were given completion dates of March, April, May, sometime in the summer and September 1, 1995 for the section of route 320. As of this date it has not been completed and there are still traffic barrels blocking unfinished concrete barriers.

Due to the noticeable drop in business, many of us began to take particular notice to the work of habits of the low bid construction company working on the highway. A general consensus among all of us was that the contractor might have a more difficult time succeeding in a contract based on performance rather than low bids. Some research into the contractor, provided us with information that he was fined \$1000.00 a day by PENNDOT for a late completed bridge project in Caln Township in 1991. We also heard allegations, which we were unable to support that this same contractor was also experiencing problems on several other PENNDOT contracts throughout the area. PENNDOT officials informed us when questioned about this, that according to the bidding rules established by the Pa. State Legislature a contractor was free to bid on any upcoming contracts, regardless of past poor performances. This seems ludicrous that a contractor continues to be rewarded for poor performance by receiving the next low bid contract.

In July of 1995 we had a meeting with PENNDOT officials at which time we learned that the planned excavation portion of the project (which had originally not been scheduled) had been canceled. The contractor was going to be told that the Lancaster Ave. and Route 320 were to be repaved no later than September 1, 1995. At the time of this meeting we asked if this repaving could take place at night, as this is often done in other rotomilling and repaving contracts. Again we learned that this was at the discretion of the contractor.

In early August, we contacted PENNDOT to inform them that Villanova University's students would be returning starting August 23 to August 28, 1995. Having seen the normal traffic problems associated with the arrival of eight thousand students and parents over four days we begged PENNDOT to exert influence over the contractor and not have him do any work during the daytime between August 23 and August 25. We were assured as late as August 22 that the contractor would not be doing any type of paving on these days. On Wednesday, August 23 at 9:00 A. M. work crews began to place cones along the highway cutting down a four lane highway to a two lane roadway. Shortly after this a paving machine and numerous dump trucks filled with steaming asphalt appeared and traffic became a nightmare. One of the PENNDOT representatives at the work site was confronted and questioned about this latest slap in the face to us. His reply, " They are not paving, they're putting binder down, that's not the same thing." Semantics aside, there was asphalt being poured on the road, angry college parents and an almost nonexistent business on what should have been for many of us, one of the busiest days of the year. We were also told by a PENNDOT official that they could not tell a contractor not to work if he wanted to work that particular day.

This is just a sample of how this project has affected our businesses. Each of us has lost many customers that we worked long and hard to capture in the first place. People will not remain loyal to a business when they cannot travel to it or must sit in daily thirty minute traffic jams. We have been dealt an injustice by the State and the people who control it. This was not an

unavoidable catastrophe that cannot be blamed on someone, this was a poorly planned and executed project which directly resulted in substantial financial losses to all of us. When we searched for financial relief in the worst moments of the project in order to pay our bills, we found that none existed in Pennsylvania. No one asked for any grants, we simply asked for some type of low interest loans so that we could continue to pay our bills which we had to pay regardless of construction problems. It was hard to believe and a bitter pill to swallow to learn that a Legislature which provides money for so many other entities had no provisions for assisting businesses directly affected by a State agency's actions.

How could a storm sewer project be studied and planned by a state agency with the result being that freshman who arrived at Villanova University in 1991 almost completed their entire college years with the road still incomplete. There have been many explanations offered for this but none that sound true.

At this point in time, we are struggling to regain the business we have lost, particularly in the last year and a half. It is an outrage that the LOW BID system instituted by Pennsylvania can continue to flourish without any revisions to it. We depend on you our legislators to protect our interests as a whole. The LOW BID system cannot continue to reward incompetence and poor performance which ultimately costs the taxpayers more than if a contract had been awarded to a competent contractor. If this system continues, there will be many businesses and communities such as ours who will be dramatically impacted. Some will succeed; but many will fail and never be heard from again. Ultimately this will effect all of our State when sales tax revenues and business taxes take a sharp turn downward.

Don't let the system continue the way it has in the past. It is broken and now is the time to fix it.

Sincerely,



J. Mark Keenan

Villanova Hardware

January 30, 1995

J. Mark Keenan  
Villanova Hardware  
827 E. Lancaster Ave.  
Villanova, PA. 19085

District 6 Engineer  
Pa. Department of Transportation  
200 Radnor Chester Rd.  
St. Davids, Pa. 19087-5178

Dear Sir,

I am writing this letter to you on behalf of the stores and commercial establishments in the 800 block of Lancaster Ave. Villanova. The continued construction of the storm sewer system along Lancaster Ave. and N. Spring Mill Rd. has finally become intolerable and is having a serious effect on our attempts to keep our businesses afloat throughout this ongoing saga. Although I am sure you are aware of the timetable of events, I would like to recap our trials and tribulations with road closing since 1991.

In June of 1991, the Spring Mill Rd. Bridge was declared structurally unsound and closed by Pendot. This left only N. Ithan Ave, a heavily congested road next to Villanova University as a route customers from the entire North side of the railroad tracks could cross onto Lancaster Ave. Naturally these people, rather than sit in long traffic jams opted to seek other stores for the services we had previously provided them. We all sighed and resolved to weather the loss of the bridge and do our best to maintain a steady base of customers. At that time we had no knowledge when any work to reopen the bridge would take place.

In July of 1991, a vicious rumor circulated among our stores that The Philadelphia Suburban Water Co. would begin road work to move all their water mains in anticipation of a storm sewer project that was planned for the road. In August that rumor proved true as the Water Co. arrived and begin digging up the road every day for several months as they moved all the mains and services to the buildings along the route.

During this project, we noticed that the Aldwyn Ln. bridge used by the SEPTA P & W line was closed for repairs for one year. Aldwyn Ln. was used by many of our customers on the South side of Lancaster Ave. to avoid the construction delays along Lancaster Ave. and still be able to drive to and from our businesses. Again we bit the bullet and did our best to keep business flowing.

Several months went by and we noticed a crew of workers making cuts in the concrete along

Lancaster Ave. This went on for several weeks, and we learned that PECO was planning on moving into the area to replace all of their gas lines along Lancaster Ave. Villanova. We watched for months as the dust mounted, the iron plates along the road banged and traffic slowed more and more. Although much of PECO's work was done at night, the road often was down to two lanes during the daytime with crews working on other projects and the phone company working on moving their underground phone lines. Again we weathered the storm and waved a fond farewell as the last work crew left the road.

Thanksgiving day of 1993, the Spring Mill Rd. Bridge finally opens up and we all breathe a sigh of relief, maybe we were through the worst and we could work diligently to rebuild our businesses since all roads now led to Villanova.

About a year went by and we had settled into a false sense of security when one day we heard a familiar noise and saw a terrifying sight. The man with the concrete cutter was marching up and down Lancaster Ave. again making new cuts and spraying new colors on the street. This went on for several weeks and then everyone disappeared and nothing else happened. We all heard rumors of impending road work and estimates of several months to several years of road work.

I believe it was the Fall of 1994 that Primo Construction began working on the road in earnest. The work took place during the day and sometimes at night. Traffic along Lancaster Ave. immediately settled into the familiar routine of not moving and familiar faces in our stores became less and less. Even our most loyal customers apologized profusely but they too began to come in less frequently. It is now January of 1995 and we are all in serious trouble and we still face Lancaster Ave being completely dug up and resurfaced during what should be our busiest time of year.

What follows is a list of concerns and complaints regarding this current road construction.

1. Since the Spring Mill Rd. Bridge was closed in 1991 and this storm sewer project was apparently already on the drawing board, why couldn't the storm sewer construction have been one when the road was already closed ?
2. Pendot assured us that during this current phase of construction, the great majority would take place during the night hours. We were told that there would only be occasional, unavoidable work that had to be done during the daytime. This was an false and misleading statement. Lancaster Ave is presently being worked on during the daytime on both the Eastbound and Westbound Lanes making it a two lane highway. Spring Mill Rd. is being worked on at the same time and traffic is generally backed up to County Line Rd.
3. If some roadwork must be done during the daytime, why is there not an off duty police officer hired by the contractor to expedite traffic flow at one of the busiest intersections in the area. Flagmen holding a Slow and Stop sign do not control the flow of traffic nor are they trained to do so.
4. Why is the contractor allowed to leave large portions of Spring Mill Rd. open on either side without backfilling long trenches creating a dangerous situation for motorists. This is not an exaggeration; we have witnessed many incidents where motorists unfamiliar with the construction have almost driven in the trenches. Since I began composing this

letter, a motorist did drive into one of the trenches near the Coastal service station requiring a tow truck and a police accident report. Curiously enough, immediately after this incident the contractor began to backfill the trenches.

5. Holes along Lancaster Ave. are covered with iron plates that are simply dropped over the holes in a haphazard manner. The plates are not welded together nor is any temporary patch put over the plates. I watched the contractors hired by PECO to replace the gas mains cover their work every night and weld the plates together.

6. Why is Primo Construction Co. Inc., a company that has a record of missed deadlines awarded the contract. According to the Philadelphia Inquirer, Primo Construction was hired to replace a bridge in Caln Township that was closed in 1992. They were supposed to meet a deadline of March 30, 1994 but as of June 16, 1994 the bridge was still unopened. Pendot responded that they were fining the Contractor \$1000.00 a day for every day past the deadline. They also said there was no excuse for the delay by Primo Construction Company yet they received the contract for this major road project. Why?

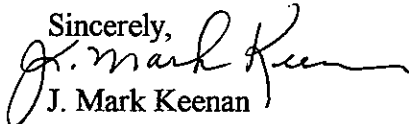
These are only some of our concerns and questions we have over this four year project that has had such an impact on our lives. We don't need a meeting with Pendot where we are given a timetable for the work to be done on the road or names of people we can contact if a construction vehicle is blocking the driveway: we need Pendot officials to take definitive action and change the daytime construction on the roadway.

I would also like to note that I have had contacts with the engineer on the project, Jeff Coran who has been very courteous and has attempted to be responsive to our needs. The time has come for decisions to be made by someone other than the project engineer. We the business people and the residents deserve Pendot's immediate attention to the situation.

I apologize for the length of this letter but anything less would not give a full overview of our problems. I, along with other business owners along Lancaster Ave. and residents of the area also intend to pursue this problem through our State and Federal representatives.

Please feel free to contact me at my other daytime work Phone 610-645-6228 or my home phone number of 610-527-3180 if you have any questions or would like to discuss this problem further. Thank you for your cooperation in this matter.

Sincerely,



J. Mark Keenan  
Villanova Hardware

CC: Congressmen Curt Weldon  
Governor Tom Ridge's Office  
State Representative Greg Vitali  
The Philadelphia Inquirer  
The Suburban & Wayne Times  
The Main Line Times