

APPLICATION DOCKET No. 296, 1914.

IN THE MATTER OF THE APPLICATION OF THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY FOR THE APPROVAL OF THE ABOLITION OF A GRADE CROSSING OF ITS TRACKS IN THE BOROUGH OF OLD FORGE, AT A POINT WHERE SIBLEY ROAD CROSSES SAID TRACKS.

Decided May 7, 1915.

The Commission, on November 17th, 1914, by a Certificate of Public Convenience, approved the abolition of a grade crossing in the Borough of Old Forge at a point where the Sibley Road crosses the tracks of the Delaware, Lackawanna and Western Railroad Company. Subsequent to the issuance of the said Certificate, certain property owners, claiming damages by reason of said abolition, advised the Commission that they were unable to agree with the petitioning company as to the amount of said damages. The Commission in this proceeding determines the question of property owners damaged, and the extent of said damage.

Held: That the only property owner affected and damaged is John A. Wood, the amount of damage due to him being set out in the order.

J. H. Oliver and Ralph J. Baker, Representing the Petitioner.

C. B. Price, Representing John A. Wood and certain other property owners.

REPORT OF THE COMMISSION.

GAITHER, Commissioner:

The Commission, on November 17, 1914, issued a Certificate of Public Convenience, evidencing its approval of the abolition of a crossing at grade in the Borough of Old Forge, Lackawanna County, at a point where the Sibley Road crosses the tracks of the Delaware, Lackawanna and Western Railroad Company. At the hearing held on November 4, 1914, the Petitioner, to wit: The Delaware, Lackawanna and Western Railroad Company, by its attorney, advised the Commission that agreements would be entered into between the railroad company and adjacent property owners who might be affected by the proposed abolition. It appears that subsequent to the issuance of the Certificate of Public Convenience the railroad company has been unable to agree with the adjacent property owners,

who claim to be damaged by reason of the said abolition and the vacation of a portion of the Sibley Road incident to said abolition. The only question, therefore, before the Commission is the determination of the amount of damages due to the adjacent property owners.

After a careful examination and consideration of the testimony in the case, the Commission is of the opinion that the claims of the property owners northwest of the improvement, or those holding real estate in the immediate section, with one exception to be referred to later, are not sustained and the said property owners are, therefore, not entitled to any damages in this proceeding. But one witness appeared in their behalf, and he did not satisfactorily qualify as an expert on realty valuations, giving simply a hypothetical estimate of values with the conjecture that there would be a general depreciation of ten per cent. on the property, without apparent consideration of the distances from the improvement.

John A. Wood is the owner of a lot containing 24,120 square feet, having a frontage of 156 feet along Main Street and 108 feet along Sibley Road. The latter thoroughfare is to be vacated, said vacation extending the entire length of the Wood property. Upon this tract of land is a dwelling and barn, also a small frame building on the northeastern corner used by said Wood as a drug store. In its consideration of the amount of damages John A. Wood will sustain by reason of the abolition of the aforesaid crossing and the abolition of the portion of the Sibley Road occasioned thereby, the Commission has given full weight to all the evidence presented covering all the elements of damage which the attorney for the said claimant asks to be considered, to wit, the destruction in the value of the land as a corner business site, loss in the traffic passing the property, and loss in the business of the claimant.

The Commission, therefore, finds and determines that the Delaware, Lackawanna and Western Railroad Company shall pay to John A. Wood, of the Borough of Old Forge, Lackawanna County, the sum of one thousand, two hundred and twenty-five dollars (\$1,225.00), as compensation due to him by reason of property taken, injured or destroyed in the abolition of the aforesaid crossing and vacation of Sibley Road, and an order will be issued accordingly.

ORDER.

This matter being before the Commission on the question of the assessment of damages due to adjacent property owners by reason of the parties in interest being unable to agree as to the amount of said damages, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and the Commission having on the date hereof made and

filed of record a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:

Now, to wit, May 7th, 1915, it is ordered: That The Delaware, Lackawanna and Western Railroad Company shall pay to John A. Wood, the amount ascertained and determined by the Commission, to wit, the sum of one thousand, two hundred and twenty-five dollars, (\$1,225.00), or such amount as may be determined by the proper authorities on appeal, as damages for property taken, injured or destroyed by reason of the abolition of the said grade crossing in the Borough of Old Forge, and the vacation of a portion of Sibley Road.

APPLICATION DOCKET No. 13, 1915.

IN THE MATTER OF THE APPLICATION OF THE MONONGAHELA RAILROAD COMPANY AND THE BUCKHANNON AND NORTHERN RAILROAD COMPANY, UNDER SECTION 3 (c), ARTICLE III, AND SECTIONS 18 AND 19, ARTICLE V, OF THE PUBLIC SERVICE COMPANY LAW, FOR THE APPROVAL OF THE MERGER AND CONSOLIDATION OF THE SAID COMPANIES.

Decided May 18, 1915.

E. H. Seneff, Representing the Monongahela Railroad Company.

Frank Cox, Representing the Buckhannon & Northern Railroad Company.

Samuel B. Brady, Representing the Monongahela Railroad Company.

REPORT AND ORDER.

BY THE COMMISSION:

This case having come on for investigation and hearing upon the petition of The Monongahela Railroad Company and The Buckhannon and Northern Railroad Company for the approval of the merger and consolidation of the said companies, and having been duly investigated and heard by the Commission, it is found and determined that said consolidation and merger is proper for the service, accom-