

DECISIONS OF

# The Public Service Commission

OF THE

COMMONWEALTH OF PENNSYLVANIA

---

JUNE 1, 1919 to NOVEMBER 30, 1920.

---

VOL. IV

---



---

**ORDER.**

---

These matters being before The Public Service Commission of the Commonwealth of Pennsylvania upon petition of the East Erie Commercial Railroad Company and complaint and answer on file, 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 on the date hereof having made and filed of record a report containing its findings of fact and conclusions thereon, together with its orders in relation to the construction of the work, the location and vacation of the highways necessarily involved, and the payment of the costs by the parties concerned, which report is hereby approved and made a part hereof;

NOW, to-wit, December 23, 1919, the New York Central Railroad Company, the New York, Chicago & St. Louis Railroad Company, the East Erie Commercial Railroad Company, the Buffalo and Lake Erie Traction Company, operated by George Bullock, Receiver, appointed by the Court of Common Pleas of Erie County, the County of Erie and the Township of Harbor Creek, Erie County, are hereby severally **ORDERED** to carry out the findings and determinations of the Commission, in the manner and according to the terms and conditions contained in the foregoing report.

---

**MOTOR CLUB OF LACKAWANNA COUNTY***vs.***DELAWARE, LACKAWANNA & WESTERN RAILROAD  
COMPANY.**

---

**COMPLAINT DOCKET No. 2419.**

---

*Crossings at grade—Abolition of—Apportionment of cost.*

The Commission approved the plans submitted by respondent for the abolition of a grade crossing in the borough of Elmhurst, Lackawanna county, and apportioned the cost thereof.

## APPEARANCES:

Harry Mumford, for Complainants.

J. H. Oliver, for Respondent.

---

 REPORT OF THE COMMISSION.
 

---

## BY THE COMMISSION:

The plans submitted in this case are for construction of an overhead crossing on State Highway No. 168, and are satisfactory to all the parties interested, including the municipalities, and are hereby approved. The estimated cost of the entire work, including damages, has been fixed at \$70,000, and the Commission has apportioned the same, to be paid as follows:

Delaware, Lackawanna and Western Railroad Company,	50%
State Highway Department, .....	30%
Lackawanna County, .....	14%
Elmhurst Borough, .....	1%
The Public Service Commission, .....	5%

The amount to be paid by the Public Service Commission to be taken from the special fund appropriated to it by the Act approved July 18, 1919, P. L. 1048, for the elimination of grade crossings. All of the work of eliminating said grade crossings, save the paving on the State Highway on the earth fills, will be done by the Delaware, Lackawanna and Western Railroad Company, in compliance with plans approved, and is to be fully completed on or before August 1, 1920, the structure over the railroad tracks to be perpetually maintained by the railroad company, and the balance of the improvement to be maintained by the State Highway Department. The State Highway Department will construct the necessary pavement on the earth fills, as soon after they have been completed a sufficient length of time to become settled.

Payments will be made by the several parties and municipalities on estimates furnished by the railroad company and approved by the Commission as the work progresses, the railroad company and the State Highway Department to adjust the cost of the pavement to be constructed by the State Highway Department.

---

 ORDER.
 

---

This matter being before The Public Service Commission of the Commonwealth of Pennsylvania upon complaint and answer on file, and the Commission having by its order dated April 7, 1919, found

and determined that the existing crossing at grade at a point where the tracks of the Delaware, Lackawanna & Western Railroad Company crosses State Highway Route No. 168 in the borough of Elmhurst, Lackawanna county, to be dangerous to the traveling public and the abolition thereof necessary for the accommodation, convenience and safety of the public; and the Delaware, Lackawanna & Western Railroad Company having prepared plans for the elimination of said crossing, and further hearing having been held upon the adoption of said plans and the cost and expenses of said abolition including damages due to owners of adjacent property taken, injured or destroyed by reason of said abolition; 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 approved and made a part thereof;

NOW, to-wit, December 23, 1919, IT IS ORDERED:

*First:* That the crossing at grade at a point where the tracks of the Delaware, Lackawanna & Western Railroad Company cross State Highway Route No. 168 in the Borough of Elmhurst, Lackawanna county, be and the same is hereby abolished in accordance with the plans submitted and filed of record by the Delaware, Lackawanna & Western Railroad Company, which said plans are hereby approved:

*Second:* That the cost and expenses of the entire work including damages due to owners of adjacent property taken, injured or destroyed by reason of said abolition, estimated at \$70,000.00, shall be borne and paid for in the following proportions:

By the Delaware, Lackawanna & Western Railroad Co.,	50%
By the State Highway Department, .....	30%
By Lackawanna County, .....	14%
By Elmhurst Borough, .....	1%
By The Public Service Commission, out of the fund appropriated to it by the Act of July 18, 1919, P. L. 1048, for assisting in the elimination of grade crossings the sum of \$3.500 or .....	5%
of the total estimated cost, which sum is hereby specifically appropriated.	

*Third:* That the State Highway Department having consented to construct the necessary pavement on the earth fills as soon after they have been completed a sufficient length of time to become settled, the entire balance of the work shall be done by the Delaware, Lackawanna & Western Railroad Company in accordance with the plans herein approved;

*Fourth:* Payment for said elimination shall be made by the several parties and municipalities upon monthly estimates submitted by the Delaware, Lackawanna & Western Railroad Company, approved by the Chief of the Bureau of Engineering and attested by the Chief of the Bureau of Accounts and Statistics of this Commission, who shall audit all accounts in connection with said work;

*Fifth:* The time for completion of said elimination shall be on or before August 1, 1920.

---

KEYSTONE GRANGE, NUMBER 1682

*vs.*

THE PENNSYLVANIA RAILROAD COMPANY.

---

COMPLAINT DOCKET NO. 1929.

---

*Crossings at grade—Abolition of—Apportionment of cost.*

The Commission ordered the elimination of two grade crossings in Lower Augusta Township, Northumberland County, and apportioned the cost of same.

---

APPEARANCES:

George B. Reimensnyder, for Complainant.

J. E. B. Cunningham, and Spencer Gilbert Nauman, for Respondent.

---

ORDER.

---

This matter being before The Public Service Commission of the Commonwealth of Pennsylvania upon complaint and answer on file, and the Commission having on the 27th day of October, 1919, found and determined that the existing crossings at grade known as School House Crossing and Everts Crossing, in the vicinity of Fisher's Ferry Station on the Williamsport Division of The Pennsylvania Railroad in Lower Augusta Township, Northumberland County, about six miles south of Sunbury, are dangerous to the traveling public and