

DECISIONS OF

The Public Service Commission

OF THE

COMMONWEALTH OF PENNSYLVANIA

JUNE 1, 1919 to NOVEMBER 30, 1920.

VOL. IV



feet north of Daugherty's Run, and about 2½ miles south of Trout Run Station, are dangerous to the traveling public and the abolition thereof necessary for the safety, accommodation and convenience of the public, and further hearing having been had upon the question of the adoption of the plans for the re-location of said highway prepared by the State Highway Department which will affect the elimination of said grade crossing and upon the question of the apportionment of the cost of said improvement, and the Commission having on the date hereof made and filed of record a report containing its findings of fact and conclusions thereon, together with its orders relative to the apportionment of the cost of said abolition and relocation and the work to be done thereon, which said report is hereby approved and made part hereof;

NOW, to-wit, July 27, 1920, IT IS ORDERED: That the said crossings at grade in Lewis Township, Lycoming County, be and the same are hereby abolished in accordance with the plans submitted therefor by the State Highway Department and filed of record, which said plans are hereby approved.

IT IS FURTHER ORDERED: That the Pennsylvania Railroad Company, the County of Lycoming, and the Township of Lewis severally carry out the findings and determinations of the Commission in the manner and according to the terms and conditions contained in the foregoing report.

BOROUGH OF BANGOR

vs.

DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY, NORTHAMPTON TRACTION COMPANY, BANGOR & PORTLAND TRACTION COMPANY.

COMPLAINT DOCKET NO. 3167.

Crossings at grade—Abolition of—Apportionment of cost.

APPEARANCES:

Thomas O. Werner, S. J. Spry, and H. M. Hegerman, for Complainant.

Everett Kent, Solicitor, for Northampton County.

Gomer W. Morgan, for Respondent.

J. Hayden Oliver, for Administration.

REPORT OF THE COMMISSION.

BY THE COMMISSION:

The Delaware, Lackawanna & Western Railroad Company, one of the respondents, at the present time operates four tracks of its road at grade across Messinger Street in the Borough of Bangor, Northampton County, Pennsylvania. The Commission determined that this crossing was dangerous. The respondent railroad company submitted plans for the construction of an overhead viaduct about 300 feet in length and 31 feet in width, carrying the highway over its tracks with a 22 foot vertical clearance, extending the viaduct across a stream over which the County of Northampton had, some years ago, erected an 18 foot bridge, which will not be required after the viaduct is completed. Messinger Street is 40 feet in width. On the proposed viaduct there will be a roadway 24 feet wide in the clear and a sidewalk 4 feet 7 inches. The eastern approach to the viaduct will have an 8 per cent. ascending grade and the western approach will be a trifle less than 9 per cent. These grades can not be avoided on account of the excessive grades in this locality. The Bangor & Portland Traction Company, now operating a line of street railway in the Borough of Bangor, will, when the viaduct is completed, construct and operate a single track across the same.

The original estimate of the cost of the proposed viaduct, made some time ago, was in the neighborhood of \$45,000.00. On account of increased cost of labor and materials, it is now estimated to cost upwards of \$65,000.00. The Delaware, Lackawanna & Western Railroad Company shall construct the viaduct, including the necessary abutments, and the Borough of Bangor shall construct at its own cost the necessary approaches. The Delaware, Lackawanna & Western Railroad Company shall also pay two-thirds of the entire cost of building the viaduct and abutments, being the work it has consented to do. The completion of this viaduct will be a great improvement to the Borough of Bangor, and of much benefit to the traction company, as it will thereby be permitted to make connection with the Northampton Traction Company, also operating in Bangor Borough. The county bridge heretofore built by Northampton County will no longer be required and the county will be relieved from the cost of its maintenance.

While this improvement is located within the Borough of Bangor, it will be a benefit to the general public. The Borough of Bangor is a thriving community of upwards of 6,000 inhabitants, situated in the heart of the slate district of Northampton County.

The Commission has determined and hereby assesses on the County of Northampton, to be applied toward the remaining one-third of the cost of said improvement, the sum of \$2,500.00; and assesses on the Borough of Bangor, to be applied toward the remaining one-third of the cost of said improvement, the sum of \$1,000.00; the Bangor & Portland Traction Company to pay the balance of the one-third of the total cost of said viaduct as constructed by the railroad company. The Borough of Bangor, in addition to constructing the earth approaches to the viaduct shall pay all property damages of every kind that may be legally assessed on account of the construction of the viaduct. The payments herein assessed against the County of Northampton and the Borough of Bangor and the Bangor & Portland Traction Company shall be paid to the Delaware, Lackawanna & Western Railroad Company, when and as certified to by The Public Service Commission. The plans submitted being satisfactory to all parties concerned are approved. The respondent railroad company shall maintain the viaduct and the Borough of Bangor the approaches. The Bangor & Portland Traction Company shall, at its own cost and expense construct and maintain its line of street railway across the viaduct, including poles, wires, etc., the work of this improvement to be fully completed on or before November 1, 1920.

ORDER.

This matter being before The Public Service Commission of the Commonwealth of Pennsylvania upon complaint and answers on file, and the Commission having by its order dated March 1, 1920, found and determined that the existing crossing at grade at a point where the tracks of the Bangor & Portland Division of the Delaware, Lackawanna & Western Railroad Company cross Messinger Street in the Borough of Bangor, Northampton County, is dangerous to the traveling public and the abolition thereof necessary for the accommodation, convenience and safety of the public, and further hearing having been had upon the question of the adoption of plans and specifications prepared by the Delaware, Lackawanna & Western Railroad Company, providing for the abolition of said grade crossing and upon the question of the apportionment of the cost and expense incident to said abolition including damages due to adjacent property owners, and the Commission having on the date hereof made and filed of record a report containing its findings of fact and conclusions thereon, together with its orders relative to the apportionment of the cost of said abolition and the work to be done thereon, which said report is hereby approved and made part hereof;

NOW, to-wit, July 27, 1920, IT IS ORDERED: That said grade crossing in the Borough of Bangor, Northampton County, be and the same is hereby abolished in accordance with the plans submitted by the Delaware, Lackawanna and Western Railroad Company and filed of record, which said plans are hereby approved.

IT IS FURTHER ORDERED: That the Delaware, Lackawanna & Western Railroad Company, the Bangor & Portland Traction Company, the County of Northampton and the Borough of Bangor severally carry out the findings and determinations of the Commission in the manner and according to the terms and conditions contained in the foregoing report.

SUPERVISORS OF WINDSOR TOWNSHIP, YORK COUNTY

vs.

THE STATE HIGHWAY DEPARTMENT OF THE COMMON-
WEALTH OF PENNSYLVANIA.

COMPLAINT DOCKET No. 3197.

Crossings at grade—Abolition of—Apportionment of cost.

APPEARANCES:

S. S. Laucks, for Complainants.
E. Philip Stair, for York Railways Co.
Joseph W. Hunter, for State Highway Dept.

REPORT OF THE COMMISSION.

BY THE COMMISSION:

This complaint is lodged against two grade crossings located in Windsor Township, York County, where a certain highway leading from the Borough of Red Lion to the Borough of Windsor crosses the single track of the York Traction Company. The State Highway Department and the local authorities have entered into a contract for