

DECISIONS OF

The Public Service Commission

OF THE

COMMONWEALTH OF PENNSYLVANIA

July 7, 1924, to June 1, 1926

VOLUME VII



HARRISBURG, PA.

1926

From a consideration of the evidence we find that proposed acquisition of capital stock of the Transmission Company by the Electric Company is necessary and proper for the service, accommodation and convenience of the public. An order and a certificate of public convenience will issue in conformity with the foregoing.

ORDER

This matter being before The Public Service Commission of the Commonwealth of Pennsylvania upon application and protests 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 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 part hereof;

NOW, to-wit, June 16, 1925, IT IS ORDERED: That the application for a certificate of public convenience, evidencing the approval of this Commission to the sale of the franchises and property of the York Haven Water and Power Company to the Metropolitan Edison Company, be and it is hereby dismissed.

IT IS FURTHER ORDERED: That a certificate of public convenience issue evidencing the Commission's approval of the acquisition by the Metropolitan Edison Company of the controlling right, title and interest in the capital stock of the York Haven Electric Transmission Company.

BOROUGH OF MOOSIC

vs.

ERIE RAILROAD COMPANY, SCRANTON RAILWAY COMPANY
AND COUNTY OF LACKAWANNA

COMPLAINT DOCKET No. 2789

Crossings—Railroads—Bridges—Relocation—Plans—Modification.

The Commission ordered the reconstruction of a crossing above grade carrying a State highway over the tracks of a railroad company by relocating and reconstructing the railroad bridge so as to avoid sharp curves in the highway.

Costs of the improvement were apportioned.

Walter W. Kohler for Moosic Borough.

G. R. James, R. L. Turner, H. T. Kinney for Erie Railroad Company.

H. L. Taylor for Lackawanna County.

O. E. Jackson for Department of Highways.

REPORT BY THE COMMISSION, *July 27, 1295:*

Sax Street, a part of State Highway Route No. 5, the main thoroughfare leading from Scranton to Pittston on the easterly side of the Lackawanna River, is carried over two tracks of the Wyoming Division of the Erie Railroad in the southern part of the Borough of Moosic, Lackawanna County, by means of a steel half through plate girder bridge. The Borough of Moosic has filed a complaint alleging that this overhead crossing is inadequate and dangerous.

The bridge, which was constructed about 1884 and crosses respondent's tracks at an angle of 50 degrees, is 47 feet long. The plank roadway is about 17 feet wide, and at the time of the filing of the complaint a track of the Scranton Railway Company was located on the easterly side thereof. Since then this line has been abandoned. The vertical clearance over the railroad tracks is 19½ feet. The northerly approach is about 20 feet wide and on a 4.7 per cent ascending grade. The southerly approach, which is on a 3 per cent ascending grade, curves sharply to the west at the south end of the structure. No sidewalk exists either on the bridge or the approaches.

The testimony establishes the present inadequacy of the bridge, and that it is a menace to the heavy travel with which State Highway Route No. 5, now being improved, is burdened.

The Department of Highways, at the hearing of June 3, 1925, introduced a plan in evidence marked State Highway Department Exhibit No. 1, which provided for the construction of a new bridge over the tracks about 45 feet west of the existing structure, thus eliminating the curve existing at the south end of the present bridge. This plan provides for a single through plate girder span of 55 feet, having a 30 foot clear roadway, and a minimum vertical clearance of 22 feet over the top of rail of the railroad tracks. A 5-foot sidewalk is provided on the east side of the bridge, but not on the approaches. It was estimated that improvements in accordance with this plan would cost \$73,045.48, exclusive of property damages.

This plan was objected to on the part of the railroad company mainly due to the fact that no provisions were made for necessary alterations to a siding leading from the main tracks at the location of the new bridge. The railroad company also considers a 24-foot roadway ample for the traffic.

The railroad company estimates that improvements consisting of the construction of a bridge with a 30-foot roadway and approaches with a 25-foot roadway and two sidewalks thereon, would cost \$90,665, including alterations to the siding.

A plan of the railroad company marked Respondent's Exhibit No. 1 was also submitted at this hearing. This plan is generally similar to the plan prepared by the Department of Highways, but provides for alterations to the siding, and a sidewalk along the easterly side of the roadway for the full length of the bridge and approaches, but reduces the width of roadway on the bridge to 24 feet. The railroad company estimated the cost of improvements in accordance with this plan at \$80,360, exclusive of land damages.

The Commission has analyzed and adjusted the estimates and concludes that the cost of improvements in accordance with the plan submitted by the Department of Highways, modified to provide for a 5-foot concrete sidewalk on the east side of the approaches and for necessary changes to the siding will approximate \$82,000, and that the cost of improvements in accordance with the plan of the railroad company providing a 24-foot roadway and one concrete sidewalk on the bridge and approaches will approximate \$74,300. Both estimates include concrete curbs and paving on the approaches, but do not include damages to private property which in either case must be appropriated and are estimated at not more than \$10,000.

From a consideration of all the evidence, the Commission finds and determines as follows:

1. That the bridge carrying Sax Street (State Highway Route No. 5) over the two tracks of the Erie Railroad Company in the Borough of Moosic, Lackawanna County, is dangerous and its reconstruction necessary for the safety, accommodation and convenience of the traveling public. The complaint is, therefore, sustained.

2. That said bridge shall be reconstructed in accordance with the plans offered in evidence at the hearing on June 3, 1925, and marked State Highway Department Exhibit No. 1, modified to provide for alterations to the siding, concrete curbs on both sides and a concrete sidewalk on the east side of the roadway on the approaches, which plan as modified is hereby approved, attached hereto and made part hereof.

3. That the Erie Railroad Company shall prepare detailed plans of the bridge in accordance with the approved general plan and submit same to the parties in interest for examination, and to this Commission for approval within sixty (60) days from date of service hereof.

4. That all property necessary for the improvement, together with all buildings and structures thereon, will be taken and appropriated for the purpose of the improvement, detailed descriptions thereof with the names and addresses of the reputed owners

being recited at length in the order attached hereto and made part of this report.

5. That the Erie Railroad Company shall furnish all materials and do all work necessary to complete the sub- and super-structure of the bridge, in accordance with the approved plan, exclusive of the roadway paving thereon, and relocate the siding as shown on the plan, the estimated cost of this portion of the work being \$54,861.

6. That the Department of Highways of the Commonwealth of Pennsylvania shall furnish all materials and do all work necessary for the construction of the approaches, including concrete curbs, sidewalk, and roadway paving thereon, and for the paving on the bridge in accordance with the approved plan, estimated to cost \$27,139.

7. That the work to be done by the railroad company shall be completed on or before June 1, 1926, and the work to be done by the Department of Highways shall be completed on or before September 1, 1926.

8. That the Borough of Moosic shall pay to the Erie Railroad Company to apply on the cost of the work to be done and materials to be furnished by said company, when and as certified by The Public Service Commission, the sum of \$2,000, and in addition shall pay for all damages to private property taken, injured or destroyed for the purpose of this improvement, with the exception of property of the respondent railroad company.

9. That the County of Lackawanna shall pay to Erie Railroad Company the sum of \$8,500, when and as certified by The Public Service Commission, to apply on the cost of the work to be done and materials to be furnished by said railroad company.

10. That the Department of Highways of the Commonwealth of Pennsylvania shall pay to the Erie Railroad Company the sum of \$2,500, when and as certified by The Public Service Commission to apply on the cost of the work to be done and materials to be furnished by said railroad company.

11. That the County of Lackawanna shall pay to the Department of Highways of the Commonwealth of Pennsylvania, when and as certified by The Public Service Commission, the sum of \$10,000, to apply on the cost of the work to be done and materials to be furnished by said Department of Highways.

12. That in addition to furnishing the materials and doing the work necessary for the reconstruction of the bridge, the Erie Railroad Company shall pay any money to which it may be entitled as compensation for damage to its property taken, injured or destroyed by this improvement.

13. That upon the completion of the improvement, the Erie Railroad Company shall maintain the sub- and super-structure of the bridge, exclusive of the roadway paving thereon, and the Borough of Moosic shall maintain the approaches, together with the paving thereon and the paving on the bridge.

14. That the present bridge remain in use until its removal is necessary for the construction of the bridge herein ordered to be built.

An order will issue in accordance herewith.