

DECISIONS OF

The Public Service Commission

OF THE

COMMONWEALTH OF PENNSYLVANIA

June 1, 1926, to December 31, 1927

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file, post and publish, effective on or before July 1, 1926, upon not less than ten days' notice to the public and this Commission, a new tariff schedule designed to produce a gross annual revenue not in excess of \$85,905. Although the evidence of record does not include traffic data sufficiently definite to support an order for specific rates, it would indicate that about 76.6 per cent of the gross revenue was derived from private automobiles for which the toll rate is 25 cents. The Commission is satisfied that the record justifies the suggestion and the public interest demands that in the new tariff the toll rate for private automobiles other than motor busses, regardless of seating capacity, should not exceed fifteen cents per automobile with no additional charge for extra persons. When filing said tariff with the Commission, the respondent company shall submit therewith the traffic data employed in arriving at the rates of toll therein.

BOROUGH OF MOOSIC

vs.

ERIE RAILROAD COMPANY, SCRANTON RAILWAY COMPANY AND COUNTY OF LACKAWANNA

COMPLAINT DOCKET No. 2789

Crossings—Railroads—Bridges—Reconstruction—Costs.

The Commission ordered the reconstruction of an inadequate and unsafe bridge carrying a borough street over the tracks of a railroad company.

Costs of the improvement were apportioned among the parties in interest.

Charles L. Robertson, Walter W. Kohler, David J. Reedy and Walter L. Hill for the Borough of Moosic.

H. L. Taylor, Jr. and H. L. Taylor for the County of Lackawanna.

John L. Shelley, Jr. for the Department of Highways.

Grover R. James for the Erie Railroad Company.

C. L. Tingley for *H. B. Gill* for Scranton Railway Company.

REPORT BY THE COMMISSION, *June 15, 1926:*

State Highway Route No. 5, a main artery of travel between Scranton and Pittston, is known in the Borough of Moosic, Lackawanna County,

as Sax Street. At a point near the southern boundary line of the borough this street is carried over the two tracks of the Wyoming Division of the Erie Railroad Company by a steel plate girder bridge. On complaint filed by the borough alleging the dangerous and inadequate character of the overhead crossing, this Commission by its report and order of July 27, 1925, sustained the complaint and ordered the bridge to be reconstructed in accordance with the general plan submitted in evidence by the Department of Highways. This plan provided for a new through steel girder bridge 55 feet in length with a clear roadway of 30 feet, and a 22-foot vertical clearance, and for a 5-foot sidewalk along the east side of the bridge and its approaches. The expense of the improvement was allocated among the parties.

Subsequently the complainant borough petitioned the Commission to modify the report and order by placing the sidewalk on the west side instead of the east side of the structure for the reason that the greater number of pedestrians reside west of the highway and that the sidewalk on that side would be of far greater convenience and safety to pedestrians.

On April 27, 1926, the Commission rescinded its former action and ordered further hearing. This being held, the Erie Railroad Company submitted a revised plan for the reconstruction of the bridge, marked "Erie Railroad Company's Exhibit No. 1" at the hearing of May 19, 1926, which provides for a 3-span steel girder bridge with a clear roadway width of 30 feet and a 22-foot vertical clearance. The sidewalk is placed along the west side of the highway. The plan as submitted meets with the approval of all the parties in interest and will be adopted by the Commission.

The estimated cost of the improvement, according to the plan, exclusive of property damages approximates \$81,138, divided into the following three main items: Bridge over railroad, \$51,360; approaches, \$28,798; track work, \$980. It will be necessary to appropriate several tracts of land for the improvement, the estimated cost of which is \$10,000. This makes a total over-all cost of \$91,138.

From a consideration of all the record the Commission finds and determines:

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; therefore, the complaint will be sustained.

2. That said bridge shall be reconstructed in accordance with the general plan prepared by the Erie Railroad Company and submitted at the hearing of May 19, 1926, marked "Erie Railroad Company's Exhibit No. 1," which said plan is hereby approved, attached hereto and made part hereof.

3. That the Erie Railroad Company, within thirty (30) days from the date of service hereof submit to this Commission for

approval and to the parties of record for examination, detailed plans of the construction work herein ordered to be done by said Erie Railroad Company.

4. That all property necessary for the improvement together with all buildings and structures erected or located 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 to 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 superstructure of the bridge, including the roadway paving thereon, and in addition shall relocate its tracks,—all in accordance with the approved plan; the estimated cost of this portion of the work being \$52,340.

6. That in addition to furnishing the materials and doing the work herein ordered to be done by said Erie Railroad Company, said company shall pay any money to which it may be entitled as compensation for damages to its property taken, injured or destroyed by this improvement.

7. 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 curb, sidewalks, and roadway paving thereon, in accordance with the approved plan; the estimated cost of this portion of the work being \$28,798.

8. That all of the work be fully completed by the respective parties on or before November 30, 1926.

9. That the Borough of Moosic shall pay to the Erie Railroad Company, when and as certified by The Public Service Commission, the sum of \$2,000, to apply on the cost of the work to be done and materials to be furnished by said railroad company, and, in addition, shall pay any compensation for damages due to the owners of adjacent property taken, injured or destroyed in accordance with the approved plan, exclusive of damages due to said railroad for damage to its property taken, injured or destroyed by the improvement.

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

12. That any relocation, changes in, or removal of any adjacent structures, equipment or other facilities of any telephone, telegraph, gas, electric light, water power, water pipe line or other public service company which may be required as incidental to the improvement herein ordered be made by said public service company at its own expense.

13. That, upon completion of the improvement, the Erie Railroad Company shall maintain the sub- and superstructure of the bridge, exclusive of paving thereon, and the Borough of Moosic shall main-

tain the approaches, together with the paving thereon and the paving on the bridge.

14. That the existing bridge remain in use until such time as its removal is necessary for the construction of the bridge herein ordered. An order will issue in accordance with these findings.

LEWISTOWN CHAMBER OF COMMERCE AND THE VISCOSE
COMPANY

vs.

PENNSYLVANIA RAILROAD COMPANY, DEPARTMENT OF
HIGHWAYS, TOWNSHIP OF GRANVILLE AND COUNTY OF
MIFFLIN

COMPLAINT DOCKET No. 6178

Crossings—Railroad—Relocation of highway—Construction—Viaduct—Costs.

A grade crossing was abolished by the relocation of the highway and the construction of a viaduct. The work and the costs were apportioned among the parties.

Provision was made for a contribution offered by an industrial corporation.

Spencer G. Nauman for The Pennsylvania Railroad Company.

W. W. Uttley for the Lewistown Chamber of Commerce and the Viscose Company.

H. O. Lantz and *A. Reed Hayes* for the County of Mifflin and Supervisors of the Township of Granville.

J. L. Shelley, Jr. for Department of Highways.

REPORT BY THE COMMISSION, *June 15, 1926:*

State Highway Route No. 470 (Secondary System) at a point approximately 700 feet east of respondent railroad company's Lewistown Station in Granville Township, Mifflin County, crosses at grade the four main line tracks of the Middle Division of The Pennsylvania Railroad Company. This highway extends between the municipalities of Lewistown and Granville, and was recently established as a State Highway of this Commonwealth in accordance with the provisions of an Act of Assembly approved April 8, 1925, P. L. 191. The complaint alleges that the