

DECISIONS OF

Pennsylvania Public Utility Commission

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Birney Avenue and Coray Street, in Lackawanna Township, to the intersection of Sanders Street and Birney Avenue, in the City of Scranton, Lackawanna County, be completed by July 1, 1939.

APPLICATION OF THE DELAWARE, LACKAWANNA AND
WESTERN RAILROAD COMPANY

APPLICATION DOCKET No. 55913

Crossing—Abolition—Conditions—Drainage.

The Commission in approving a petition of a railroad to remove its tracks from the bed of a highway which it crossed, ordered the railroad to remove all its posts or signs at or near the crossing abolished, install proper drainage facilities and repair the road surface of the highway so disturbed by the removal of the track.

No appearances.

ORDER NISI

BY THE COMMISSION, March 20, 1939:

This matter comes before us upon application of The Delaware, Lackawanna and Western Railroad Company for our approval of the abolition of the crossing at grade of tracks of Klondike Ice House siding track of the railroad company across State Highway Route No. 35057, located in Clifton Township, Lackawanna County.

Klondike Ice House siding track of applicant formerly served a single patron, and was not used in providing service to the general public. The track was removed by applicant during December, 1936. The portion of this track which crossed State Highway Route No. 35057 was removed from within the limit of the highway at the same time the remainder of the siding track was lifted, and the road surface disturbed in the removal of the track was restored in kind. No protest has been entered against the abandonment of the crossing, nor against our approval of the present application.

State Highway Route No. 35057 forms a portion of the Pennsylvania State Highway system which is maintained by the Department of Highways. Since applicant's track and facilities have been removed from within the crossing area, the maintenance of this section of the highway route will devolve upon the aforesaid department.

After full consideration of the matters and things involved, we find that the abolition of the crossing at grade, where Klondike Ice House siding track of The Delaware, Lackawanna and Western Railroad Company crossed State Highway Route No. 35057, at a point in Clifton Township, Lackawanna County, is necessary or proper for the service, accommodation or convenience of the public; **THEREFORE,**

NOW, to wit, March 20, 1939, **IT IS ORDERED:** That the prayer of the instant petition be and is hereby granted.

IT IS FURTHER ORDERED: That the public crossing at grade of Klondike Ice House siding track of The Delaware, Lackawanna and Western Railroad Company across State Highway Route No. 35057, located in Clifton Township, Lackawanna County, be and is hereby abolished.

IT IS FURTHER ORDERED: That applicant provide and install, at its sole cost and expense, any drainage facilities necessary to drain properly the highway at the crossing herein ordered abolished.

IT IS FURTHER ORDERED: That applicant, at its sole cost and expense, remove any crossing or advance warning signs which may presently be installed along the highway at the crossing herein ordered abolished.

IT IS FURTHER ORDERED: That the Department of Highways maintain, at its sole cost and expense, that portion of the highway formerly occupied by the crossing herein ordered abolished, and, in addition, maintain any new drainage facilities installed in compliance with this order.

IT IS FURTHER ORDERED: That all work herein ordered be completed in a manner satisfactory to this Commission on or before July 1, 1939.

IT IS FURTHER ORDERED: That, unless exceptions are filed hereto by one of the parties in interest, within 15 days after service of this order nisi, it shall become the final order in this proceeding.