

DECISIONS OF

Pennsylvania Public Utility Commission

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dents in Gouldsboro will receive local connections to Moscow without toll and the toll charge to Scranton will be reduced to 10 cents. In the past, Gouldsboro subscribers had access to only 30 telephones without payment of toll, and as subscribers to Moscow service they will receive free access to approximately 500 telephones. The record further shows that the affected subscribers will receive the benefits of a net decrease in local service rates, on an annual basis of \$325.80, or an average saving of \$10.86 per subscriber.

Upon full consideration of the matters and things involved, we are of the opinion that the acquisition of the property of Gouldsboro Company by Bell Company will result in an improved telephone service, at a decreased monthly rate, and is necessary and proper for the service, accommodation, convenience and safety of the public; **THEREFORE,**

NOW, to wit, April 3, 1939, IT IS ORDERED: That the sale of all the property and rights of Thornhurst and Gouldsboro Telephone Company to The Bell Telephone Company of Pennsylvania, in accordance with an agreement between said two companies dated September 15, 1938, be and is hereby approved, subject to the condition that the approval hereby given is not to be understood as requiring the Pennsylvania Public Utility Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on said property and rights equal to the amount of the consideration to be paid therefor, or to approve or prescribe rates which shall be sufficient to yield a return on said consideration.

IT IS FURTHER ORDERED: That a certificate of public convenience issue evidencing the approval of the Commission as aforesaid.

**APPLICATION OF THE DELAWARE, LACKAWANNA AND
WESTERN RAILROAD COMPANY**

APPLICATION DOCKET No. 55914

Crossing—Abolition—Public Safety.

Where a railroad siding which formerly served only one patron had been removed but the tracks across the highway were still imbedded in the concrete road-bed, the Commission ordered the crossing abolished as necessary

to the public safety and directed the track be removed from the highway and the road-bed thereof restored in kind.

No appearances.

ORDER NISI

BY THE COMMISSION, April 3, 1939:

This matter comes before us upon application of The Delaware, Lackawanna and Western Railroad Company, seeking our approval of the abolition of the crossing at grade, where the track of Bangor Excelsior Slate Company siding of the railroad company crosses Central Avenue (State Highway Route No. 166) in the Borough of East Bangor, Northampton County.

Bangor Excelsior Slate Company siding of applicant formerly served a single patron, and was not used in providing service to the general public. The siding, exclusive of the portion located within the limits of Central Avenue track, was removed by applicant during December, 1936. The portion of the track located within the limits of Central Avenue has not been removed and the rails and ties remain imbedded in the concrete paving at the crossing. No protest has been entered against the abandonment of the crossing or against our approval of the present application.

After full consideration of the matters and things involved, we find that the abolition of the crossing at grade, where Bangor Excelsior Slate Company siding track of The Delaware, Lackawanna and Western Railroad Company crosses Central Avenue (State Highway Route No. 166) in the Borough of East Bangor, Northampton County, is necessary or proper for the service, accommodation or convenience of the public; **THEREFORE,**

NOW, to wit, April 3, 1939, **IT IS ORDERED:** That the prayer of the instant petition be and is hereby granted.

IT IS FURTHER ORDERED: That the crossing at grade, where the Bangor Excelsior Slate Company siding track of The Delaware, Lackawanna and Western Railroad Company crosses Central Avenue (State Highway Route No. 166) in the Borough of East Bangor, Northampton County, be and is hereby abolished.

IT IS FURTHER ORDERED: That applicant, at its sole cost and expense, furnish all materials and do all work necessary to remove the rails and ties from within the limits of Central Avenue at the crossing at grade, herein ordered abolished, and to restore the highway surface, disturbed by such removal, in conformity with the portion of the highway adjacent to the crossing.

IT IS FURTHER ORDERED: That applicant, at its sole cost and expense, provide and install 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 or more of the parties in interest, within 15 days after service of this order nisi, it shall become the final order in this proceeding.

APPLICATION OF DEPARTMENT OF HIGHWAYS OF THE
COMMONWEALTH OF PENNSYLVANIA

APPLICATION DOCKET No. 53371

Crossings—Highways—Sproul Act of May 31, 1911—Alteration.

Where the Department of Highways, by virtue of the Act of May 31, 1911, P. L. 468, as amended, relocated a highway and then petitioned the Commission to order an alteration of a railroad crossing at grade across said highway which was dangerous due to the narrow width, excessive grade and poor alignment of the highway; the Commission ordered the alteration as necessary to the public safety.

Forrest Mercer for the Department of Highways.

J. T. Brady for the Reading Company.

ORDER

BY THE COMMISSION, April 3, 1939:

The Department of Highways, by virtue of the provisions of the Act of Assembly approved May 31, 1911, P. L. 468 and its supple-