

DECISIONS OF

Pennsylvania Public Utility Commission

VOLUME 22



HARRISBURG, PENNSYLVANIA

1942



Utility Commission institutes a formal investigation upon its own motion and under the provisions of the Public Utility Law for the purpose of determining the safety of the bridge carrying South Street and two tracks of The Wilkes-Barre Railway Corporation across the respective tracks and rights of way of The Pennsylvania Railroad Company, of Lehigh Valley Railroad Company and of The Central Railroad Company of New Jersey, above grade, in the City of Wilkes-Barre, Luzerne County, and to determine the nature and extent of repairs, alterations or reconstruction of the structure necessary for the service, accommodation, convenience or safety of the public, and to determine the portion of the cost of necessary temporary and permanent repairs, alterations or reconstruction, which each of the interested parties should bear.

IT IS ORDERED: That a copy of this order of investigation be served promptly upon Lehigh Valley Railroad Company, The Pennsylvania Railroad Company, The Central Railroad Company of New Jersey, The Wilkes-Barre Railway Corporation, Department of Highways of the Commonwealth of Pennsylvania, County of Luzerne, City of Wilkes-Barre, Luzerne County, respondents; answer thereto to be filed on or before September 12, 1941, and that the case be and is hereby scheduled for hearing at the courthouse in Wilkes-Barre at 10:00 A. M., Eastern standard time on Wednesday, September 17, 1941.

IT IS FURTHER ORDERED: That the bridge carrying South Street and two tracks of The Wilkes-Barre Railway Corporation across the tracks and rights of way of The Pennsylvania Railroad Company, Lehigh Valley Railroad Company and The Central Railroad Company of New Jersey in the City of Wilkes-Barre, Luzerne County, be closed to all traffic, and effective barricades erected at each end of the structure by the City of Wilkes-Barre and thereafter maintained by said city until their removal is authorized by this Commission.

APPLICATION OF THE DELAWARE, LACKAWANNA AND
WESTERN RAILROAD COMPANY

APPLICATION DOCKET No. 59558

Crossings—Spurs and industrial side tracks—Abandonment.

Where a railroad had discontinued service over a spur track at the request of its only patrons the Commission authorized the abandonment of crossings on said line of trackage.

No appearances.

BY THE COMMISSION, *September 2, 1941*:

The Mountain Home Branch of The Delaware, Lackawanna and Western Railroad Company extends in a general northerly direction from a junction of the main line of the railroad company at Cresco, Monroe County, to its terminus at Mountain Home, Barrett Township, Monroe County. Approximately the last 500 feet of the Mountain Home Branch was abandoned by the railroad company and the tracks of said portion were removed after the railroad company secured the consent thereto of its two patrons, Buck Hill Falls Inn and Skytop Lodge. This line of railroad formerly crossed at grade Barrett Township Highway Route No. 45575 (Oak Road) at a point known as Frantz's crossing in the Village of Mountain Home, Barrett Township, Monroe County. In this application, The Delaware, Lackawanna and Western Railroad Company seeks our approval of the abolition of this crossing at grade.

All railroad facilities were removed from the portion of the line abandoned, including the portion located within the right of way of the highway at the crossing at grade involved in this proceeding.

The railroad company has restored that portion of the township highway formerly occupied by the track of the railroad company to a condition conforming to the highway adjacent to the crossing, and the Township of Barrett has agreed to maintain the portion of the highway formerly occupied by the crossing at grade. It was agreed by all parties in interest present at the field conference that no additional work remains to be performed at the site of the crossing.

Upon full consideration of the matters and things involved, we find and determine that the abolition of the crossing at grade, at a point known as Frantz's crossing in the Village of Mountain Home, Barrett Township, Monroe County, where Barrett Township Highway Route No. 45575 (Oak Road)

crosses the single track of the Mountain Home Branch of The Delaware, Lackawanna and Western Railroad Company is necessary or proper for the service, accommodation, convenience or safety of the public; THEREFORE,

NOW, to wit, September 2, 1941, IT IS ORDERED:

1. That the application be and is hereby approved.
2. That the approval of the instant application is conditional upon the filing with this Commission of an application by The Delaware, Lackawanna and Western Railroad Company for approval of the abandonment of service on the portion of the line of railroad extending from a point in the Village of Cresco, Barrett Township, Monroe County, a distance of about 500 feet to the terminus of the line, and approval of such application by this Commission.
3. That the crossing at grade, at a point known as Frantz's crossing, in the Village of Mountain Home, Barrett Township, Monroe County, where Barrett Township Highway Route No. 45575 (Oak Road) crosses the single track of the Mountain Home Branch of The Delaware, Lackawanna and Western Railroad Company, be and is hereby abolished.
4. That The Delaware, Lackawanna and Western Railroad Company bear the cost and expense incurred by it in the removal of the rails, ties, signs and other facilities of the railroad company from within the limits of the right of way of the highway at the crossing at grade, herein ordered abolished, and in the restoration of that portion of the highway disturbed in such removal to a condition conforming with the portion of the highway adjacent to the crossing.
5. That The Delaware, Lackawanna and Western Railroad Company furnish all materials and do all work necessary to install adequate facilities to effect proper drainage of the highway at the location of the crossing.
6. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Delaware, Lackawanna and Western Railroad Company, located within the limits of any highway, which may be required as incidental to the execution of the improvement herein ordered, be made by said public utility, at its sole cost and expense, and in such a manner as will not interfere with the construction of the improvement.

7. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Delaware, Lackawanna and Western Railroad Company, located beyond the limits of any highway, which may be required as incidental to the execution of the improvement herein ordered, be made by said public utility in such a manner as will not interfere with the construction of the improvement.

8. That The Delaware, Lackawanna and Western Railroad Company pay all compensation for damages, if any, due to the owners, for property taken, injured or destroyed by reason of the abolition of the existing crossing at grade, in accordance with this order.

9. That, upon completion of the improvement herein ordered and its opening to public use, the Township of Barrett, at its sole cost and expense, furnish all materials and do all work necessary thereafter to maintain that portion of Barrett Township Highway Route No. 45575 (Oak Road) formerly occupied by the crossing at grade, and, in addition, maintain any facilities necessary to effect proper drainage of the highway at the location of the crossing.

10. That, unless exceptions are filed hereto by one or more of the parties in interest within 15 days after service of this order, it shall become the final order in this proceeding.

APPLICATION OF THE DELAWARE, LACKAWANNA AND
WESTERN RAILROAD COMPANY

APPLICATION DOCKET No. 59559

Crossings—Spurs and Industrial Side Tracks—Abandonment.

Where a railroad had discontinued service over a spur track at the request of its only patrons, the Commission authorized the abandonment of crossings on said line of trackage.

No appearances.

BY THE COMMISSION, *September 2, 1941:*

The Mountain Home Branch of The Delaware, Lackawanna

and Western Railroad Company extends in a general northerly direction from a junction of the main line of the railroad company at Cresco, Monroe County, to its terminus at Mountain Home, Barrett Township, Monroe County. Approximately the last 500 feet of the Mountain Home Branch was abandoned by the railroad company and the tracks of said portion were removed after the railroad company secured the consent thereto of its two patrons, Buck Hill Falls Inn and Skytop Lodge. This line of railroad formerly crossed at grade Barrett Township Highway Route No. 45573 at a point known as Keller's crossing, in the Village of Mountain Home, Barrett Township, Monroe County. In this application, The Delaware, Lackawanna and Western Railroad Company seeks our approval of the abolition of this crossing at grade.

All railroad facilities were removed from the portion of the line abandoned, including the portion located within the right of way of the highway at the crossing at grade, involved in this proceeding.

The railroad company has restored that portion of the township highway formerly occupied by the track of the railroad company to a condition conforming to the highway adjacent to the crossing, and the Township of Barrett has agreed to maintain the portion of the highway formerly occupied by the crossing at grade. It was agreed by all parties in interest present at the field conference that no additional work remains to be performed at the site of the crossing.

Upon full consideration of the matters and things involved, we find and determine that the abolition of the crossing at grade, at a point known as Keller's crossing in the Village of Mountain Home, Barrett Township, Monroe County, where Barrett Township Highway Route No. 45573 crosses the single track of the Mountain Home Branch of The Delaware, Lackawanna and Western Railroad Company, is necessary or proper for the service, accommodation, convenience or safety of the public; **THEREFORE,**

NOW, to wit, September 2, 1941, IT IS ORDERED:

1. That the application be and is hereby approved.
2. That the approval of the instant application is conditional upon the filing with this Commission of an application by The Delaware, Lackawanna and Western Railroad Company for

approval of the abandonment of service on the portion of the line of railroad extending from a point in the Village of Cresco, Barrett Township, Monroe County, a distance of about 500 feet to the terminus of the line, and approval of such application by this Commission.

3. That the crossing at grade, at a point known as Keller's crossing in the Village of Mountain Home, Barrett Township, Monroe County, where Barrett Township Highway Route No. 45573 crosses the single track of the Mountain Home Branch of The Delaware, Lackawanna and Western Railroad Company, be is and is hereby abolished.

4. That The Delaware, Lackawanna and Western Railroad Company bear the cost and expense incurred by it in the removal of the rails, ties and other facilities of the railroad company from within the limits of the right of way of the highway at the crossing at grade, herein ordered abolished, and in the restoration of that portion of the highway disturbed in such removal to a condition conforming with the portion of the highway adjacent to the crossing.

5. That The Delaware, Lackawanna and Western Railroad Company furnish all materials and do all work necessary to install adequate facilities to effect proper drainage of the highway at the location of the crossing.

6. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Delaware, Lackawanna and Western Railroad Company, located within the limits of any highway, which may be required as incidental to the execution of the improvement herein ordered, be made by said public utility, at its sole cost and expense, and in such a manner as will not interfere with the construction of the improvement.

7. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, other than The Delaware, Lackawanna and Western Railroad Company, located beyond the limits of any highway, which may be required as incidental to the execution of the improvement herein ordered, be made by said public utility in such a manner as will not interfere with the construction of the improvement.

8. That The Delaware, Lackawanna and Western Railroad Company pay all compensation for damages, if any, due to the

owners, for property taken, injured or destroyed by reason of the abolition of the existing crossing at grade, in accordance with this order.

9. That, upon completion of the improvement herein ordered and its opening to public use, the Township of Barrett, at its sole cost and expense, furnish all materials and do all work necessary thereafter to maintain that portion of Barrett Township Highway Route No. 45573 formerly occupied by the crossing at grade, and, in addition, maintain any facilities necessary to effect proper drainage of the highway at the location of the crossing.

10. That, unless exceptions are filed hereto by one or more of the parties in interest within 15 days after service of this order, it shall become the final order in this proceeding.

APPLICATION OF RAY NORTH, t/a RAY NORTH
TRANSFER COMPANY

APPLICATION DOCKET No. 25880, F. 3

Carriers—Certificate of public convenience—Commerce (interstate) Federal Motor Carrier Act of 1935.

The Commission issued its certificate of public convenience to a carrier authorizing its continued operation of motor vehicles as a common carrier for the transportation of property in the completion of interstate shipments from Pittsburgh to points in Pennsylvania within a radius of 20 miles thereof.

Section 206a (49 U. S. C. A. 306a) of the Federal Motor Carriers Act of 1935 provides that any carrier lawfully engaged in operation, solely within any state, in the transportation of persons or property in interstate commerce between places within such state, need not procure a certificate from the Interstate Commerce Commission for such operation if it procures a certificate from the State Commission.

Geo. K. Warn for Applicant.

John M. Walker for Local Union Express.

Paul R. Butler for Kirby Storage & Transfer Co.