

DECISIONS OF

**Pennsylvania Public Utility
Commission**

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substantial volume of milk and cream business which would be diverted to other forms of transportation. Similarly, the average express revenue per train of 41 cents discloses no urgency for the continuation of the service.

Upon full consideration of the matters and things involved, we find and determine that the discontinuance of passenger trains Nos. 211, 212, 215 and 216 between Punxsutawney and Indiana is necessary or proper for the service, accommodation, convenience or safety of the public; THEREFORE,

IT IS ORDERED:

1. That the instant application be and is hereby approved.
2. That a certificate of public convenience issue evidencing our approval of the discontinuance by The Baltimore and Ohio Railroad Company of its passenger trains Nos. 211, 212, 215 and 216, between Punxsutawney, Jefferson County and Indiana, Indiana County, subject to the following conditions:
 - (a) That The Baltimore and Ohio Railroad Company before effectuating the changes in service authorized herein, furnish fifteen (15) days' written notice to this Commission and to the public, such notice to the public to be placed in each car of trains Nos. 211, 212, 215 and 216, and posted in each station of The Baltimore and Ohio Railroad Company presently served by said trains.
 - (b) That The Baltimore and Ohio Railroad Company, when making any tariff revisions required in connection with the changes authorized herein, shall include reference to this certificate by title, date and docket number.

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

APPLICATION DOCKET No. 73564

Crossings (abolition of)—Public Safety—Public Convenience and Necessity.

A railroad company was refused permission to abolish one of its grade crossings even though a hazardous condition might exist at such crossing where it appeared that the closing of the crossing would create serious inconvenience to the public especially to pedestrians traveling to and from the easterly side of the village.

Gomer W. Morgan for Delaware, Lackawanna and Western Railroad Company.

R. S. Hemingway for Reading Company.

John J. Dempsey, Jr., for North Branch Bus Company.

Howard R. Berninger for Montour Township School District.

Donald A. Lewis for Montour Township Supervisors.

H. E. Bailey for County of Columbia.

BY THE COMMISSION, *May 22, 1950*:

In the Village of Rupert, Montour Township, Columbia County, State Highway Route 19079 (Canal Street) extends in a general northerly direction from its junction with Traffic Route 42 (State Highway Route 183) for a distance of about 200 feet where it crosses at grade one main track of the Shamokin Division of Reading Company, and at a point approximately 200 feet north thereof crosses over the grade of one track of the Bloomsburg Branch of The Delaware, Lackawanna and Western Railroad Company. State Highway Route 19079 continues in a general northerly direction a distance of about 1,700 feet, thence turns westerly and crosses at grade one main track and one siding track of the Bloomsburg Branch of The Delaware, Lackawanna and Western Railroad Company, and at a point approximately 50 feet west thereof crosses at grade two yard tracks and one main track of the Bloomsburg Branch of Reading Company. State Highway Route 19079 continues thence westward a distance of about 100 feet to a point of junction with South Market Street and extends thence in a general northwesterly direction a distance of approximately 1,200 feet to a point of junction with Traffic Route 42 (State Highway Route 183). At a point about 200 feet south of the aforementioned junction of State Highway Route 19079 and Traffic Route 42, the latter highway crosses under the grade of the two main tracks of the Shamokin Division of Reading Company.

About 700 feet north of the crossing of State Highway Route 19079 over the grade of a single main track of the Bloomsburg Branch of The Delaware, Lackawanna and Western Railroad Company, South Market Street extends in a general westerly direction from a junction with State Highway Route 19079, a distance of approximately 250

feet, where it crosses at grade, one main and three yard tracks of the Bloomsburg Branch of The Delaware, Lackawanna and Western Railroad Company and two yard tracks and one main track of the Bloomsburg Branch of Reading Company. South Market Street thence turns and extends northerly for a distance of approximately 800 feet to a point of junction with State Highway Route 19079.

In the instant application, The Delaware, Lackawanna and Western Railroad Company and Reading Company seek our approval of the abolition of the South Market Street crossing at grade.

A plan, prepared by The Delaware, Lackawanna and Western Railroad Company and submitted of record at the hearing held April 25, 1949, as applicant's Exhibit No. 1, shows that South Market Street approaches the crossing at grade from a westerly direction on the descending grade of approximately 2% and that the highway crosses three tracks of Reading Company and three tracks of The Delaware, Lackawanna and Western Railroad Company on an average descending grade of about 8% and thence descends on a 12% grade for about 50 feet to and crosses the main track of the Bloomsburg Branch of The Delaware, Lackawanna and Western Railroad Company. The westerly approach ascends from the crossing of this track on a grade of 7.3% for about 50 feet and thence on a 3.6% grade for about 50 feet. The record shows that the approaches to the crossing at grade are graded to a width of 39 feet and the crossing area which is approximately 125 feet in length is unimproved, the portions between the rails and between the tracks being filled with earth and cinders for a width of roadway of 12 feet. The crossing at grade is protected by a standard cross-buck railroad crossing warning sign located south of South Market Street and west of the main track of The Delaware, Lackawanna and Western Railroad Company. At a point approximately 130 feet northwest of the crossing at grade a pedestrian footbridge leads from South Market Street, crosses above the grade of two tracks of the Shamokin Division of Reading Company and terminates at a point along the eastern side of Traffic Route 42.

A witness for The Delaware, Lackawanna and Western Railroad Company submitted of record at the hearing a count of traffic across South Market Street for a continuous 24-hour period beginning September 18, 1947, which shows a total of two passenger trains, two freight trains and 47 light engines. The Delaware, Lackawanna and Western Railroad Company's passenger and freight trains operate at maximum speeds of 45 miles per hour on the main track and the light engine movements at five miles per hour on the siding tracks. Reading

Company operates its shifting movements over the crossing at maximum speeds of 15 miles per hour. The traffic count shows that 21 passenger cars, five trucks, one bicycle and 45 pedestrians crossed the tracks of the railroad company at the crossing during this same period.

Applicant's Exhibit No. 1 shows a hotel, church, school, store and 17 private residences located on the westerly side of Traffic Route 42, 12 private residences located along South Market Street between the main track of the Shamokin Division and the main track of the Bloomsburg Branch of Reading Company, and 24 private residences located along South Market Street and State Highway Route 19079 east of the tracks of the Bloomsburg Branch of The Delaware, Lackawanna and Western Railroad Company.

In event the application is approved and the crossing at grade abolished, the residents living on South Market Street east of the existing crossing and traveling by motor vehicle will have access to the business district by way of State Highway Route 19079 and the crossing at grade, north of the village by traveling approximately 200 feet further than by the South Market Street crossing at grade. The plan shows that whereas pedestrians who presently travel approximately 1,150 feet from the junction of State Highway Route 19079 and South Market Street by way of South Market Street crossing and the foot-bridge can travel approximately 3,910 feet via the State Highway Route 19079 north crossing at grade and the subway on Traffic Route 42 to attend church.

A witness for The Delaware, Lackawanna and Western Railroad Company testified that, in his opinion, the South Market Street crossing at grade is a very dangerous crossing because of restricted sight distances and steep approaches. The witness further testified that during the past three years, one accident occurred at the crossing on November 10, 1947, at which time a freight train struck an automobile and resulted in slight damage to the vehicle and slight injury to the driver. The witness testified that the railroad company proposes to close South Market Street by the erection of a barricade immediately east of the main track of The Delaware, Lackawanna and Western Railroad Company; that it will not be necessary to lay out any new highway; that the abolishing of the crossing, as proposed, will not require the alteration of any facilities of any public utility, other than the involved railroad company; and that it will not be necessary to construct any additional drainage facilities at the site of the crossing in event the application is approved.

A witness for Reading Company testified that the South Market Street crossing is dangerous due to the large number of shifting movements, the limited view of approaching trains, especially when freight cars are parked on the siding tracks within 50 feet of the crossing, and the fact that the crossing is located in the middle of the yard, and vehicular traffic is required to operate at a very slow speed over the tracks at the crossing as the tracks at the crossing are at different elevations. The witness further testified that although the crossing of State Highway Route 19079 at grade across Reading Company's main track south of the village is protected by automatically operated flashing light railroad crossing warning signals, the view of approaching trains at that crossing is limited and the crossing at grade of that state highway across Reading Company's tracks north of the village is safer than the South Market Street crossing involved because at the crossing the highway is on light grades. The witness testified that Reading Company proposes to close South Market Street by the erection of a barricade 10 feet west of its main track; that, in event the application is approved, there will be no damage and that it will not be necessary to construct any additional drainage facilities.

A witness for Reading Company and a witness for The Delaware, Lackawanna and Western Railroad Company each submitted a detailed estimate of the cost of work to be performed by their company. The estimated cost of the abolition of the existing crossing at grade is made up of the following principal items:

<i>Reading Company</i>	
Remove existing crossing	\$150
Construct barricade	100
	—————
Subtotal	\$250
<i>The Delaware, Lackawanna and Western Railroad Company</i>	
Remove existing crossing	\$100
Remove pipe culvert	50
Construct barricade	100
	—————
Subtotal	\$250
	—————
Total	<u>\$500</u>

A teacher at the Rupert school, located at the north end of the Village of Rupert on the western side of Traffic Route 42, appearing as a protestant, testified that approximately 10 students between the ages of 6 and 12 living east of the South Market Street crossing at grade use that crossing twice daily; that the students walk over the footbridge and thence northerly about 1,200 feet along the elevated footpath on the westerly side of Traffic Route 42 to the site of the

school located along the westerly side of that state highway. The witness stated that, in event the South Market Street crossing is abolished, students would be required either to use State Highway Route 19079 crossing at grade, south of the village, thence walk the narrow berm of Traffic Route 42, or to walk along State Highway Route 19079 and over the crossing at grade, north of the village, travel thence to the junction of State Highway Route 19079 with Traffic Route 42 and thence southwardly along the latter highway and through the underpass. According to the plans submitted of record by The Delaware, Lackawanna and Western Railroad Company, the first-mentioned route is approximately 3,400 feet in length and the latter route about 3,200 feet in length, whereas the route presently used by the school children, namely, via the South Market Street crossing, is about 1,700 feet in length.

The Assistant Postmaster of Bloomsburg, testifying in behalf of the protestants, stated that, in event the application is approved and the crossing abolished, the mail carrier on the rural route serving the Village of Rupert would be required to retrace a portion of his route thereby increasing the length of his route about 0.5 of a mile per day. This added mileage would cost the U. S. Post Office Department approximately \$41.35 annually.

A witness for the protestants, whose residence is located on South Market Street east of the crossing, stated that the crossing at grade is used by workmen going to and returning from the bus stop on Traffic Route 42 at the west of the footbridge.

A witness for the protestants submitted a count of traffic using the crossing for a continuous 24-hour period beginning April 7, 1949, which shows 49 passenger cars, four trucks, seven bicycles and 84 pedestrians crossed the tracks of the railroad companies during this period.

A Supervisor of Montour Township, testifying for the Township Supervisors in behalf of the protestants, stated that the abolition of the crossing at grade would inconvenience the residents of the Village of Rupert and that the township does not agree to the abolition of the crossing.

A witness for the County Commissioners of Columbia County stated at the hearing that by a motion made March 5, 1949, the Commissioners objected to the abolition of the crossing.

The record in this proceeding tends to show that although a hazardous condition may exist at the crossing at grade, where one main

and three yard tracks of the Bloomsburg Branch of The Delaware, Lackawanna and Western Railroad Company and two yard tracks and one main track of the Bloomsburg Branch of Reading Company are crossed by South Market Street in the Village of Rupert, Township of Montour, Columbia County, we are of the opinion that the closing of this crossing as proposed by the railroad companies would create a serious inconvenience to the public, especially to pedestrians traveling to and from the easterly side of the village and therefore find and determine that the abolition of the crossings is not necessary for the service, accommodation, convenience or safety of the public; THEREFORE,

IT IS ORDERED: That approval of the instant application be and is hereby denied.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

v.

TROTTER WATER COMPANY

COMPLAINT DOCKET No. 14765

Rates—Valuation—Securities—Cost of Financing—Accrued Depreciation—Reproduction Cost.

For rate-making purposes, any determination of cost of financing applicable to reproduction cost should be based on depreciated reproduction cost, or if based on undepreciated reproduction cost, then accrued depreciation should be applied to the resulting cost of financing.

Valuation—Securities—Cost of Financing—Bonds—Common Stock—Rate Base.

The Commission has allowed cost of financing applicable to bonds based upon the utility's actual debt ratio of the utility involved; however, cost of financing (marketing) a utility's common stock must be excluded from rate base.

Valuation—Original Cost—Reproduction Cost—Fair Average Price—Water Company.

In determining the fair value of a water utility's property for rate-making purposes, consideration must be given to original cost and reproduction cost, the latter, however, at the fair average price of materials, property and labor.

Valuation—Reproduction Cost—Original Cost—Spot Prices.

Since the reproduction cost of a water utility property at spot prices is deserving of very little weight for rate-making purposes, the greatest weight should be given to the original cost and the ten-year reproduction cost estimate.