

November 15, 1989

C-861119

John L. Heaton, Chief Counsel
Pennsylvania Dept. of Transportation
521 Trans. & Safety Building
Harrisburg, PA 17120

**DOCUMENT
FOLDER**

DOCKETED
FEB 1 - 1990

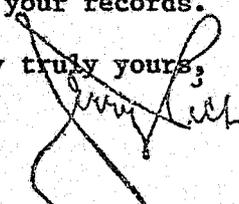
Moscow Borough Council
v.
City of Scranton
Lackawanna County and
Pennsylvania Department of Transportation

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in public meeting held November 9, 1989.

An Executed Order has been enclosed for your records.

Very truly yours,


Jerry Rich, Secretary

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Encls.
Cert. Mail

Copy of Order to: See Recommended Decision letter dated September 22, 1989.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 9, 1989

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice Chairman
Joseph Rhodes, Jr., Commissioner
Frank Fischl, Commissioner

Moscow Borough Council

C-861119

v.

City of Scranton, Lackawanna County and
Pennsylvania Department of Transportation

DOCKETED

FEB 1 - 1990

O R D E R

BY THE COMMISSION:

We adopt as our action the Recommended Decision of
Administrative Law Judge Richard M. Lovenwirth dated
September 6, 1989; THEREFORE,

IT IS ORDERED:

1. That the City of Scranton bear the costs incurred
by it in furnishing material and performing work, inclusive of
the preparation of engineering report, in accordance with the
previous Orders of the Commission issued in this proceeding.

2. That the City of Scranton, at its sole cost and
expense, within thirty days after the entry of this Order,
furnish all material and do all work necessary in the
construction of a wooden shield over the walkway area underneath
the deck of the bridge, in order to protect pedestrians from
falling concrete.

**DOCUMENT
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3. That the City of Scranton, at its sole cost and expense, within forty-five days after the entry of this Order and periodically thereafter, furnish all material and do all work necessary to perform any needed repairs to the structure so that the safety and well being of the traveling public are not endangered or compromised.

4. That the City of Scranton, at its sole cost and expense, furnish all material and do all work necessary to maintain the entire substructure and superstructure of the bridge, inclusive of the rail facilities on the bridge, in a safe and satisfactory condition.

5. That the Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to maintain the roadway under the structure, and the highway approaches thereto, in a safe and satisfactory condition.

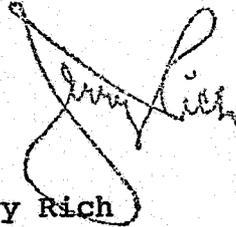
6. That the Borough of Moscow, at its sole cost and expense, furnish all material and do all work necessary to maintain the sidewalks under the structure in a safe and satisfactory condition, including the wooden shield which is the subject matter of ordering paragraph number two of this Order.

7. That prior to the operation of trains by any entity over the subject crossing, the City of Scranton shall determine the load-carrying capacity of the structure and inform the Commission and the parties to this proceeding of the results of its analysis. The operation of trains over the subject crossing is hereby forbidden without further Order of this Commission.

8. That this Order, insofar as it places the costs of the project on the parties involved, is without prejudice to said parties' rights to recover said costs from others in accordance with any lawful agreements.

9. That this Order and all further Orders and pleadings in this proceeding shall be served upon National Park Service, Upper Delaware Scenic and Recreational River, P.O. Box C, Narrowsburg, New York 12764.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", is written over a large, stylized, handwritten "X" mark.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: November 9, 1989

ORDER ENTERED: NOV 15 1989