

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Complaint Docket No. 13948

DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA

THE PENNSYLVANIA RAILROAD COMPANY, COUNTY OF BEAVER, CITY OF BEAVER FALLS, BOROUGH OF WEST MAYFIELD, THE BELL TELEPHONE COMPANY OF PENNSYLVANIA, MANUFACTURERS LIGHT and HEAT COMPANY, DUQUESNE LIGHT COMPANY and BEAVER FALLS WATER COMPANY.

ORDER

BY THE COMMISSION:

At a point partly in the City of Beaver Falls and partly in the Borough of West Mayfield, Beaver County, about 1,700 feet west of its intersection with State Highway Route No. 77 (Traffic Route No. 18) and about 200 feet east of Second Avenue in the Borough of West Mayfield, State Highway Route No. 04007 (37th Street) is carried across and above the grade of the three main tracks and right of way of Pittsburgh, Fort Wayne and Chicago Railway Company (operated by The Pennsylvania Railroad Company) by means of a single-span bridge approximately 70 feet in length.

In the instant complaint, the Department of Highways of the Commonwealth of Pennsylvania alleges that this bridge is dangerous and inadequate, and should be reconstructed for the safety, accommodation and convenience of the public.

The record shows that State Highway Route No. 04007 forms a part of Traffic Route No. 251 and extends in a general easterly direction from the Borough of Darlington through Chippewa Township and West Mayfield Borough, a distance of approximately 5.5 miles to its terminus at State Highway Route No. 77 (4th Avenue) in the City of Beaver Falls.

At the site of the existing crossing above grade, the tracks of the line of the railroad involved in this proceeding extend in a general northerly and southerly direction along the boundary line

freight trains daily.

A witness testifying in behalf of The Pennsylvania Railroad Company stated that, in his opinion, the increase in traffic between September 1926 and December 1943, as reflected by the two surveys, is not a normal increase, and is due chiefly to the large increase in employment at the large industrial plant located near the bridge and presently engaged in war work, and that after the present emergency traffic will decrease to approximately the 1926 volume. On the other hand, the witness, testifying in behalf of the Department of Highways, stated that, in his opinion, normal traffic over the bridge will differ very little from the average traffic using the bridge on December 9, 1943; that the increase in traffic between 1926 and 1943, as reflected by the two surveys, is about normal and, although traffic at this location may decrease somewhat when the industrial plant located in the vicinity of the crossing completes its war production, the decrease will be offset by the increase in highway traffic subsequent to the lifting of the present restrictions on the use of motor fuel.

A witness testifying in behalf of the Department of Highways stated that the superstructure of the existing bridge is not in very good condition; that the substructure is in fair condition and that, due to the narrow roadway on the bridge, the crossing is inadequate and dangerous. The Department of Highways contends that the convenience and safety of the public require that the crossing above grade be reconstructed at the earliest practicable date.

The County of Beaver, the City of Beaver Falls and the Borough of West Mayfield all agree with the contentions of the Department of Highways in respect to the necessity for reconstructing the existing crossing above grade. Counsel for the Borough of West Mayfield stated of record that the borough has made numerous complaints to the Department of Highways concerning the inadequacy of the existing bridge and urging the construction of a new and wider bridge. A

the center portion thereof paved with bituminous macadam to a width of 22 feet.

The portion of the state highway located between the above mentioned survey stations forms the approaches to the crossing and, therefore, constitutes the crossing improvement over which the Commission has jurisdiction.

A detailed estimate of costs prepared by the Department of Highways and submitted of record at the hearing held in this proceeding on December 21, 1943, as complainant's Exhibit No. 2, shows that the construction of the improvement in accordance with complainant's exhibits Nos. 1-A and 1-B, exclusive of property damages, is estimated to cost \$49,046.91. This estimate of costs is made up of the following principal items:

Highway Approaches

Clearing and Grubbing	\$ 50.00
Excavation and embankment	2,133.00
Subgrade and shoulders	582.00
Subbase	100.00
Base course	2,200.00
Selected material surfacing	72.00
Reconstructed base course material	100.00
Bituminous surface course	2,092.00
Class B concrete	90.00
Drainage facilities	723.00
Guard fence	676.80
Engineering and contingencies 10%	881.88

Total Highway Approaches \$ 9,700.68

Bridge

Fabricated structural steel	9,204.00
Plain steel bars	1,086.30
Pressure Grout surfacing	2,898.00
Class A Concrete	3,360.00
Class B Concrete	7,925.00
Excavation	2,040.00
Cement rubble masonry	8,756.00
Removal of existing superstructure	500.00
Engineering and contingencies	3,576.93

Total Bridge \$39,346.23

Total crossing improvement \$49,046.91

In addition to the above items of work, the construction of the improvement, in accordance with the general and detail plans of the Department of Highways, will necessitate alteration of the

share of the costs of the new bridge estimated by the Department of Highways at \$126.

The witness testifying in behalf of The Pennsylvania Railroad Company stated that, in his opinion, the estimate of costs prepared by the Department of Highways and submitted of record as complainant's Exhibit No. 2 is too low and that an estimate prepared by the railroad company shows that the construction of the new bridge, not including the approaches thereto, in accordance with the plan of the Department of Highways, will cost \$50,600. The Department of Highways' estimate of the same item amounts to \$39,346.23.

An alternate plan for the reconstruction of the crossing above grade, prepared by The Pennsylvania Railroad Company and submitted of record at the hearing held in this proceeding on December 21, 1923, as respondent's Exhibit "C" provides, inter alia, for the reconstruction of said crossing, generally in accordance with the plans of the Department of Highways and differing therefrom in that the plan of the railroad company contemplates the reuse of the existing girders; the principal dimensions, clearances and number of sidewalks being the same in both designs. The cost of the new bridge, not including approaches thereto, constructed in accordance with the plan submitted as respondent's Exhibit "C", is estimated by the railroad company at \$45,400. This estimated cost is \$5,200 less than the railroad company's estimate of cost of constructing the new bridge in accordance with the plan submitted by the Department of Highways, and \$3,058.77 greater than the Department of Highways' estimated cost of the same work.

The railroad company's plan contemplates the use of the existing wrought-iron girders, which were fabricated about 60 years ago, as the main supporting members in the new bridge. The witness testifying in behalf of the railroad company stated that the girders were in good physical condition and that the estimated saving in construction cost justifies the use of the old members in the new bridge.

benefit the railroad company; that the proposed improvement is exclusively a highway improvement; and that, inasmuch as The Pennsylvania Railroad Company has, at its sole cost and expense, constructed and maintained the existing bridge, it should not be required to bear any portion of the cost of the new bridge.

Counsel for the Borough of West Mayfield stated of record that the borough has agreed to bear whatever costs may follow by virtue of the provisions of the law upon the borough for any land damages which may result from such reconstruction.

Neither the City of Beaver Falls nor the County of Beaver agrees of record to bear any portion of the costs of the improvement.

We are not convinced by the arguments of the Department of Highways that, since the existing bridge was constructed and is presently maintained by and for the sole benefit of The Pennsylvania Railroad Company, the railroad company should be required to bear the full cost of a new and larger bridge. The testimony clearly establishes that a new bridge is now required at this location to provide adequate width for the safe and convenient passage of the normal increase in highway traffic and is not necessitated by any weakness or neglect of maintenance of the existing bridge. This crossing forms a part of a state highway and it is evident that the public using the said highway will benefit materially by the replacement of the existing single-lane bridge with a new two-lane bridge. Under the circumstances, it is equitable and just that the Department of Highways should bear a reasonable portion of the cost of a new bridge.

Neither do we agree with the contentions of The Pennsylvania Railroad Company that it should not be required to bear any portion of the cost of the proposed improvement. The fact that the railroad company constructed and bore the full construction and maintenance costs of the existing bridge is a proper matter for consideration in the allocation of the costs of the proposed improvement, but it does not relieve the railroad company of all further responsibility or

1. That the instant complaint be and is hereby sustained.

2. That the crossing above grade, at a point partly in the Borough of West Mayfield and partly in the City of Beaver Falls, Beaver County, about 1,700 feet west of State Highway Route No. 77 (Traffic Route No. 18), where State Highway Route No. 04007 (37th Street) crosses above the grade of the three main tracks and right of way of Pittsburgh, Fort Wayne and Chicago Railway Company (operated by The Pennsylvania Railroad Company) be altered and reconstructed in accordance with the general and detail plans submitted of record at the hearing held in this proceeding on December 21, 1943, as complainant's exhibits Nos. 1-A and 1-B, which said plans are attached hereto, made part hereof and are hereby approved, except in so far as they may relate to the division of work or to the allocation of the costs incident to the construction of the improvement, herein ordered constructed.

3. That the following described property, together with all the buildings and structures or parts thereof, of any description or use whatsoever, erected or located thereon, be and are hereby severally taken and appropriated for the purpose of the improvement, in accordance with the approved plan.

1. The Pennsylvania Railroad Company, record owner  
Philadelphia, Penna.

ALL THOSE CERTAIN tracts of land required for the purpose of the improvement, as shown on the approved plan, situated in West Mayfield Borough, and City of Beaver Falls, Beaver County, bounded and described as follows, to wit:

Tract No. 1  
Beginning at a point on the northerly side of State Highway Route 04007, said point being on the ordained right of way line and distant thirty (30) feet northerly from the survey center line at or about Station 292/25 thereof and measured at right angles thereto; thence in a northerly direction along the required limit of slope line to a point distant fifty (50) feet northerly and measured at right angles from the survey center line at or about Station 292/25 thereof; thence in an easterly direction along said required limit of slope line to a point distant fifty

Tract No. 4

Beginning at a point on the southerly side of State Highway Route 04007, said point being on the ordained right of way line and distant thirty (30) feet southerly from the survey center line at or about Station 293/25 thereof and measured at right angles thereto; thence in an easterly direction along said ordained right of way line to a point distant thirty (30) feet southerly and measured at right angles from the survey center line at or about Station 293/50 thereof; thence in a southerly direction along the required limit of slope line to a point distant fifty (50) feet southerly and measured at right angles from the survey center line at or about Station 293/50 thereof; thence in a westerly direction along said required limit of slope line to a point distant fifty (50) feet southerly and measured at right angles from the survey center line at or about Station 293/25 thereof; thence in a northerly direction along said required limit of slope line to a point and the place of beginning and containing one hundred fifteen ten thousandths (0.0115) of an acre of land, more or less.

2. Babcock and Wilcox Tube Company, record owner  
Fourth Avenue  
Beaver Falls, Penna.

ALL THAT CERTAIN tract of land required for the purpose of the improvement, as shown on the approved plan, situated in the City of Beaver Falls, Beaver County, bounded and described as follows, to

wit:

Beginning at a point on the northerly side of State Highway Route 04007, said point being on the ordained right of way line and distant thirty (30) feet northerly from the survey center line at or about Station 293/70.50 thereof and measured at right angles thereto; thence in a northerly direction to a point on the required limit of slope line distant thirty-five (35) feet northerly and measured at right angles from the survey center line at or about Station 293/70 thereof; thence in an easterly direction along the required limit of slope line to a point distant thirty-five (35) feet northerly and measured at right angles from the survey center line at or about Station 294/50 thereof; thence in a southerly direction along said required limit of slope line to a point on the ordained right of way line distant thirty (30) feet northerly and measured at right angles from the survey center line at or about Station 294/50 thereof; thence in a westerly direction along said ordained right of way line to a point and the place of beginning and containing ninety-two ten thousandths (0.0092) of an acre of land, more or less.

The above tract of land is a portion of real estate which became legally vested in Babcock and Wilcox Tube Company by deed dated October 4, 1940, recorded October 8, 1940, in Deed Book No. 472, Page 430 in the Beaver County Courthouse.

4. That The Pennsylvania Railroad Company, at its sole cost and expense, furnish all materials and do all work required to make any necessary alterations to its track facilities, wire lines and other facilities located on its right of way, including the raising of its wire lines across the westerly approach to the existing bridge, so as to provide proper vertical clearance above the reconstructed highway and, in addition, at its sole cost and expense, maintain flagmen and watchmen to protect its train movements during the time the existing bridge is being removed and the new bridge is being constructed over its tracks and during the time alterations are being made to the facilities on its right of way in accordance with this order.

5. That any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any public utility other than The Pennsylvania 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.

6. That any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any public utility other than The Pennsylvania 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.

7. That Beaver Falls Municipal Authority, at its sole cost and expense, furnish all materials and do all work necessary to construct and thereafter maintain its pipe line on the new bridge and its approaches in accordance with the approved plan, said work and materials being estimated by the municipal authority to

reduced speed and under control.

14. That all work necessary to complete the improvement, herein ordered, be done in a manner satisfactory to this Commission and be fully completed on or before December 31, 1945, and that on or before said date each party, herein required to do work, certify to this Commission the date of actual completion of its respective portion.

15. That The Pennsylvania Railroad Company pay the Department of Highways, when and as certified by the Pennsylvania Public Utility Commission, a sum or sums of money equal to Sixteen thousand dollars (\$16,000) to apply on the actual cost incurred by the Department of Highways in furnishing materials and doing work in accordance with this order.

16. That the County of Beaver pay the Department of Highways, when and as certified by the Pennsylvania Public Utility Commission, a sum or sums of money equal to Four thousand dollars (\$4,000) to apply on the actual cost incurred by the Department of Highways in furnishing materials and doing work in accordance with this order.

17. That the City of Beaver Falls, Beaver County, pay all compensation for damages due to the owners, exclusive of The Pennsylvania Railroad Company, for property situated within the corporate limits of said city and taken, injured or destroyed by reason of the construction of the crossing improvement in accordance with this order.

18. That the Borough of West Mayfield, Beaver County, pay all compensation for damages due to the owners, exclusive of The Pennsylvania Railroad Company, for property situated within the corporate limits of said borough and taken, injured or destroyed by reason of the construction of the crossing improvement in accordance with this order.

19. That The Manufacturers Light and Heat Company pay the Department of Highways, when and as certified by the Pennsylvania

at its sole cost and expense, furnish all materials and do all work  
necessary thereafter to maintain the remainder of the crossing  
improvement.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

(signed) John Siggins, Jr.

Chairman

ATTEST:



Recorded No. **9160**

*D. J. Schumaker*

Comptroller