

No. 7 March Sessions 1931

In the Court of Quarter Sessions
of Cambria County, Pennsylvania

IN RE BRIDGE BETWEEN THE CITY OF
JOHNSTOWN AND THE BOROUGH OF
WESTMONT, CAMBRIA COUNTY, PENN-
SYLVANIA

PETITION and ORDER OF COURT

Filed 27 April 1931

LAW OFFICES OF
FRANK P. BARNHART
JOHNSTOWN, PENNA.

IN RE BRIDGE BETWEEN THE
CITY OF JOHNSTOWN AND THE
BOROUGH OF WESTMONT, CAMBRIA
COUNTY, PENNSYLVANIA

! In the Court of Quarter Sessions
: of
: Cambria County, Pennsylvania
!

TO THE HONORABLE JUDGES OF THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA:

The petition of the undersigned respectfully represents:

- (1) That they are resident tax payers of the said Cambria County.
- (2) That the City of Johnstown and the Borough of Westmont, both of the County of Cambria, aforesaid, are separated by a river or creek, namely; the Stonycreek River.
- (3) That the erection of a bridge over said Stonycreek River is necessary for the accommodation and convenience of public travel.
- (4) Your petitioners further represent that there is a bridge already erected over said Stonycreek River between the said City of Johnstown and the Borough of Westmont, which bridge your petitioners are advised, believe and aver, the Commissioners of said Cambria County can purchase at a cost not exceeding ten per centum of what a new bridge can be built for; to wit: at a nominal price, upon the recommendation of the Viewers.

WHEREFORE your petitioners pray the Court that the County shall erect a bridge over said Stonycreek River between the said City of Johnstown and the said Borough of Westmont; or purchase said bridge already erected upon the recommendation of the Viewers, as aforesaid; and that your Honorable Court shall appoint three Viewers from the County Board of Viewers to view the locality suggested in this petition for a bridge and to make Report of their proceedings to the Court at the next term thereof; and that all other things be done, appertaining thereto, as required by law.

Robert H. Hite
W. S. Taylor Jr.

J. McLaughlin

Frank L. Auelner

Tom Nokes

Minda Bevey

W. L. Lutz

John O. E. Gage

John J. Mulvihill

Adam Beam

Chas. A. McKee

Wm. K. Miller

Dr. H. G. Sherrard

James F. McDonough

O. C. Beau

George S. Eckhart

Harry S. Hollinger

J. Lewis

D. Block

J. M. Rodin

W. J. Kullmer

H. J. Conway

Charles G. Connors

John P. Sullivan

Marion J. Lewis

Charles E. Lewis

+ Weston D. Johnson

Edgar M. Stone

J. R. Auld

Geo. H. Turner

Wm. R. Turner

+ H. H. Hall

W. H. Thomas

William B. Thomas Jr.

C. R. Lamm

C

Eda Poikilinen
 H. Harnick
 A. Ahlson
 James A. Keesom
 J. Ross Koonce
 James J. Apple
 J. W. Gilbert
 Joseph Dickinson

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COMMONWEALTH OF PENNSYLVANIA

:

SS:

COUNTY OF CAMBRIA

:

Personally appeared before me, a Notary Public
 in and for said state and county, Joseph Siciliano one of the peti-
 tioners within named -----
 who being duly sworn according to law, deposes and says that the matters and
 facts set forth in the within petition are true and correct, to the best of
 his knowledge, information and belief.

Joseph Siciliano

Sworn and subscribed before me
 this 27th day of ~~February~~ April
 1931

Lawrence Luckner

[Faint, illegible text]

IN RE BRIDGE BETWEEN THE
CITY OF JOHNSTOWN AND THE
BOROUGH OF WESTMONT, CAMBRIA
COUNTY, PENNSYLVANIA

§ In the Court of Quarter Sessions
: of
: Cambria County, Pennsylvania
§

ORDER OF COURT

The within petition having been read and considered, the prayer of the petitioners is granted and *Mahlon J. Baugher* and *Simon Tomb* and *Philip E. Cauffield* three Viewers from the County Board of Viewers, are hereby appointed, as within prayed for, the said Viewers to make Report of their proceedings to the Court

By the Court
Evans

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 7 MARCH SESSIONS, 1931.

IN RE BRIDGE BETWEEN THE CITY
OF JOHNSTOWN AND THE BOROUGH
OF WESTMONT, CAMBRIA COUNTY,
PENNSYLVANIA.

REPORT OF VIEWERS.

Filed 1 June 1931

MAHLON J. BAUMGARDNER
ATTORNEY AT LAW
JOHNSTOWN, PENNA.
SWANK BLDG.

*89 . W 1931 App. records.
By the Court
Ernest G. H.
7 Sept. 1931 & approved by
Swank B. Bldg
& back*

IN RE BRIDGE BETWEEN THE
CITY OF JOHNSTOWN AND THE
BOROUGH OF WESTMONT, CAMBRIA
COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 7 MARCH SESSIONS, 1931.

REPORT OF VIEWERS.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

We, the undersigned Viewers, appointed by the above Court to view and inquire into the necessity of a certain bridge erected over the Stonycreek River between the City of Johnstown and the Borough of Westmont, both in the County of Cambria and State of Pennsylvania, for the purpose of having the County erect a bridge over said Stonycreek River between the said City of Johnstown and the Borough of Westmont, or purchase said bridge already erected, respectfully report:-

That we were duly sworn or affirmed as members of the Permanent Board of Viewers of Cambria County, as shown by the records of said Court; that we gave due public notice of the time and place of meeting of said Viewers by publication in the Johnstown Daily Tribune and Johnstown Democrat and Cambria County Legal Journal, and by hand bills posted upon the premises at least ten days prior to the time of the making of said view, evidence of which is shown by copies of said notices hereto attached and by acceptance of service on Frank P. Barnhart, Esq., attorney for petitioners; Donald E. Custer, Esq., Solicitor for the Borough of Westmont; Tillman K. Saylor, Esq., Solicitor for the City of Johnstown; Leonard S. Jones, Esq., Solicitor for the Commissioners of Cambria County; and R. E. McMath, Vice-President of the Cambria Incline Plane Company, copies of which are hereto attached and made a part of this report; that we met upon the premises according to the notice given, on Tuesday, May 19, 1931, at ten o'clock A. M., Eastern Daylight Savings Time, for the purpose of viewing said bridge and taking testimony, and performing the duties of our appointment.

There were present at said view Frank P. Barnhart, Esq., together with Joseph Siciliano and Lawrence Campbell, appearing for the petitioners; O. P. Thomas, Engineer for the Borough of Westmont, appeared for the Borough of Westmont; Martin R. Brennan appeared for the County of Cambria; Friedjoff D. Tappert, Esq. appeared for the City of Johnstown; H. E. Trout and William Franke appeared for the Cambria Incline Plane Company; all of the Viewers being in attendance.

The name of S. E. Dickey, a member of the permanent Board of Viewers of Cambria County, was substituted by the Court in place of Philip E. Caulfield, who was ill and confined to his bed.

A complete inspection of the bridge and approach thereto was made by the Board of Viewers. It was mutually agreed by and between all the parties in interest, in attendance at the view, that a hearing be had and testimony taken in the matter, on Saturday, May 23, 1931, at nine thirty o'clock A. M., Eastern Daylight Savings Time, at the Council Rooms, City Hall, corner of Main and Market Streets, Johnstown, Cambria County, Pennsylvania, for the purpose of taking testimony and hearing all evidence relating to the matter

at issue. Notice of the taking of testimony was advertised in the Johnstown Tribune and Johnstown Democrat, as a matter of precaution, giving time and place of the meeting of Viewers for said purpose.

Pursuant to said adjournment had thereto, we met at the Council Rooms, City Hall, corner of Main and Market Streets, Johnstown, Cambria County, Pennsylvania, on Saturday, May 23, 1931, at nine thirty o'clock A. M., Eastern Daylight Savings Time, for the purpose of hearing evidence and taking testimony, at which time witnesses appeared and were heard. Appearances were entered for the following parties in interest, namely: James V. McGinnis, representing the citizens of the Borough of Westmont; Frank P. Barnhart, Esq., representing the petitioners in the proceedings; H. E. Trout and W. C. Franke, representing the Cambria Incline Plane Company; Leonard S. Jones, representing the Commissioners of Cambria County; and Tillman K. Saylor, Esq., representing the City of Johnstown. Testimony adduced at the hearing was taken in shorthand and transcribed from shorthand into long hand on the typewriter, and is hereto attached and made a part of this report.

We find that since the construction of the Incline Plane, approximately forty years ago, at which time a necessity existed, that several improved highways leading from the City of Johnstown to the Borough of Westmont have been constructed, namely: Edwards Hill Road, leading from Morrellville through Lower Yoder Township to the Millcreek Road; Brownstown Hill Road leading from Cambria City through Brownstown to Westmont; Millcreek Road leading directly from the foot of Somerset Street to the Borough of Westmont; and the Southmont Boulevard leading from Franklin Street, Eighth Ward of the City of Johnstown, directly to the Borough of Westmont, most of which have been largely contributed to by the County. At the time of the construction of the Plane there was no other way for vehicular traffic, which was horse drawn at that time, to reach Westmont, except by way of steep Millcreek Road, which was unimproved, or by a round about way through Upper Yoder Township, known as the Hochstein Road. Since the building of the Incline Plane and the coming of automobiles and trucks, and the doing away with horse drawn vehicles, the necessity for vehicular traffic on the Plane has gradually diminished and practically does not exist at this time. We might further say that evidence would indicate that the use of the Incline Plane for vehicular traffic is rather a convenience on account of certain weather conditions, than a necessity. However, there is a necessity for the maintenance of the Incline Plane for pedestrian travel. Further that the roads for vehicular traffic to Westmont have just been recently further improved by the widening of the curve at the foot of the Millcreek Road, leading off Somerset Street, by the City of Johnstown.

Therefore, taking into consideration all of the above facts, we are of the opinion that no necessity exists at this time for a County Bridge.

WITNESS our hands and seals this twenty-ninth day of May, in the year of our Lord one thousand nine hundred thirty-one (1931.)

Markon Bauer (SEAL)
W. E. [unclear] (SEAL)
Lipon [unclear] (SEAL)

ALICE A. PAESSLER,
Stenographer,
303-4 Swank Bldg.,
Johnstown, Pa.

To taking and transcribing 37 pages of testimony in re Incline Bridge, at 50¢ per page - - - - -	\$ 18.50
To taking affidavits of Mahlon J. Baumgardner, S. E. Dickey and Dixon Tomb - Report of Viewers	<u>1.50</u>
Total - - - - -	\$ 20.00

STATE OF PENNSYLVANIA:
: SS:
COUNTY OF CAMBRIA :

Personally appeared before me, the undersigned authority, a Notary Public in and for said State and County, MAHLON J. BAUMGARDNER, S. E. DICKEY and DIXON TOMB, who having first been duly sworn according to law, do depose and say that they are members of the Permanent Board of Viewers of Cambria County; and further that their respective accounts attached hereto are true and correct.

Mahlon Baumgardner
S. E. Dickey
Dixon Tomb

Sworn to and subscribed
Before me this 29th day
of May, A. D. 1931.

Alvin A. Pressler

IN RE BRIDGE BETWEEN THE
CITY OF JOHNSTOWN AND THE
BOROUGH OF WESTMONT, CAMBRIA
COUNTY, PENNSYLVANIA.

: IN THE COURT OF QUARTER SESSIONS OF
: CAMBRIA COUNTY, PENNSYLVANIA.
:
: No. 7 March Sessions, 1931

TO THE HONORABLE JUDGES OF THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA.

The petition of the undersigned respectfully represents:

1. That they are resident tax payers of the said County.
2. That the City of Johnstown and the Borough of Westmont, both of the County of Cambria, aforesaid, are separated by a river or creek, namely; the Stonycreek River.
3. That the erection of a bridge over said Stonycreek River is necessary for the accommodation and convenience of public travel.
4. Your petitioners further represent that there is a bridge already erected over said Stonycreek River between the said City of Johnstown and the Borough of Westmont, which bridge your petitioners are advised, believe and aver, the Commissioners of said Cambria County can purchase at a cost not exceeding ten per centum of what a new bridge can be built for; to wit: at a nominal price, upon the recommendation of the Viewers.

WHEREFORE your petitioners pray the Court that the County shall erect a bridge over said Stonycreek River between the said City of Johnstown and the said Borough of Westmont; or purchase said bridge already erected upon the recommendation of the Viewers, as aforesaid; and that your Honorable Court shall appoint three Viewers from the County Board of Viewers to view the locality suggested in this petition for a bridge and to make Report of their proceedings to the Court at the next term thereof; and that all other things be done, appertaining thereto; as required by law.

ORDER OF COURT.

The within petition having been read and considered, the prayer of the petitioners is granted and Mahlon J. Baumgardner and Dixon Tomb and Philip E. Cauffield, three Viewers from the County Board of Viewers; are hereby appointed, as within prayed for, the said Viewers to make Report of their proceedings to the Court.

By the Court,

Evans, P. J.

Extract from the Record.

Certified this 28th day
of April, A. D. 1931.

Franklin Robb.

Clerk of the Court of Quarter
Sessions.

IN RE BRIDGE BETWEEN THE
CITY OF JOHNSTOWN AND THE
BOROUGH OF WESTMONT, CAMBRIA
COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 7 MARCH SESSIONS, 1931.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above annexed order of Court to view and inquire into the necessity of a certain bridge erected over the Stonycreek River, between the City of Johnstown and the Borough of Westmont, both in the County of Cambria aforesaid, for the purpose of having the County of Cambria erect a bridge over said Stonycreek River between the City of Johnstown and the Borough of Westmont, or purchase said bridge already erected, will meet at the Bridge aforesaid, on Tuesday, May 19, 1931, at ten o'clock A. M., Daylight Savings Time, for the purpose of viewing said bridge and the taking of testimony..

MAHLON J. BAUEGARDNER,
PHILIP E. CAULFIELD,
DIXON TOMB.
Viewers.

- 3 - Viewers
- 2 - County Commissioners
- 2 - Donald E. Custer, Solicitor for the Boro. of Westmont
- 2 - Tillman K. Saylor, Solicitor for the City of Johnstown,
- 2 - Frank P. Barnhart, Counsel for Petitioners.
- 6 - Post
- 3 - Advertise
- 2 - Westmont Boro.

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AND NOW, this ninth day of May, A. D. 1931, I hereby accept service of the above Notice to View, as Counsel for the Commissioners of Cambria County, and acknowledge to have received a copy of same.

[Handwritten signature]
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IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 7 MARCH SESSIONS, 1931.

IN RE BRIDGE BETWEEN THE
CITY OF JOHNSTOWN AND THE
BOROUGH OF WESTMONT, CAMBRIA
COUNTY, PENNSYLVANIA.

NOTICE TO VIEW.

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MAHLON J. BAUMGARDNER,
PHILIP E. CAULFIELD,
DIXON TOMB.
Viewers.

- 3 - Viewers
- 2 - County Commissioners
- 2 - Donald E. Guster, Solicitor for the Boro. of Westmont
- 2 - Tillman K. Saylor, Solicitor for the City of Johnstown
- 2 - Frank P. Barnhart, Counsel for petitioners.
- 6 - Post
- 3 - Advertisement
- 2 - Westmont Boro.

AND NOW, this ninth day of May, A. D. 1931, I hereby accept service of the above Notice to View, as Counsel for the Commissioners of Cambria County, and acknowledge to have received a copy of same.

.....

IN RE BRIDGE BETWEEN THE
CITY OF JOHNSTOWN AND THE
BOROUGH OF WESTMONT, CAMBRIA
COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.

NO. 7 MARCH SESSIONS, 1931.

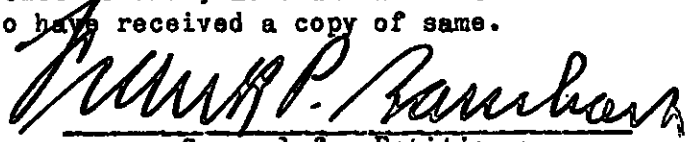
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MAHLON J. BAUMGARDNER,
S. E. DICKEY,
DIXON TOMB.

Viewers.

AND NOW, this ^v..... day of May, A. D. 1931, I hereby accept service of the above Notice to View, as Counsel for the Petitioners, and acknowledge to have received a copy of same.


Counsel for Petitioners.

IN RE BRIDGE BETWEEN THE
CITY OF JOHNSTOWN AND THE
BOROUGH OF WESTMONT, CAMBRIA
COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.

No. 7 MARCH SESSIONS, 1931.

NOTICE TO VIEW.

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MAHLON J. BAUMGARDNER,
S. E. DICKEY,
DIXON TOMB.
Viewers.

AND NOW, this *9th* day of May, A. D. 1931, I hereby accept service of the above Notice to View, as Solicitor for the Borough of Westmont, and acknowledge to have received a copy of same.

Solicitor for the Borough of
Westmont.

IN RE BRIDGE BETWEEN THE
CITY OF JOHNSTOWN AND THE
BOROUGH OF WESTMONT, CAMBRIA
COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.

NO. 7 MARCH SESSIONS, 1931.


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MAHLON J. BAUMGARDNER,
S. E. DICKEY,
DIXON TOMB.

Viewers.

AND NOW, this ^{9th}..... day of May, A. D. 1931, I hereby accept service of the above Notice to View, as Solicitor for the City of Johnstown, and acknowledge to have received a copy of same.


Solicitor for the City of
Johnstown.

IN RE BRIDGE BETWEEN THE
CITY OF JOHNSTOWN AND THE
BOROUGH OF WESTMONT, CAMBRIA
COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
No. 7 MARCH SESSIONS, 1931.

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MELTON J. BAUGARTER,
B. E. DICKY,
DIXON TOMB.
Viewers.

AND NOW, this 2nd... day of May, A.D. 1931, I hereby accept service of the above Notice to View, as ...Vice-President..... of the Cambria Incline Plane, and acknowledge to have received a copy of same.

Reinisch

IN RE BRIDGE FOR THE
CITY OF JOHNSTON AND THE
BOROUGH OF WESTMONT, CAMBRIA
COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.

NO. 7 MARCH SESSIONS, 1931.

NOTICE TO VIEW.

To, the undersigned Viewers, appointed by the above annexed order of Court to view and inquire into the necessity of a certain bridge erected over the Stonycreek River between the City of Johnstown and the Borough of Westmont, both in the County of Cambria aforesaid, for the purpose of having the County of Cambria erect a bridge over said Stonycreek River between the said City of Johnstown and the said Borough of Westmont, or purchase said bridge already erected, will meet at the Bridge aforesaid, on Tuesday, May 19, 1931, at ten o'clock A. M., Daylight Savings Time, for the purpose of viewing said bridge and the taking of testimony.

WILLIAM J. BRUNGARDEN,
S. E. DICKEY,
DICKSON TOLSON.
Viewers.

91 Legal Notices

VIEWSERS' NOTICE—In re-bridge between the city of Johnstown and the borough of Westmont, Cambria County, Pennsylvania. In the Court of Quarter Sessions, Cambria County, Pennsylvania. No. 7 March Sessions, 1931.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above annexed order of Court to view and inquire into the necessity of a certain bridge erected over the Stonycreek River between the city of Johnstown and the borough of Westmont, both in the county of Cambria aforesaid, for the purpose of having the county of Cambria erect a bridge over said Stonycreek River between the said city of Johnstown and the said borough of Westmont, or purchase said bridge already erected, will meet at the bridge aforesaid, on Tuesday, May 19, 1931, at 10 o'clock a. m., Daylight Saving Time, for the purpose of viewing said bridge and the taking of testimony.

MAHLON J. BAUMGARDNER,
S. E. DICKEY,
DIXON TOMB,

Viewers.

NOTICE TO VIEW

In Re Bridge Between the City of Johnstown and the Borough of Westmont, Cambria County, Pennsylvania.

In the Court of Quarter Sessions, Cambria County, Pennsylvania. No. 7 March Sessions, 1931.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above annexed order of Court to view and inquire into the necessity of a certain bridge erected over the Stonycreek River between the City of Johnstown and the Borough of Westmont, both in the County of Cambria aforesaid, for the purpose of having the County of Cambria erect a bridge over said Stonycreek River between the said City of Johnstown and the said Borough of Westmont, or purchase said bridge already erected, will meet at the Bridge aforesaid, on Tuesday, May 19, 1931, at ten o'clock A. M., Daylight Savings Time, for the purpose of viewing said bridge and the taking of testimony.

Mahlon J. Baumgardner,
S. E. Dickey,
Dixon Tomb,

Viewers.

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VIEWSERS' NOTICE—In re-bridge between the city of Johnstown and the borough of Westmont, Cambria County, Pennsylvania. In the Court of Quarter Sessions, Cambria County, Pennsylvania. No. 7 March Sessions, 1931.

NOTICE TO TAKE TESTIMONY

We, the undersigned Viewers, appointed by the above Court to view and inquire into the necessity of a certain bridge erected over the Stonycreek River, between the city of Johnstown and the borough of Westmont, both in the county of Cambria aforesaid, will meet at Council Rooms, City Hall, corner of Main and Market streets, Johnstown, Cambria County, Pennsylvania, on Saturday, May 23, 1931, at 9:30 o'clock a. m., Daylight Saving Time, for the purpose of taking testimony and hearing all evidence, at which time and place all parties interested are expected to appear.

MAHLON J. BAUMGARDNER,
S. E. DICKEY,
DIXON TOMB.

Viewers.

BOROUGH OF WESTMONT

I. B. WILLIAMS, BURGESS
H. P. SHOMO, SECRETARY
D. E. JAMES, TREASURER

COUNCIL

R. L. ALLENDORFER, President
WM. THOMAS, JR., Finance, Tax and Appeals
L. R. WINKLER, Streets, Alleys, Sewers and Lights
DR. E. C. BOYER, Police, Health, Safety and Nuisance
CLARENCE T. McCORMICK, Orders, Rules, Printing and Publierty
A. E. PETRIKEN, Accounts and Claims
HARRY WEST, Borough Property and Boundry Lines

JOHNSTOWN, PA.

"Mr. Thomas moved Dr. Boyer second and carried that the following resolution be adopted.

RESOLVED, That the County Commissioners of Cambria County be informed that in connection with the attempt to settle the question concerning the Cambria Inclined Plane that it is the desire and intention of Westmont Borough Council that the Borough of Westmont enter into an agreement with the Cambria Inclined Plane Company where under the Borough of Westmont shall annually pay to the Cambria Inclined Plane Company the loss sustained by it in the operation of said Plane, provided some agreement is made whereby the approach to said Plane and the bridge leading thereto is taken over and maintained by either the City of Johnstown and the County of Cambria, or both, and provided said action by the Borough of Westmont is in compliance with law."

I hereby certify the above to be a correct copy of a resolution passed by Westmont Borough Council at its special session held Wednesday February 11th, 1931.

H. P. Shomo
Borough Secretary

IN RE BRIDGE BETWEEN THE
CITY OF JOHNSTOWN AND THE
BOROUGH OF WESTMONT, CAMBRIA
COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA,
NO. 7 MARCH SESSIONS, 1931.

Testimony taken at the Council Rooms, City Hall, corner of Main
and Market Street, Johnstown, Cambria County, Pennsylvania, on Saturday,
May 23, 1931, at nine thirty o'clock A. M., Eastern Daylight Savings Time.

APPEARANCES:-

JAMES V. MCGINNIS, representing citizens of the
Borough of Westmont.

FRANK P. BARNHART, ESQ., representing petitioners.

H. E. TROUT)

W. C. FRANKE) representing Cambria Incline Plane Co.

TILLMAN K. SAYLOR, ESQ., representing City of
Johnstown.

FRANK P. BARNHART, ESQ:

We offer the following Ordinances of the Old
Borough of Johnstown, which, of course, have been taken over by the
present City of Johnstown.

First, Ordinance No. 118, defining the boundaries
of Stonycreek Street from the public grounds at the Point up and along the
Stonycreek River to its junction with Vine Street at Court Alley; and

Second, Ordinance No. 141, granting to the Cambria
Incline Plane Company the right to occupy a part of Stonycreek Street for
the construction and maintenance of approaches to its Bridge and Plane.

The Act of Assembly requires that certain things
be defined by the Borough, and we desire at this time to take testimony
as to the necessity of the Bridge and estimated costs of new bridge, and
estimated costs of actual costs of existing bridge; so if we may we will
offer testimony on that at this time.

LAWRENCE CAMPBELL called, sworn and testified as follows:

Direct Examination by Frank P. Barnhart, Esq.

Q. Mr. Campbell, I want to call your attention to the fact that the Act of Assembly requires that the Viewers make a report as to the necessity of a Bridge connecting the Borough of Westmont and the City of Johnstown, being the Bridge at the Point here, the approach of which is on Stonycreek Street, and I want to ask you as to that necessity. You live in Westmont Borough?

A. Yes sir.

Q. And have lived there all your life?

A. The past ten years.

Q. Prior to that you lived in the City of Johnstown?

A. Yes sir.

Q. Are you well acquainted with the Borough of Westmont, the number of people, and the amount of traffic that goes over the Bridge and Incline?

A. Yes, reasonably so.

Q. And you have been for a great number of years?

A. Yes, for a long term of years.

Q. Do you say that the Bridge is or is not necessary to the accommodation and convenience of public travel?

A. This Bridge is essential for the safety of travel and economic structure of the Borough.

Q. Will you say whether it is necessary for the convenience of public travel?

A. It is.

Q. Will you go into detail and give your reasons for that statement?

You are in the real estate business?

A. Yes sir. And in answer to the first question, I will say that in the first place Westmont Borough, as is shown on this large map here in green.

(Mr. Barnhart offers in evidence the map of Westmont Borough, showing boundary lines before and after annexation, situate in Cambria County, Pennsylvania, by O. P. Thomas, on January 23, 1926.)

Mr. Campbell continues:

Gentlemen, on this map we have outlined in green what was the annexed portion back a period of approximately six years ago. The front section in heavy green is what we know as Old Westmont and the little green going down is the location of the Incline Plane, entering the City of Johnstown. The Borough of Westmont today carries an assessed valuation of approximately four and three-quarter million dollars; that is the assessed valuation. On the lower corner I have notations made. The assessed valuation of the annexed area is approximately one million, five hundred thousand dollars, which leaves three million, two hundred fifty thousand dollars for the old original Westmont. Out of this three million, two hundred fifty thousand dollars of valuation, half of that or rather about sixty-five per cent. live between Fourth Avenue and the Incline Plane, and to the West side of the Incline Plane, or the section directly affected by the Incline Plane. That is the heavy green, representing the assessed valuation of three and one-quarter million. That represents sixty-five per cent. of old Westmont. In the event of any curtailment of the Incline Plane, the property value of Westmont in this heavy green area will

be affected to the extent that valuation will be cut in half, that will show a shrinkage of one million dollars over assessed valuation. It is this valuation that makes it extremely important to Westmont Borough and the County to work out some solution as to the Incline Plane and keep the service in tact as of today. The history of the Plane is this. It has been gradually sinking due to the roads that have been extended over the Hillside and adjoining Borough into Westmont, but certain seasons of the year it is impossible to negotiate with safety any hill roads so it makes it important to keep vehicular traffic on the Plane for meeting this emergency. Then aside from this, the area outlined in green is less than thirty per cent developed today. This one million, five hundred thousand valuation is about thirty per cent. developed area. We feel that by maintaining a vehicular traffic on the Incline Plane, it is going to make possible the plans of bus service across this area, coming to the Incline and bring the bus down the Incline, and bringing the people down to the central part of town, which will bring a lot more valuation into operation for both County and Borough. The reason we feel it should come this way is due to the matter of cost of transportation. It will be possible to serve the community at a ten cent fare, including costs of present Incline and fare on the bus. As it is today the transportation offered by bus service brings the people around the Boulevard Road at a twenty-five cent fare, so it is going to be important for an economical factor to bring the people at a fare that will be within reach. Aside from the Plane proper, the Real Estate Board, in approaching this proposition, felt that it was important to consider money factors. In doing that they are trying to work with the City, County and Borough in what will be a fine solution

in the future. We believe that if Johnstown is going to advance, that the Boulevard extending to Conemaugh Street Bridge of today is not going to serve the traffic safely because of the Point Stadium, because it is an important scene with the through traffic, street cars and all, With that thought in mind it is going to be desirable at some future date for the Boulevard to be extended along the base of Westmont Hill to a point further up the river. We believe that the logical point is for the Boulevard to be extended and we offer an additional map, showing what the Real Estate Board feels is a logical solution to what we are speaking of, the extending of the Boulevard to a point at the present location of the Incline.

Q. You have a map showing that Boulevard extension do you?

A. Yes, that is the map I am offering at this time.

(Mr. Barnhart offers in evidence said map, which is marked Exhibit #4.)

Mr. Campbell continues:

In bringing the Boulevard to the location of the Incline, and working out a combination bridge to serve both Incline and joining with this extended Boulevard, there will be a distribution of traffic across the river at the foot of Vine Street with Union and Stonycreek Streets, ^{and} going Southeast this brings our traffic at the most advantageous point of distribution for the city proper, dropping off the bridge and making it possible to hit any highways out of the city, and getting over to the business section without congestion. With this thought in mind, and dropping the bridge then to street level, it eliminates an approach that is

not only unsafe, but we believe this is the economical procedure to follow, because any money spent promptly, whether it would be the City's money, the County's money or Bethlehem's money, we feel that any temporary repair on the approach, making possible one way traffic, would be the same thing today under this condition.

Now, we find in the second ordinance, Ordinance #141, of the Borough of Johnstown, that the old Borough Council gave to the Cambria Incline Plane Company the privilege to erect, or in other words change the grade of Stonycreek Street so it would meet the level of the Bridge. Now in doing this it evidently carries a period of time with it. If the City would erect at a future date to come up, or County combine, at the logical point of distribution they would be confronted with the grant for the use of this portion of Stonycreek Street.

We find that coming back to the method of transportation, that it is extremely important for Westmont because of its geographic set up to have this Incline Plane, while the City of Johnstown extends across the river to practically the low water mark on Westmont side of the river, the hillside is so steep that it makes it a physical impossibility to have ingress or egress other than by the Incline Plane. We must readily appreciate this, that the Incline Plane is the only one in the United States that has the set up that we have in Johnstown; the Incline being owned by private interests. In most any other district it is part of the transportation system. We find it was a private bridge that made it possible to get to the Incline. In any other condition the municipalities have always co-operated with utility in extending buses or other necessities to get people to the carrier. For instance your John's Street Bridge was built primarily as a method of getting across from Conemaugh Street to the Pennsylvania Depot.

And we know that if the New York Central was to come into Johnstown, and there was no street where the station was, we would immediately get a street at the expense of the tax payers. In that this is a private operated Plane, not a part of our transportation system of the town, we believe it is only a reasonable expenditure on the part of the tax payers that this bridge and approach leading directly to it should become a part of our municipal organization and met at municipal cost. Because it does a thing that is vital. This Plane has established property value that is reflected back into assets to the Borough and County and indirectly to the City. I think on a completed analysis that the residential values of the entire area are regulated primarily by the residential values as established in Westmont and Southmont. This property valuation will establish all other valuations in the same classification. And any shrinkage of valuation in Westmont, due to loss or curtailment of Incline Plane is going to be reflected throughout the residential sections of Johnstown. To make that point clear, if your best residential sections are only going to get five hundred dollars a lot you are not going to pay five hundred dollars for one in Conemaugh Borough. They will all proportionately lead toward prices of best residential sections. We find further that with the establishing of the bus service in combined use with the Plane, it is going to help the business of Johnstown materially. There is an over congestion on parking situations at the present time. We know this that with the establishing of bus service at fair prices, that many cars driven into Johnstown from Westmont and Southmont, that these people will use the bus service for transportation, leaving the streets open for customers coming in from adjoining Counties, and Johnstown business is going to be affected directly by this change.

Now this bus service can be put on and deliver passengers to top of Plane and to the business sections of Johnstown, but to ask them to come down and walk five or six blocks to the central portions of town, you are going to see that they will use their cars. So regardless of the fact that automobiles are used for traveling to town, we believe the bus service would make a big improvement.

With the admitted shrinkage of better than one million dollars over assessed valuation of the older part of Westmont, at the present millage of eight million, it is going to show a loss of eight thousand, that is going to be for a period of years. Now, if we leave that value the new is going to be hurt by it. If we lose eight thousand dollars for the County, the Borough will lose three and one-half times that much, or a little less than thirty thousand dollars that Westmont will lose in taxes, and the remaining property will have to pick up the tax. The debts have been created and must be met, and if a group of people can't absorb them the remaining must. We believe that what the County, City and Borough face today is to expend money to boost assets already existing; to spend money to develop new assets because tax money must produce capital assets, if we don't we are lacking in taxes, and it is a serious thing. We appreciate the County's situation, that the indebtedness is heavy, but here is a situation that is going to boost better than one million dollars of assessed valuation today. We can't ignore it that you have eight thousand dollars of taxes at stake.

Coming back, Westmont has been a good asset, because the taxes turned over have been net profit to the County. You will find that Westmont has not been a big liability on the County up to and including the last appropriation directly to Westmont, which was the drive into the Sunnyhanna Country Club; the appropriation being less than thirty thousand dollars in about fifteen years, with an assessed valuation of four and three-quarter million dollars. Now the court expenditures have been practically nothing. The poorer district has spent one hundred dollars; to this particular district your criminal court hasn't had a heavy bill out of Westmont Borough. So I say Westmont taxes have been a net profit as much as any district in the County. Westmont, legally cannot come out of the Borough and do what we are asking the County to do. They would be glad to do it if they could, but this is without the Borough. The abutment toward Westmont is just at the edge of the City line. Westmont cannot come out and take over this approach, but Westmont is paying a substantial tax into the County, and are asking the County to spend some money to take care of something necessary to the economic life of the Borough. Of course, Westmont is going to suffer a tax loss by the curtailment of this Plane, and they have gone on record to cooperate to the extent that any losses over and above the existing losses they have will be made up on the tax budget.

Q. Over and above existing losses; what do you mean?

A. Over a period of years there is an apparent loss existing in the operation of the Plane. Now Bethlehem or the Cambria Incline Plane Company has agreed that they are willing to endure the losses existing at the present, and if there are any additional taxes then Westmont has agreed on a schedule worked out

by the Incline Plane Company and Westmont, that they will arrange to take care of the losses.

Q. Has that been passed by Council?

A. Yes, possibly three months ago. Westmont is showing its good faith as far as possible. This is a critical situation. It is one of the few Incline Planes not owned by the transportation company of the city.

BY S. E. DICKEY, Viewer:

Q. I would like to ask if there is any right-of-way?

A. It is a matter of the Borough minutes, and we can get a certified copy of them.

BY MR. BARNHART:

You get that and we will offer it in evidence as a part of the record.

Q. In connection with this shortage that Westmont has agreed to meet, has that been done with an offer to the Incline Plane Company to turn over the Bridge for a nominal consideration of one dollar?

A. That is a part of the agreement.

BY S. E. DICKEY, Viewer:

Q. As to the lowering of the elevation of the bridge, if you lower the elevation of the bridge where are you going to put the landing of the Plane. I suppose Mr. Campbell only meant something in the future.

A. The thing we have in mind is working the thing out five or ten years in the future. We understand that it is advisable and desirable to lower the landing of the elevation of the platform of the cars in connection with the building of the bridge to street level. We must realize that the present bridge was built in 1890, and the elevation is just above the high water

mark of the flood. They didn't realize they could use the street, so they placed it up to keep it dry.

BY S. E. DICKEY, Viewer:

We understand that the landing of the Incline is immediately behind the abutment. The abutment is some eight feet in dimensions. If you lower it you must also extend your tract, if you want to maintain the same capacity. You must make a detour into the channel line of the river. Perhaps we can get some information from Mr. Trout here. They went into that to some extent. Mr. Frank did explain to us that they had worked out a design where they could use a smaller car by lowering the platform, but then you defeat your purpose.

BY MR. BARNHART:

May we suggest that you call Mr. Trout and Mr. Franke and let them explain what may be done here.

BY MR. TROUT:

We have nothing to offer.

MR. THOMAS called, sworn and testified as follows:

Direct Examination by Frank P. Barnhart, Esq.

Q. Mr. Thomas you are an engineer and have been for many years?

A. Yes sir.

Q. You have business in Johnstown and live in Southmont Borough?

A. Yes sir.

Q. You are familiar with Westmont Borough?

A. Yes sir.

Q. Have been for how many years?

A. About twenty-five years.

Q. You are familiar with the Incline situation and the Bridge and Approach?

A. I think so.

Q. Mr. Thomas, we are required under this Act to give an estimate of the cost of a new bridge so the Viewers may consider this in connection with the proposed recommendation of the present Bridge to be purchased. Have you made an estimate of the costs of a new bridge across the Stonycreek in question?

A. I have made an estimate on the original cost, reproduction cost today, less depreciation. The approximate costs of a new structure today, to do exactly what the bridge is doing today, and the approximate costs of a new structure to accommodate the extension of the Boulevard travel on the West side of the Stonycreek.

Q. Perhaps that is more than the Act requires, but give what you have?

A. The original costs of the Bridge is found to be twenty-four thousand, two hundred sixty dollars. The original costs of the approach, five thousand, sixty-three dollars.

Q. That was at the time of construction when?

A. Of the bridge in 1890, and of the approach in 1900, with the paving of the approach in 1914 or 15. The costs of the bridge were furnished by the Cambria Incline Plane Company. The costs of the approach were estimated by taking the schedule of prices involved at the time the work was done and the yardage necessary. I think you will find it very close. Now, the bridge has been in use for forty years. The bridge with proper care and

some few minor repairs is good for the same service for which it is giving now for twenty years further. At that time the steel structure would have to be renewed. The abutments themselves are good for many years in advance of the twenty years, but the question of obsolescence arises on those abutments as to what in twenty years from now would be done on a new structure, so we have applied the same depreciation on the entire structure, which gives a present day value, under original construction costs, of sixteen thousand dollars less, or eight thousand, two hundred sixty dollars for the present day value of the bridge.

Now, taking the original construction costs into consideration. The approach new, less depreciation, was arrived at by eliminating the cribbing, which of course is done. The approach new was five thousand, sixty-three dollars. The paving and fill there is in good shape and not subject to depreciation. The estimated costs of cribbing was two thousand, seven hundred twenty-two dollars, which leaves a present day value for the approach of two thousand, three hundred forty-one dollars, making a present day value of, based on original construction costs for both bridge and approach, ten thousand, six hundred one dollars. With the exception of the costs of cribbing construction, the increase in construction between 1890 and 1900, and those of today is thirty per cent. So that to take today's prices and arrive at a reconstruction value of bridge and approach, less depreciation, the figure would be for the value of the bridge, or thirteen thousand, seven hundred eighty-one dollars and thirty cents. You can forget about the thirty cents.

Were it necessary to renew that bridge today and put repairs on the approach it would tend to complete a new structure, a steel suspension structure of the type in existence, and now reinforced to carry heavier traffic as required by present day requirements, would cost approximately seventeen thousand dollars. The costs of repairs to the approach would be fifteen thousand dollars or a duplicating of the present structure, and, of course, retaining the permanent structure and less the steel work and bed cribbing would be thirty-two thousand dollars.

BY S. E. DICKEY, Viewer:

Q. On this replacing of the bridge, the steel structure, your item of seventeen thousand dollars, is that for a new steel bridge entirely?

A. A new steel suspension bridge. The steel work on the old bridge cost thirteen thousand, seven hundred fifty dollars; the abutments were ninety-seven hundred dollars; and the flooring eight hundred ten dollars.

Q. You will add more steel to this to make it stronger?

A. Yes, the bridge would occupy the same position on same abutments as there today. Now criticisms were made because of those plans, on account of the strength of the wall along the river. In the design of the river wall on those plans, it must be borne in mind that I did not contemplate a river wall to sustain a city street such as is demanded by the Point improvement and the Boulevard improvement, but did design a wall that would take care of the situation for which it was designed, and by the locating of the wall eighteen inches to two feet East of the extreme river line when such time comes as complete river walls are built entirely for the Stonycreek, then this wall may be re-inforced by enclosing it in a new wall of the size and capacity

which the Engineer at that time may deem advisable. I make that as a clarification so if the question arises, as it did before the Public Service Commission, that the question will be answered.

Now as to the contemplated joint bridge to accommodate traffic from the Boulevard to the new bridge over Incline Bridge and across the river, I prepared an estimate that a re-inforced structure to serve the Plane alone as it is now would cost approximately forty thousand dollars. To accommodate Boulevard traffic and Plane would require an additional thirty-five thousand dollars, or seventy-five thousand dollars for a complete re-inforced concrete structure.

BY FRANK P. BARNHART, ESQ:

Q. That is looking into the future?

A. That is not necessary today, but in answer to the question as to what might be done. The same type of bridge with plate girder, steel construction would approximate sixty-two thousand dollars. To put a structure of that kind in would mean that the Plane, the bottom of the Plane, would be approximately twenty feet lower than it is now, could not be reduced any more than that it would reduce the grade across the bridge and the approach on this side would have to be elevated about two feet in order to work it out. That would entail no property damage, no extreme expense, but it would mean that the alignment of the established river lines would have to be altered to a certain

degree, and it could be worked out with the water supply commission. If you drop the Incline landing twenty feet, you would push it out into the river forty feet.

BY S. E. DICKEY, Viewer:

Q. That means that the East abutment of the bridge is to be extended toward Vine Street?

A. Yes, but there is plenty of room to do that.

Q. It wouldn't interfere with the Stadium?

A. Not a bit.

BY FRANK P. BARNHART, ESQ.

Q. That is looking into the future?

A. Yes, about twenty years.

Q. If the County takes it over for one dollar what will be the financial burden of the County in connection with the bridge?

A. I would say at the present time, a new floor on the bridge and painting the bridge would be about seventeen hundred dollars.

Q. What about the approach?

A. Fifteen thousand dollars will be ample to put approach in permanent shape. For temporary repairs the Public Service Engineer estimated it at seven hundred eighty dollars, and that would last for about two years.

BY S. E. DICKEY, Viewer:

Q. Would a temporary affair at this time be advisable if the County took it over?

A. You don't anticipate any change for bringing about this new Plane for a number of years. Therefore, any repairs to that approach should be more than temporary. The only thing is this. We had contemplated the flooring on the bridge

at an expenditure of a few dollars, will last for a year or eighteen months. The one way traffic could be maintained on that bridge for a period of one year or eighteen months before it would be necessary to make this permanent plan, as shown on my plan.

BY MAHLON J. BAUMGARDNER, Viewer:

Q. Suppose this would take place within ten years, and the County be required to take this over and expend sixteen thousand, seven hundred dollars to put the bridge in proper condition, what would you say as to the position the County would be in?

A. Only eight thousand dollars of the expenditures on this reconstruction plan of mine would be loss in any event. The balance of it should all work into the permanent scheme. Now for ten years that would be a maintenance cost of eight hundred dollars a year, and it might be twenty years before we get that far.

BY FRANK P. BARNHART, ESQ.

Q. Can you enlighten the Viewers on the question of the necessity of this bridge?

A. Yes, I think I can. This Plane today is carrying from the Incline Plane across the river to the city of Johnstown seventy-six vehicles every day, based on the low figures for the year 1929. It is carrying to the City of Johnstown two thousand, four hundred seventy-five pedestrians. Two thousand, four hundred seventy-five pedestrians is the total, which, of course, means probably the same people both ways once a day, but it does show that it is bringing into Johnstown every day over twelve hundred

people in addition to the seventy-six vehicles, which it carries. Now I do not mean for you to construe that every day seventy-six vehicles use the incline, but that is the average per day based on the yearly census as carried on the Plane for 1929. For 1930, it would be approximately the same. It seems to me as a transportation company this Plane is landing within the limits of the City of Johnstown such a sizable traffic, and yet they are forced to deliver their passengers on foot across the river into the City under the present arrangement. It is the only transportation company that I know of that is compelled to do this. The Traction Company has a franchise and station stops at every corner where lines pass in the City. The public has provided ingress and egress to the Pennsylvania Railroad Company passenger depot and to the freight depot, to the B. & O. passenger depot and freight depot, and have given promiscuously the right of franchises for all bus service to stop any place that please within the City limits. Yet in this particular instance when I personally approached one of the City Councilmen his answer was, "Yes, annex to the City and we will build it in a minute, but as long as you are Westmont Borough not a damn nickle." If it is equally important to provide for traffic if this be a part of the City, it is doubly important for the protection of the general community to provide for the transportation of those people to the end of the transportation line.

BY S. E. DICKEY, Viewer:

Q. I suppose in this plan you allow ample room when you get your increased traffic to prevent congestion?

A. Oh yes, we contemplate a wide span.

BY TILLMAN K. SAYLOR, ESQ.

Q. In making reference to this future proposed plan, and changing the line of the stream that is now established, what would be the cost or is that all included?

A. Yes, but what is not included is the extension to the incline itself.

Q. You just figured on extending the wall into the river; you didn't figure on the wall on this side?

A. Just simply excavation on this side because there is plenty of room. This plan contemplates and extends the river wall to make it wider because it would have to have a big wall. That is a problem for the City to connect up. I didn't figure on any extensive walls, but it would not be a part of this procedure. What I did figure on was to put a re-inforced structure in to take care of the Incline itself. Two abutments and one pier and a twenty-six foot wide structure to serve the plane only and bring it down to grade. For the Boulevard service three abutments and one pier and the widening to thirty feet or rather forty feet.

BY DIXON TOMB, Viewer:

Q. What depth is it from the bridge down to the high water mark?

A. On the far side of the bridge is is forty-three feet to the hydraulic grade. Your lowering it twenty feet would still allow for high water, and would leave the bridge situated about four feet higher than the intersection there at Johns and Lincoln Streets now, so that while I have seen a lot of water, I never saw four feet of water on the street.

CHARLES CLAYTON, called, sworn and testified as follows:

Direct Examination by Frank P. Barnhart, Esq.

Q. Mr. Clayton you are in business in Johnstown?

A. Yes sir.

Q. What kind of business?

A. Grocery business on Main Street.

Q. And have been there for how long?

A. About twelve years.

Q. Are you connected with the Chamber of Commerce?

A. I am.

Q. In what capacity?

A. Director.

Q. And have been for how long?

A. About two years.

Q. You are, of course, familiar with the bridge and the use it serves?

A. Yes sir.

Q. Will you state to the Viewers whether or not you consider a bridge across the Stonycreek at this point a necessity?

I feel from living near the Point for quite a few years, and having been born in Johnstown, that it is a necessity for a lot of people. I have two instances in mind. I have a relative that went to Westmont. In the first place he said it was handy to get to town. We can just jump on the Incline and come down. He built a home on Wyoming Street. He does not have any access to get down except over Brownstown and the Incline. He does not own an automobile. His children can come over the Incline and right

down into town. There isn't any convenient way except the Incline for him to get down to town. I know he feels sorry about this for he don't know how he is going to get up and down. His wife had to go to the hospital and they had to use the Incline. There is another case where a man moved to Westmont because he said when the wife needs anything she need only come down on the Incline and come into the City. He moved up there and rented a place and if the Incline is taken away he will have no convenient way to come down to town.

Q. Of course, all we have to consider here today is the bridge.

A. Yes, but the Incline would be no good without the bridge.

BY MAHLON J. BAUMGARDNER, Viewer:

Q. You are taking particularly the pedestrian travel. Consider for a moment vehicular traffic.

A. Of course, the Incline serves the double purpose. This woman was in pretty bad shape and they had to use the Incline because of the condition the woman was in. I brought her down in my car and I had to use the Incline. I drove to her home with the automobile and came back down on the Incline because of her condition. I drive a truck and come down the Incline as a rule in the winter time.

BY FRANK P. BARNHART, ESQ.

Q. Do you know from your own knowledge whether there is a great deal of traffic in the winter time, more so than at other times?

A. Yes, more so.

Q. These illustrations that you gave, I take it that you think them characteristic of people living in Westmont without cars?

A. Yes, I think so from what I have heard.

BY S. E. DICKEY, Viewer:

Q. What do you think would be the effect if the Incline Plane would be discontinued only as to vehicular traffic?

A. The effect wouldn't be so great, but I believe it would have some effect. It would still make it inconvenient for people in the winter time when they are afraid to use the roads.

BY MAHLON J. BAUMGARDNER, Viewer:

Q. Suppose everybody in Westmont was afraid to use the roads when the roads were slippery?

A. I didn't say everybody was afraid, but I know I use it for one. I am talking for myself.

EARL ROBINSON called, sworn and testified as follows:

Direct Examination by Frank P. Barnhart, Esq.

Q. What is your business, Mr. Robinson?

A. I am in the garage business.

Q. Located where?

A. At 212-218 Main Street.

Q: The name of your business?

A; Robinson Motor Company.

Q. You are the manager of that business?

A. Yes sir.

Q. And have been for how long?

A. Eight (8) years.

Q. Where do you live?

A. In Westmont.

Q. Do you have occasion to use the Incline and Bridge, and are you familiar with the traffic over it?

A. Yes, I am.

Q. What can you say as to whether or not this bridge is necessary to the accommodation of the traveling public?

A. I think it is very necessary.

Q. Will you state to the Jury just why you say that?

A. In inclement weather when the road traffic is dangerous, it is practically the only means of access to the City within any reasonable period of time, otherwise you would have to resort to traffic through Southmont car line and that is a round about way to get into the City . For a great number of people who don't have automobiles, it is very necessary.

Q. Where in relation to the top of the Incline do you live? What is your residence?

A. 74 Third Avenue.

Q. From the top of the Incline you can go in what direction to get to your home?

A. I go South, turn to the left and continue out Edg Hill Drive two blocks, over two blocks to Third Avenue, to the right and then to the left about six blocks.

Q. What effect upon property values would the discontinuance of the use of the Bridge give.

A. I think it would materially depreciate property values because of its inaccessibility to the City.

Q. Anything else you have to say?

A. That is all.

BY DIXON TOMB, Viewer:

Q. How often do you use the Plane? Do you use it everyday?

A. No, not everyday.

Q. Three times a week?

A. No.

FRANK P. BARNHART, ESQ., CONTINUES.

Q. In the winter when it is icy?

A. Frequently in the winter. In my particular position, being right at the edge of Millcreek Hill, it is very easy for me in good weather to come down that hill. I can be down the hill at the corner of Main and Franklin Streets as quickly as I could by going down the Incline. I live very near the Cemetery

Q. But do you use it in the winter regardless, when the road is icy?

A. Yes, because I wouldn't take a chance on going down the hill, and go by Incline for safety.

BY MAHLON J. BAUMGARDNER, Viewer.

Q. Could you say very generally what proportion of the automobile users in Westmont and Southmont (that portion of Southmont that use the Plane) use the Plane during the winter?

A. I couldn't answer that.

Q. Do you think it twenty or thirty per cent?

A. I wouldn't like to answer that because I am not qualified to answer it.

Q. There is a certain definite percentage that use it in the winter?

A. Oh yes.

FRANK P. BARNHART, ESQ. CONTINUES.

Q. Have you noticed in bad weather that there are vehicles waiting for the Planes?

A. Yes, quite a number both at buttom and top.

Q. Do you notice anything as to the use of truck drivers on the Incline?

A. Yes, I deliver goods over the bridge in bad weather.

BY MAHLON J. BAUMGARDNER, Viewer.

We were down at the Incline the other day for an hour and a half or probably more, and the only vehicular traffic we saw was two wagons of green goods, Vendors of the street, going up to Westmont. Coming down there was no vehicular traffic.

A. A great deal of coal is hauled over the Incline in the winter because large trucks can't get up the road.

MR. NICELY called, sworn and testified as follows:

Direct Examination by Frank P. Barnhart, Esq.

Q. Mr. Nicely, what is your business or occupation?

A. With the Sanitary Dairy.

Q. What position do you hold with them?

A. I have complete charge of the Milk Department and trucks.

Q. Are you familiar with the bridge here in question and the Incline connecting it?

A. Only so far as we have used it in the past.

Q. Tell us whether or not you consider; and if so why, this bridge necessary for the traveling public?

A. Well, I can only answer that from our own angle. It is a great convenience, but as to its absolute necessity I can't say because when this statement came out that the bridge would probably be closed, we commence to try a way round. Up until that time, however, the trucks went up every morning on the Incline. We have another plan now that adds materially to the costs of operation.

Q. You had sent your trucks up with milk each morning on the Incline?

A. Yes, it was the easiest way up to Westmont.

Q. Mr. Nicely, you said a moment ago that when the question of discontinuance of vehicular traffic came up you made arrangements to deliver milk by another way?

A. Yes, simply because if the bridge was closed and we had little notice we wouldn't have men trained to deliver. Milk is delivered by memory. He simply goes right straight through and delivers it.

Q. If it was assured that the bridge would be continued, would you then come back to the use of it?

A. Yes, very likely because we had one bad morning when we could only load half and had to send another truck around through Southmont and meet him at the Brownstown Hill.

Q. Would the reason you gave for the vehicular traffic in bad weather, would it apply to all heavy traffic?

A. Well, I believe it would. There is this thing to be said though, that the trucks we use for the delivery of milk are are designed for hard pulling. Now we do go to Westmont with our

heavy truck and have no trouble.

Q. Is there any other reason you can offer for the necessity of the bridge?

A. No, I can't personally. I am not familiar enough with it. I only know how it affects us with our business. I know this that the costs of operating our trucks is considerably more now because we have to tax them to their utmost.

BY DIXON TOMB, Viewer:

Q. How many of your trucks go up there a day?

A. We have only one truck a day that goes up about two o'clock in the morning. The thing that caused us to make the change was as much the time as anything. We understood we wouldn't be able to use the Plane until after five o'clock in the morning and our trucks go up at three o'clock in the morning.

BY MAHLON J. BAUMGARDNER, Viewer:

Q. Is that not true of pedestrian travel also, that men getting home from work at three o'clock could not use it until five o'clock?

A. Yes.

MR. TROUT called, sworn and testified as follows:

Direct Examination by Frank P. Barnhart, Esq.

Q. You appear here as representing whom?

A. Cambria Incline Plane Company.

Q. In connection with the possible purchase by the County of this Bridge in question are you authorized to make any proposition from the Cambria Incline Plane Company as to this purchase?

A. I am.

Q. Will you state what it is?

A. The letter we have written states the terms under which it could be disposed of to the County. No price was stated, but the nominal price of one dollar, provided the terms of the letter were met.

Q. You mean taking care of any deficit by Westmont Borough, as already referred to, and covered by resolution by Borough Council?

A. That is necessary.

Q. Of course, if the County took it over you expect them to maintain it?

A. Yes, so it would be safe.

BY S. E. DICKEY, Viewer:

Q. Are you familiar with the operations of the Incline Plane, as to schedule?

A. I am not.

Q. You don't know the capacity of the Plane; its trips per day?

A. No, I do not

MR. BARNHART CONTINUES:

Q. Mr. Trout, you are connected with Bethlehem Steel in what capacity?

A. Transportation Department.

Q. Superintendent, I believe?

A. Yes sir.

Q. Before the present road up to Westmont was built, what means if any, did people have to go back and forth, other than the Bridge and Plane?

A. The unpaved streets, which were inaccessible most of the time. They were hardly fit to drive over.

Q. To get back and forth from Westmont to Johnstown was there anything but the Plane before we built the big road and Southmont Boulevard, except around by Morrellville?

A. I have only been here about thirteen years, but I believe there has always been a road somewhere.

O. P. THOMAS RECALLED.

Direct Examination by Frank P. Barnhart, Esq.

Q. Can you give us the capacity of this Incline Plane?

A. The Plane is so constructed, and the capacity is so provided that if the traffic were present, requiring its operation to full capacity, a trip could be made every three minutes. That is a complete trip every three minutes on the basis of twenty-four hours a day, Figuring one truck per day or one large passenger car per trip would be twenty cars per hour or four hundred eighty cars per day. Figuring on one large car and one small car per trip would be nine hundred sixty cars per day. And figuring on traffic, some trips with one car and some with two cars would be an average of seven hundred twenty cars per day. In addition to the room in the passenger platform and arranged around the car they can accommodate fifty people, which would be one thousand passengers per hour or twenty-four thousand passengers per day. With that capacity, the Incline is capable of serving any convenience demanded from it.

Q. Do you know whether they ever maintained a schedule of three minutes?

A. They have right along during rush hours or whenever necessary. In the old days it started in the morning from four to six on a fifteen minute schedule; from six to eight on a three minute schedule; and from eight until noon on a ten minute schedule; from eleven thirty to one thirty on a three minute schedule; from four thirty to six thirty on a three minutes schedule; and, of course, when the traffic was there between those hours there was no wait between trips, the other was loaded and sent right up, and I think that is the custom today. In other words they try not to make anyone wait, that is only business for them. The idea of the schedule is during ordinary periods so you know when you can get a Plane.

BY S. E. DICKEY, Viewer:

Q. I haven't used the Plane for a long time, but the business does seem to be dropping off, doesn't it?

A. I use it four or five times a week.

BY DIXON TOMB, Viewer:

Q. Would there be over two hundred fifty using it a day?

A. Twelve hundred persons each way a day now during this light traffic. During the light traffic they are carrying nine hundred thousand passengers per year. During rush time that is increased to seventeen hundred thousand in a year. Vehicles have varried between twenty-seven thousand five hundred these later years up to about sixty thousand vehicles a year handled on the Plane. These are only approximate figures. If that information is desired we have a schedule.

FRANK P. BARNHART CONTINUES:

Q. Has Westmont been a growing community?

A. Westmont is growing, and growing very rapidly. When I moved there a quarter of a century ago, there were two houses on Luzerne Street. Tioga Street was partly built, and Westmont consisting of an acreage of about four hundred acres. Today it consists of thirteen hundred twenty-five acres and the population has increased from about fifteen hundred to about fifty-five hundred.

Q. During how many years?

A. Twenty-five years. And it is still increasing. During the last four years there have been over two hundred houses erected.

BY MAHLON J. BAUMGARDNER, Viewer:

Q. Is that due to the Incline?

A. Due to the new section, but a lot is due to the Incline. Now say up where I live, practically in the new section of Westmont, yet over the line in Southmont, I find it convenient to use the Plane four or five times a week myself.

FRANK P. BARNHART CONTINUES:

Q. Could Westmont get along without and continue to advance, or would it go back if the Incline were removed, and comparing that to other hills that don't have Inclines?

A. My feeling is that the diverting from Westmont Borough, or the diverting of the Incline service from the community would be a hardship not only on the people of Westmont, but also to the people of Johnstown. It certainly would be detrimental to the development of the hilltop. Consider your residential section

in Daisytown. I think they have five houses more today than they had when I came to Johnstown, twenty-five years ago. I have represented both for the same length of time. And it is because you don't have the transportation facilities. There is no question but that you are depriving the property owner in the old section of Westmont of that which was promised him when he built there, if you take away the Incline, because it was the cause of the original development. In that section of Westmont, I would say one-half of the people depend on this Incline Plane and traffic accommodation, and they are the people who can ill afford to lose the convenience of this means of travel.

L. C. COLDREN called, sworn and testified as follows:

Direct Examination by Frank P. Barnhart, Esq.

Q. Are you a property owner in the City of Johnstown?

A. Yes sir.

Q. What property?

A. Hotel and one or two other buildings on Market Street.

Q. Are you a property owner in Westmont Borough also?

A. Yes sir.

Q. What property do you own there?

A. I own property on the Menoher Highway and on Sunshine Avenue.

Q. What acreage?

A. One contains about one and three-fourths acres; the other about 200 X 150, and another 100 X 150.

Q. You have lived here practically all your life?

A. Yes sir.

Q. And familiar with the Incline and Bridge connecting it?

A. Yes sir.

Q. Will you state whether or not you consider, and why, the maintenance of this bridge a necessity to public travel between Westmont and Johnstown?

A. Well, I feel that the discontinuing of it would be very detrimental to the people living up there and working in the mills, and also because it connects the community in which we could hardly do without. I don't know of anything that would be more detrimental than the discontinuance of the Plane. It is not only a connecting link, but safe guard during the Winter season, even if you have other transportation means. Many people in Johnstown will not risk the roads but come down the Incline. I also think that by having a line through there, with a schedule, would be very beneficial not only to Westmont but Johnstown too.

Q. A line through there; what do you mean by that?

A. Some convenience where you could take a car and land in the busy section of Johnstown.

Q. You mean bus service?

A. Yes sir.

Q. You think that would increase the use of the Plane?

A. Yes, for women and men hate to walk several squares, but if they could step on something and get off at the business section, it would mean a great deal.

Q. What effect in your judgment would the discontinuance of this Bridge have upon the property value of Westmont?

A. It would decrease, and moreover it would effect the business of Johnstown. There is no question but that residential section at the top would be very much affected.

Q. Anything else?

A. Well, I feel this way, that the majority of the property owners living up there have never had an idea of discontinuing the Incline. In fact there is any amount of property being sold there due to the fact that they have a convenient way of getting up. The roads simply add a luxury to a necessity.

BY MAHLON J. BAUMGARDNER, Viewer:

Q. This section marked with green on the map that was offered was built solely because of the fact that there was an Incline? Would you say that out where you live and where you own ground, that it is in any manner, shape or form affected by the Incline?

A. Well, but discontinuing the Incline would affect it very much.

Q. Isn't it a fact that the opening of the road through Southmont has developed that section of Westmont?

A. To a certain extent, yes.

Q. To a large extent?

A. Yes sir, but it would be very detrimental to the district to have the other channel cut off.

JOSEPH SICILIANO called, sworn and testified as follows:

Direct Examination by Frank P. Barnhart, Esq.

Q. Mr. Siciliano what is your business?

A. I am in the real estate business.

Q. You have been for how long connected with the real estate business?

A. Fifteen years.

Q. Are you particularly engaged in that business as far as Westmont Borough is concerned?

A. I am.

Q. To what extent?

A. To a pretty large extent both in the old section and new section of Westmont.

Q. Besides selling property there, are you interested as an owner?

A. Yes sir.

Q. What properties are you interested in as an owner?

A. One on Third Avenue, Westmont. At this time I am interested in possibly a couple hundred lots.

Q. Are you interested in the acre tract known as the Stutzman tract?

A. Yes, and the Sheridan place containing ten acres, and the Viewmont Realty Company property. I am interested in that too.

Q. Now will you state whether you consider the maintenance of this bridge in question necessary to the traveling public, going to and from Westmont?

A. An absolute necessity.

Q. Will you state your reasons?

A. The reason is that as far as the pedestrians are concerned, the record shows that at least twenty-five hundred people use it everyday; the records show that. As far as automobiles are concerned, why during the winter season there are at least two hundred per day, especially trucks. It certainly would be a detriment to that community to discontinue the Plane.

Q. Why do you say especially trucks?

A. Because it is hard for them to get up the road.

Q. When the roads are in bad shape?

A. Yes sir. I use it myself sometimes, and I am not very much afraid of driving, but I use it myself at times. In bad weather I would rather come down the Incline than down the road.

Q. Have you noticed that that is generally done?

A. Yes, it is. And it would just knock values to pieces.

Q. As to the use of this bridge in bad weather by trucks?

A. There are a number of trucks, delivery trucks, coal trucks and all sorts that use it in bad weather, and also in good weather, but more so in bad weather. As far as the value of real estate is concerned it would just knock it at least one million dollars in valuation, and that is very conservative. That is less than twenty per cent. of the total assessment of Westmont.

Q. There would be at least a reduction of one million dollars?

A. At least. That is very conservative.

Q. There was something brought up as to the increase of a new section

in Westmont being due to Southmont Borough and the Boulevard.

A. Yes, but if the Incline Plane vehicular traffic is kept up and a bus used, as contemplated, in the outlying sections, the increase will be tremendous. If we can meet people in the outlying sections of Westmont and bring them into town on a three minute schedule and a ten cent fare, it would be a great thing for the County and everybody concerned.

MR. TROUT RECALLED.

Examination by S. E. Dickey, Viewer:

Q. I suppose all these matters you mentioned could be reduced to contract, could they?

A. Yes sir.

Q. On a limited number of years?

A. It states in the letter five years.

Q. There is nothing definite after five years?

A. No.

BY FRANK P. BARNHART:

I take it, Mr. Dickey, that Westmont would be very glad to continue it thereafter and the Incline Company would be glad to have them do it.

I , ALICE A. PAESSLER, hereby certify that I am the stenographer who took the foregoing testimony, that the testimony of the witnesses was given in my presence and after the witnesses were sworn by the Master, that I took the testimony in shorthand, that I transcribed and reduced the same to typewriting, and that the foregoing transcription is a true and exact reproduction of the testimony taken by me in shorthand, and is a full and complete reproduction thereof.

Alice A. Paessler
Stenographer.

AN ORDINANCE

DEFINING THE BOUNDARIES OF STONYCREEK STREET FROM THE PUBLIC GROUNDS AT THE POINT UP AND ALONG THE STONYCREEK RIVER TO ITS JUNCTION WITH VINE STREET AT COURT ALLEY.

WHEREAS, the street known as Stonycreek Street, extending from the Public grounds at the Point up and along the Stonycreek River to Vine Street at Court Alley, having been encroached upon by different persons at various times and places; and

WHEREAS, at the present time the correct boundaries as established by the Brawley Surveys, appear to be in doubt, at least along the portion extending from the Point to the Union Graveyard; and

WHEREAS, the public interests now demand that the said boundaries shall be fixed and established without unnecessary delay, thus securing to the public a continuous street around that portion of our town west of Franklin Street, therefore,

Be it enacted and ordained by the Burgess and Town Council of the Borough of Johnstown, and it is hereby ordained and enacted by the authority of the same.

SECTION 1. That the northern boundary of Stonycreek Street shall commence at its junction with Johns Street, at a post on the south side of the western end of Lincoln Street, at a distance of 244 feet west of Union Street, thence south $13 \frac{1}{4}$ degrees west 209 feet to an alley, thence south $18 \frac{1}{4}$ degrees east 95 feet to the northern side of Vine Street at a point 70 feet west from Union Street, thence south $18 \frac{1}{4}$ degrees east 485 feet to the western side of King Street at a point 268 feet south of Vine Street, thence south 20 degrees east 718 feet to a post, thence south $31 \frac{3}{4}$ degrees east 137 feet to a post, thence south 59 degrees east 162 feet to a post, thence south 72 degrees west 60 feet to a post on the western side of Market Street at a distance of 126 feet south of Chestnut Street, thence south 72 degrees west 254 feet to a post, thence south $54 \frac{1}{2}$ degrees west 451 feet to a post at a point 119 feet south of Vine Street, thence south $32 \frac{1}{4}$ degrees west 119 feet, to Vine Street. The southern boundary or line of said Stonycreek Street from its junction with Johns Street to a point opposite the line of the western side of the Union Graveyard, shall be the low water mark in the Stonycreek River, and from said point opposite the line of the western side of the Union Graveyard shall be 60 feet south and east of and parallel with the northern and western line or boundary of said street to a point 119 feet south of Vine Street at or near Court Alley and from that point 119 feet south of Vine Street, the southern and eastern boundary to Vine Street shall be as now fixed and located.

SECTION 2. That all the ground lying between the northern line of said Stonycreek Street as laid out and fixed by the Brawley Survey, and the northern line as fixed by the ordinance be and the same is hereby declared to be vacated.

SECTION 3. That all ordinances of said borough relating to streets and Alleys be and the same are hereby extended to and over said Stonycreek Street.

Passed finally in Council September 20th, 1887

Attest John H. Fisher, Clerk

Alex Kennedy, President.

Approved Oct. 17, 1887 H.W. Storey, Burgess

I do hereby certify that the above is a true copy of Ordinance No. 118 of the Borough of Johnstown as same is recorded in the Ordinance Book of the Borough of Johnstown now on file in the Office of the City Clerk.

Attest

John W. Frame
City Clerk, Johnstown, Pa.

ORDINANCE NO 141

EXHIBIT #2

An Ordinance Granting to the Cambria Inclined Plane Company the Right to Occupy a Part of Stonycreek Street for the Construction and Maintenance of Approaches to its Bridge and Plane.

WHEREAS, the Cambria Inclined Planz Company has located and purposes the Construction Inclined Plane from a point at or near the intersection of Vine Street and Stonycreek Street, and extending thence across the Stonycreek River to a point on the summit of the hill in Lower Yoder Township.

Therefore Be it enacted and ordained by the Burgess and Town Council of the Borough of Johnstown, and it is hereby Ordained and enacted by the authority of the same.

SECTION L, That the Cambria Inclined Plane Company is hereby granted the right to use and occupy a strip of Stonycreek Street, not exceeding twenty feet in width for the construction of an elevated and inclined ~~plane~~ approach to said bridge and plane, the said approach to be located and constructed upon said street from a point in the direction of Lincoln Street to the entrance to the said bridge and plane, at or near the intersection of Stonycreek Street and Vine Streets.

Passed finally in Council October 15, 1889.

Alex Kennedy, President

Attest James N. Rea, Clerk.

Approved October 15th, 1889.

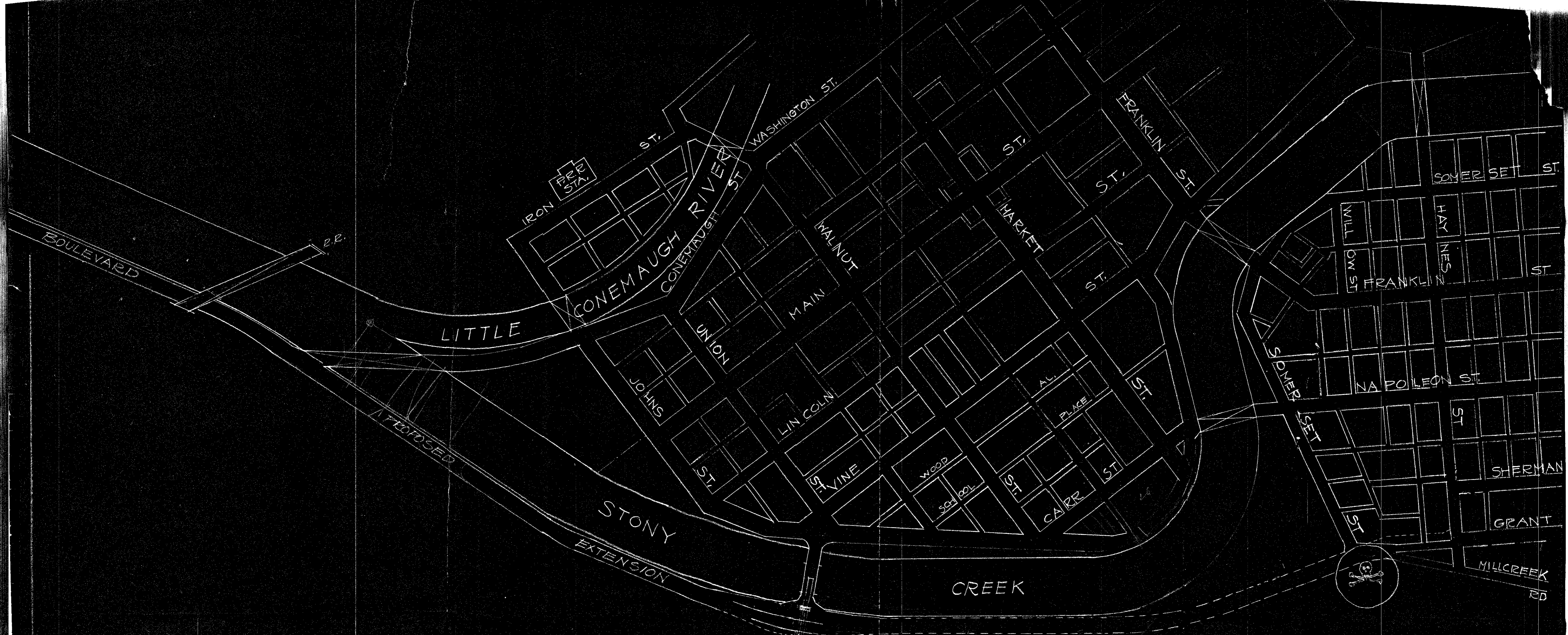
Irwin Horrell, Burgess.

I do hereby certify that the above is a true copy of Ordinance No 141 of the Borough of Johnstown, as same is recorded in the Ordinance Book of Said Borough now on file in the Office of the City Clerk of Johnstown.

Attest

James W. Cramer

City Clerk.



BOULEVAED EXTENSION
WITH
STREET LEVEL BRIDGE
AT
INCLINE PLANE
PROPOSED BY
JOHNSTOWN REAL ESTATE BOARD

KARL CHRISTIE,



WESTMONT BORO.
 SHOWING
 BOUNDARY LINES BEFORE AND AFTER ANNEXATION
 SITUATE IN
 CAMBRIA CO., PENNA.
 OPT. SCALE U.S. 1:500 JAN 25, 1922

UPPER YODER TWP.

UPPER YODER TWP.

SOUTHMONT BORO.

WESTMONT BORO.
 INCLUDING ANNEXATION
 AREA

WESTMONT BORO.
 ANNEXATION FROM LOWER YODER TWP.
 AREA

BROWNSTOWN BORO.

CITY OF JOHNSTOWN